



Niguel Shores Community Association  
 Architectural Committee (AC)  
 EXTERIOR MODIFICATION SUBMITTAL (EMS)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Date Received by NSCA Office

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 Submittal Expiration Date

Owner's Name:		Tract:	Lot:
Property Address:			
Mailing Address (No Post Office Box):			
Home Phone: (     )	Bus. Phone: (     )	Cell Phone: (     )	
Email address:			

Owner of the property requests approval for the following modification(s)/improvements(s) (check all that apply)  
**Any item(s) not noted on the application will not be subject to consideration and therefore will not be approved, even if the item(s) are listed on corresponding plans submitted with the application.**

- |   |                                      |                                    |  |  |
|---|--------------------------------------|------------------------------------|--|--|
| <input type="checkbox"/> Door's               | <input type="checkbox"/> Fence/Wall  | <input type="checkbox"/> Landscape | <input type="checkbox"/> Patio Hardscape   | <input type="checkbox"/> Skylight(s)   |
| <input type="checkbox"/> Driveway Replacement | <input type="checkbox"/> Garage Door | <input type="checkbox"/> Painting  | <input type="checkbox"/> Pool/Spa  | <input type="checkbox"/> Window(s)     |
| <input type="checkbox"/> Patio Cover          | <input type="checkbox"/> Re-roofing  | <input type="checkbox"/> Drainage: | <input type="checkbox"/> front <input type="checkbox"/> rear <input type="checkbox"/> side | <input type="checkbox"/> slope control |

Modification will alter existing building envelope (e.g. remodel, rebuild, space addition, new house) – Requires the payment of consulting professional deposit (\$5000.00) at the time the application is submitted (*Rule 3109.4*)

*Note: Some projects may require an additional deposit ( up to \$7500.00) depending upon the scope of work proposed. Owner's are required to cover all costs incurred by any consulting professional hired by the AC to assist in the disapproval, approval, or in-process/completion inspections associated with the proposed modification project.*

- |  |                                  |                                  |                                    |  |
|--|----------------------------------|----------------------------------|------------------------------------|--|
| <input type="checkbox"/> Space Addition<br>Hardscape | <input type="checkbox"/> Remodel | <input type="checkbox"/> Rebuild | <input type="checkbox"/> New House | <input type="checkbox"/> Major Landscape/<br>Hardscape |
|--|----------------------------------|----------------------------------|------------------------------------|--|

Other (specify): \_\_\_\_\_  
 \_\_\_\_\_

1. **PLAN SUBMITTAL** (Check one):
- Preliminary Plan Submittal (See Rule 3119)  
*Provides for review, comment and advice only – No approval or denial of submittal.  
 Required for all space addition, remodel, rebuild, new house, or major landscape/ hardscape projects.*
- Final Plan Submittal (See Rule 3120)

