



Niguel Shores Community Association
Architectural Committee (AC)

FINAL APPLICATION

_____/_____
Tract / Lot

_____/_____/_____
Submittal Expiration Date

Owner's Name: _____

Property Address: _____

Phone: _____

Email address: _____

Description of Work: _____

OWNER'S ACKNOWLEDGMENTS: Based on Owner's personal review of the information provided in this Exterior Modification submittal and in the accompanying plans and specifications, documents and other materials, Owner represents that it is complete and accurate and in accordance with the Niguel Shores Community Association Rules and Regulations. Further, Owner has read, understands and agrees to comply with the NSCA architectural rules and procedures applicable to this Submittal, and the requirements and conditions stated therein.

Owner agrees to pay the applicable fees associated with the Owner's construction, which are for professional consultant(s) including, but not limited to: architects, landscape architects, licenses civil engineers, licensed geologists, attorneys, deemed necessary by the Architectural Committee and/or the Association's Board of Directors to assist and advise them in the review of this Submittal. Owner will pay a deposit to the Association to draw from in order to cover consulting professional costs. In cases where the proposed modification project is large in scope, an additional deposit may be required. The deposit will be due upon submitting to the Architectural Committee (AC) any application for space addition, remodel, rebuild, new house, or major landscape/ hardscape. Owner agrees to pay any balance beyond the deposit. Owner will be reimbursed any balance of the deposit once the project is completed, has been inspected by the consulting architect or other hired professional and approved by the Architectural Committee, and it has been verified that all consultant charges have been received by the Association.

_____/_____/_____
Application Submittal Date

Signature of Owner

Any item(s) or work details not noted on the application will not be subject to consideration, even if the item(s) or work details are listed on corresponding plans submitted with the application.

- REPLACEMENT OF EXISTING ITEM – Material, location, dimensions, and finish details will not change
- IMPROVEMENT – Addition of new item not currently existing on the lot

The following supplemental information is required to complete the application:

REPLACEMENT OF AN EXISTING ITEM:

- * photo of existing item to be replaced
- * details regarding the new material or item

IMPROVEMENT:

Deck/Patio, Door, Garage Door, Hardscape and Plant Replacement, Paint, Roof, Window

- * location of existing item and proposed item (if applicable)
- * location of property lines
- * location of the top of slope (if present)
- * locations of 6' tall privacy fence/wall and 3' tall view fence/wall
- * locations and dimensions of any easement (recorded or otherwise) located within or adjacent to the property line(s)
- * brochures and details for all finish materials (paint, roofing, windows, doors, light fixtures, skylights, fencing, gates, garage door, etc.)

Drainage, Irrigation

- * location of property lines
- * location of the top of slope (if present)
- * location and dimensions of any easement (recorded or otherwise) located within or adjacent to the property line(s)
- * existing location and proposed location
- * location of neighboring house and walls/fences

Air Conditioning Unit, Balcony, Fence, Patio Cover, Pool, Spa, Wall (**Mockup may be required for these items**)

- * location of existing item and location of proposed item (if applicable)
- * location of the top of slope (if present)
- * location of neighboring house and walls/fences
- * brochures and details for all finish materials (paint, roofing, windows, doors, light fixtures, skylights, fencing, gates, garage door, etc.)

Major Landscape / Hardscape Improvements

- * site plan including all property lines
- * building outlines
- * location of proposed improvement on the lot
- * location of neighboring properties/structures
- * location and dimensions of any easement (recorded or otherwise) located within or adjacent to the property line(s)
- * top/toe of slope (if present)
- * setbacks from lateral property lines
- * walkways and other hardscape – existing and proposed
- * fences and fence heights (existing and proposed)
- * plant types and locations
- * drainage plan
- * irrigations plan
- * lighting plan (if applicable)
- * brochures and details for all finish materials

1. **PLAN SUBMITTAL TYPES**

Preliminary Plan Submittal

Provides for review, comment, and advice only. Preliminary Plan Submittals can be moved to a Final Plan Submittal to receive an approval or disapproval of the requested modification.

Required for all modifications that will alter the building envelope (space addition, remodel, rebuild, new house).

Final Plan Submittal

Provides for approval or disapproval of submittal.

Change Order Submittal

Required for any alteration of an approved modification during the course of construction.

