

LAS SENDAS COMMUNITY ASSOCIATION

RULES AND REGULATIONS FOR THE ARCHITECTURAL REVIEW COMMITTEE

(As Amended)

Adopted October 1, 2009

Amended January 26, 2010

- A. Definitions: Unless otherwise noted, capitalized terms used in these Rules and Regulations will have the meaning as defined in the Declaration of Covenants, Conditions and Restrictions for Las Sendas ("CC&R's").
- B. Standard of Conduct: ARC members will sign the attached Undertaking to uphold the LSCA Governing Documents, Guidelines and Policies in performance of their duties on the ARC. An ARC member shall recuse himself/herself if he/she has a conflict of interest with respect to the matter to be reviewed.
- C. Administrative Support: Administrative support for the ARC shall be provided by the Community Manager or his/her designee.
- D. Security Deposits:
Security deposits provided by an Owner for construction, installation, addition, alteration, repair, change, or other work ("Improvements") approved by the ARC shall be refunded within 14 days of completion of construction provided that: (i) the Owner completes Improvements in accordance with the plans and specifications approved by the ARC, (ii) the Owner submits a written request for refund, and (iii) there has been no damage caused to any Area of Association Responsibility by the Owner or its agents or contractors except for damage already repaired at Owner's expense, subject to the following reductions in the amount of the security deposit to be refunded: the cost of self-help undertaken by the Association or its designee to: (a) complete the proposed Improvements or remedy any nuisance or unsightly condition as a result of partial completion of such Improvements, or (b) repair any damage which might be caused to any Area of Association Responsibility as a result of such Improvements.
- E. Notices to Adjoining Property Owners, Lessees, or Residents:
 - 1. When a Design Review Application (as specified in the Design Guidelines) is received from an Owner, Lessee, or Resident for an improvement that is permissible within the specifications of the Architectural Review Guidelines or Custom Home Guidelines, Notices to Adjoining Property Owners will not be required.

2. When a Design Review Application (as specified in the Design Guidelines) includes a request for a variance, or a variance is requested under CC&R Section 3.19 (excluding parking), the ARC shall send a notice to adjoining property Owners, Lessees, or current Residents providing them an opportunity to submit comments for the ARC to consider during its deliberations regarding the disposition of the variance request.
3. Comments received from a neighbor notification process are to be reviewed for information purposes only and should be limited to discernible standards derived from the design guidelines or CC&R's. Feedback received will not require an ARC response or direct action. Therefore, written comments regarding neighbor input will not be considered as actionable evidence.

F. Variances and Stipulations:

1. Variances shall only be granted by the ARC where the conditions of CC&R section 3.19 are met.
2. The application (or attachments thereto) for a variance being requested by an Owner, Lessee, or Resident must state the following:
 - a. The specific variance being requested;
 - b. Alternative(s) to the variance requested and a reasonable basis for rejecting the alternative(s);
 - c. The unreasonable hardship or burden created should the variance not be approved by the ARC or the change of circumstances which renders the restriction obsolete; and
 - d. Justification that the proposed variance will not have any substantial adverse effect on the Owners, Lessees, and Residents of Las Sendas and is consistent with the high quality of life intended for Residents of Las Sendas.
3. Should the ARC determine that a valid basis for the requested variance exists, the ARC shall notify the Owner, Lessee, or Resident applicant that a variance has been granted. A variance granted for an improvement of a permanent or structural nature will not be revoked. Other types of variances may be revoked at such time as facts are presented to the ARC that the unreasonable hardship, burden or other condition which justified granting the variance no longer exists. Where applicable, the approval letter may contain the stipulation, along with any other stipulations deemed necessary by the ARC, that at such time as facts are presented to the ARC that the unreasonable hardship, burden or other condition which justified the granting of the variance no longer exists, the property improvement or modification allowed by the variance shall be removed within 60 days in a manner to be approved by the ARC so as to bring the property into compliance with the CC&R's and Design Guidelines.

G. Records – Disposition of all Design Review Applications:

1. Results of ARC deliberations shall specifically document whether the proposed Improvement meets the following six criteria (“Improvement Criteria”):
 - a. Does not violate any provision of the CC&Rs;
 - b. Does not violate any Design Guideline (as defined in CC&R section 1.20);
 - c. Is in harmony with existing improvements implemented in Las Sendas or pending improvements approved by the ARC;
 - d. Is aesthetically acceptable;
 - e. Is not detrimental to or adversely affects the appearance of Las Sendas; and
 - f. Is in accord with the general plan of development for Las Sendas.
2. Should the ARC deliberations result in a rejection of all or some of the Improvements proposed in the Design Review Application, the specific Improvement Criteria not met and forming the basis for the rejection shall be provided in the letter to the applicant that articulates the decision of the ARC to disapprove the Improvement as submitted.

H. Records – Additional Requirement for Variances:

1. Where a variance is requested or required, the results of ARC deliberations shall additionally document that the variance meets the following criteria (“Variance Criteria”):
 - a. An unreasonable hardship or burden would be created for the Owner, Lessee, or Resident requesting the variance should the variance not be approved by the ARC, or a change of circumstances has occurred rendering the restriction from which the variance is requested obsolete;
 - a. The variance will not have any substantial adverse effect on the Owners, Lessees, and Residents of Las Sendas; and
 - b. The variance is consistent with the high quality of life intended for residents of Las Sendas.
2. Should the ARC deliberations result in a rejection of a requested or required variance, the specific Variance Criteria not met and forming the basis for the rejection shall be provided in the letter to the Owner, Lessee, or Resident requesting the variance that articulates the decision of the ARC to disapprove the variance.

I. Records – Security Deposits:

Records of Security Deposits will be maintained that include the following:

1. Owner and contact information;
2. Date when security deposit was collected;
3. Amount of security deposit collected;
4. Date of completion of the Improvement for which the security deposit was collected;
5. Date when the security deposit was refunded; and
6. The basis for any reduction in the amount of the security deposit refunded as a result of self-help or uncollected fines (refer to D. Security Deposits above).

LAS SENDAS COMMUNITY ASSOCIATION

UNDERTAKING FOR THE ARCHITECTURAL REVIEW COMMITTEE

I, _____ do commit that, as consideration for being appointed to serve on the Las Sendas Community Association (“LSCA”) Architectural Review Committee (“ARC”), to the best of my abilities I shall conscientiously discharge the responsibilities entrusted to me as a member of the ARC, and shall uphold and support the LSCA ByLaws, Declaration of Covenants, Conditions, and Restrictions (CC&Rs), Architectural & Community Guidelines, Governing Documents, and the Policies pertaining thereto.

Signature

Printed Name

Date