*Provides for approval or disapproval of submittal.*

2. **DRAINAGE:** The modification(s)/improvement(s) listed above  **WILL**  **WILL NOT** alter existing drainage system(s) or pattern(s) or the direction/volume of flow, or surface grading as established by the developer.
3. **PREPARATION AND REVIEW OF PLANS BY PROFESSIONAL CONSULTANTS:** Any proposal to change the existing drainage system(s)/pattern(s) or surface grading for slope control area improvements in Breakers Isle (Tract 6988), or for major construction or remodel, may require Owner to provide plans and specifications prepared by qualified professionals (e.g., Architect, Civil Engineer, etc.) and review by the Architectural control Committee's professional consultant(s) at the Owner's expense (see Rule 3109 and 3141.2).
4. **REVIEW PERIOD, FEES AND DEPOSITS:** The Architectural Committee has forty-five (45) days to either approve or disapprove this Submittal and Proposal, and in some cases an extension of the forty-five (45) day period to ninety (90) days will be required (Improvements on Slope Control Area easements in Breakers Isle Tract 6988 [See rule 3167-3]). Processing fees and construction deposits may also be required (see Schedule of Architectural Fees and Deposits – Rule 3181).
5. **SCOPE OF SUBMITTAL:** The information provided in this Submittal, and the two (2) sets of plans, electronic plan set, and/or any brochures or other required materials as defined in the submittal checklist, and specifications and attachments Owner is submitting with it must be complete and accurate. Any additions, modifications or improvements, other than those listed above and shown in the accompanying plans and specifications are not included in this Submittal. Any such improvements, additions, or modifications to Owner's property not included in this Submittal and not otherwise approved by the Architectural Committee (e.g., house, structures, landscape, hardscape, etc.) are unauthorized and the Association may require their removal or other corrective action at Owner's sole expense.
6. **CHANGES TO APPROVED SUBMITTAL:** If Owner's Submittal is approved by the Architectural Committee and Owner later decides to change/alter this submittal as approved, or the City of Dana Point requires that Owner change/alter this Submittal as approved by the Architectural control committee, Owner must re-submit a new Exterior Modification Submittal and proposal, including plans, specifications and all other required materials to the Architectural control committee and see amended approval before making the change(s)/alteration(s) Owner may decide to make or the city requires.
7. **UNAUTHORIZED CHANGES TO APPROVED SUBMITTAL:** If the improvements/modifications are not constructed and completed according to Owner's approved Submittal and the approved plans/specifications, the Association has the right to require Owner to remove the unauthorized improvement/modification at Owner's sole expense and to reimburse the Association for all legal fees and expenses incurred by the Association to obtain owner's compliance.
8. **APPROVED SUBMITTAL "WORK IN PROGRESS" CARD:** If this submittal is APPROVED a "Work in Progress" card will be issued by the NSCA Administrative Staff upon payment of all fees and deposits required by the NSCA Rules and Regulations. The card must be attached for the front of the owner's home or lot so that it is visible from the street during the entire period of construction. No demolition or construction may begin until NSCA Administrative Staff issue the work in Progress card.
9. **COMMENCEMENT AND COMPLETION OF CONSTRUCTION:** The completion time for an approved modification project is based on the scope of work. Rule 3115 requires that modification projects for replacement of existing items will be completed within three (3) months of the date of approval. Improvement modification

projects are required to be completed within six (6) months of the date of approval. An Owner with approval for a space addition, remodel, rebuild, new house, or major landscape/hardscape has one (1) year from the date of issuance of a work in Progress card to commence construction of the approved improvements, or Owner must re-submit another complete Exterior Modification submittal for approval by the Architectural Committee before commencing construction or work of improvement. These types of modification projects must be completed within eighteen (18) months of the date of approval with Rule 3115 commencing construction. Notwithstanding the above, modification project(s) approved pursuant to the Owner's Submittal to correct a violation of the Association's Covenants, Conditions and Restrictions or Rules and regulations must be commenced and completed promptly.

10. **CITY PERMITS AND CONFORMITY OF CITY APPROVED PLANS:** Owner is responsible for obtaining any and all necessary PERMITS required by the City of Dana Point before commencing any construction of improvements/modifications to Owner's property. This includes, but is not limited to, plumbing and sewer, new installations or replacement of gas burning or electrical equipment, and any other improvement such as a fence, garden wall, retaining wall, patio cover, carport, garage, swimming pool, spa deck, etc.
- a. By making the proposed improvement/modification, Owner may have to make other modifications to Owner's property or Owner's approved plans, as required by the City of Dana Point to obtain a City permit and final approval by the City building inspectors upon completion of the improvements. Neither the Association, nor the Architectural Committee is involved with any such City mandated requirements; however, all such City required modifications to the Architectural Control Committee's approved plan or Owner's property must be resubmitted to the Architectural Control Committee for approval before any construction or other work of improvement commences.

For specific information regarding City permits and approval requirements, please contact the Community Development Department at the City of Dana Point.

- b. Owner is responsible to ensure that the actual and final plans and specifications for Owner's Submittal, as stamped "Approved" by the AC, conform in their entirety to the Submittal and plans and specifications as approved by the City of Dana Point; and, that the failure of the City's approved plans and specifications to comply with this requirement, and commencement of construction without the approval of the AC as to any such variances between the AC's and City's approved plans may result in action by the AC and/or the Association to require the suspension of any construction that has commenced on the improvements, the imposition of fees and monetary penalties pursuant to the Association's Rules and Regulations, and/or other enforcement action by the Association.
11. **CONSTRUCTION HOURS IN WHICH CONSTRUCTION IS PROHIBITED:** The hours of construction for internal and external improvements are limited to and not to exceed Monday – Friday from 7:30 am – 5:00 pm, and 8:00 am – 5:00 pm on Saturdays. No construction of any sort is allowed on major holidays when the management office is closed for regular business. Construction passes may be obtained by submitting a contractor/subcontractor list to the NSCA Management Office.

