

MONARCH BAY TERRACE PROPERTY OWNERS ASSOCIATION (MBTPOA)

MANDATORY GUIDELINES FOR DESIGN REVIEW AND CC&R COMPLIANCE

1. PURPOSE

The purpose of design review is to keep the community of Monarch Bay Terrace attractive, and to protect views and property values. MBTPOA has the authority to enforce the governing documents of the community, known as the Covenants, Conditions and Restrictions (CC&Rs). These CC&Rs are broad in scope, dealing with the community design concept as a whole. The primary focus is on structures and landscaping, view preservation, and the required maintenance of all structures, fences, landscaping, and slopes in good condition. The CC&Rs benefit all homeowners in our community by protecting property values and preserving an aesthetic quality for the community as a whole. **All Monarch Bay Terrace property owners are legally bound by the CC&Rs.**

2. ARCHITECTURAL REVIEW COMMITTEE

The MBTPOA Architectural Review Committee (ARC) consists of a chairperson and two or more MBTPOA members appointed by the Association's Board of Directors annually and are responsible only to the Board. The ARC Design Review Committee regulates the external design, appearance, and location of improvements and landscaping (a) to promote those qualities in the environment that bring value to the properties and (b) to foster the attractiveness and functional utility of the community as a place to live. The MBTPOA ARC Compliance Committee will receive, investigate, and attempt to mediate homeowner written complaints prior to referral to the MBTPOA Board of Directors for final action, monetary fines, legal review, or formal arbitration.

3. DESIGN REVIEW SCOPE

The design review scope applies to all new construction, room additions, and all exterior modifications to existing properties. **No site preparation, excavation, or construction work may be initiated anywhere on a property without prior written ARC approval.** This includes, but is not limited to, the construction of fences or walls, outbuildings, subsequent alterations to improvements (including changes in a color scheme or roofing materials), and the intended location of all plantings which will grow over three (3) feet in height that may have the potential of interfering with views.

4. DESIGN REVIEW PROCEDURE

All requests for architectural approval must be made **PRIOR** to construction or installation of any improvements. The owner must provide building designs and preliminary drawings, which shall be submitted to the ARC before final working drawings are completed. All applications should be submitted with appropriate fees to the MBTPOA, c/o La Perla Property Management, 25201 Paseo de Alicia, Suite 150, Laguna Hills, CA 92653. Homeowners shall submit applications electronically through their portal. Questions should be directed to the MBTPOA Architectural Committee (ARC) and communicated via the homeowner's portal or contacting La Perla at (949) 668-0800. Once the review process is finalized, the committee will upload the stamped plans to the homeowner's portal and notify the applicant. The MBTPOA Board of Directors, subject to annual review and revisions, sets fees for design review. The ARC approves plans and specifications only as to style, exterior design, appearance, location, and the effect on neighboring properties and views. In reviewing plans, the ARC will give careful attention to how the proposed modification fits within the architectural character of the neighborhood. It does not approve engineering design or compliance with zoning and building ordinances, including setback requirements. Neither the MBTPOA nor the ARC shall be liable for any loss or damage as a result of its approval of any plans or specifications. Approval by the ARC **does not waive** the necessity of obtaining any city or county permits. Similarly, obtaining a city or county permit **does not waive** or constitute approval by the ARC.

The committee approves or disapproves plans based on the Architectural Guidelines and standards set forth in the CC&Rs. No improvement may be commenced until written plan approval is obtained. The ARC has the right to inspect work during and after construction to make sure improvements are constructed in accordance with the approved plans.

5. ARCHITECTURAL APPLICATION SUBMISSION SEQUENCE AND REQUIREMENTS

Step 1: Story Poles and Certification Prior to obtaining neighbor awareness or submitting a formal application, the applicant must install story poles at all corners of the proposed structure. These must accurately represent the height, volume, and footprint of the entire project, including all outdoor walls, railings, and other structures that could impact a neighbor's view. A certification letter signed by a licensed land surveyor, civil engineer, or a licensed architect must be presented to the ARC stipulating the maximum roof height from the finished pad and dimensions of any architectural elements protruding above the roofline. Story poles must be removed within 90 days of the ARC's decision date to avoid fines.

