

# SHADOW MOUNTAIN COMMUNITY ASSOCIATION ARCHITECTURAL GUIDELINES AND APPLICATION

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## **Purpose:**

In order to preserve the value, desirability, attractiveness, and architectural integrity of the Shadow Mountain Community Association, the Declaration, Conditions, and Restrictions (CC&R's) authorize the formation of a Design Review Committee (the "Committee"). The Committee, as appointed by the Board of Directors, is vested with the power to review and act upon all plans and specifications submitted for its approval. Such plans and specifications include, without limitation, all construction, alterations, removal, repainting, or modifications of the exterior properties located within Shadow Mountain Community Association.

Pursuant to Article V, Section 5.3.1 of the Association's CC&R's, **no construction, installation or alteration of an Improvement in the Properties may be commenced until the plans and specifications therefore showing the nature, kind, shape, height, width, color, materials, and location thereof have been submitted to and approved in writing by the Design Review Committee.**

The Committee is also empowered to establish certain architectural guidelines (the "Guidelines"). In establishing the Guidelines, the Committee does not seek to restrict individual creativity or personal preferences, but rather to help ensure continuity in design that will help preserve and improve the appearance of the Community.

Attached please find the Guidelines established by the Committee. These Guidelines are subject to amendment. It is to your benefit that you take the time to read the information provided. While the Guidelines supplement the CC&R's, they do not replace them. Therefore, the Guidelines should be read carefully in conjunction with the CC&R's.

In addition to the requirements set forth in these Guidelines and in the Association's governing documents, all improvements must conform to full applications of the city, county, state, and federal regulations. Furthermore, approval of any work by the Committee does not waive the necessity of obtaining the required City and County permits. Obtaining a City or County permit does not waive the need for Committee approval. The Committee does not assume any responsibility for an owner's failure to obtain such permits.

## **Procedure**

### *Place of Submission*

Owners shall submit two copies of all necessary documents to the Committee for review and approval at the following address:

Shadow Mountain Community Association  
c/o Avalon Management  
31608 Railroad Canyon Road  
Canyon Lake, CA 92587

One executed copy shall be retained with the Association while the second executed copy shall be returned to the Owner noting the approval/denial of the application.

### Required Submissions

Owners are required to submit two copies of the Architectural Application and the following documents:

1. Drawings/Plans – All drawing plans must be of sufficient size and detail to allow the Committee to adequately review and understand the proposed improvement.
  - a. Show residential unit lines accurately as to length, angles, and curves
  - b. Show all dimensions of work to be considered, such as distances between existing improvements and property lines
  - c. Show the nature, kind, shape, dimensions, materials, and location of the proposed improvements
  - d. Include a detailed list of all materials to be used, including color samples of all paint or stain when they deviate from the original color scheme assigned to the existing dwelling

### Neighbor Notification:

It is the intent of the Design Review Committee to have input from the applicant's neighbors on any improvement that may impact the use and enjoyment of their home. Neighbor approval or disapproval of a particular improvement shall only be advisory and shall not be binding in any way on the Design Review Committee's decision. At least one adjacent neighbor and one neighbor either facing or behind the owner's property must sign the application.

### Committee Approval:

The Design Review Committee will review and respond to all plans submitted within thirty (30) days after receipt of the completed Architectural Application. **PLEASE NOTE THAT NO WORK MAY BEGIN PRIOR TO WRITTEN APPROVAL FROM THE COMMITTEE.**

This Committee shall not be responsible for reviewing, nor shall any plan or design be given final approval on the basis of structural safety and conformance with building or other codes. Any approved improvements are to be constructed on the applicant's property only. Approval of proposed improvements does not constitute nor should approval be understood or taken as: A warranty or guarantee of any kind as permission to violate any law; Permission to violate any provision of the CC&R's Bylaws, Rules & Regulations of Shadow Mountain Community Association; Permission to build upon property not owned by the applicant; or Permission to violate or interfere with any easement on or across the Association's common lot(s).

