

NEWPORT HILLS COMMUNITY ASSOCIATION

Architectural Committee Guidelines and Architectural Standards

INTRODUCTION

As a homeowner in Newport Hills you may, from time to time, want to make improvements and changes to your house and property. To insure that the architectural character and quality of the environment in Newport Hills are preserved, and to protect everyone's investment in this community, all of such modifications that constitute "Improvements" (as described below) must comply with the Newport Hills Restated CC&R's and be approved by the Newport Hills Architectural Committee (the "Architectural Committee") appointed by the Board of Directors (the "Board") of the Newport Hills Community Association (the "Association").

The Board has adopted the following guidelines and architectural standards (the "Guidelines and Standards") to establish the procedure for submitting plans and other information concerning your proposed improvement to the Architectural Committee for its approval and to set forth the architectural standards and criteria applicable to such improvements.

IMPROVEMENTS REQUIRING APPROVAL

The Restated CC&R's provide that no building, fence, wall or other structure shall be commenced, erected or maintained on any lot in Newport Hills, nor shall any exterior addition to or change or alteration therein, including patio covers and antennae, be made except in compliance with plans and specifications therefor that have been submitted to and approved by the Architectural Committee. Such approval is based generally upon whether the external design and location of the proposed improvements are harmonious with surrounding structures and topography. The "Improvements" subject to the Architectural Committee's approval include, but are not limited, to the following:

1. **New Construction, Reconstruction and Alterations.** The construction or installation of any dwelling, accessory building, garage, fence, retaining wall, screening material, steps, awnings, canopy, pole, antennae, mailbox, trellis, patio overhead, deck, gazebo, swimming pool, fountain, spa, hot tub, recreational apparatus, exterior lighting, sound or solar energy system, external heating and air conditioning units, spa or swimming pool fixtures and equipment and/or other fixtures or mechanical equipment, or the modification of any of the foregoing (including changes of color, material or exterior surface).
2. **Excavations.** The grading, excavation, filling or other similar disturbances to the surface of the land.

3. **Demolition.** The demolition or destruction of any dwelling.

The only improvements that do not require the Architectural Committee's approval are improvements constructed or installed to replace existing improvements (whether originally constructed on the lot or previously approved by the Architectural Committee) that are exactly the same kind and color as the existing improvements.

APPLICATION AND PLAN SUBMISSION RULES AND

PROCEDURES APPLICATION - GENERAL INFORMATION:

- (a) **Submittal Required.** To apply for the Architectural Committee's approval of your proposed improvements, you will need to complete, sign and submit to the Architectural Committee, three (3) copies of a standard Application for Approval in the attached form (see **Form 1**), together with your application fee, three (3) copies of your plans and drawings for the improvements, the appropriate Neighbor Awareness form, and all other information required by the Application form to complete your submission package. All architectural drawings must be prepared and signed by an architect licensed in California unless the Architectural Committee waives this requirement in writing.
- (b) **Where to Obtain and Submit:** Application forms may be obtained from, and completed Applications should be mailed or delivered to:

Newport Hills Community Association
1900 Port Carlow Place
Newport Beach, California 92660
Phone: 721-1929 Fax: 721-1929

- (c) **Application Fee.** You shall be required to pay an application fee to cover the Association's cost of reviewing and processing your Application and the plans (including conceptual plans, if any) for your proposed improvements. The amount of the fee is based upon the scope of your proposed improvements as specified in the attached Fee Schedule. The Fee Schedule is subject to change upon thirty (30) days notice to the Association members.

