

Corniche Sur Mer

Homeowners Association

Architectural Approval Guidelines, Rules and Regulations

June 9, 2020

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1 Overview

Located in the heart of Orange County's renowned Riviera Coast and described by the visionaries who created our beautiful community as "One Haute Property" Corniche Sur Mer (which translates from French as "on the ocean") commands breathtaking views of the Pacific Ocean and a championship golf course. From Catalina Island to Saddleback Mountain, we enjoy the best of California's scenic beauty and legendary sunshine. Situated on the bluffs of Salt Creek Canyon, and surrounded by the Links at Monarch Beach, our neighborhood is just steps away from two world class resorts – the Monarch Beach Resort and Ritz-Carlton.

Designed with a Mediterranean motif that blends beautifully with California's lush coastal landscape, the residences of Corniche Sur Mer ("CSM") reflect sophistication yet casual elegance. With 190 homes nestled in this exclusive enclave of Monarch Beach, CSM has become one of the most sought-after neighborhoods in Dana Point. For more than two decades, and consistent with the Covenants, Conditions and Restrictions ("CC&Rs") that govern our community, the Board of Directors has encouraged members to make improvements that enhance the beauty and enjoyment of their homes.

To ensure that improvements are consistent with the character and quality of our community, and that any changes comply with the CC&Rs, including the View Amendment adopted in 2007, which ensures that ocean, golf course and hillside views and will not be negatively affected, the following architectural approval guidelines, rules and regulations have been adopted. These shall be enforced equitably and equally to all members of the CSM Homeowners Association.

2 Architectural Review Committee

The CC&Rs require the Architectural Review Committee ("ARC") to administer the architectural procedures, and approval guidelines, rules and regulations that have been adopted by the Board of Directors. This summary provides only a very general overview of these architectural procedures ("Guidelines") of the ARC. The following is not intended to be, nor should it be considered, a comprehensive compilation of all matters that the ARC may consider relevant in carrying out its responsibilities.

The ARC's responsibility is to review, approve, approve with modifications, or disapprove (decline) all plans for any proposed improvement, alteration or any other construction activity, including but not limited to, location, elevation, color, finish, design or modification. The ARC shall approve plans only if it deems that any proposed construction, alteration, addition or

modification will not be detrimental to the appearance of the property and surrounding real property as a whole, that the structure and/or related improvements will be in harmony with the surrounding structures and improvements, and that the proposed improvements are in conformance with any design guidelines adopted by the Committee, including the guidelines, rules and regulations included in this document.

The members of the ARC shall be appointed by the Board of Directors. The address of the ARC shall be the principal office of CSM's management company shown below:

Corniche Sur Mer Homeowners Association
Architectural Committee
c/o Keystone
16775 Von Karman, Suite 100
Irvine, CA 92606

The approval process includes the receipt, review and response of the ARC to the homeowner regarding the submittal. All submittals shall be directed to the ARC in care of CSM's management company at the address above. Once received by CSM's management company the submittal and plans are date stamped. This begins the 45-day submittal review period, provided the submittal includes all materials required by the Committee. During that period, the plans and any related materials are read and reviewed. A site visit may be scheduled depending on the complexity of the submittal. All submittals are entered into an agenda for disposition at the next regularly scheduled board meeting. Disposition of the submittal is completed, and a response is provided to the homeowner. All decisions shall be in writing, and all denials shall include an explanation of why the proposed change is disapproved pursuant to California Civil Code Section 4765, or any comparable superseding statute.

3. Submittal of Applications

All submittals must be made in accordance with these guidelines and/or other procedures as may be designated from time to time. Applications are not deemed submitted nor received, until (1) received by CSM's management company and (2) date stamped by CSM's management company, which date shall signify commencement of the 45-day review period.

Submittals must be completed in full. Any incomplete, unclear or conflicting submittals will be denied as incomplete.