Step 2: Neighbor Awareness Once story poles are certified, the owner must reach out to neighbors within 300 feet who may be impacted. This process provides **awareness and acknowledgment** and does not constitute neighbor approval or denial.

- **Reach Out to Neighbors:** Provide neighbors with legible, clear plans (floor plans, location, and elevations) and a letter explaining the scope of work.
- **Proof of Notification:** If a neighbor cannot be reached after two attempts, documents must be sent via certified mail. A photograph of the mail showing the recipient's address must be provided as proof.
- **Refusal of Contact:** If a neighbor refuses certified mail or a meeting, the homeowner should document the date and time. In these cases, the waiting period for this neighbor will be waived.
- **Neighbor Comments:** Neighbors may write comments on the Awareness Form, attach sheets, or email the La Perla manager directly.

Step 3: Formal Application and Timeline After completing neighbor awareness, the homeowner submits the application through the portal. An application is considered complete only when all required digital documents and physical story poles are finalized and fees/deposits are paid. The ARC will approve, conditionally approve, or deny plans within sixty (60) days of receiving a complete application. If additional information or story pole modifications are requested, the 60-day review period resets upon receipt.

Once written approval is obtained, construction must commence within 180 days or the approval will lapse. All improvements must be completed within the timeframe specified on the fee schedule unless a written waiver is obtained from the ARC.

6. FEE SCHEDULE

(Subject to change by the Board of Directors)

For Application Fees, please refer to the Association Approved Fee Schedule (posted on La Perla's website and also MBT website). Please contact the ARC if you are not sure what fees are applicable to your project.

7. SPECIFIC CRITERIA

A. GENERAL; VIEW OBSTRUCTION

No improvements or landscaping shall be constructed, planted, or maintained upon any lot in such location, or of such height, as to obstruct the view from any other lot in the vicinity thereof. Variances in the 15' height limitation prescribed in the CC&Rs for improvements and landscaping will normally not be granted in order to preserve the character of the neighborhood, as well as views and privacy. No plantings over three (3) feet in height, or which may grow over three (3) feet in height, are permitted without prior written approval from the ARC. **Trees such as**

eucalyptus, pine trees or palm trees, other than dwarf palms, are NOT permitted except with the express approval by the ARC in special circumstances where such trees will not create an actual or potential future view blockage. All other trees must be maintained on a regular basis so that they do not protrude above the roofline or interfere with views from any other lot.

The foregoing shall not be construed to limit the power of the Board of Directors of the MBTPOA to initiate its own investigation, attempt to mediate any apparent or alleged violation, or take legal action to enforce or restrain the violation of the CC&Rs after written notice has been given to the owner.

B. RESIDENTIAL SETBACKS FROM THE TOP OF SLOPE

Monarch Bay Terrace is comprised of unique hillside lots where views and privacy vary based on topography and placement along the street. Because every property has its own distinct attributes, the ARC evaluates each project on a case-by-case basis.

Note: For all reviews, the ARC recognizes the top of slope exactly as it was originally defined when the lot was developed.

To determine the required building setback from the top of slope, the Committee evaluates the existing setback of the home, the city's standard H/3 structural setback formula, and potential impacts on neighbor views and privacy. For any room addition, remodel, or new build, homeowners and their designers are expected to incorporate these parameters into their initial planning and preserve the prevailing setback area near the slope. However, if unique architectural or layout constraints make maintaining the existing setback unfeasible, a closer setback may be considered, provided that the building structure is set back an **absolute minimum of 5 feet** from the top of slope.

Decks should ideally remain within their existing footprints. However, if layout or site constraints make an extension necessary, a deck **may be allowed** to extend beyond the top of slope up to a **maximum of 4 feet**. The ARC will review neighbor feedback and evaluate the site to ensure the extension does not unreasonably impair the views or privacy of neighbors located above, below, or to the sides of the property.

