

ARB FAQs

What is the Architectural Review Board (ARB)?

The Governing Documents of the Estancia Primera Community Services Association (EPCSA) (see “About Estancia Primera” tab for the Declaration and Bylaws) require that a board be set up to review and approve all plans for new construction and for changes to the exterior of any home or the appearance of any lot in Estancia Primera (EP). These duties fall to the EP Architectural Review Board (ARB). Every lot owner in EP is automatically a member of the EPCSA because the property deed mandates membership. Consequently, each owner is subject to review of construction and landscaping plans for the owner’s property by the ARB. The intent of this requirement is to ensure that the desirable architectural appearance of EP, as prescribed in the Architectural Guidelines (see the right column under the ARB tab), is maintained in order to protect property values.

What are the Neighborhood Architectural Review Committees?

Each of the nine neighborhood subdivisions in EP has a committee that reviews architectural applications and that reports its recommendations to the EP ARB. These committees have slightly different names in each neighborhood subdivision but for simplicity they will be referred to here as Architectural Review Committees (ARCs). The designation “ARB” refers only to the EP Architectural Review Board.

Why should I care what the ARB thinks?

Since the ARB’s purpose is to ensure that neighborhood property values are not compromised by inappropriate structures, indiscriminate additions, or landscaping that is out of character, it protects the value of your property. Furthermore, your deed mandates compliance. And, ultimately, the EPCSA Board of Directors has legal remedies that can be applied if a homeowner fails to follow the community requirements. When necessary in the past, the Association has used these to enforce compliance with the Architectural Guidelines and with ARB decisions.

How do I know if I need to get ARB approval and which application form should I use?

It’s really simple. If any change you wish to make will alter the exterior appearance of your home or lot in any way, you need to obtain ARB approval before starting your project. In general, renovations and repairs that will not alter external appearances do not require ARB approval. For example, if you wish to replace your roof or stucco, you generally do not need to obtain ARB approval if the new roof or stucco will have the same colors as the replaced ones. However, when in doubt ask. An incorrect decision on your part could be costly to you since, if the EP ARB or Board of Directors determines that work you have had done without approval has altered your property’s appearance in a way that violates community standards, they might require you to correct the problems at your own expense.

Even when formal ARB approval is not required for repairs and renovations, the ARB asks that you advise both the neighborhood ARC and the EP ARB Chairs of your plans before beginning work. This permits them to address concerns about your project that might be expressed by your neighbors and allows them to make arrangements whereby project workers can park in a neighborhood subdivision without affecting normal vehicular traffic adversely.

If you are building on an empty lot, constructing an addition to your home, or constructing a new exterior wall, you need to submit an Appendix IV application in duplicate (see the right column under the ARB tab) and a performance deposit along with two sets of blueprints. Any subsequent modification of those plans must also be approved by the ARB. No work can start, including grading, until conditional written approval is granted.

If you are making less extensive exterior changes that will modify the appearance of your home or lot in any way, you must submit an Appendix III application (see the right column under the ARB tab) and a performance deposit. Examples of such less extensive projects that will need ARB approval include but are not limited to installation of rooftop air-conditioning units, re-stuccoing of your house where the new stucco will have a different color, roof replacement in a color that is different than your existing roof, removal of trees, landscaping projects, construction or modifications of rock retaining walls and coyote fences, additions of exterior light fixtures or modifications of existing light fixtures, and replacements of driveways and garage doors.

If you are uncertain about the category into which your project falls, you should contact the ARB Chair for guidance.

Is a performance deposit required with each application?

A major project (Appendix IV application) requires a deposit of \$1,500. A minor project (Appendix III application) requires a deposit of \$250. You should make your check payable to the "EPCSA." If you fail to include a payment of the appropriate amount with your application, your application will be considered as incomplete by the ARB and it will not be processed until the oversight is corrected.

Where do I send my application?

Each of the nine EP neighborhood subdivisions has its own Architectural Review Committee (ARC). Details regarding your neighborhood ARC may be found under the "Neighborhoods" tab on this website. Your first step should be to deliver your completed Appendix III or IV application form together with the required performance deposit, a description of the nature of the project, and samples of any materials that will be used in the project to your ARC Chair. After a review of your application and a visit to the project site, your ARC Chair will forward your application to the Chair of the EP ARB with a recommendation that the project be approved, disapproved, or modified. The EP ARB will not under any circumstances process or consider an application that has not first been evaluated by the neighborhood subdivision ARC.

What is the role of neighborhood subdivision Architectural Review Committees in the Approval Process?

In cases where the neighborhood association's rules are more restrictive than those of EP, the neighborhood association's requirements must be met. Therefore, please be sure to check the web page for your neighborhood on this site and to consult your neighborhood ARC Chair before you submit your application. The EP ARB gives preferential consideration to the recommendations of the neighborhood ARC and will only rarely approve a project not supported by it. However, neighborhood ARCs are only advisory to the EP ARB and they are not empowered to make final decisions regarding any applications or complaints about architectural issues; nor may they grant permission for a project to proceed. Only the EP ARB can make such decisions. The decisions of the EP ARB regarding all architectural applications are final although all ARB decisions may be appealed to the EPCSA Board of Directors, in which cases the Board will make the final and binding determinations.

What is the relationship between a Conditional Approval and a Final Approval?