II. PRELIMINARY SUBMITTAL - CONCEPTUAL PLAN:

- (a) **When to Submit.** If you are submitting plans for a major improvement or a completely or substantially reconstructed home, it is highly recommended that you submit conceptual

plans to the Architectural Committee for its review. This review will allow the Architectural Committee to become aware of your proposed development concepts at an early stage, to assess their consistency with the requirements of the Restated CC&R's and these Guidelines and Standards, and to provide you with positive input into the proposed design. **A submission of conceptual plans will not begin the Architectural Committee's 30-day plan approval period (that period will begin only upon the Architectural Committee's receipt of a complete submission package as specified in Section 5 below), however, it may save you the time and cost of having to revise your working drawings and other proposed final plans. Please identify all conceptual plans as "Conceptual" rather than a "final submittal."**

(b) **What to Submit.** Conceptual plan submissions shall include, where applicable, 3 sets of the following plans, drawings and elevations (all drawings shall be to scale and presented on sheets at least 24" x 36"), and a check in the amount of the review fee specified on the Fee Schedule:

(1) Engineering Survey.

(I) For a new house, an engineering survey of the lot, prepared by a licensed surveyor shall be submitted. The survey shall include all easements and where applicable, common area walls.

(2) Plot Plan.

(I) Indicate accurate and complete legal description, address, owner's name, north arrow, scale of drawings and a brief description of the work.

(II) Show lot lines accurately as to length, angles and amount of curve. Show all existing and proposed buildings, structures, fences, walls, sidewalks and other improvements (NOTE: Association walls and fences do not always coincide with property lines and in no event shall any of the Association walls and fences be moved or changed in any way). Indicate all required setbacks, easements, street right-of-ways and top or toe of slopes.

(III) For a new house, the finished floor elevation shall not be higher than the original demolished house.

(IV) Show all dimensions on work to be considered, distances between existing and proposed work and distances between proposed work and property lines, setback lines and slopes.

- (V) Include site photos of all surrounding conditions adjacent to the location of the proposed improvements including neighboring properties and streets.
 - (VI) Indicate location of exterior air conditioning equipment.
- (3) **Roof Plan.**
- (I) Show all existing and proposed roofs with slope pitches and overhang dimensions noted.
 - (II) Designate existing and proposed roofing material.
 - (III) Indicate any unusual conditions and details involved in or resulting from the work.
 - (IV) Submit roofing sample or brochure for proposed material.
- (4) **Floor Plan.**
- (I) Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of the structure.
 - (II) Show dimensions of proposed improvements and related existing improvements, and indicate their relationship.
 - (III) Set out square footage of proposed and existing improvements. Applicant shall submit an overlay of the floor plan showing the detail measurements used in calculating the total area.
- (5) **Elevations.**
- (I) Provide exterior elevations of all sides of the structures and delineate all parts of the exterior that cannot be shown on an elevation.
 - (II) Note all proposed building materials. For alterations or additions, note if finish is to match existing finish.
 - (III) Delineate the height of all proposed improvements in relation to existing grade.

(6) **Fence and Wall Plans.**

(I) Drawings shall include specifications of materials, color and height.

(II) Heights should be shown in relation to adjacent ground elevations.

(c) **Disposition.** The conceptual plans will either be informally approved or disapproved within a reasonable time after submission. If approved, one copy will be returned to you, one copy will be retained by the Architectural Committee and one copy will be retained by Newport Hills Community Association. If disapproved, two sets will be returned to you along with a copy of a checklist noting the area(s) of deficiency, and the remaining set will be retained by Newport Hills Community Association.

III. **FINAL SUBMITTAL:**

(a) **Final Drawings, Plans and Specifications.** Final drawings, plans and specifications must be prepared in accordance with applicable building codes and with clarity and completeness. Final construction plans should not be prepared or submitted until any previously submitted conceptual plans have been approved. Final plan submissions shall include, where applicable, the following:

(1) **Working Drawings.** Include all of the drawings required for the conceptual plan submission (whether or not utilized), revised as required by the Architectural Committee's conceptual plan review, if applicable, along with all working drawings.

(2) Grading Plan.

(a) Show contours, flow lines, finish grades and proposed drainage systems.

(b) Changes of finished grade must be accompanied by a grading plan prepared by a registered civil or professional engineer or landscape architect.

NOTE: The plot plan and grading plan may be incorporated into the same drawing.