While existing cantilevered decks are grandfathered for routine maintenance, no new cantilevered construction, expansions, or rebuilds are allowed beyond the top of slope. To maintain the community's aesthetic, the height of retaining walls visible from the homes or streets below should be minimized and must be screened from view with landscaping.

Ultimately, neither a building nor a deck may be positioned in a manner that unreasonably impairs the views or privacy of neighbors located above, below, or to the sides of the property.

C. EXTERIOR PAINTING

The MBTPOA ARC must approve **color changes** in exterior painting on any dwelling or structure. A color sample must be submitted.

D. ROOFING MATERIALS

The ARC must approve roofing material and the color. Any roofing material that may create a reflective glare will not be approved. Downgrading of roofing materials will not be approved.

E. WALLS AND FENCING

Common materials used for fencing or courtyard walls in our community include slump stone, stucco, brick, wrought iron, glass, wood board, and high-quality vinyl. The ARC is open to reviewing new or alternative materials if they are deemed to be of high quality and aesthetically appropriate for the site. Chain link fencing (only where not visible from the street) and wood slope retention may be considered on a case-by-case basis depending on site conditions. For any wall or fence located in the front of the house, homeowners are encouraged to exercise a higher level of design sensitivity, selecting sophisticated material pairings that enhance the custom nature of the property and its curb appeal. **All walls and fences must receive written ARC approval before any construction begins.**

F. LANDSCAPING

All lots within the association shall be landscaped according to an approved plan. The ARC will review these plans to ensure that the landscaping (both hardscape and softscape) complies with CC&Rs, conforms harmoniously to the exterior design and existing materials of the buildings in Monarch Bay Terrace.

All plants in the landscape plan shall be identified by the names and in the manner used in the latest edition of **Sunset's New Western Garden Book**. All plants will have the mature height labeled on the plans. Plants and trees that have the potential of blocking views will **NOT** be approved under any circumstances.

Areas not landscaped, and landscape areas including slopes which are not maintained, are not acceptable and are expressly prohibited by the CCRs. Proper drainage to the street is required for all lots, including those with slopes.

G. EXTERIOR ALTERATIONS AND ADDITIONS

Structural or material additions or alterations of the exterior of any home must conform to materials (such as roof coverings), roof design, character, and detailing as established on the existing structure.

Upgrading of materials is encouraged. The exterior finish and texture of any room addition, or new fascia(s), must be in character with the trim of the existing home.

H. REPLACING MATERIALS "LIKE FOR LIKE"

A "like-for-like" improvement is defined as replacing an existing item with one of similar material, color, and texture. While formal ARC approval is not required, homeowners must still submit a notice of intent to the Property Manager via the homeowner portal, including photographs of both the existing and proposed materials. Written confirmation that the project qualifies as "like-for-like" must be received before work begins. In cases of uncertainty, the matter will be referred to the ARC for a final determination.

The following items qualify for this process:

- **Exterior Doors and Windows**
- **Walkways, Patios, and Pool Decks** (e.g., pavers, concrete, stone, or wood/composite decking)
- **Garage Doors**
- **Roofing** (unless the change potentially causes glare or other nuisance for the neighbors, in which case a full ARC application is required)
- **Exterior Painting and Stucco**

I. OUTDOOR LIGHTING

General Standards: Outdoor lighting must enhance the safety and aesthetics of the community while minimizing light pollution, glare, and disturbance to neighboring properties.

Compliance and Post-Installation Adjustments: The ARC maintains the authority to judge the impact of outdoor lighting once it is operational. Because the actual brightness and direction of light cannot always be determined by a fixture's appearance alone, the ARC reserves the right to require the **modification, shielding, dimming, or removal** of any lighting that is determined to be a nuisance or creates excessive glare.

Requirements:

- **Direction:** Lighting should be directed toward the ground or the intended surface (such as a wall or pathway). Fixtures should be positioned to avoid shining directly into neighboring windows or the street.

