



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

PRELIMINARY APPLICATION

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

Owner's Name:		Tract:	Lot:
Property Address:			
Mailing Address:			
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, even if the item(s) are listed on corresponding plans submitted with the application.**

<p>The following types of modifications require the use of the Association's contracted consulting professional. A fee in the amount of \$3000.00 is due at the time the application is submitted to cover the costs associated with this service. Payment of any cost that exceeds the original \$3000.00 fee will be the responsibility of the applicant.</p> <p><input type="checkbox"/> Space Addition/ Remodel <input type="checkbox"/> Rebuild <input type="checkbox"/> New House <input type="checkbox"/> Major Landscape/ Hardscape</p> <p>\$3000.00 fee paid under receipt # _____</p>
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**The following items are required at the time this application is submitted to the AC for review. Applications not submitted with the required items will not be accepted.**

- Plan set in PDF format on a CD, Flash Drive or other media
- Two (2) sets of paper (or hard copy) plans that include:

Space Additions / Remodel / Rebuild

- \* site plan
- \* building outlines – existing and proposed
- \* elevations – existing and proposed
- \* dimensions – existing and proposed
- \* roof height – existing and proposed (measured from the pad grade level)
- \* roof drainage plan (including gutters and downspouts)
- \* location of proposed improvement on the lot
- \* location of neighboring properties/ structures
- \* front property line
- \* top/toe of slope (if applicable)
- \* setbacks from lateral property lines
- \* pad grade level
- \* walkways, driveways and other hardscape – existing and proposed
- \* fences and fence heights (existing and proposed)
- \* brochures and details for all finish materials (paint, roofing, windows, doors, light fixtures, skylights, fencing, gates, garage door, etc.). Clarification that all doors and windows will match in color and style.

Landscape / Hardscape

- \* site plan
- \* building outlines
- \* location of proposed improvement on the lot
- \* location of neighboring properties/ structures
- \* front property line
- \* top/toe of slope (if app.)
- \* setbacks from lateral property lines
- \* pad grade level
- \* walkways and other hardscape – existing and proposed
- \* fences and fence heights (existing and proposed)
- \* proposed plant types and locations
- \* drainage plan
- \* irrigation plan
- \* lighting plan (if applicable)
- \* brochures and details for all finish materials (paving, brick, light fixtures, barbecue, fountain, fencing, gates, paint, etc.)

1. **PLAN SUBMITTAL TYPES**

Design Review Submittal

*Plan check/review by consulting professional to ensure plans submitted follow all Association rules and guidelines for exterior modifications. (Optional upon Owner's request. Payment for costs associated with service is the responsibility of the Owner.)*

Preliminary Plan Submittal

*Provides for review, comment and advice only – No approval or denial of submittal.*

*Required for all modification that will alter the exterior envelope of a building/structure (space addition, remodel, rebuild, new house) and for major landscape/ hardscape projects.*

Final Plan Submittal

*Provides for approval or disapproval of submittal.*

2. **PREPARATION AND REVIEW OF PLANS BY PROFESSIONAL CONSULTANT(S):** 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 Association's professional consultant(s) at the Owner's expense.
3. **REVIEW PERIOD, FEES AND DEPOSITS:** The Architectural Committee has forty-five (45) days to either approve or disapprove a final plan Submittal and Proposal. In Breakers Isle (Tract 6988), an extension of the forty-five (45) day period to ninety (90) days will be required for improvements on slope control area easements. Processing fees and construction deposits may also be required (see attached fee and deposit schedule).
4. **SCOPE OF SUBMITTAL:** The information provided in this Submittal and all attachments must be complete and accurate. Any such improvements, additions, or modifications to Owner's property not included in this Submittal and not otherwise approved by the AC are unauthorized and the Association may require their removal or other corrective action at Owner's sole expense.
5. **CHANGES TO APPROVED SUBMITTAL:** If Owner's Submittal is approved by the AC 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 AC and obtain amended approval before making the change(s)/alteration(s).
6. **UNAUTHORIZED CHANGES TO APPROVED SUBMITTAL:** If the improvements/modifications are not constructed and completed according to Owner's approved Submittal and 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.
7. **APPROVED SUBMITTAL:** If this submittal is APPROVED work may commence once all required conditions have been met and payment of all fees and deposits required by the NSCA have been received. Any commencement of work prior to approval is considered an unauthorized modification and is subject to enforcement.

8. **COMMENCEMENT AND COMPLETION OF CONSTRUCTION:** The completion time for an approved modification project is based on the scope of work. Replacement of existing items must be completed within three (3) months of the date of approval. Improvement 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 conditional approval is issued to commence construction, or Owner must re-submit another complete Exterior Modification submittal for approval by the AC before commencing construction or work of improvement. These types of modification projects must be completed within eighteen (18) months of the commencement of 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.
9. **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 Committee's approved plan or Owner's property must be resubmitted to the Architectural Committee for approval before any construction or other work of improvement commences.
- For specific information regarding City permits and approval requirements contact 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.
10. **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. 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 Niguel Shores Community Association Rules and Regulations. Further, Owner has read, understands and agrees to comply with the NSCA architectural rules and procedures applicable to this Submittal, and the requirements and conditions stated therein.

**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. Owner will pay a 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. The deposit will be due upon submitting to the Architectural Committee (AC) any application for space addition, remodel, rebuild, new house, or major landscape/ hardscape. Owner agrees to pay any balance beyond the 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

Schedule of Fees and Deposits		
<b>Replacement of Existing Items/Minor Improvements – 3 Month Completion Date</b>		
	Fees	Deposits
Solar Panel(s) and Antenna(s) or Satellite Dish other than “Permitted Antennas” provided for in rules	\$0	\$0
Minor items: Door, Garage Door, Mailbox, Paint, Patio Cover, Skylight, Window or other replacement items	\$0	\$0
Major items: Deck, Driveway, Drainage, Fence/Wall, Patio, Roof	\$0	\$500
<b>Improvements (Not Replacements) – 6 Month Completion Date</b>		
	Fees	Deposits
Review by the consulting architect or other consulting professional	Cost of services	
Add Door(s), Window(s) or Patio Cover(s)	\$100	\$500
Landscape (Softscape/Plants or Hardscape/Masonry), Drainage, Fence, Wall, Storage Shed, Hot Tub or Pool	\$100	\$1,000
Other improvements	\$100	\$500- \$1,000
<b>Additions / New Construction – 18 Month Completion Date</b>		
	Fees	Deposits
Review by the consulting architect or other consulting professional	Cost of services	
Small Space Addition - less than 500 square feet	\$1,000	\$2,500
Large Space Addition - 500 square feet or more	\$2,000	\$5,000
Any improvements in Breakers Isle slope control areas	\$2,000	\$5,000
Tear Down/ New Home	\$2,000	\$10,000
<b>Dumpsters/ Portable Storage Containers (approval under signed application is required)</b>		
A deposit of \$200.00 is required for any dumpster or container stored on Common Area		