- (3) **Air Conditioning Equipment.** If house is to be air conditioned or prepared for future air conditioning, location of A.C. condensing units shall be indicated on the Site plan or floor plan. In addition, applicant shall submit a copy of the City Building Dept. approved calculation indicating compliance with the City Noise Ordinance Standard No. 275. (If the calculation indicates a decibel rating exceeding 50 DBA but less than 55 DBA at an agreed upon location where the measurement is taken on the neighboring affected property, then a timing device must be installed that will deactivate the equipment between the hours of 10:00 PM and 7:00 AM. All of this in accord with Newport Beach City Code Sections 10.26.045 and 10.26.055.)
- (4) **Landscape Plan.** Include grading, irrigation and drainage systems, walks and hardscape, planting area, outdoor fireplaces and pits, planters, decks, fences and walls, stairs, trellises, arbors, gazebos, ponds, fountains, ground covers, shrubs, trees, slope stabilization, ornamental rocks, recreation areas, courtyards, apparatus and courtyard lighting. Designate plant sizes (including size at maturity), botanical plant names, view impact and shading effect (if applicable). Show all existing mature trees and how they will be protected or replaced.
- (5) **Pool Plan.** Include pools, spas, hot tubs, heating and filtering equipment and enclosures or screening and drainage.
- (6) **Mechanical and Solar Energy Plans.** Include all mechanical devices exposed to the exterior and all solar collectors, racks, storage facilities, and distribution components.
- (7) **Exterior Colors and Finishes.** For any new or proposed modification of exterior material and color requirements, the following must be included:
 - (a) A color sample board or an elevation sheet with color chips attached clearly noting where colors are to be used. The colors should be selected from the attached Approved Color List.
 - (b) Samples of exterior finish and roofing materials. Descriptions are acceptable for common materials such as used and common brick and wood shakes or shingles to match existing. Roofing materials should be selected from the attached Approved

Roofing Materials List. Color and material samples are not required when drawings indicate "color and material to match existing".

(8) Specifications. List materials and finishes together with method of installation or application. Describe the weight, thickness and other characteristics or any uncommon materials.

(b) **Neighbor Awareness Form.** Because your proposed improvements may affect your neighbors, it is important that they be apprised of your plans. As a part of your submission, you must include a completed and signed copy of the attached Neighbor Awareness form (see **Form 2**) indicating that your facing, adjacent and impacted neighbors have seen your plans and are aware of your intentions. An objection from any of your neighbors does not automatically mean that your Application will be disapproved. Such an objection is merely one of the many factors that the Architectural Committee will consider in the review process. As used in the Neighbor Awareness form, the following terms shall have the following meanings:

- (1) **Facing Neighbor.** The three (3) homes directly across the street from your home.
- (2) **Adjacent Neighbor.** All homes with adjoining property lines to yours.
- (3) **Impacted Neighbor.** All homes in the immediate area of your home that would be affected by the construction of any improvement, i.e. behind and other side of street. The Architectural Committee reserves the right to require that any homeowners(s) that the Architectural Committee believes will be impacted by the proposed improvements be notified of you plans, even if you disagree that such homeowner(s) will be affected.

(c) **Review of Complete Submission Requirements.** Your submission package must include your fully completed Application for Approval, your application fee, the required sets of final plans and drawings, that appropriately completed Neighbor Awareness forms and all other information required before it will be deemed complete. All drawings, elevations, plans, specifications, material and color samples must be submitted in sufficient detail to make all aspects of your proposed improvement project clearly understandable. The Architectural Committee will not accept

incomplete submittals for consideration and the 30-day approval period shall not begin unless and until a complete package has been submitted. The Architectural Committee will notify you when it has received a completed submission package. Any incomplete submittal will be returned to you along with a copy of a checklist noting the area(s) of deficiency.

