

THE MONTEBELLO CONDOMINIUM UNIT OWNERS ASSOCIATION
5905 Mount Eagle Drive
Alexandria, Virginia 22303

REQUEST FOR REVIEW OF ARCHITECTURAL DESIGN CHANGE

TO: Covenants Committee
c/o Board of Directors
The Montebello Condominium Unit
Owners Association
5905 Mount Eagle Drive
Alexandria, Virginia 22303

Building: _____

Unit # _____

I. APPLICANT/OWNER INFORMATION

Applicant/Owner's Name(s): _____

Applicant/Owner's Phone: (H): _____

(O): _____

II. DESCRIPTION OF PROJECT

Prepare a written description of changes desired -- please be as complete as possible; give full details (or attach exhibits) of purpose and/or reason, type of materials to be used, and location:

INSTRUCTIONS: Prepare a sketch of the proposed improvements or change in sufficient detail so that the Committee can make a decision.

III. BOUNDARY RELOCATION OR UNIT SUBDIVISION

If you wish to change your Unit boundaries or subdivide your Unit, please refer to Section 55-79.69 and Section 55-79.70 of the Virginia Condominium Act, Article 5, Section 5.7 of The Montebello Condominium Unit Owners Association Bylaws and provide the following:

- A.** Diagram of existing Unit boundaries.
- B.** Diagram of proposed Unit boundaries.
- C.** Proposed reallocation as between the Units involved of the Common Element interest appertaining to those Units.
- D.** Proposed reallocation of aggregate number of votes in the Unit Owners Association appertaining to these Units. The reallocation of common expenses and rights to common profits will be based on the reallocation of the aggregate number of votes.
- E.** Identification of and licensing information for person(s) or firm to perform construction relative to boundary relocation.
- F.** Time schedule for construction and/or demolition of dividing wall(s).
- G.** Name and address of applicant's counsel (if any).
- H.** Copies of all required governmental licenses and permits.
- I.** If applying for Unit subdivision, a statement as to whether the subdivider wants the Unit Owners of the new Units to jointly share all rights and be jointly and severally liable for all liabilities relating to any Limited Common Elements appurtenant to subdivider's Unit or whether subdivider wants all or any portion of said Limited Common Elements to be assigned exclusively to one or more of the new Units.

If another Unit is affected by the boundary relocation, the Owner(s) of that Unit must also complete an application.

IV. NOTES

Your signature on this application constitutes your acknowledgment and acceptance of the following:

A. Applicant(s) assume(s) responsibility for all costs related to the project. In the cases of a relocation of boundaries or subdivision of a Unit, these costs may include, but are not limited to, the following:

1. Costs of preparing and filing amendments to Declaration, Bylaws and Plats and Plans, including legal fees related thereto;

2. certifications by a registered land surveyor and a registered architect or engineer, as required by Section 55-79.69(e) and 55-79.70(e) of the Act.

B. Construction may not commence until applicant(s) has/have met the requirements imposed by the Board and this Resolution and all required instruments, if any, have been prepared, executed and properly recorded and all fees paid.

C. If approved, construction must begin within six (6) months of date of approval and be completed within sixty (60) days or within the period approved by the Board, and must be done in a way that does not unreasonably disturb or interfere with other residents. Such work must be performed during normal working hours.

D. Applicant has responsibility for removal of any debris resulting from the project. If Applicant fails to remove such debris promptly, the Board may cause it to be removed and assess the Owner for the expense of such removal.

E. Certificates of insurance, if required by the Covenants Committee, must be filed with the Association Office by builders, contractors, etc., prior to commencing construction.

F. Alterations to Units or balconies shall not violate any of the governing documents nor any of the provisions of any applicable building and zoning codes. Your signature indicates that these standards have been met to the best of your knowledge. Applications for building and other permits related to the proposed change is the responsibility of the Applicant(s).

G. The building ordinance of the County of Fairfax requires that you file plans with the County before proceeding with the work.

H. In the case of boundary relocations and Unit subdivisions, a deposit may be required by the Covenants Committee as a condition of approval. (See Section II, paragraph c.9).

I. The undersigned understands and agrees that no work on this request shall commence until written approval of the Covenants Committee has been received.

J. Owner, by its signature on this Request for Review Form, agrees to indemnify and hold the Association harmless from any liability, damage or claims for damage for personal injury, including death, as well as property damage, which may arise from or be incidental to the proposed project.