The EP ARB Chair, after consideration of your plans and application and usually a site visit by ARB members, will, if the plans for the project are determined to meet community standards, provide to you a letter of Conditional Approval for your project. The letter will indicate that work can begin. No work should be done until you receive the letter. When the project is complete, it is the property owner's responsibility to notify the ARB and seek Final Approval. One or two ARB members will then inspect the project to ensure that the work that was done matches the plans that were given conditional approval, and that no changes to the plans were made without approval. After a completed project passes this inspection, the ARB provides a letter of Final Approval, which means that a new home can be occupied or that an exterior alteration project is now complete. Both conditional and final approvals are given in writing. Any problems with a project identified during the final inspection are also detailed in writing.

How are landscaping projects affected?

Landscaping, whether it is part of a plan for a newly-constructed home or modifies the exterior of an existing home, generally requires ARB approval. That is not to say that planting a couple of new bushes must be submitted for approval. But anything more extensive requires an Appendix III application and at least one set of plans showing what is being planted and where. It is important to be aware that the plans provided to the ARB must show whether existing plantings will be kept in their current locations or will be moved or removed. New home plans lacking landscaping plans often are given conditional approval for construction. The landscape plan may be submitted later and acted on separately by the ARB. The ARB's final inspection and approval for both the completed construction and landscaping can be conducted at the same time.

Please do not play games with the process by planting two bushes today, a tree next week, and then two more bushes next month. The ARB and EPCSA Board of Directors frown on efforts to game the rules, and, viewing all the changes as a package, may require the property owner to make remedial changes at the owner's expense.

Who are the ARB's members?

The ARB is comprised of nine volunteer EP homeowners, one from each neighborhood association. Each neighborhood association nominates a homeowner from that association and each nomination requires approval by the EPCSA Board of Directors.

What do I have to do to comply with the EPCSA's Architectural Guidelines?

Please read and follow the general principles outlined in the ARB Guidelines (see right-hand column under the ARB tab). Most of them are guidelines to aid in design of your structure, rather than hard-and-fast "dos and don'ts." But there are some specific requirements that should not be overlooked. On the other hand, some proposed exterior changes that are not specifically prohibited in the Architectural Guidelines have historically been disallowed. An example would be a barred door or window. The ARB has broad discretion under the Architectural Guidelines to disapprove proposed changes that it deems inappropriate for the ambiance and architecture of EP even though such changes are not specifically listed in the guidelines as being prohibited.

Who developed these Architectural Guidelines?

The EP Architectural Guidelines were established in 1982 by the original developer of the land on which EP sits. Over the years, the ARB has proposed a few additions, deletions, and changes that have been approved by the EPCSA Board of Directors. But the essence of how the neighborhood should appear has remained unchanged over the succeeding years – through numerous developers, builders, and Boards.

Do I need to notify my neighbors about my exterior change plans?

When a remodeling or landscaping application is submitted, the EP ARB requires that the homeowner submitting the request notify the neighbors who will be able to see the change or who might otherwise be affected by the change of the application submission and of the date of the ARB meeting at which it will be considered. The purpose of the notification is to ensure that your neighbors have a chance to voice any objections to the project to the ARB in writing or at an ARB meeting at which the application is being considered. You should ensure that any projects, such as fence or wall construction at the boundary of your lot, do not encroach on your neighbor's lot or on neighborhood subdivision common property. If there is uncertainty regarding the precise boundary line, the ARB may require the applying owner to submit survey information; it will not approve any project that might extend onto an adjacent property.

What does the ARB do with the performance deposits?

The deposits that are required with an application are basically performance bonds, and a source of funds to cover any costs the ARB incurs in evaluating the application. The EPCSA pays its architectural consultant a minimum fee of \$400 from the deposit for evaluating Appendix IV applications. The deposits may also be used to repair any damage caused to streets or sidewalks during construction, or to remedy drainage problems caused by and not

remedied during the construction. The EPCSA rarely incurs legal costs relating to the performance of a builder or property owner with respect to a construction or modification project, but in such cases the deposit will be used to defray those costs. After final ARB approval of a project, the balance of the deposit is returned to the person who made it.

What generates the most complaints about architectural matters?

The ARB gets approximately the same number of complaints about unpainted rooftop ducts, vents, or air-conditioning units and visible exterior lights that cause a glare visible from adjacent homes and that pollute our night skies. The ARB requires that all exterior lights be shielded so that light is directed only up or down.

What's the most ignored requirement?

The most ignored requirement is failure to file an ARB application for a project that will change the exterior appearance of a home before starting the project. The reason most often given for this is that it just doesn't seem like that big a deal, so I won't bother. But again, anything that changes the exterior appearance of your home or lot should be submitted for approval. Failure to file an application might result in the EPCSA Board of Directors requiring that you reverse unapproved changes at your own expense.

Do any other rules affect what I can do with my home?

Yes. The EPCSA Amended Declaration of Covenants and Restrictions (available under the "About Estancia Primera" tab on this website) prohibits approximately thirty activities and behaviors in Estancia Primera. Some neighborhoods have additional restrictions. You are encouraged to read Section 6 of the Declaration specifically regarding restrictions for home and lot appearances before planning any modifications. Also, some projects require City building permits. However, you should seek project approval from the ARB before applying for a City building permit.