IV. DECISIONS AND DISPOSITION

- (a) **Basis for Decisions.** Design decisions that the Architectural Committee makes when reviewing your Application will be based on the specific criteria and requirements set forth in the Restated CC&Rs and these Guidelines and Standards. Your submission will be evaluated on the individual merits of your Application and will take into consideration the type of housing and lot, as well as the following:
- (1) **Validity of Concept.** The basic idea must be sound and appropriate to its surroundings.
 - (2) **Design Compatibility.** The proposed improvements must be compatible and in harmony with the architectural characteristics of the neighborhood setting.
 - (3) **Scale.** The size of any proposed improvement should relate well to adjacent structures and its surroundings. Appropriate massing with the setting back and break-up of building elements should be employed to provide a means for avoiding a bulky appearance.
 - (4) **Color.** Color may be used to soften or intensify visual impact. Roofs, trim and other parts of the house should be compatible with the base color of the house.
 - (5) **Materials.** Continuity is established by use of the same or compatible materials. Be sensitive to ensure that the materials you use work well in combination.
 - (6) **Workmanship.** Workmanship is an important area of concern, particularly in all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor construction practices, besides causing owner problems, can be visually objectionable to others. Poor workmanship can also cause safety hazards.
 - (7) **Neighbors.** Consideration shall be given to design features so as to minimize unnecessary intrusion on the privacy of neighbors.

- (b) **Review Period.** The Architectural Committee shall transmit its decision concerning your submission within thirty (30) days after it has received your complete submission package.
- (c) **Disposition of Plans.** Upon approval, disapproval or when the Architectural Committee is requesting a classification or additional information, your submitted plans will be distributed as follows:
 - (1) One set of plans, whether approved or disapproved, will be retained by the Architectural Committee as its working copy.
 - (2) One set of approved plans will be placed in the Architectural Committee's files.
 - (3) One set of approved plans will be returned to you. This approved set of plans shall be maintained at the work site during the course of construction until the Architectural Committee (or its designated representative) has made the final inspection.
 - (4) Disapproved plans or those requiring clarification or additional information will be returned to you. One set of these plans must be included in subsequent submission packages.

V. **APPEAL:** If the Architectural Committee disapproves all or any part of your submittal, you may appeal such disapproval to the Board as follows:

- (a) All appeals shall be made in writing delivered to Newport Hills Community Association within 30 days after receipt of the Architectural Committee's decision. No particular form is required, but the appeal must reasonably specify the portion of the Architectural Committee decision with which you are dissatisfied. If no appeal of the Architectural Committee's decision is made within that 30-day period, the decision shall be final.
- (b) Upon receipt of an appeal, Newport Hills Community Association shall notify you, the Architectural Committee and the Board of the date of the Board meeting when the appeal will be heard; provided, however, that such meeting shall not be held more than 45 days after receipt of the appeal. Newport Hills Community Association shall deliver copies of the appeal to each Board member before the meeting.

- (c) At the Board meeting, you and the Architectural Committee chairman may present such evidence as they deem appropriate to support their respective contentions that the proposed submittal complies or does not comply with the Restated CC&Rs and these Guidelines and Standards. After the conclusion of such presentations, the Board shall either sustain the Architectural Committee's disapproval or reverse the disapproval; provided, however, that a reversal requires an affirmative vote by a majority of the Board. Every decision shall be noted in the Board's minutes and on the proposed plans.
- (d) All decisions shall be based on the Restated CC&Rs and these Guidelines and Standards. In reviewing the Architectural Committee's decision, the Board must determine whether the Architectural Committee abused its discretion and made its decision without a reasonable basis for doing so. If the evidence on appeal suggests that the Architectural Committee had a reasonable basis for making its decision, the decision will be confirmed by the Board.

VI. **CITY AND OTHER APPROVALS:** Approval of any proposed improvements by the Architectural Committee does not eliminate the need to obtain any City permits and approvals required, nor does obtaining all required City permits and approvals waive the need to obtain Architectural Committee approval. The Architectural Committee takes no responsibility for the conformance of your plans to any City or other governmental codes, regulations or requirements.

