

# **ARCHITECTURE COMMITTEE GUIDELINES**

**FOR ALL PROPERTY PARCELS AND TRACTS  
OF  
SUNSET MESA  
MALIBU, CA 90265**

**Approved by:                    Sunset Mesa Property Owners Association, Inc.  
Board of Directors ..... 1/10/07**

## **ARCHITECTURE COMMITTEE GUIDELINES**

***These Guidelines are intended to assist homeowners in the Sunset Mesa community in understanding their obligations and the role of the Architecture Committee in enforcing the Covenants, Conditions and Restrictions (“CC&Rs”) as contained in the Amendment and Restatement of Declaration of Establishment of Covenants, Conditions and Restrictions recorded in May 2005 that govern Tracts 26458, 26459, 26460, 26461, 27152, 27604, 28067, and 28072. These are guidelines and in all cases the Architecture Committee will strictly follow the precise wording of the CC&Rs.***

In accordance with the by-laws of the Sunset Mesa Property Owners Association, Inc., and the Amendment and Restatement of the Covenants, Conditions & Restrictions, the Board of Directors of the Association appoints between 5 and 8 homeowners to serve on the Architecture Committee each year. The Architecture Committee is charged with the responsibility for seeking compliance with our CC&Rs and for publishing these Guidelines, which have been approved by the Board of Directors. The members of the Architecture Committee do not receive compensation for performing this service to our community.

Almost all of the homeowners in Sunset Mesa have ocean views and want to preserve them. Such views add to the enjoyment of their property and, in addition, contribute significantly to the value of their property. These Guidelines are intended to ensure that the ocean views of homeowners are protected to the maximum degree possible, consistent with the provisions of the CC&Rs.

### **Trees, fences, walls, plants, hedges, and other structures or devices:**

All trees, fences, walls, plants, hedges and other foliage should be trimmed and maintained so as not to interfere with the ocean view from other lots in the same tract or in contiguous tracts (as defined in the CC&Rs). As stated in section F of the CC&Rs: “[N]o trees, fences, plants, hedges, or any other structure or devices may be placed or maintained on any lot or any part thereof if the placement or maintenance thereon will interfere with ocean views enjoyed by other lots in the same Tract or lots in a contiguous Tract.”

All structures and devices placed on a home in the Mesa should be built and maintained in such a way as to not interfere with the ocean views from other lots in the same or in contiguous tracts. The CC&Rs also preclude use of outside TV, radio or satellite dish devices erected and maintained in such a manner as to cause ocean view interferences. Some satellite dishes may be within a

legislative provision allowing special erection of such devices. Please contact the Architecture Committee if you have questions about your proposed satellite device.

- 1) Total and partial view blockages by foliage, structures, or devices are not permitted. Each homeowner is obligated to remove them at his own expense, so that the ocean view from other homes in the same tract or in contiguous tracts is not interfered with in any way.
- 2) This limitation applies to the "maintenance" as well as the initial placement of a tree, fence, plant, hedge or any other structure or device.
- 3) Only ocean views are protected by the CC&Rs. Views of other areas, such as canyon views, are not protected by the CC&Rs, although we encourage all owners to cooperate with their neighbors.
- 4) Homeowners are encouraged to discuss ocean view interference between them. If they are unable to resolve the problem, they should contact the Architecture Committee for assistance. The Architecture Committee, if called upon, shall investigate the matter and render a written opinion as to whether there is a violation of the CC&Rs. A copy of that opinion shall be mailed to all interested homeowners.

**Dwellings and incidental structures:** These structures may be maintained, repaired and rebuilt to the same dimensions as built by the original developers of Sunset Mesa. None of these structures may be enlarged in any way so as to interfere with an ocean view from another lot in the same tract or in contiguous tracts (as defined in the CC&Rs).

- 1) No building, garage, or balcony shall be built until the **final** building plan has been submitted to, and approved by, the Architecture Committee as to ocean view interference and harmony of external design with existing structures in the same tract. See *CC&Rs, Section G*. The building plans must be sufficiently detailed as to permit the Architecture Committee to make this determination. If a major departure from the current style of the home is planned (e.g., change from Asian style to Spanish red-tiled roof contemporary look), then this change should be noted in the submitted plans. In all cases, the plans must note the highest point of any portion of the building, including ancillary items such as fireplace vents, air conditioning or heating vents or ducts, or any other item or device that will be installed on the roof of the proposed revised structure.