ARC approval is required for all exterior improvements including, but not limited to, new construction, additions, renovations, exterior color changes to any surface, changes of surface material, enclosures, gates, fences, walls, steps, patio covers, decks, swimming pools, spas, windows, garage doors, fountains, water features, landscape installation and renovation, hardscape, softscape, lighting, trees, irrigation and grading. These are examples of the types of improvements requiring ARC approval. It does not comprise a complete list. If you are unsure whether your proposed improvement requires prior approval, please contact CSM's management company *before* starting work.

4. Content of Submittal

A submittal to the ARC requires all of the items listed below. Should the submittal be missing any required items, it will be denied and returned to the homeowner. The homeowner may resubmit a revised submittal at any time with all of the missing items included. In such case, the 45-day review process will begin anew, provided the resubmittal includes all materials required by the Committee.

Required items:

- A. Three (3) completed and signed applications including the Neighbor Awareness Form. The signatures of all impacted neighbors as identified by the ARC must appear on the Neighbor Awareness Form submitted with the application.
- B. Three (3) sets of signed, dated, and scaled site and/or architectural plans, 1/8" or 1/4" = 1'0" including the applicant's name, property address and contact phone numbers. All impacted neighbors as identified by the ARC must sign and date page of the site and/or architectural plans.
- C. Site Plan to include:
 - a. Location of all property lines.
 - b. Location of slopes, crown (top) and toe (bottom) within property lines, and direction of slope on adjoining property slopes.
 - c. Location of all existing structure, walls, sidewalks, driveways, mailboxes, Utilities, trees and shrubs.
 - d. Location of adjoining homes.

D. Construction Plan to include:

- a. Location of all improvements, including heights, material types, finishes and colors.
- b. Details of all structural elements such as footings, steel, beam, rafter size, etc.

E. Drainage Plan to include:

- a. Method and location of drainage systems.
- b. Alterations to contours, flow lines and finish grades.
- c. Location of catch basins, deck drains, type, size and location of drain pipes.
- d. Additions or alteration to rain gutters and downspouts.

F. Irrigation Plan to include:

- a. Sprinkler head layout and piping per valve.
- b. Location of point of connection and gate valve.
- c. Location and size of valves.
- d. Location of controller, size and type.
- e. Indicate manufacturer and specification for all equipment (heads, valves, controller, etc.).

G. Planting Plan to include:

- a. Location of trees, shrubs, groundcover and turf.
- b. Botanical and common names, container size and mature height, and spread of trees and shrubs.

H. List of proposed color palettes and finishes.

I. List approximate time for project to be completed.

5. Review and Approval Procedure

The ARC may (1) approve, (2) approve with modification(s), or (3) deny any submittal. The ARC has been delegated authority by the Board of Directors to inspect any improvements and confirm their completion in a manner consistent with approval granted, compliance with the CC&Rs in general, the View Amendment adopted in 2007 in particular, and any other policies and procedures as may be adopted by the Board of Directors from time to time.

After receipt of a complete submittal including all information required by the Committee, the applicant will be notified in writing within 45 days of the ARC's action. When "Approved with Modification(s)" is granted by the ARC, the approval is not valid until and no demolition or construction may begin until the ARC has confirmed in writing that all approval notes have been satisfied.

6. Completion of Improvements

At the time the improvements are completed, the owner shall send a notice of such completion to the ARC. The ARC will make the final inspection only after receipt of the notice. If the ARC finds the improvements not in compliance with the approval, or the CC&Rs, or the View Amendment, any such noncompliance or nonconforming work shall be immediately remedied by the owner and applicant.

7. Additional Important Information

Open Space and Common Maintenance Easements

There are certain common maintenance areas on lots within CSM as shown on the recorded maps for Tracts 13105, 13503, 13504, 13505 and 13506. Improvements which potentially encroach on common maintenance areas are discouraged by the ARC. A submittal with potential encroachments will be reviewed on a case-by-case basis and will be subject to approval by the Board of Directors.