VII. **FAILURE TO OBTAIN APPROVAL:** If you don't get the Architectural Committee's approval of your proposed improvements, you may be required to modify or remove the unauthorized improvements at your own expense and to pay all legal fees and costs that the Architectural Committee and the Association incur as a result of or in connection with the violation.

VIII. **TIMING:** Improvement projects that remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All Applications must include an estimated completion date. If that date is considered unreasonable, the Architectural Committee may disapprove the Application. In any event (a) all major remodels (additions or other improvements of 250 square feet or more) shall be commenced within 180 days after Architectural Committee approval and completed within 1 year after such approval, and (b) other projects shall be commenced within 120 days after Architectural Committee approval and completed within 180 days after such approval, unless the Architectural Committee specifically authorizes a longer time period. If not completed within that time period, the Architectural Committee may elect to

consider its approval of the intended improvements to be terminated, and may require a new submission before the owner is allowed to continue the work.

- IX. **COMPLETION AND FINAL INSPECTION:** Promptly after the completion of your improvements in accordance with the approved plans, you must notify the Architectural Committee in writing (see Form 3). The Architectural Committee shall cause the completed improvements to be inspected, and if they have been completed as required, the Architectural Committee shall provide you with a notice of approval (see Form 4).
- X. **AMENDMENTS OF GUIDELINES AND STANDARDS.** The Board may, in its discretion, amend these Guidelines and Standards from time to time. Any such amendment shall be in writing and shall become effective thirty (30) days after it is sent to all Newport Hills owners.

CONSTRUCTION CRITERIA

It is your responsibility to ensure that all contractors, subcontractors, suppliers and others involved in the construction and installation of any approved improvements comply with the following requirements:

1. **Signs.** No sign (other than a for sale sign of maximum size 18"x 24") may be displayed on your lot. This includes the signs of any tradesperson, contractor or installer, including signs identifying your house as the site of their activities or operations.
2. **Hours of Operation.** All construction activities shall be carried out between the hours of 7:00 a.m. and 6:30 p.m. on Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No work is permitted on Sundays or holidays. Furthermore, if any City ordinance is more restrictive than the requirements of this paragraph, the City ordinance requirements shall prevail.
3. **Temporary Structures.** No structure of a temporary character may be placed or maintained on your lot without the Architectural Committee's prior consent.
4. **Unsightly Items.** All rubbish, debris and unsightly material or objects of any kind shall be regularly (at least once a week) removed from your lot and shall not be allowed to accumulate thereon or on any adjacent street or other property. Construction materials such as sand or bricks must be stored on your lot and must not be delivered, deposited or stored on any pedestrian walkway or street.

5. **Use of Audio Equipment.** Construction personnel are not permitted to use any radio, stereo, or other audio equipment (other than Walkman type radios with headsets), while on the site.
6. **Construction Vehicles.** No vehicles associated with the construction shall block or be parked in any neighbor's driveway. Any vehicle found in violation of this prohibition may be towed away.
7. **Maintenance of Improvements.** The repair and maintenance of any work or improvement is solely your responsibility.
8. **Temporary removal of any portion of Community Association wall/fence.** It is highly discouraged; however, if it is absolutely necessary for construction access, a portion may be temporarily removed subject to the following:
 - a) A request in writing is made to the Architectural Committee accompanied by a photograph of the section proposed to be temporarily removed, along with a description of the location and length of section to be removed. No work is to be started until approval is granted.
 - b) If approval is granted, it is subject to the wall/fence being replaced to match the original design, and replacement of any damaged ground cover in the common area.

ARCHITECTURAL STANDARDS

1. **Heights.**
 - (a) **Dwellings.** No dwelling shall be more than two (2) stories in height or exceed thirty (30) feet overall. No third floors or mezzanines are allowed. Dwellings on lots at the end of each street abutting Newport Hills Drive must either be entirely one story or have an elevation that steps down to one story on the side of the dwelling facing Newport Hills Drive. Additionally, improvement heights must be compatible with surrounding structures in relation to massing and enclosure. Review of any improvement to a dwelling that has an element over ten (10) feet high will include a view impact analysis.
 - (b) **Other Structures.** The maximum height of any other structure, including patio structures, trellises and gazebos, is nine (9) feet; provided, however, that decorative and unoccupiable structures exceeding nine (9) feet may be permitted in certain cases.