- **Brightness:** Lighting must be appropriate for a residential setting. If a fixture is deemed excessively bright or creates a "stadium effect," the ARC may require the homeowner to use a lower-wattage bulb or install a dimmer.
- **Color Temperature:** Lighting shall not exceed **3000 Kelvin (warm white)**. High-intensity cool white or "daylight" bulbs are prohibited.
- **Style:** Fixtures should be residential in character and compatible with the home's architectural style.
- **Motion Sensors:** Motion-activated lighting must be adjusted to prevent nuisance activation from street traffic.

Prohibited Lighting:

- No flashing, blinking, or rotating lights.
- No colored lights (except for temporary holiday lighting).
- **No uplighting** that illuminates the night sky or creates a nuisance for adjacent lots.

J. JOB SITE CLEANLINESS & CONSTRUCTION STANDARDS

General Standards: These standards maintain safety and visual harmony within the community during construction or renovation. The homeowner is responsible for ensuring all contractors comply with these rules.

Storage of Materials & Equipment

- **Location:** All building materials, dumpsters, and portable toilets must be stored entirely within the homeowner's property lines. They may **not** block sidewalks, streets, or neighbor access.
- **Portable Toilets:** The unit shall be placed at least **5 feet** from neighboring property lines. Doors must face away from the street and neighboring homes. Units must be serviced regularly to prevent odors.
- **Enforcement:** If a dumpster or portable toilet is found to be a nuisance, the **ARC reserves the right to require its relocation or removal.**

Cleanliness & Cleanup

- **Daily Cleanup:** A cleanup is required at the end of each workday. Streets and sidewalks must be kept clear of dirt, mud, nails, and debris.
- **Debris:** Trash and scrap materials may not accumulate and must be removed regularly. No debris may be placed on neighboring properties.

Noise and Work Hours

- **Monday – Friday:** Construction activity is permitted between **7:30 AM and 5:30 PM.**
- **Saturday:** Construction activity is limited to **8:00 AM – 4:00 PM.**
- **Sundays & Federal Holidays:** No construction work is permitted at any time.
- **Quiet Work:** Interior work that produces no noise audible from the street or neighboring properties may continue until 8:00 PM (per City of Dana Point ordinance).

Completion Upon completion, the site must be fully cleaned and temporary structures removed.

K. OUTBUILDING vs. SHED

To ensure compliance with CC&R Sections 2.4 and 2.5, the following distinctions apply:

- **Outbuildings (Permitted):** Permanent architectural structures designed for activity (e.g., a studio or office or Cabana). They **must** match the primary home's materials, colors, and roof exactly. These require full ARC approval and story poles.
- **Sheds (Prohibited):** Any structure designed primarily for utility or tool storage. Per Section 2.5, sheds are strictly prohibited. Adding a chair or bench to a storage unit does not reclassify it as a permitted outbuilding.
- **Storage Bins (Exempt):** Small, low-profile deck boxes are allowed without review only if they remain below the fence line and are completely hidden from the adjacent neighbor and street views.

L. SOUND REFLECTION and PATIO COVERS

Homeowners should be aware that solid patio covers and overhead structures act as acoustic reflectors. These surfaces can bounce sound—including private conversations and audio systems—directly toward neighboring properties, especially those at lower elevations.

While landscaping offers a visual screen, it does not stop sound from reflecting off hard overhead surfaces. For the sake of personal privacy and community quiet, applicants are strongly encouraged to design these structures with sound-dampening materials or orientations that contain audio within their own property. Remember: if you can hear your neighbors, the "echo effect" means they can likely hear you as well.

8. CC&R COMPLIANCE

MONARCH BAY TERRACE CC&Rs EXPRESSLY PROHIBIT THE FOLLOWING: (May not cover everything prescribed by the CC&Rs)