Rear Yard Sound Attenuation Walls

Certain lots have been required by government regulation to have rear yard sound attenuation walls. These walls have been designed and constructed to be decorative as well as serving to meet attenuation requirements. No removals or alterations to these walls shall be undertaken without prior approval of the City of Dana Point, and without prior approval of the ARC.

8. Building Material Guidelines

The type, finish, color, and other specifications for all exposed building materials must be included in the documents submitted for approval by the ARC. The following guidelines should be considered when selecting materials:

A. Walls/Fences/Pilasters

1. Acceptable Materials:

Except as otherwise prohibited by these Guidelines, or where deemed by the ARC to be unacceptable, generally acceptable materials include:

- a. stucco applied to masonry.
- b. tempered glass, for preservation of view(s) and/or protection from wind or noise.
- c. continuation of exterior dwelling materials.
- d. wrought iron or a combination of wrought iron with stucco.
- e. vinyl-coated welded wire, provided that its use is expressly limited to an auxiliary application which is applied to an approved wrought iron fence and is installed for the sole purpose of excluding small animal access (e.g., rodents or rabbits), and/or providing safety and security for pets (e.g., dogs or cats.) The vinyl-coated welded wire must be:
(1) 2" x 2" or larger mesh; (2) fastened with plastic zip ties ("twisty" ties are prohibited), and (3) no more than a maximum height of 24" above grade. The ARC will consider any other type of fencing material that is not specifically prohibited, in accordance with these Guidelines. Requests for consideration of an alternative fencing material must be submitted in writing, to the ARC; and
- f. wrought iron color – CSM maintains a list of approved colors by Dunn Edwards for all wrought iron. The current approved list may be obtained from CSM's management company.

2. Unacceptable Materials:

The following materials are deemed to be inconsistent with the Guidelines and therefore unacceptable by the ARC. Unacceptable materials include:

- a. chain link, poultry wire, wire screens, wire mesh, or other types of woven wire not specifically provided for in "Acceptable Materials"

- b. sheet metal.
- c. plastic, plexiglass or fiberglass.
- d. reed or straw-like materials.
- e. rope or other fibrous strand elements.
- f. glass block.
- g. exposed block, plain or painted.

B. Color and Finishes

Except as otherwise prohibited by these Guidelines, or where deemed by the ARC to be unacceptable, generally acceptable colors and finishes include:

1. stucco – color to match dwelling stucco or community-maintained stucco walls.
2. tempered glass – clear, frameless, metal or non-patterned frames either stained or painted to match dwelling siding or trim color, with panels to be a maximum of 8’ and a minimum of 4’.
3. continuation of dwelling exterior colors and finishes, as approved by the ARC.
4. continuation of adjacent colors and finishes on the off-lot side of rear yard walls and fences when visible from adjacent roadways and common areas.
5. all wrought iron shall be painted to match the color from the approved color palette.

C. Patio Structures, Sunshades, Trellises, Gazebos, Decks, Pool Equipment, and Exterior Air Conditioning Units

The ARC will consider the following factors, including but not limited to the height, width, location and materials of any proposed patio structures, sunshades, trellises, gazebos and decks. Factors to be considered include:

- Size of proposed structures or decks.
- Proportion to rear yard.
- Side and rear yard setbacks.
- View impact and/or privacy concerns related to adjoining properties.
- Neighbor comments.

1. Patio Structures, Sunshades, Trellises and Gazebos

The Guidelines provide for reasonably sized patio structures and other outdoor items, which shall not be excessively large and/or disproportionate to the size of the home. Suitability of such improvements shall be in the sole discretion of the ARC. In general, any improvements must conform to the View Amendment.

2. Decks

The Guidelines provide for reasonably sized observation decks, which shall not be excessively large and/or disproportionate to the size of the home. Suitability of any deck shall be in the sole discretion of the ARC. In general, any deck structure shall conform to the following and shall:

- a. be subject to conformance with the View Amendment.
- b. not to extend beyond 10' from the furthest point of the rear residence wall of original construction.
- c. not to extend past the corners of the rear side walls.
- d. Spiral and straight staircases shall be a minimum of 5 feet from the property line.
- e. Privacy may be considered by the ARC.