Additionally, the approval of the Committee of any submissions for any work done, or proposed to be done, or in connection with any other matter requiring the approval or consent of any proposals, plans and specifications, drawings, or other matters subsequently or additionally submitted for approval.

### Notice of Completion:

All construction, alterations, or other work shall begin with thirty (30) days after Committee approval and shall be completed within one hundred twenty (120) days after the date on which the work commenced.

The Design Review Committee has the right to inspect the work and notify the responsible Owner of a Noncompliance with sixty (60) days after the work is completed and the Committee received written notice on a form provided by the Committee from the Owner that the work is

completed. If the Design Review Committee fails to send a notice of Noncompliance to an Owner before this time limit expires, the Work shall be deemed to comply with the approved plan.

#### Variances:

The Design Review Committee may authorize variances from compliance with any of the architectural provisions of the CC&R's or Guidelines including restrictions on height, size, floor areas or placement of structures, or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental consideration require. The Board must approve any variance recommended by the Design Review Committee before any such variance becomes effective. If variances are granted, no violation of the CC&R's shall be deemed to have occurred with respect to the matter for which the variances were granted. The granting of a variance does not waive any of the provisions of CC&R's for any purpose except as to the particular property and particular provision of the CC&R's covered by the variance, nor does it affect the Owner's obligation to comply with all laws affecting the use of his Lot.

#### DRAINAGE

No owner shall make modifications to the existing drainage patterns. A Registered Civil Engineer should draw any plans and they should be approved by the County.

#### SIGNS

Subject to Civil Code Sections 712 and 713, no sign, advertising device or other display of any kind shall be displayed in the Properties or on any public street in or abutting the Properties except for the following signs:

Entry monuments and community identification

- For each Lot, one (1) sign advising of the existence of security service protecting a lot which complies with the Design Review Committee rules
- For each Lot, one (1) sign advertising the Lot for sale or lease that complies with the following requirements:
  - The sign is not larger than eighteen inches (18") by thirty inches (30") in size and the top of the sign is not more than five feet (5') in height above ground level.

#### WINDOW COVERINGS

Windows can be covered only by draperies, shades, blinds, or shutters and cannot be covered by paint, foil, cardboard, sheets, plywood, or other material deemed inappropriate by the Shadow Mountain Community Association Board of Directors.

#### PAINTING GUIDELINES (Added 3/9/2011)

An Architecture Application or approval is not required if a homeowner paints their home the same color as the home exists.

If the home will be painted a different color, then the scheme must remain within the color scheme that exists within the development and an Architecture Application is required to be completed and approval sought by the Architecture Committee prior to beginning any painting.

**SHADOW MOUNTAIN COMMUNITY ASSOCIATION  
ARCHITECTURAL IMPROVEMENT APPLICATION**

Date: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Telephone Numbers: (H) \_\_\_\_\_ (W) \_\_\_\_\_

Architect, Contractor:  
(If Applicable) \_\_\_\_\_

Telephone Numbers  
For Above \_\_\_\_\_

Proposed Start Date: \_\_\_\_\_

Proposed Completion Date: \_\_\_\_\_

Brief Description of Work: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Neighbor Awareness of Work to Be Conducted:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

Initial	Action
_____	I have included two copies of this Architectural Application
_____	I have included two copies of the drawings/plans depicting the improvement
_____	I have included all dimensions, colors, and materials of the improvement
_____	I have obtained signatures from at least two adjoining neighbors
_____	I am aware that no improvements may be made until I have received written notification from the Design Review Committee.
_____	I am aware that I have one hundred twenty (120) days to complete this project
_____	I am aware that I must submit a written Notice of Completion to the Association within thirty (30) days after the completion of the improvement



Application is:

- ( ) Approved as presented
- ( ) Approved upon conditions being met
- ( ) Denied and returned to owner with attached reasons
- ( ) Returned to Owner with request for more information

\_\_\_\_\_  
Committee Member Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Member Signature

\_\_\_\_\_  
Date