2. **Setbacks.** The minimum setback standards established by the Planned Community Zoning Text and the approved Districting Map of the City of Newport Beach indicating front yard setbacks shall apply to all improvements. No setback can be modified without Board approval and City approval.
3. **Square Footage/Bulk.**
 - (a) **Maximum Square Footage.** The total square footage of all structures (including the garage) on a lot shall not exceed (1) 1.00 times the allowable building area established by applicable setback lines or (2) 67% of the proposed flat pad area of the lot; provided, however, that the Board may allow a dwelling on a small lot to exceed the maximum by a minor amount, under extenuating circumstances, but only but only if such an exception is held to the minimum amount reasonably possible, and all other relevant factors are taken into consideration.
 - (b) **Computation of Square Footage.** The total square footage of all structures on a lot shall be computed as follows:
 - (1) The horizontal area of all space enclosed by the outer surfaces of the exterior walls of each story shall be counted. Horizontal area shall include the area within garages, storage and equipment enclosures and installed equipment.
 - (2) The area covered by horizontal sections of fireplaces and other outward projecting architectural features, including all such features projecting into setback areas, shall count once for each story they occupy.
 - (3) 50% of any uncovered second story deck area is counted where such area is enclosed by a guard railing or other enclosure. 75% of any roofed over decks, terraces, port-cocheres, or other structures will be counted, as it increases the perceived scale of the structure.
 - (4) A transparent overlay of the floor plans shall be provided, indicating in detail how the square foot calculation was computed.
4. **Exterior Building Walls.** Materials used for the exterior covering of building walls shall satisfy the following requirements:
 - (a) **Materials and Colors.** Acceptable materials and colors for exterior building wall covering are:

- (1) Wood, colored with semi-transparent or solid color stain or paint from Approved Color List.
 - (2) Masonry, stone or brick. Masonry units may be of any size or type, however, concrete block shall not exceed 4" in height. The finish color shall be from the Approved Color List and may be either integral or applied.
 - (3) Stucco, either machine or hand applied. Stucco color shall be from the Approved Color List and may be either integral or applied. Heavy swirl or Spanish lace textures are discouraged and should be avoided. If integral color is utilized, color shall be in the light range to avoid streaking and discoloration. If streaking and discoloration do occur, the Architectural Committee may require painting of the wall surfaces.
 - (4) Any combination of (1), (2) or (3).
- (b) **Overall Characteristics.** The exterior cover material treatment must achieve a complete architectural design statement that is compatible and harmonious with other homes in the neighborhood.

5. Yard Fences, Walls and Hedges.

- (a) **Height Limitations.** All yard fences, walls and hedges shall be subject to the following height limitations:
- (1) No fence, wall or hedge shall exceed the lesser of the maximum height permitted by the City of Newport Beach or a height of eight (8) feet.
 - (2) Within five (5) feet from the front property line, no fence wall or hedge shall be more than three (3) feet high.
 - (3) At street intersections, any wall, fence or hedge shall not exceed three (3) feet in height above the street pavement grade within the triangle bounded by the right-of-way lines and a connecting line drawn between points thirty (30) feet distant from the intersection of the right-of-way lines prolonged.
 - (4) Any fence, wall or hedge abutting an existing fence, wall or hedge shall be equal in height to the existing fence, wall or hedge, except in any case where a particular height is required for the protection of a swimming pool or spa.

- (5) The height of all fences, walls and hedges shall be measured vertically from the average finish grade at the base of the fence, wall or hedge, except as provided in subsections (3) and (4) above. The tops of all fences, walls and hedges shall be dead level. Fences, walls and hedges installed on slopes, where permitted, should be stepped.