3. Pool Equipment

Pool and Spa equipment shall be placed inground with an approved solid sound reducing cover over the vault. The equipment system shall include a two-stage pump motor. The inground pool equipment may be placed in the rear or side yard subject to a site development permit which shall include, but not limited to, an acoustics report demonstrating compliance with the City's noise ordinance.

4. Exterior Air Conditioning Units

All exterior mechanical equipment must be approved by the Architectural Committee prior to installation. The Bryant brand is the preferred air conditioning unit due to their quiet operation.

D. Acceptable Materials

Except where otherwise prohibited by these Guidelines or where deemed by the ARC to be unacceptable, generally acceptable materials and finishes include wood, poured concrete, brick, tiled masonry or exposed aggregate. Structure or framework, including any overhead portions should be of wood construction only. Columns and other vertical support members may be of metal but must be completely encased by wood or otherwise finished with materials meeting ARC approval.

9. Drainage and Slope Control

The final grading of each lot was completed by the original developer in accordance with grading plans and permits issued by the County of Orange, with certain obligations later assumed by the City of Dana Point. The grading concept was carefully designed by a civil engineer within criteria specified by regulatory agencies to provide positive runoff and drainage from each lot to the storm drain system. Any proposed alterations to this concept must not only be approved by the ARC but will likely require approval of city officials before commencement. Proposed alterations that the ARC determines to pose a potential nuisance or threat of damage to adjacent property owners, or the stability and integrity to the surrounding grades will be denied by the ARC. It shall be the responsibility of the lot owner to ensure that any completed drainage system functions in accordance with these standards. Please review the CC&Rs for further details.

10. Exterior Colors

CSM maintains a list of approved exterior colors by Dunn Edwards. Owners must select from the approved color schemes when painting building exteriors, trim, fences, walls, patio covers, decks, and any other exterior surface including concrete walkways and driveways. ARC approval is required prior to the start of any exterior painting or staining.

11. Conditions of Construction

Unless otherwise specified by the ARC in writing, the following shall be conditions of any approval and shall be incorporated by reference only on the approved plans or ARC's letter of approval. By acceptance of ARC approval, the owner and applicant for any proposed improvement accept and agree to comply with these conditions. It shall be the persons, employees, agents, contractors, subcontractors, material vendors or other entities engaged or employed in carrying out any operation connected with the approved work.

- A. Signs. No signs shall be displayed on any property with respect to tradesmen, contractors or installer. Please consult the CC&Rs for further information concerning signs within CSM.
- B. Hours of Operation. All operations shall be limited to the hours of 7:00 AM to 5:00 PM on Monday through Friday and 8:00 AM to 5:00 PM on Saturdays. No operations shall be undertaken on Sundays or legal holidays.
- C. Temporary Structures and Vehicles. No structure of a temporary nature (except approved temporary trash receptacles) or any vehicle used for temporary residence shall be allowed to remain on any residence.
- D. Unsightly Items. All rubbish, debris, runoff, spoils, excess material or unsightly materials or objects of any kind shall be regularly removed from the residence and shall not be allowed to accumulate thereon. No items are allowed to be placed or stored on community common area. Removal of unsightly items shall be made on a regular basis and shall not be allowed to accumulate within the public right-of-way, or on community facilities.
- E. Dumpster or Trash Container. The owner must apply to the ARC for a permit in the event a dumpster or trash container is necessary for debris removal. The size of the dumpster or trash container and proposed location must be included in the request for permit. The maximum allowable time a dumpster or trash container may be on any street or property within CSM is strictly limited to 72 hours.
- F. Damage to Common Area. In the event of damage to common area property, such as but not limited to, streets, gutters, landscaping or irrigation, the owner shall be responsible to restore the damaged area to its original, or as new condition.

