

**Governing By Laws and Guidelines
for the
Architectural Control Committee
Paces Place Condominium Association**

Maintaining a consistent and harmonious neighborhood character, one that is architecturally and artistically pleasing confers a benefit on the homeowners by maintaining the value of their properties (Dolan-King v. Rancho Santa Fe.).

Another important function of the Association is to preserve the aesthetic quality and property values within the community (Cohen v. Kite Hill).

** AUTHORITY GIVEN BY DECLARATION AND BY-LAWS OF THE ASSOCIATION (page 16, # 13)**

(a) Architectural standards:

Except as provided herein, no Owner, Occupant, or any other person may make any encroachment onto the Common Elements, or make any exterior change, alteration, or construction (including painting), or erect, place or post any sign, light, or other object or thing on the exterior of the buildings, in any windows, or on any Common Elements, without first obtaining the written approval of the Board or its designee. The standard for approval of such improvements shall include, but not be limited to, aesthetic considerations, materials to be used, harmony with the external design of the existing buildings, Units and structures, and the location in relation to surrounding structures and topography.

Applications for approval of any such architectural modification shall be in writing and shall provide such information as the Board or its designees may reasonably require. The Board or its designee shall be the sole arbiter of such application and may withhold approval for any reason, including purely aesthetic considerations, and it shall be entitled to stop any construction which is not in conformance with approved plans. The Board or its designee may publish written architectural standards for exterior and Common Elements alterations or additions, and any request in substantive compliance therewith shall be approved; provided, however, each such requested change shall be in harmony with the external design of the existing buildings and Units and the location in relation to surrounding structures and topography of the vicinity.

The Board or its designee, subject to this subparagraph (a), may allow such encroachments on the Common Elements, if any, as it deems acceptable.

In the event that the Board or its designee fails to approve or to disapprove such application within forty-five (45) days after the application and such information as the Board or its designees may reasonably require shall have been submitted, its approval will not be required and this subparagraph (a) will be deemed complied with; provided, however, even if the requirements of this subparagraph are satisfied, nothing herein shall authorize anyone to construct or maintain any structures or improvement that is otherwise in violation of the Declaration, the By-Laws, or the rules and regulations.

(b) **Architectural Control Committee**

The Board of Directors may, but is not obligated to, appoint an Architectural Control Committee. The Board may delegate to other Unit Owners the authority to serve on the Committee. The Board may delegate such authority to individual Unit Owners by resolution, or the Board may call for a special election by the Association to select the Unit Owners to whom the authority shall be delegated. At all times, however, the chairperson of the Committee shall be a member of the Board of Directors.

(c) **Condition of Approval**

As a condition of approval for a requested architectural change, modification, addition, or alteration, an Owner, on behalf of himself or herself and his or her successors-in-interest, shall assume all responsibilities for maintenance, repair, replacement and insurance to and on such changes, modification, addition, or alteration. In the discretion of the Board or its designee, an Owner may be made to verify such condition of approval by written instrument in recordable form acknowledged by such Owner on behalf of himself or herself and all successors-in-interest.

(d) **Limitation of Liability**

Review and approval of any application pursuant to this Paragraph is made on the basis of aesthetic considerations only and neither the Board of Directors nor its designees shall bear any responsibility for ensuring the structural integrity or soundness of approved constructions or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Association, the Board of Directors, the Architectural Control Committee, if any, nor members of any of the foregoing shall be held liable for any injury, damages or loss arising out of the manner or quality of approved construction or modifications to any Unit.

e) **No Waiver of Future Approvals**

Each Owner acknowledges that the members of the Board of Directors and its designees will change from time to time and that interpretation, application and enforcement of the architectural standards may vary accordingly. The approval of either the Board of Directors or its designees of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of the Board of Directors or its designees shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings, or matters whatever subsequently or additionally submitted for approval or consent.

(f)

Enforcement

Any construction, alteration, or other work done in violation this Paragraph shall be deemed to be nonconforming. Upon written request from the Board, Owners shall, at their own cost and expense, remove such construction, alteration, or other work and shall restore the property to substantially the same condition as existed prior to the construction, alteration, or other work. Should an Owner fail to remove and restore as required hereunder, the Board or its designees shall have the right to enter the property, remove the violation and restore the property to substantially the same condition as existed prior to the construction, alteration or other work. All costs thereof together with the interest thereon at the maximum rate then allowed by law, may be assessed against the benefited Unit and collected as an assessment pursuant to this Declarations. In addition to the foregoing, the Board of Directors shall have the authority and standing, on behalf of the Association, to impose reasonable fines and to pursue all legal and equitable remedies available to enforce the provisions of this Paragraph and its decisions or those of its designees.

