

THE DESIGN REVIEW COMMITTEE (DRC) OF CIELITO LINDO DE TUBAC
JOB DESCRIPTION

VALUE STATEMENT

An attached town home community, by its very nature, requires owners to be more aware of the impact of their activities and decisions than would be the case in a community of free-standing homes. The Design Review Committee (DRC) understands and enforces the Association's governing documents so that the impact of any alterations, modifications and behaviors do not adversely impact neighbors or the common area. In addition, given that Cielito Lindo de Tubac has a coherent and consistent architectural and aesthetic plan, the DRC preserves the distinctive character and economic value of Cielito Lindo by ensuring that all alterations or modifications are in harmony with the original scheme.

MISSION STATEMENT

The Design Review Committee ensures the timely compliance with all of the Association's governing documents, via the published procedures, such that homeowners, visitors and prospective buyers can see the evidence of that compliance.

LEGAL PARAMETERS

- The Design Review Committee shall be familiar with and adhere to Arizona Revised Statutes Article 33-1817. Declaration amendment; design, architectural committees; review.
- PER CIELITO LINDO'S BY-LAWS: *The Association shall appoint a Design Review Committee, as provided in the Declaration, and a Nominating Committee, as provided in these ByLaws, subject to Declarant's rights to appoint the Design Review Committee pursuant to the Declaration. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.*
- PER CIELITO LINDO'S CC&Rs: ARTICLE 9:
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

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 and conclusive subject to application as stated in Section 9:11.

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. Receipt shall be issued in a timely manner. In the event the Design Review Committee fails to approve or disapprove such design and location within thirty (30) days after receipt for said plans and specifications have been submitted to it, approval shall be deemed denied, except that the party issued 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 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 be guided by but 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 but each submission shall be judged on its own merits..

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 it, 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 in regard to 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 in order 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. In the event that 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 of 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.

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 or not 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 be in contrast to 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 stage of the processing of plan and specifications as provided for in Section 9.3 herein.

Section 9:11 Submission to Master Association Design Review Committee. In addition to the terms and provisions contained herein, all approved Architectural Improvements shall also be submitted to the Master Association's Design Review Committee for their approval as outlined in the Design Review Guidelines.

STANDARD and ACUTUAL PRACTICES AND PROCEDURES IN CIELITO LINDO DE TUBAC

- GENERAL:
 - 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.
 - Any and all modifications and/or alterations in the common area/community must be approved by the DRC according to these guidelines.
 - DRC members understand that by law, there can be no selective enforcement of the Association's rules and regulations and ensures that every homeowner is treated equally.
 - The DRC makes decisions by majority vote, dissent being noted in the DRC's minutes.
 - The DRC keeps the Board of Directors informed on a monthly basis of all of its current activities: meeting minutes, violation concerns, DMRs under consideration.
 - The DRC ensures that all documents on the website and in the Manager's packet of documents (that are given to potential homebuyers) are up to date.
- RULE AND REGULATION ENFORCEMENT:
 - In collaboration with the Association Manager, the DRC enforces Association rules as articulated in the Association's governing documents, from time to time recommending revisions to those rules as suggested by amendments to the Condominium and Planned Communities Acts, homeowner behaviors, and/or majority-opinion gathered by community-wide surveys.
 - Potential rule violations are noted:
 - The Association Manager advises the DRC of the observations made during the bi-monthly inspections of the community, noting any clear or potential violations of the rules.
 - DRC members maintain on-going attentiveness to rule compliance by homeowners, renters and guests.
 - Via casual observation and group or individual monthly walkabouts.
 - Sometimes homeowners submit concerns about rule violations.
 - Potential rule violations are reviewed by the DRC to determine their validity.
 - Upon agreement that there is a violation, the DRC asks the Manager to contact the person(s) in violation (by phone at first), explain the problem and request compliance in a reasonable but short timeframe (usually two weeks).
 - The DRC monitors the situation, noting when compliance happens.
 - If compliance is not achieved then the Violation Procedures are initiated by the Manager.
 - The goal of these procedures is always compliance, not punishment or fines.
 - Note: For chronic violators, the Hearing is usually the most effective venue for obtaining compliance.

- Fines may be assessed if compliance is not observed in the timeframe of the formal Violation Procedures.
 - Fines are generally not very effective in gaining compliance.
 - The Manager should familiarize the DRC members with the Arizona Revised Statutes Article 33 with regard to fines.
 - Fines are generally only collectable upon resale of the property.
- DESIGN MODIFICATION REQUESTS
 - DMRs are sent to the Association Manager for distribution to the DRC.
 - The DRC reviews DMRs adhering to all Association governing documents as well as Arizona Revised Articles.
 - DMRs are reviewed in a timely manner by the DRC and approved, approved with conditions, or denied.
 - One or more members of the DRC may meet with the homeowner to assist in ensuring that the modification request complies with the Association's standards and guidelines.
 - If denied, the reasons are recorded on the form that is returned to the homeowner.
 - If approved, the DRC monitors the progress of the alterations and signs off on the form when fully completed.
 - Records of all completed and signed-off DMRs are maintained by both the Association Manager and the DRC.