

Guidelines for Customization in Permissible License Area

1) New RDTA Rule as of 10/27/11

There are certain common area locations adjacent to specific unit types which are generally inaccessible and not of general use to the membership at large. These areas, which are called "Permissible License Areas," are adjacent to the following three model types (the "License Area Units"):

1. The one story end unit model Modjeska Plan 2A;
2. The two story, two bedroom unit model Silverado Plan 1; and
3. The one story tall chimney unit Modjeska Plan 2B.

The Permissible License Area for the Modjeska Plan 2A and the Silverado Plan 1 is located inside of the low wall at the front of the unit. The Permissible License Area for the Modjeska Plan 2B is located under the overhang above the living room window.

*** 1. Subject to the homeowner complying with all terms and conditions stated below as well as those contained within the Revocable License Agreement, the owner of a License Area Unit may remove, install and maintain landscape and hardscape improvements, including irrigation, within the Permissible License Area at the homeowner's sole expense.

*** 2. No removal, installation, or modification of any kind is permitted within the Permissible License Area without the prior written approval of the RDTA Board of Directors. A completed Architectural Change Request Form along with landscape and hardscape plans depicting all proposed landscape, hardscape and irrigation changes for the Permissible License Area prepared in accordance with all requirements established by the Association's governing documents must be submitted for initial review by the Landscape and Architectural Committees. The RDTA Board of Directors retains the sole and exclusive authority whether to approve or disprove proposed removals, installations and/or modifications.

*** 3. As a condition to receiving prior written approval of the RDTA Board of Directors, the homeowner will be required to sign a Revocable License Agreement and a Memorandum of Agreement, both in the form prepared by the Association. The Revocable License Agreement provides, among other things:

- that only the installations and modifications approved by the RDTA Board of Directors may be made within the Permissible License Area;
- that the homeowner will be responsible for all future maintenance and repair of the Permissible License Area at the homeowner's expense;
- that the homeowner will be responsible for all damage caused by or resulting from the homeowner's use of the Permissible License Area;
- that the homeowner will indemnify and hold the Association harmless against any claim, suit or expense arising out of the homeowner's use of the Permissible License Area;
- that if a purchaser of the property chooses not to accept the terms of the agreement the Association will restore the Permissible License Area at the homeowner's expense; and
- that the Association shall have the right, upon 30 days notice, to revoke the homeowner's license and to restore the Permissible License Area at the homeowner's expense, in the event that the homeowner breaches the agreement.

4. The Memorandum of Agreement will be recorded against the homeowner's title to put prospective buyers on notice of the existence of the agreement.

2) Criteria/parameters for evaluating requests

Plants Criteria –

- Planting layout/schematic must be specific, and indicate what will be in-ground and what in containers.
- All plants and shrubs must be identified and placement indicated.
- All plants and shrubs encouraged to be drought tolerant. RDTA not responsible for plants that require more water than RDTA provides, which may be reduced in the future.
- All plants and shrubs must be appropriate to be maintained within height limits of bottom of first story window or top of low front wall at maturity and not have root system that might damage foundation of any RDTA building or wall.
- All plants and shrubs in the footprint of this area will be the responsibility of the owner to plant and maintain.
- Maintenance includes keeping watered and weeded.

Irrigation System Criteria –

- Schematic of area must include current irrigation system. Any changes requested must be described in detail.
- Nothing will be permitted that would allow an increase in water usage for this area.
- Any work on the irrigation system must be performed by the vendor of RDTA's choice (currently this will be Avila Landscaping). However, unit owner is responsible to arrange for the work directly with vendor and pay vendor for work performed. Vendor will need to check with RDTA to verify that work requested has been approved by RDTA.
- Twenty-four (24) hour limit for getting irrigation leaks repaired to minimize water loss.
- Any water spigot on the exterior of the unit must be approved by the RDTA Architectural Committee and have an approved City of Yorba Linda permit. This is to verify that there is no leaking or building damage.

Hardscape Criteria –

- Schematic of area must identify any hardscape in detail, including materials and slope.
- Any hardscape in the area must be non-permanent and easily removable.
- All items (stationary or moveable) must be under the height limits of bottom of first story window or top of low front wall. This includes outdoor furniture and/or decorative items. Will NOT approve indoor furniture, electronic devices, or any sound producing item.
- Photo or drawing of any movable items must be provided.
- Will NOT approve ponds, fountains, or anything with standing water.
- All hardscape within the footprint of this area will be the responsibility of the owner to install and maintain.