12. Site Drainage

- A. Surface drainage of paved areas shall be a minimum of one percent (1 %) . Surface drainage of soil area shall be a minimum of two percent (2%).
- B. All drainage devices shall contain approved collection and transporting facilities. The completed drainage improvements must be certified and completed in accordance with plans and specifications for positive drainage by a licensed Architect, Civil Engineer or Landscape Architect. "Dry Well" drainage facilities are not acceptable.
- C. All French drains shall be constructed as to provide minimum encasement of one (1) cubic foot of gravel per linear foot of perforated drain pipe. At least nine (9) inches of suitable growing media shall be provided for turf, on top of any French drain provision.
- D. All transporting underground drain lines shall have a minimum drain rate of 1%. The point of drain pipe dispersion or connection to existing subsurface devices shall be constructed in a permanent manner as to eliminate erosion.
- E. In no case will drainage be allowed to flow over top of slope. A yard drainage system has been installed by the original developer on all lots within CSM. This system was designed and constructed to provide an efficient means of drainage of each lot. The system is connected to the community storm drain system via underground collectors located near the sidewalk in front of each. Prior to any alteration of or connection to the existing yard drainage system the proposed improvements must be approved by the ARC. A Civil Engineer or Landscape Architect should be consulted before any design which could necessitate alteration of existing grades or the drainage patterns.
- F. No connection to or alteration of CSM irrigation system shall be made by any homeowner.

13. Site Planting

The architectural style and color palette of the CSM homes, and the community, reflect a Mediterranean theme. Plant material selection supporting this Mediterranean theme is recommended. In general, the landscape plan should contain appropriate plant material that is suitable for the local environment, appropriately scaled to the property, and in harmony with the design of the community. The following information is intended to guide the homeowner in structuring the planting concept for functional and maintenance efficiency:

- A. Plant material or trees that negatively affect ocean, golf course or hillside views, at the time of installation, while growing, or at maturity, must be trimmed or removed to preserve and protect views, consistent with the View Amendment adopted in 2007.
- B. Quantity of plant species shall relate to the scale of the project. At maturity, the plant material should be in a size and scale that compliments the home and adjacent residences.
- C. Plant materials or trees should be located in a manner that will, at maturity and throughout the maturing period, not negatively affect views from other properties. Future impact of plant materials or trees on surrounding properties view will be reviewed by the ARC. Any proposed plant material or tree that could potentially negatively affect views from other properties may be

grounds for denial of an application by the ARC. Regardless of initial approval by the ARC, plants or trees that mature and subsequently negatively affect protected views must be removed.

D. Long-lived plants shall be used to form the major planted areas.

E. Environmental conditions should be considered in plant design and selection. In this area seasonal winds occasionally reach damaging velocities. The climate is always ocean influenced. Soil characteristics are generally poor. The selection of plant materials and trees should therefore be made with these restrictive conditions in mind. Hence soil conditions in CSM may not be favorable to certain varieties of plant materials.

The ARC encourages water conservation in a selection of plant materials and trees. Plant materials requiring minimal amounts of water for proper growth should be used wherever practical. Expansive soil is prevalent in the surrounding area; thus, excessive ground water may increase the chances of damage to structures.

Another important consideration is potential damage due to root system intrusion. Some plants are capable of spreading an extensive root system in a relatively short time that could potentially damage hardscape and plumbing. Certain plants can cause root damage to an adjacent property raising possible liability issues. Careful planning should be exercised in the selection of plant materials to minimize potential problem areas.

F. Pad Level Planting

Any plant material, including but not limited to trees, and bushes, on a lot may be required to be trimmed and/or removed should it become a view obstruction as defined under the provisions of the View Amendment.

G. Slope Plantings

No planting shall be permitted on any slope that might damage or interfere with established slope ratios, create erosion or sliding problems, or interfere with established drainage functions or facilities.

H. Street Lights and Mailboxes

All plantings shall be at a sufficient distance from community street lights and mailboxes so as to not interfere with the designated function of such an item.

I. Planting in Common Area by Members

Members shall not add, remove or change plantings in any of the common areas, maintenance areas or slopes maintained by CSM without the approval of the Board of Directors. Unauthorized planting is subject to removal at the member's expense.