**OWNER'S ACKNOWLEDGMENTS:** Based on Owner's personal review of the information provided in this Exterior Modification submittal and in the accompanying plans and specifications, documents and other materials, Owner represents that it is complete and accurate and in accordance with the Architectural Regulations and Guidelines (Rule series 3100) of the Niguel Shores Community Association Rules and Regulations. Further, Owner has read, understands and agrees to comply with the NSCA Architectural Regulations and guidelines and procedures applicable to this Submittal and the requirements and conditions stated therein and in this submittal, including without limitation, Rule 3102-2, which states: "The Committee's responsibility to consider the adequacy of structural design and material, as provided in Article VII, Section 1 of the CC&Rs is limited to the suitability of the aesthetic structural aspects of a proposal or improvement, and does not include the engineering aspects of the homeowner's proposal or the safety or durability of the structural design or material. The adequacy of the engineering aspects and integrity of interior design and material of a structure or improvement are the sole responsibility of the homeowner and all such matters are to be in compliance with the requirements of the City of Dana Point and all other appropriate governmental and non-government agencies and parties."

Owner agrees to pay the applicable fees associated with the Owner's construction, which are for professional consultant(s) including, but not limited to: architects, landscape architects, licenses civil engineers, licensed geologists, attorneys, deemed necessary by the Architectural Committee and/or the Association's Board of Directors to assist and advise them in the review of this Submittal (Rules 3109 and 3141). Owner will pay a \$5000.00 deposit to the Association to draw from in order to cover consulting professional costs. In cases where the proposed modification project is large in scope, an additional deposit may be required (up to \$7500.00). The deposit will be due upon submitting to the Architectural Committee any application for space addition, remodel, rebuild, new house, or major landscape/ hardscape. Owner agrees to pay any balance beyond the \$5000.00 deposit. Owner will be reimbursed any balance of the deposit once the project is completed, has been inspected by the consulting architect or other hired professional and approved by the Architectural Committee, and it has been verified that all consultant charges have been received by the Association.

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

PLEASE DO NOT WRITE BELOW THIS LINE

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Committee Action:     APPROVED             APPROVED w/ CONDITIONS             DISAPPROVED

Application History: \_\_\_\_\_

Conditions: \_\_\_\_\_  
\_\_\_\_\_

**CLASSIFICATION OF TYPE OF CONSTRUCTION:**

- New Home - \$3,000 fee / \$25,000 deposit required
- Tear Down/ Rebuild - \$2,000 fee / \$10,000 deposit required
- Large Space Addition (more than 500 sq/ft) - \$2,000 fee / \$5,000 deposit required
- Small Space Addition (less than 500 sq/ft) - \$1,000 fee / \$2,500 deposit required
- Breakers Isle Slope Control - \$2,000 fee / \$5,000 deposit required/ \$1500.00 covenant fee required
- Improvements (Not Replacements)
  - solar panel, antenna, satellite dish - \$250 deposit only required
  - add door(s), window(s), patio cover - \$100 fee / \$500 deposit required
  - landscape, hardscape/masonry, drainage, fence, wall, storage shed, hot tub/spa, pool - \$100 fee / \$1,000 deposit required
  - other: \_\_\_\_\_ - fee and deposit to be determined
- Replacement of Existing Items
  - door, garage door, mailbox, paint, patio cover, skylight, window, etc. (minor items) – no fee or deposit required
  - deck, driveway, drainage, fence, wall, patio, roof (major items) - \$500 deposit only required
  - remodel where structure remains same size/shape but 3 or more items are replaced - \$1,000 deposit only required

<b>Processing Fee Due</b>	<b>\$</b>
<b>Covenant Fee Due</b>	<b>\$</b>
<b>Construction Deposit Due</b>	<b>\$</b>
<hr/>	
<b>Total Due</b>	<b>\$</b>

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date Approved /  
Disapproved

Signature of AC Chair