

## JOB DESCRIPTION

### Design Review Committee Chair:

- At-Large member of the Cielito Lindo HOA Board of Directors.
- Guides the process by which the Design Review Committee has responsibility for maintaining our community's architectural guidelines as stated in the governing documents.
- Point of contact for the HOA property manager for initiation of Design Modification Requests (DMR).
- Ensure fair and consistent application of the CC&Rs to all concerned.
- Prepare reports for HOA Work Sessions and Board Meetings.
- Submit articles for HOA Newsletter.
- Maintain a binder/digital copy of records to be passed on to future committees.

### Design Review Committee:

- The DRC is a committee of homeowners who are responsible for interpreting and enforcing the architectural guidelines of the community.
- Committee members will review design applications from homeowners and see whether they comply with the guidelines stated in the CC&Rs.
- Informs the Board of Directors monthly of current activities, meeting minutes, violation concerns, DMRs under consideration.
- DRC members are familiar with all Cielito Lindo governing documents, especially CC&R Articles 1,2,8,9, and 10, The Design Guidelines, and Painting Procedures.
- Section 1 .2 "Design Review Committee" shall mean the committee established by the Board of Directors of the Association pursuant to Section 9 .1 .
- Section 1 .9 "Design Guidelines" shall mean the design standards, restrictions, review process, submittal requirements and construction regulations adopted and enforced by the Design Review Committee as set forth herein and as may be amended or supplemented from time to time.

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#### Article 9: Cielito Lindo CCR's Design Review Committee

**Section 9.1 Composition of Committee.** The Design Review Committee shall consist of three (3) or more persons appointed by the Board of Directors of the Association; provided, however, that until all Lots have been conveyed to the first Owner thereof other than the Declarant. Declarant shall appoint the Design Review Committee without a meeting and without a vote of the Members. and during said period, no election of the Members of said committee shall be had unless Declarant has in writing

relinquished its rights of exclusive appointment. A majority of the Committee may designate a representative to act for it.

**Section 9.2 Review by Committee.** No Dwelling Unit, structure, improvement, (including but not limited to any building, fence, wall, driveway, or other surfaced area), or any attachment to an existing structure, shall be made, placed, or constructed upon any Lot or the Properties (except by the Association upon the Common Area), no change of the exterior of a Dwelling Unit, structure, or improvement shall be made; no change in the final grade of any Lot shall be made; and no landscaping shall be installed or changed (except in enclosed rear yards to the extent that such landscaping is not Visible From Neighboring Property) . unless complete plans and specifications (including a construction schedule) showing the nature, design, kind, quality, shape, height, materials, color scheme and location of any such dwelling unit, improvement, structure, attachment, or landscaping, shall have first been submitted to and approved in writing by the Design Review Committee. In connection therewith, any Owner requesting such approval shall follow the submittal and approval process outlined in the Design Guidelines. as from time to time amended. including, without limitation, detailed plans and specifications showing all construction details such as the nature, shape, height, color, materials, floor plans, location, set back, open space, lot coverage and such other matters as may be requested by the Design Review Committee. All subsequent additions to or changes or alterations in any improvements upon a Lot shall be subject to the submittal and approval process outlined in the Design Guidelines, as from time to time amended. Including, without limitation, the exterior color scheme of a Dwelling Unit and all changes in the grade of Lots. No changes or deviations in or from the plans and specifications, once approved by the Design Review Committee may be made without the prior written approval of the Design Review Committee. And all construction must be completed in accordance with the approved plans and specifications. The Design Review Committee shall exercise its best judgment to the end that all Dwelling Units, attachments, improvements, construction, landscaping, and alterations to structures on lands located within the Properties (collectively referred to herein as "Architectural Improvements") conform to the Design Guidelines and harmonize with the existing surroundings and structures. Without limitation to the terms and conditions contained herein, the Design Guidelines shall expressly prohibit chain link, wire or pipe fencing and exposed concrete block walls. Decisions of the Design Review Committee shall be binding g and conclusive. In addition, at the option of Declarant, the Design Guidelines may include provisions requiring approval of the applicable building area, plot plans and building envelope to clarify the maximum area of grading and site disturbance which may occur on each Lot. Notwithstanding the foregoing, the Declarant shall not be required to submit any plans or specifications whatsoever to the Design Review Committee, nor shall any consent or approval of the Design Review Committee be required for the construction of any improvements by the Declarant.

**Section 9.3 Procedures.** As more particularly set forth in the Design Guidelines, the Design Review Committee shall approve or disapprove all plans within thirty (30) days after submission and issuance by the Association of a receipt therefor. In the event the Design Review Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval shall be deemed denied, except that the party submitting the plans may resubmit the plans and if no response is given for a period of thirty (30) days after a written request by certified mail for a decision, approval shall be deemed given. The Design Review Committee may establish, as a part of the Design Guidelines, additional rules amplifying or supplementing the foregoing procedures. The Design Review Committee may from time to time, without notice, establish, add to,

delete, or amend separate standards, rules and procedures, which shall not be contrary to or inconsistent with these Restrictions, providing for or otherwise relating to the submission, processing, review and approval of plans and specifications for Architectural Improvements or various portions or stages thereof. The Design Review Committee shall not be bound by previous standards or interpretations of its standards: and any consent or approval of a prior set of plans and specifications shall not preclude disapproval of a subsequent identical or similar set of plans and specifications.