Owner's Signature(s): _____

Unit No: _____

Date: _____

RECEIPT OF REQUEST
(For Association Use Only)

Received: _____

Recommended by Association
Management: _____

Date: _____

Action Approved: _____

Date: _____

Disapproved: _____

Date: _____

Stipulations and conditions: _____

**RULES AND REGULATIONS OF
THE MONTEBELLO CONDOMINIUM UNIT OWNERS ASSOCIATION POLICY
RESOLUTION NO. 6 – AMENDED – Effective 7-1-12**

SECTION 9. ARCHITECTURAL DESIGN REVIEW GUIDELINE

A. GENERAL

1. No exterior alteration or addition may be made without prior application to and approval of the Board of Directors or Covenants Committee, as appropriate, except as noted in this Resolution.
2. The interior Unit changes identified in this Resolution also require approval.
3. Certain changes and additions are prohibited by this Resolution.
4. All Owners are responsible for assuring that changes and additions are made only in accordance with all applicable codes and ordinances and the provisions of this Resolution.

B. DESIGN GUIDELINES

1. Electrical Wiring.

- a. If a change to the electrical wiring in a Unit does not affect another Unit or the Common Elements, Covenants Committee approval is not required; provided, however, that necessary County permits have been obtained by applicant and further that a copy has been provided to the Managing Agent.
- b. If any proposed change to the electrical wiring in a Unit would affect another Unit or the Common Elements, or increase the load on the electrical system of the building, the Unit Owner must seek and obtain prior approval of the Covenants Committee.
- c. In addition to the information required on the application, the application shall contain the following:
 - (1) A diagram of the existing wiring system;
 - (2) A diagram of the proposed wiring system;
 - (3) The existing electrical load of the Unit;
 - (4) The electrical load under proposed system;
 - (5) A statement as to whether other Unit(s) or Common Elements would be affected by the change and description of how other Unit(s) or Common Elements would be affected;
 - (6) Identification of the licensed electrician who will perform the work;
 - (7) A time schedule for beginning and completing the proposed change;
 - (8) A copy of all applicable permits.
- d. The Association shall have no responsibility for any damage to person(s) or property resulting from or related to any change in wiring from that originally installed, whether or not such change has the approval of the Covenants Committee, since the Covenants Committee cannot control quality of workmanship relative to the change, or errors or omissions of pertinent information on the application.

2. Plumbing

- a. If a change to the plumbing system of a Unit does not affect another Unit or the Common Elements or increase the water consumption of that Unit, approval of the Covenants Committee is not required; provided, however, that necessary County permits must be obtained by applicant with a copy provided to the Management.
- b. If the proposed change to the plumbing system of a Unit would affect another Unit or the Common Elements, or increase the water consumption of the Unit, the Unit Owner must seek and obtain prior approval of the Covenants Committee.
- c. In addition to the information required on the application, the application shall also contain the following:
 - (1) A diagram of the existing plumbing system;
 - (2) A diagram of the proposed plumbing system;
 - (3) The water consumption under the existing system;
 - (4) The water consumption under the proposed system;
 - (5) A statement as to whether other Units or the Common Elements would be affected by the change and a description of how other Units would be affected;
 - (6) Identification of the licensed plumber who will perform the work;

- (7) A time schedule for beginning and completing the proposed change;
 - (8) A copy of all applicable permits.
- d. The Association shall have no responsibility for any damage to person(s) or property resulting from or related to any change in plumbing from that originally installed, whether or not such change has the approval of the Covenants Committee, since the Covenants Committee cannot control quality of workmanship relative to the change, or errors or omission of pertinent information on the application.

3. Relocation of Unit Boundaries and Subdivision of Units

a. Pursuant to Article 2, Section 2.5 of the Declaration, Article 5, Section 5.7 of the Bylaws, and the provisions of Sections 55-79.69 and 55-79.70 of the Condominium Act, Unit Owners may relocate Unit boundaries between adjoining Units or subdivide Units subject to the following provisions:

- (1) Applications for relocation of Unit boundaries or subdivision of Units are to be submitted to the Board of Directors and approved prior to any change;
- (2) Application must be made jointly by the Unit Owners involved;
- (3) Written approval of the Unit's mortgagee, if any, of the proposed relocation of Unit boundaries or subdivisions must be attached to the application.

b. While the Board may not unreasonably withhold approval of the proposed relocation or subdivision, it may require that application such relocation or subdivision contain:

- (1) A diagram of existing Unit boundaries;
- (2) A diagram of proposed Unit boundaries;
- (3) The proposed re-allocation as between the Units involved or new Units created, as applicable, of the aggregate Common Element Interest appurtenant to those Units;
- (4) The proposed re-allocation as between the Units involved or new Units created, as applicable, of the aggregate number of votes in the Unit Owners Association allocated to those Units;
- (5) Qualifications of the person or firm under contract to perform construction;
- (6) A time schedule for construction and/or demolition of walls and other necessary alterations;
- (7) The name and address of applicants' counsel, if any;
- (8) A copy of all applicable permits;
- (9) A deposit sufficient in the opinion of the Committee may be required to defray, in part, the cost to the Association of preparing and executing all instruments required by §55-79.69 and §55-79.70 of the Condominium Act. If the amount of such deposit is insufficient to cover these costs, the Unit Owner shall promptly, upon notice, remit the remaining amount to the Association. Any excess shall be returned to the Owner after recordation of the instruments required by §55-79.69 and §55-79.70 of the Condominium Act.

(10) The following may also be required to the extent applicable:

- (a) Pre-design conference
- (b) Submission consisting of:
 - 1) Letter of Transmittal
 - 2) Floor Plans
 - 3) Ceiling Plan (if applicable)
 - 4) Construction Schedule
 - 5) Proposed Contracts
 - 6) Location or Storage Site of Building Materials (if any)
 - 7) Request for Temporary Access (if any)
 - 8) Certificate of Insurance of Contractor
 - 9) Such Other Information as the Committee may require.

c. Any new walls must, at a minimum, meet the standard of original construction, or current building codes, if such exceed the standards of original construction. Pursuant to Sections 55-79.69(f) and 55-79.79(f) of the Condominium Act, applicants assume responsibility for all costs related to a relocation of boundaries or subdivision of units, including without limitation, all costs relating to preparing and filing amendments to the Declaration and Bylaws, new Plats and Plans, as required by Sections 55-79.69(e) and 55-79.70(e) of the Condominium Act. In the

case of boundary relocation, such costs shall be divided between or among applicants as they agree in writing.

d. Construction or demolition of Unit walls may not commence until applicant has met the requirements imposed by the Board of Directors, the Rules and Regulations and this Resolution and all appropriate instruments have been prepared, executed and acknowledged and all fees paid. Construction or demolition must be done in such a way as to not unreasonably disturb or interfere with other residents. Responsibility for removal of any debris resulting from the relocation, including costs if any, shall be borne by the applicants as they shall, in writing, determine among themselves. If the applicants fail to promptly and properly dispose of debris, the Association will take such action and assess the cost against the applicants according to their percentage interests at the time.

e. At all times, Unit Owners and occupants involved must comply with the provisions of Article 5 of the Bylaws.

f. These provisions do not apply to a Unit Owner who has acquired two or more adjoining Units and removes the non-bearing wall dividing partitions. Section 55-79.68(b) of the Condominium Act, Article 5, Section 5.7 of the Bylaws and D below, shall apply in such a case.

4. Combined Units

a. Pursuant to Section 55-79.68(b) of the Condominium Act, "If a Unit Owner acquires an adjoining Unit, or an adjoining part of an adjoining Unit, then such Unit Owner shall have the right to remove all or any part of any intervening partition or to create doorways or other apertures therein, notwithstanding the fact that such partition may in whole or in part be a Common Element, so long as no portion of any wall or bearing column is weakened or removed and no portion of any Common Element other than that partition is damaged, destroyed or endangered. Such creation of doorways or other apertures shall not be deemed an alteration of boundaries within the meaning of Section 55-79.69.

b. Written application for such a change must be made to and approved by the Covenants Committee prior to commencement of work. Construction and/or demolition of dividing partitions must be done in such a way as to not unreasonable disturb or interfere with other residents. Responsibility for removal of any debris, including cost, if any, shall be borne by applicant. If applicant fails to promptly and properly dispose of debris, the Association will take such action and assess the costs thereof against the applicant.