- VIEW OBSTRUCTIONS CAUSED BY OVERGROWN VEGETATION
- YARD/GARAGE SALES AND ALL SIGNS RELATING TO SUCH
- EXTERIOR ANTENNAS, SATELLITE DISHES OVER 18 INCHES IN DIAMETER, OR ANY DISH THAT IS VISIBLE FROM OTHER PROPERTIES, ROOFTOP PROTRUSIONS OTHER THAN CHIMNEYS AND VENTS.
- ROOF TOP DECKS
- MOBILE HOME, BOAT, CAMPER, TRUCK, TRAILER, MOTORCYCLE STORAGE OR OTHER RECREATIONAL VEHICLES IN OPEN AREAS OR ON THE STREET (SUCH VEHICLES MUST BE STORED OUT OF VIEW PER CC&RS, AS WELL AS PER DANA POINT CITY ORDINANCES).
- SHEDS OR TEMPORARY BUILDINGS EXCEPT DURING CONSTRUCTION
- RUBBISH CONTAINERS, SERVICE AREAS, ETC., THAT ARE NOT CONCEALED FROM NEIGHBORS' VIEW
- OUTDOOR CLOTHESLINES
- PLUMBING, HEATING, OR AIR CONDITIONING PIPES INSTALLED ON THE ROOF OR THE OUTSIDE EXTERIOR OF THE STRUCTURE
- UNAPPROVED "FOR SALE" AND "OPEN HOUSE" SIGNAGE THAT DO NOT CONFORM TO THE MBTPOA SPECIFICATIONS. FLAGS, BALLOONS AND PENNANTS ARE NOT PERMITTED.

- ANY ACTIVITY WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

9. REQUIRED MAINTENANCE

All structures and fencing must be adequately maintained. Exterior of the home must be free of cracks or peeling paint. Rooftop vents should be painted to blend with the roofing material, and all landscaping and slope areas must be free of weeds, dried brush, and other debris.

10. VIEW OBSTRUCTION DISPUTES

In the event of a dispute between neighbors involving landscaping, neighbor-to-neighbor contact should be made in order to resolve the problem. It is REQUIRED that the complainant FIRST communicate with the offending homeowner in WRITING specifying the exact nature of the view obstruction and the specific nature of the remedy being sought. Under the CC&Rs, homeowners, as well as the MBTPOA, have standing to enforce its provisions. Homeowners are encouraged to resolve disputes themselves. If this step fails to resolve the dispute, and the homeowner wishes the MBTPOA to mediate, the homeowner must communicate in WRITING to the Management Company/Compliance Committee describing the problem and the attempts at resolution. All correspondence, including any photographs relating to the matter, must be copied and attached to the letter along with a check for an investigative fee. In the event of a formal View Obstruction Dispute, the filing fee shall be equal to the current yearly dues amount. This fee is non-refundable and must be submitted at the time of the dispute filing (There is NO CHARGE for members). The Compliance Committee may, but is not required to, attempt mediation. Formal arbitration may be recommended to the parties involved to be paid for by the disputants.

11. APPEAL OF ARC DECISIONS

The ARC consideration of plans and specifications will be in accordance with the CC&Rs and with these guidelines. The ARC's decisions may be appealed to the Monarch Bay Terrace Board of Directors in writing within 15 days of written notice of formal decision. A majority vote by the Monarch Bay Terrace Property Owners' Association Board of Directors, in an appeal case, shall be considered final. The Board of Directors will consider, review, and vote on any ARC appeal within 35 days of receipt of written notice of appeal by either party. All parties concerned will be invited to submit evidence orally and/or written, photographic, or graphic form.

12. PRIVACY AND VIEW CREATION

Standards for New Construction and Renovations: If a homeowner chooses to create or enhance a view by installing new windows, building on a raised pad, or adding second-story elements, this elective change does not grant the right to invade the privacy of neighboring properties. The creation of a new vantage point does not provide grounds for a homeowner to complain about existing structures, equipment, or landscaping on a neighbor's property that would have been invisible or non-obstructive prior to the new construction. Existing conditions on neighboring lots are protected from disputes arising solely from the intentional alteration of a lot's elevation or window placement. In reviewing such matters, the Architectural Review Committee (ARC) may rely upon original site surveys, historical aerial imagery, prior architectural submissions, or existing site photography to determine what conditions were visible from the property before the proposed construction or renovation. The ARC reserves the authority to require design modifications—including window placement, screening elements, landscaping, or architectural treatments—where necessary to mitigate unreasonable privacy impacts on adjacent properties.

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