If any Owner or Occupant makes any exterior change, alteration, or construction (including landscaping) upon the Common Elements in violation of this Paragraph, he or she does so at his or her sole risk and expense. The Board may require that the change, alteration or construction remain on the Common Elements without reimbursement to the Owner or Occupant for any expense he or she may have incurred in making the change, alteration, or construction .

II GUIDELINES

PROCEDURES FOR REQUESTING MODIFICATIONS

All requests for alterations or changes to architecture and/or landscape must be submitted through the property management company. The management company will then send the proper application forms to the homeowner. Upon completion of the written application, it shall be returned to the management company who will forward it to the ACC and/or the Board of Directors.

2» The ACC shall convene promptly to consider said request. The decision of the ACC shall be sent to the Board of Directors in writing for final consideration. All decisions of the Board of Directors shall be sent to the management company to then quickly notify the homeowner in writing by mail or by email. The decision of the Board and notice shall comply with the By-Laws 45 day requirement under Architectural Standards # 13, (a) of the By Laws.

3 If a proposed change is disapproved, the committee's decision must include an explanation of why the proposed change is disapproved. Chairman of ACC shall keep ACC informed of preparation of annual landscape budget prepared by the BOD might make reconsideration possible.

4. Reconsideration by the ACC is appropriate when and if new information is provided.

B. DUTIES OF THE ACC

1. ACC shall review all architectural and landscape modification requests and make recommendations to the BOD. When a request is received, the committee shall meet promptly. The Chairman, or his/her designee shall call said meeting. The BOD is responsible for the final decision.

2. The ACC shall walk property monthly and inspect the property for architectural areas needing attention including, but not limited to,

peeling paint on doors, trim, gutters, and railings. The committee shall also watch for unauthorized modifications to grounds or buildings, including mechanical equipment that can be seen from the front common grounds. In the event that unauthorized modifications are noted, the homeowner shall be notified according to our Declaration and By-Laws and appropriate action taken.

In addition, AOC shall walk property, as needed, with head of the contracted landscape maintenance company or his representative to inspect the maintenance and upkeep of the grounds. Said inspections shall be held at least twice per year.

Chairman of the AOC shall keep committee informed of preparation of annual landscape budget by the BOD

AOC may request a copy of the landscape contract from BOD in order to assist the BOD in overseeing proper grounds maintenance.

AOC may, from time to time, consider ways to upgrade, update the grounds and buildings so as to increase property values. Any such recommendations shall be submitted to the BOD for discussion and possible approval.

Per By-Laws of the Association, the chairman of the AOC shall be one of the members of the BOD.

Each year the chairman shall remind the property manager to send a reminder notice to all homeowners that written approval of any architectural or landscape modifications is required. Said modifications also include exterior additions to and/or around buildings, such as mechanical equipment. The chairman or his/her designee shall also insure that the property manager has all up to date guidelines and duties and all application forms.

C. REQUESTS FOR SIGNIFICANT VARIANCES

1. As a rule, significant architectural variances may be approved by the ACC ONLY if:
 - a. Extraordinary Circumstances Exist.
 - b. Not Allowed By The Governing Documents.

Notice is given to Surrounding Owners.

If approval of the application would be in deviation from accepted guidelines, the Association is required to provide notice to affected home owners. Affected homeowners may submit objections in writing directly to the ACC. Said written objections shall be forwarded to Board along with the recommendation from ACC. After consideration of objections by homeowners and all other considerations, the Board of Directors shall make the final decision.

Notice is given to the Board of Directors.

The Board must be given adequate notice by the AOC of any significant variances so it may seek legal counsel if desired. The BOD may then modify or veto the variance, if desired. The Board shall at all times have a duty to enforce their governing documents and be cautious about granting variances, especially on the front facades.

Final approval by the Board of Directors is given.

The Board of Directors is responsible for the final decision. The ACC will review requests for significant architectural and landscape modifications and make recommendations to the Board. The Board will make the final decision.