C. REQUEST FOR REVIEW PROCEDURES

1. Requirements for All Applications

a. Each Unit Owner shall submit his proposal for an addition, alteration or improvement to his Unit in writing, using a Request for Review Form, available from the office and on the Montebello website. The proposal shall contain a description of the project, including, as applicable, the height, width, length, size, shape, color, materials and location of the proposed improvement. Sketches of the proposed treatment and/or photographs of similar completed projects will aid in consideration. If the alteration affects the existing drainage pattern, the proposed drainage pattern must be included. The proposal should include a letter describing the proposed addition or alterations.

b. Each alteration or addition must be specifically approved even though the intended alteration or improvement conforms to the condominium Instruments, Rules and Regulations or this Resolution, and even when a similar or substantially identical alteration or addition has previously been approved.

c. The applicant shall be informed in writing of the decision.

d. The reason(s) for approving or not approving the proposal shall be stated as part of the written decision.

e. The applicant is free to request reconsideration, if new or additional information which might clarify the request or demonstrate its acceptability can be provided.

f. Copies of all Requests for Review will be filed according to Unit Identification Number along with the written decision, which shall state the basis for such decision, and a statement of action taken, if any. There will be a cross-index which groups cases into types, for further reference. This index shall be made available upon request, to any owner considering an alteration or improvement to his Unit.

g. Since the Association cannot control work performed within a Unit, the Unit Owner is

responsible for assuring that any changes or additions are made in conformance with the Condominium Instruments and this Resolution. Failure to comply subjects the Unit Owner to the remedies set forth in the Condominium Instruments, Rules and Regulations and the Resolutions.

h. Approval of any project by the Association does not waive the necessity of obtaining the required governmental permits.

i. Obtaining a governmental permit does not waive the need for Association approval.

j. The Association shall not knowingly approve a project which is in violation of applicable building or zoning codes.

2. Upon determination by the Association that a project is in fact in violation of building or zoning codes, the approval previously granted by the Board of Directors or the Covenants Committee shall be void. The Committee shall thereupon deliver notice to the owner to cease all work on the project immediately. The owner shall promptly submit a new request to the Covenants Committee showing how the owner proposes to bring the project into compliance with the applicable building or zoning code. The Covenants Committee and/or the Board of Directors, as applicable, may approve the request, or the Covenants Committee and/or the board may disapprove the request. If the request is disapproved or the project cannot be brought into compliance with the applicable building or zoning code, the property shall be restored to its original condition within sixty (60) days from the date of notice sent by the Board or Covenants Committee. Such restoration shall be at the Unit Owners sole cost and responsibility.

3. Additional Requirements for Major Modifications. For major structural changes, the following may also be required by the Committee:

a. Where the change affects common utilities (including, without limitation, temporary interruption of utility service), applicants are required to coordinate arrangements with the Association office prior to commencement of work. In any case, common utility service may not be interrupted except between the hours of 8:00 A.M. and 6:00 P.M. on weekdays. Service may not be interrupted on weekends or generally observed holidays.

b. Applicants are responsible for removal of debris generated in the course of the change.

c. No sawing, hammering or other noisy construction activities are permitted except between the hours of 8:00 A.M. to 6:00 P.M. on weekdays excluding holidays and 10:00 A.M. to 6:00 P.M. on weekends and holidays.

d. The committee shall act on the submission and respond within forty-five (45) days after written receipt of the completed applications.

4. Denial of Request. Requests may be denied for any of the following reasons:

a. Incomplete or unclear application, in which case it will be returned to applicant with appropriate instructions for re-application;

b. Other Unit(s) or Common Elements would be adversely affected by the proposed change;

c. A determination that the change would significantly increase water consumption or adversely impact the common water drainage system.

d. A determination that the change would significantly increase Common Element electrical consumption or adversely affect the building circuits.

e. Other reasons stated and supported by the Covenants Committee or Board, as applicable.

5. Administrative Requirements

a. Applicant must inform the Association office of the date on which construction starts.

b. If applicant desires to make changes during construction, a revised application must be submitted to the Covenants Committee which shall promptly act upon the revised application.

c. Applicant must provide the Association with notice of completion.

d. Upon completion, the board or Covenants Committee will inspect the Unit and Common Elements and, if satisfied that construction is in compliance with approved plans, will issue a Certificate of Compliance.

6. Completion of Structure. Construction in accordance with an approved plan or specification must be commenced within six (6) months after such approval, and completed within sixty (60) days after

date of commencement unless otherwise authorized by the Covenants Committee at the Unit Owner's reasonable request. If not commenced and completed as provided herein, then the approval will be considered null and void and a new application must be made. Construction must be completed as approved; any deviation will be considered a violation.

D. PROCEDURES FOR MONITORING ARCHITECTURAL COMPLIANCE.

The Covenants Committee shall periodically survey the property for compliance with design standards.