(b) **Other Requirements.**

- (1) The bottom of a fence, wall or hedge should be no more than four (4) inches above the finish grade at any point.
- (2) All vertical members of a fence or wall should be plumb.
- (3) Gates should match the fence or wall in design material, height and color. Side yard gates facing the street shall be solid material.
- (4) Fences or walls that are finished on only one side must have the finished side facing the street, sidewalk, open space or neighboring lot, as applicable.
- (5) Existing Association walls and fences shall not be moved, altered, repainted a different color or otherwise changed in any way.
- (6) Fencing and gates around a swimming pool are subject to special City requirements. Make sure that you adhere to these requirements and that the appropriate review and approval has been coordinated with the City.

c. **Materials and Colors.** Fences should be compatible with the materials and colors in your house and the prevailing materials in your neighbors' houses. Continuity of texture and scale of materials should be considered. Acceptable materials and colors for extension, repair and/or new fencing in your yard include:

- (1) Wood, colored to match existing fencing, trim or siding color.
- (2) Masonry or concrete; stucco applied to masonry shall have color and texture to match existing stucco.
- (3) Galvanized wrought iron, colored to match existing wrought iron. The specifications are 3/4 inch square solid steel picket with 2 inch square steel rail to panel bottom. Pickets shall be 5 inches apart with no decorative spikes.

- (4) Clear non-colored and non-patterned tempered glass or plexiglass for wind and/or view protection may be permitted in appropriate circumstances.

Unacceptable materials include: (1) aluminum or sheet metal, (2) chicken wire or other types of woven wire, including plastic webbing or plastic coated wire, (3) metal or plastic chain link, (4) plastic or fiberglass panels, (5) reeded or strawlike materials, (6) rope or other fibrous strand elements, (7) wood grapestake, or (8) glass blocks and panels.

6. **Windows and Doors.**

- (a) **Windows and Doors.** New windows and doors should match the type used in your house. Window and door openings within exterior wall surfaces shall be treated in one of the following ways: (1) trim surrounds on all sides, (2) recessed into a thickened wall, (3) projected forward from the wall plane (windows only), (4) any combination of (1), (2) and (3), or (5) any other design treatment that achieves an acceptable scale, order, proportion and depth of opening. Window head heights shall be consistent and shall produce an ordered arrangement and composition within the total wall surface of an elevation.
- (b) **Window Glazing, Tinting, Shading and Awnings.** Glass tinting or shading must be compatible with the existing treatment. Reflective glass film, plastic roll up shades and exterior shades of any type will not be permitted. Awnings will be allowed subject to the requirements set forth above.

7. **Fascia, Gutters and Downspouts.**

- (a) **Fascia.** Fascia shall be made of wood and painted or stained with a contrasting color from the Approved Color List.
- (b) **Gutters and Downspouts.** Gutters and/or downspouts may be exposed or concealed. Any exposed gutters or downspouts shall be colored to match the surface to which they are attached. No exposed roof straps or plastic gutters are permitted.

8. **Roofs and Rooftop Appliances.**

- (a) **Roofs.** Roofing materials shall be from the attached Approved Roofing Materials List. The predominant roof forms shall be hip or gable with pitches from 4:12 to 6:12, though

other roof forms and pitches will be considered. Dormers and "broken-up" roofs may be utilized to breakdown the scale of the house.

- (b) **Overhangs.** Roof overhangs in proportion to the dwelling and with a minimum dimension of at least 18" are required. In certain situations the minimum may be modified if deemed aesthetically appropriate by the Architectural Committee.
- (c) **Skylights.** Skylights on roof surfaces facing, or visible from the street shall be flat glass, solar bronze or solar gray; no clear or white. Frames shall match roof color or be dark bronze.
- (d) **Rooftop Appliances.** Rooftop appliances are not permitted except for solar panels and attic ventilators that satisfy the requirements set forth below. In certain situations air conditioning equipment may be located in a well surrounded by roof structure, completely hidden from view.
- (e) **Attic Ventilators.** Attic ventilators or other mechanical apparatus requiring penetration of the roof should be small in size as functionally possible and shall be painted to match the roof. They should be located generally on the least visible side of the roof and not extend above the ridgeline except as required by applicable building codes.