**Section 9.4 Vote.** A majority vote of the Design Review Committee is required to approve a proposed change or improvement unless the Committee has designated a representative to act for in which case the decision of the representative shall control.

**Section 9.5 Liability.** The Design Review Committee and the members thereof shall not be liable in damages to any person submitting requests for approval or to any Owner by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove regarding any matter within its jurisdiction hereunder.

**Section 9.6 Variance.** As more particularly set forth in the Design Guidelines, the Design Review Committee may grant reasonable variances or adjustments from any conditions and restrictions imposed by this Article or Article 9 hereof to overcome practical difficulties and prevent unnecessary hardships arising by reason of the application of the Restrictions contained in this Article or Article 9 hereof. Such variances or adjustments shall be granted only in case the granting thereof shall not be materially detrimental or injurious to the Properties and shall not militate against the general intent and purpose hereof.

**Section 9.7 Nonconforming Architectural Improvements.** If the Architectural Improvements do not, upon the proposed date set forth in the construction schedule, conform to the plans submitted to and approved by the Design Review Committee, the Design Review Committee shall give written notice to the Owner of the property upon which such Architectural Improvements have been made. Such notice shall specify the nature of the nonconformity of the Architectural Improvements and shall grant the Owner a hearing before the Design Review Committee in accordance with the Bylaws.

If an Owner has not, within sixty (60) days of the mailing or delivery of the written notice, corrected the nonconformity of the Architectural Improvement, then the Design Review Committee shall have the right and an easement to direct its agents, employees, or contractors to enter upon the said Owner's property for the purpose of making any or all such improvements, alterations, or repairs as are necessary to bring the Owner's Architectural Improvements into conformity with the plans submitted to and approved by the Design Review Committee. All costs incurred by the Association in the course of the Design Review Committee's efforts to bring the nonconforming Architectural Improvements into conformity with the approved plans as provided above, including costs of labor, materials and all associated administrative costs reasonably incurred by the Association in connection therewith shall be added to and become part of the assessment to which such Owner's Lot is subject and shall become a lien on such Owner's Lot and the improvements thereon, and shall be enforceable and collected as provided for herein .

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**Section 9.8 Color Building Materials and Front Yard Landscape.** Without limiting the foregoing, no color changes nor any changes in the original building structure, composition, products, or in the front yard landscaping shall be permitted without approval of the Design Review Committee.

**Section 9.9 Broad Discretion of Design Review Committee.** In reviewing plans for alterations, modifications, additions or other changes to a Dwelling Unit. Improvement or structure upon a Lot, the Design Review Committee shall exercise its discretion in deciding whether an alteration or modification is in harmony with the overall scheme of subdivision development. As more particularly set forth in the Design Guidelines, the Design Review Committee shall have the right to deny alterations or modifications for purely aesthetic reasons if the Design Review Committee considers the alteration or modification to be unattractive in relation to the overall scheme of development. or if the Design Review Committee considers the alteration or modification to be a nuisance or upset of design. or if the Design Review Committee considers the alterations or modifications to contrast with or out of harmony with the style of existing structures, or if the physical views of the Properties will be disrupted by the alteration or modification. The Design Review Committee may elicit the opinion of other Owners, including the neighbors of the Owner submitting the plan for alteration or modification, as to the conformity and harmony of the proposed plan with the overall scheme of development, and the effect that the proposed plan might have on the physical views of other Owners. After eliciting these opinions, the Design Review Committee may, but need not, take them into account in making its final decision of approval or disapproval of an alteration or modification to an existing structure. While the opinion of no single Lot Owner will control a decision of the Design Review Committee, the Design Review Committee may, within its own discretion, but need not, attach whatever significance it deems sufficient to the statements of residents and/or neighbors of the Owner submitting the proposed alteration or Modifications to an existing structure.

**Section 9.10 Fee.** The Association may establish a reasonable processing fee to defer the costs of the Design Review Committee in considering any requests for approvals submitted to the Design Review Committee. The Association also may establish a fee schedule and amend such schedule from time to time, with respect to all or any portion or stare of the processing of plan and specifications as provided for in Section 9 .3 herein.

**Section 9.11 Exemption.** Notwithstanding the above, Declarant shall not be required to submit any plans to or obtain any consent whatsoever from the Design Review Committee for any improvements, structures or landscaping built, constructed, erected, modified or altered by Declarant on the Properties.

**Section 9.12 Submission to Master Association's Design Review Committee.** In addition to the terms and provisions contained herein, all Architectural Improvements shall also be subject to the prior approval of the Master Association's Design Review Committee: provided, however, no Architectural Improvements shall be submitted to the Master Association's Design Review Committee until the same shall have been approved by the Design Review Committee of Cielito Lindo de Tubac.