2. **PREPARATION AND REVIEW OF PLANS BY PROFESSIONAL CONSULTANT(S):** Any proposal to change the existing drainage system(s)/pattern(s) or surface grading for slope control area improvements in Breakers Isle (Tract 6988), or for major construction or remodel, may require Owner to provide plans and specifications prepared by qualified professionals (e.g., Architect, Civil Engineer, etc.) and review by the Association's professional consultant(s) at the Owner's expense.
3. **REVIEW PERIOD, FEES, AND DEPOSITS:** The Architectural Committee has forty-five (45) days to either approve or disapprove a final plan Submittal and Proposal. In Breakers Isle (Tract 6988), an extension of the forty-five (45) day period to ninety (90) days will be required for improvements on slope control area easements. Processing fees and construction deposits may also be required (see attached fee and deposit schedule).
4. **SCOPE OF SUBMITTAL:** The information provided in this Submittal and all attachments must be complete and accurate. Any such improvements, additions, or modifications to Owner's property not included in this Submittal and not otherwise approved by the AC are unauthorized and the Association may require their removal or other corrective action at Owner's sole expense.
5. **CHANGES TO APPROVED SUBMITTAL:** If Owner's Submittal is approved by the AC and Owner later decides to change/alter this submittal as approved, or the City of Dana Point requires that Owner change/alter this Submittal as approved by the Architectural control committee, Owner must submit a new Change Order Submittal and proposal, including plans, specifications and all other required materials to the AC and obtain amended approval before making the change(s)/alteration(s).
6. **UNAUTHORIZED CHANGES TO APPROVED SUBMITTAL:** If the improvements/modifications are not constructed and completed according to Owner's approved Submittal and approved plans/specifications, the Association has the right to require Owner to remove the unauthorized improvement/modification at Owner's sole expense and to reimburse the Association for all legal fees and expenses incurred by the Association to obtain owner's compliance.
7. **APPROVED SUBMITTAL:** If this submittal is APPROVED work may commence once all required conditions have been met and payment of all fees and deposits required by the NSCA have been received. Any commencement of work prior to approval is considered an unauthorized modification and is subject to enforcement.
8. **COMMENCEMENT AND COMPLETION OF CONSTRUCTION:** The completion time for an approved modification project is based on the scope of work. Replacement of existing items must be completed within three (3) months of the date of approval. Improvement projects are required to be completed within six (6) months of the date of approval. An Owner with approval for a space addition, remodel, rebuild, or new house has one (1) year from the date the conditional approval is issued to completion the conditions required to obtain final

approval and commence construction, or Owner must re-submit another complete Exterior Modification submittal for approval by the AC before commencing construction or work of improvement. These types of modification projects must be completed within eighteen (18) months of the commencement of construction. Notwithstanding the above, modification project(s) approved pursuant to the Owner's Submittal to correct a violation of the Association's Covenants, Conditions and Restrictions or Rules and regulations must be commenced and completed promptly.

9. **CITY PERMITS AND CONFORMITY OF CITY APPROVED PLANS:** Owner is responsible for obtaining any and all necessary PERMITS required by the City of Dana Point before commencing any construction of improvements/modifications to Owner's property. This includes, but is not limited to, plumbing and sewer, new installations or replacement of gas burning or electrical equipment, and any other improvement such as a fence, garden wall, retaining wall, patio cover, carport, garage, swimming pool, spa deck, etc.

a. By making the proposed improvement/modification, Owner may have to make other modifications to Owner's property or Owner's approved plans, as required by the City of Dana Point to obtain a City permit and final approval by the City building inspectors upon completion of the improvements. Neither the Association, nor the Architectural Committee is involved with any such City mandated requirements; however, all such City required modifications to the Architectural Committee's approved plan or Owner's property must be resubmitted to the Architectural Committee for approval before any construction or other work of improvement commences.

For specific information regarding City permits and approval requirements contact the City of Dana Point.

b. Owner is responsible to ensure that the actual and final plans and specifications for Owner's Submittal, as stamped "Approved" by the AC, conform in their entirety to the Submittal and plans and specifications as approved by the City of Dana Point; and, that the failure of the City's approved plans and specifications to comply with this requirement, and commencement of construction without the approval of the AC as to any such variances between the AC's and City's approved plans may result in action by the AC and/or the Association to require the suspension of any construction that has commenced on the improvements, the imposition of fees and monetary penalties pursuant to the Association's Rules and Regulations, and/or other enforcement action by the Association.

10. **CONSTRUCTION HOURS IN WHICH CONSTRUCTION IS PROHIBITED:** The hours of construction for internal and external improvements are limited to and not to exceed Monday – Friday from 7:30 am – 5:00 pm, and 8:00 am – 5:00 pm on Saturdays. No construction of any sort (interior or exterior) is permitted on Sundays or major holidays. Construction passes may be obtained by submitting a contractor/subcontractor list to the NSCA Management Office.

Schedule of Architectural Fees and Deposits		
Replacement of Existing Items/Minor Improvements – 3 Month Completion Date (no fees or deposits required)		
Improvements (Not Replacements) – 6 Month Completion Date		
	Fees	Deposits
Review by the consulting architect or other consulting professional		\$3,000
Landscape (Softscape/Plants or Hardscape/Masonry), Drainage, Fence, Wall, Storage Shed, Hot Tub or Pool	\$150	\$1,000
Other improvements	\$150	\$1,000
Additions / New Construction – 18 Month Completion Date		
	Fees	Deposits
Review by the consulting architect or other consulting professional		\$3,000
Space Addition - Remodel	\$1,250	\$1,000
Any improvements in Breakers Isle slope control areas	\$500	\$1,000
Dumpsters/ Portable Storage Containers (approval under a signed application is required)		
	Fees	Deposits
Stored/Placed on Common Area	\$0	\$200