14. Site Irrigation

The following information is intended to guide the homeowner in the design and installation of irrigation systems, or improvements, for proper function and efficiency. Primary concern in the system design should be the uniform application of water, the use of efficient, long lasting equipment, simplicity of operation, and avoidance of nuisance or unnecessary run-off.

- A. Planted areas should have the following general types of irrigation equipment installed:
 - 1. Tree, shrub and ground cover areas: non-impacted bubbler, spray, nozzle line, soaker or sub-surface irrigation system.
 - 2. Lawn areas: non-impact, rotor or pop-up, set flush with finished grade.
- B. The irrigation design shall be tailored to the type of planting materials proposed.
- C. Environmental conditions such as north/south or east/west exposure shall be considered in the irrigation design.
- D. Vacuum breaker assembly shall meet all local code regulations and be supplied with valves for testing.
- E. Electrical wirings shall meet all local code regulations.
- F. All piping shall be installed below finish grade as a permanent facility, unless main lines are required to be elevated for backflow prevention.
- G. No connection to, or alteration of, the Association's irrigation system shall be made by any homeowner.
- H. Only domestic potable water shall be used for homeowner irrigation system.

15. Request for Reconsideration by the Board of Directors

In the event a complete submission including all materials required by the ARC is disapproved, the applicant shall be advised in writing of the reason(s) for the denial and of the applicant's right to request reconsideration of the denial by the Board of Directors. The request for reconsideration shall be in writing, shall be addressed to the Board of Directors, shall be delivered to the CSM's management company, and must be received by CSM's management company not more than fifteen (15) days following delivery of the ARC's notice of disapproval to the applicant.

Notice of the date, time and location of the Board of Directors meeting at which the request for reconsideration will be heard shall be delivered at least ten (10) days prior to the meeting to the applicant.

The request for reconsideration shall be heard at an open Board meeting and the applicant and the ARC shall be provided with an opportunity to present their respective positions to the Board of Directors.

The Board of Directors shall render its decision on the request for reconsideration within forty-five (45) days following the Association management company's receipt of the request for reconsideration, and the Board shall transmit its decision to the applicant within fifteen (15) days after making its decision; provided, however, if no written decision is issued within fifteen

(15) days after the hearing the request for reconsideration shall be deemed denied and the ARC's decision shall be deemed affirmed. In no event will any request for reconsideration be deemed approved based on the passage or lapse of time or the absence of a written decision by the Board of Directors; any decision must be by affirmative written action of the Board of Directors to be effective. The Board of Directors shall uphold

the ARC's decision if the Board of Directors concludes that the ARC had a reasonable basis, or reasonable bases, for its decision, based upon the objective and/or subjective review criteria set forth in the Association's governing documents.

The term "delivery" as used herein shall have the same meanings as given in Civil Code Section 403S(b) (when delivery is to the Association) and Civil Code Section 4040 (when delivery is to the applicant), or any comparable superseding statutes.

16. Final Thoughts and Comments

A full and fair reading of these Guidelines, which were first promulgated some two decades ago, makes clear that all successive Boards of Directors have sought to balance the need for preserving the original quality and character of our community, while at the same time encouraging improvements that enhance the beauty and value our homes. Projects that are consistent with the provisions of the CC&Rs and the View Amendment, in keeping with the Mediterranean theme of CSM, are likely to be approved.

If you are contemplating a project, the Board of Directors encourages you to discuss your ideas with your neighbors. Gain their thoughts and perspective. Share preliminary designs, sketches and plans. Consider what you would want if you lived in their home. Taking these simple, courteous, and neighborly steps will often diffuse potential misgivings over an otherwise wonderful project. It will also expedite the approval process.

Homeowners are always welcome to seek guidance from the ARC or the Board of Directors and are encouraged to do so before spending significant dollars on civil engineering, architectural plans, and the like. Conferring at an early stage will often streamline the project and reduce expenses. In conclusion, improvements to our community are always welcome.