Misc. –

- There will be a periodic inspection of licensed areas every to verify compliance with terms of license.
- Any units that have already altered the area must submit after-the-fact applications and meet all criteria. No automatic grandfathering-in approval. If any aspect cannot be approved, the owner will be required to remove or fix, prior to license being finalized.

Process for Customization in Permissible License Area

- 1) Unit owner to review Guidelines with rule and criteria for evaluating request.
- 2) Unit owner to prepare paperwork to be submitted:
 - Complete Architectural Change Request Form.
 - Attach detailed landscape and hardscape plans/drawings/schematics depicting all proposed landscape, hardscape and irrigation changes for the Permissible License Area.
 - Complete Permissible License Area Worksheet that includes detailed implementation plans for what will be removed, what will be altered, and what new materials will be installed.
 - All plants/shrubs must be identified and placement indicated.
 - Schematic of irrigation system must indicate current system and any changes, such as removal, change in height, change in sprinkler head, etc.
 - Hardscape must identify materials, placement, slope, etc.
 - Unit owner acknowledges the legal documents that will need to be signed and fees involved.
 - Add check for \$150 made out to RDTA to cover costs for legal documents and filing. Check to be held until plans approved. If plans denied, check will be returned.
- 3) Unit owner mails Architectural Change Request Form, drawings, Permissible License Area Worksheet and check to RDTA, PO Box 17373, Anaheim, CA 92817.
- 4) Paperwork received, dated, and forwarded to RDTA Architectural Committee and Landscape Committee members for review and vote. Check held.
- 5) Committee recommendations forwarded to RDTA Board of Director members for review and vote.
- 6) If request is approved by RDTA Board, paperwork and check forwarded to Golden West Property Management.
- 7) Golden West does title search to verify all names on deed to unit.
- 8) Golden West fills in and mails unit owner Revocable License Agreement (with plans and terms exhibits attached) and Memorandum of Agreement (with list of names of owners on deed attached) documents with instructions that all individuals listed on deed must sign and signatures notarized.
- 9) Unit owners listed on deed go to a notary and sign Revocable License Agreement (with plans and terms exhibits attached) and Memorandum of Agreement (with list of names of owners on deed attached) documents and returns to Golden West Property Management, 6101 Ball Rd Ste 301, Cypress, CA 90630.
- 10) Golden West deposits \$150 check from owner.
- 11) Golden West mails Revocable License Agreement (with plans and terms exhibits attached) and Memorandum of Agreement documents with owner signatures to RDTA Board president and secretary. President and secretary go to notary and sign the two documents, then mails back to Golden West.
- 12) Golden West Property Management representative records the Memorandum of Agreement with the County of Orange.
- 13) Golden West mails copies of paperwork to unit owner.
- 14) Copies of paperwork kept on file by Golden West Property Management.
- 15) Golden West adds the unit address to the monthly complex walks list to be checked every six months.

NOTES:

- There is a mandatory 30-day cycle for processing paperwork. If process has not finished within 30 days from original receipt of paperwork from unit owner, the unit owner's application must be denied, with explanation to resubmit for process to continue.
- If paperwork submitted is incomplete in any way, the unit owner is notified to provide the missing items/data. The 30-day cycle begins again on the receipt of the new information from unit owner.

Worksheet for Customization in Permissible License Area

Unit owner needs to include the following information -- along with RDTA Architectural Change Approval Application form and landscape and hardscape plans/drawings/schematics showing dimensions (actual measurements) depicting all proposed landscape, hardscape and irrigation changes for the Permissible License Area.

Owner: _____

RDTA Address: _____

Which of the following models?

one -story end - Modjeska; one-story tall chimney - Modjeska; two-story, two-bedroom - Silverado

Landscape Plans include:

- What existing plants/shrubs will be removed?

- List all plants/shrubs to be installed. Identify by species and have placement on schematic. Note mature height.

Irrigation System Plans include:

- What changes to existing irrigation system will be made?

Hardscape Plans include:

- Describe any hardscape materials to be installed. Be sure location is indicated on the schematic.

- Who will be installing? If outside vendor, give company name and contractor's license number and insurance coverage.

- List any movable items, such as chairs, tables, pottery, etc. Provide photos or drawings. Have placement on schematic.

I acknowledge that to complete this process I will need to complete and sign the Revocable License Agreement and the Memorandum of Agreement; that my signature will need to be notarized; that I will need to pay \$xx for the fee to register the Memorandum of Agreement against the deed to the property.

Print Name of Unit Owner _____

Signature of Unit Owner _____ Date _____