- 2) The Committee recognizes that owners may spend considerable sums submitting proposed plans to County Building & Safety officials and or the California Coastal Commission. In all instances, the Committee will work with the proposing homeowner to ensure that timely and prompt review of plans is conducted to avoid duplication of submittals. But, approval of plans by either the County or the California Coastal Commission is not sufficient to avoid review and approval by the Architecture Committee. Our review is independent and different in scope than the review conducted by either the County of Los Angeles or the Coastal Commission.
- 3) If necessary for its decision, the Architecture Committee may request additional documents and information from the proposing homeowner. The Architecture Committee may, in addition, require the homeowner to mock up the proposed construction with poles and tapes so that the Committee and neighbors may better visualize the possibility of ocean view interference due to the planned expansion.
- 4) When the Architecture Committee has been furnished all information necessary for it to act, the Committee shall have 30 days in which to render its written decision.
- 5) Any homeowner applicant will have the right to make additional "re-submittals" of plans in order to attempt to cure the prior objections noted in the Architecture Committee's written decision concerning the previously submitted plans. The applicant shall clearly label the first page of any re-submittal as "re-submittal" and identify in writing any changes to the prior plans that were made in order to accommodate previously stated objections of the Committee. If adjustments to the height of the proposed new or modified structure are made in any re-submittal, then the applicant shall specify the new maximum height limit of the overall structure. If requested by the Architecture Committee in connection with any re-submittal new posts indicating the new height of the revised plans shall be installed. If the applicant chooses to resubmit plans for further evaluation by the Architecture Committee, then the applicant shall not proceed with any appeal of the initial decision of the Architecture Committee to the Board of Directors. The Board shall only consider an appeal after completion of the Architecture Committee review of all re-submittals by the applicant and the Board shall consider only the last set of plans that were submitted by the applicant in his last re-submittal.

- 6) The decision of the Architecture Committee shall be final on the date it is mailed to the homeowner applicant. Within 30 days thereafter, any homeowner may appeal the Architecture Committee's decision to the Board of Directors. The appeal must be in writing addressed to the President of the Association. The President's address will be available at [www.sunsetmesa.net](http://www.sunsetmesa.net). If any member of the Board voted upon the matter while a member of the Architecture Committee, that member shall not participate in the discussion or voting on the matter at the Board level. The Board shall consider all information gathered by the Architecture Committee and, in addition, may consider, if it so decides, additional information submitted to it. If the applicant filing an appeal to the Board of Directors believes that pertinent information was not considered by the Architecture Committee; it is the duty of the applicant to submit all additional materials to the Board. The applicant shall include all materials in his written appeal addressed to the President of the Association.

The Architecture Committee, with the approval of the Board of Directors, may modify these guidelines of 5.20.05 at any time in order to protect the ocean views of homeowners in the same or adjacent tracts and to protect the conformity and harmony of external design in the tracts.

Modification #1: **Proper procedure for measuring the Max Ht limit of 25'- 6"**

For increases in heights or enlargements *that must conform with the maximum height limitations in the CC&Rs and assuming that the proposed height increase does not affect ocean views, then* the maximum height above ground is to be measured according to standard architectural practice, as follows:

a.) The maximum house height (25'-6") includes skylights, chimneys with spark arrestors, equipment, railings, antennas, and other vertical extensions.

b.) The maximum exterior height is to be measured and dimensioned on the elevation facing the street (or two streets for corner houses) as seen by the Architecture Committee and/or the neighbors.

c.) The measurement is taken from the existing ground level immediately next to the house foundation at the lowest point and up to the highest vertical extension of the house or planned house, as dimensioned on the standard architectural elevations (mentioned in "b"). Omission of drawn-in vertical extensions on the elevations or omission of dimensions on architect's final plans will be cause for "non-approval" by the SMPOA Architecture Committee.

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Chair, Architecture Committee  
Sunset Mesa Property Owners Association, Inc.

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President, Sunset Mesa Property Owners Assoc., Inc.