

Your Environmental Control Committee (ECC) Responsibility

The general purpose of an architectural committee is to ensure compliance with architectural standards established by the association. In planned developments, an architectural committee is primarily concerned with exterior aesthetics. The following is the kinds of issues that a committee would regulate. **Lot setback requirements, Structure placement, Structure height, Structure design, Paint colors, Roofing materials, Porch, Decks, Pergola, Dog kennel, Fencing, Privacy fencing, Garden fence, Greenhouse, Shed, Concrete driveway, Siding, Windows, Doors, Landscaping, solar panels, etc.**

Basis for Approval:

1. The Owner's plans and specifications conform to the Architectural Rules.
2. The Improvement will be in harmony with the external design of other structures and/or landscaping within the Properties.
3. The Improvement, as a result of its appearance, location or anticipated use, will not interfere with the reasonable enjoyment of any other Owner of his or her property; and
4. The proposed Improvement(s), if approved, will otherwise be consistent with the architectural and aesthetic standards prevailing within the Properties and with the overall plan and scheme of development within the Properties.

Aesthetic Standards. One of the functions of an architectural committee is to make subjective decisions about aesthetics. This is a recognized function of the committee and their decisions on such issues control even where an owner may strongly disagree.

"attractiveness" and "artistry" are, like beauty, well within the eye of the beholder. fn. 11 Such qualities have never been measurable or quantifiable. Therefore, we conclude as a matter of law the Association and its subordinate entities maintain the power under their enabling covenant to apply both subjective and objective criteria when evaluating the merit of proposed improvements to covenant property. (Clark v. Rancho Santa Fe Assn. (1989) 216 Cal.App.3d 606, 619.)

...where the record indicates the Art Jury and Board acted within the authority granted to it by the Covenant, pursuant to a reasonable investigation, in the best interests of the community and not in an arbitrary manner, we will respect and uphold their decisions. ...The Board's action upholding the Art Jury's decision was also well within its discretion and authority. The Board is empowered to rely upon the Art Jury's recommendation. (Dolan-King v. Rancho Santa Fe Assn. (2000) 81 Cal.App.4th 965, 979-980.)

Separate Approvals. Because an association's architectural committee and a city/county building department are separate jurisdictions, an owner must separately get approval from each. In other words, obtaining a building permit from the city does not confer approval by the association. An owner must separately submit plans to and receive approval from the association and vice versa.

Code Compliance. Ensuring compliance with state and local building codes is not a duty of an association or its architectural committee. Board and committee members are volunteers with no expertise in building codes and no jurisdiction over their enforcement. Code compliance is the duty of the city or county building department, whichever one is applicable.

Adams Stirling Professional Law Corporation (2021). Architectural Committee: <https://www.davis-stirling.com/HOME/HOA-Architectural-Review-Committee>.