9. **Solar Power Systems.**

- (a) **Scale Drawings.** Detailed scale drawings must be submitted to the Architectural Committee along with the Application for Approval of any improvements that include all or any part of a solar power system.
- (b) **Solar Panels.** Solar panels shall be placed (1) at locations that take into consideration the aesthetic balance of the house and the overall appearance of the community, (2) in a plane parallel to the roof plane, and (3) in a location that does not transmit glare to the surrounding houses. They preferably should be installed at the rear of the house or garage. Solar panels must be joined abutting each other with no gaps and shall be encased or framed with a fascia or trim that is painted to match the roof material or exterior

house trim. Solar panels shall not exceed an overall height of eight (8) inches from the roof surface when being used for domestic water heating and not more than four (4) inches when used for swimming pool water heating.

- (c) **Other Equipment.** Preferably, no pipes or other equipment should be exposed to public view. Any hot water storage tank located outside the house or garage must be completely enclosed. If any pipe or other equipment is visible, it shall be painted to match the color of that part of the house or other structure to which it is affixed.
10. **Chimneys.** Chimneys may not exceed the maximum height established by the City's building code. The exterior dimensions of a chimney shall not exceed a size that causes an unreasonable view or line of sight obstruction. Chimney flashing shall be colored to match the integral or applied color of the chimney.
 11. **Overhangs and Other Projections.** Cornices, eaves and projected windows that extend above the footing of a dwelling may not project more than two and one-half (2^{1/2}) feet into any front, side or rear yard setback. All such projections must conform to the original architectural character and style of the dwelling to which they are attached.
 12. **Decks.** Decks are an extension of the house and thus have a significant impact on its appearance. Decks may also affect the privacy of adjacent properties. These two factors are weighed heavily in the Architectural Committee's review. Decks shall be treated with a finished walking surface (no gravel), and should be compatible with your house in material, color and the design of railings and trim.
 13. **Patio Structures, Sun Shades, Trellises and Gazebos.**
 - (a) **Side Elevations.** The side elevations of such structures shall not be enclosed in any manner, except in the case where a wall of a dwelling forms a natural enclosure to some or all of a side elevation.
 - (b) **Adornments.** No objects such as urns, pots, planters, etc. shall be placed on top of any such structure. All such "adornments" shall be located under, around or suspended within the structure.
 - (c) **Acceptable Materials.**

- (1) The framework of such structures, including any overhead portions, must be made of wood, except that vertical support members may be clad with stucco or brick to relate to existing structures.
 - (2) Roofing materials shall match the roof materials of the dwelling.
- (d) **Unacceptable Materials.**
- (1) Structures and framework of exposed metal.
 - (2) **Roofing materials:**
 - (i) Crushed rock
 - (ii) Built up roofings
 - (iii) Asphalt shingles or shakes
 - (iv) Composition roofing
 - (v) Plastic or fiberglass, flat or corrugated
 - (vi) Canvas (except in the case of awnings)
 - (vii) Aluminum shingles or corrugated aluminum
- (e) **Patios.** On-grade patios tend to affect the nature of drainage and runoff on a lot. These effects will be considered in the consideration of a proposed patio. Patios should generally be located in rear yards although front and side yard patios will be evaluated on their own merit.
- (f) **Awnings and Trellises.** Awnings and trellises provide an effective means of controlling glare and excessive heat build-up on windows and doors, and help to reduce energy consumption and utility costs. The manner in which such controls are implemented has a considerable effect on the exterior appearance of a house. Such devices should be compatible with the architectural character of the house in terms of color and materials.
- (1) **Awnings.** Awnings should be a single color and of straight forward design without decorative embellishments such as scallops, fringes or contrasting colored stitches. They should be made of woven cloth of natural fiber such as cotton canvas, with a wood or metal covered frame that is concealed from public view. Owners shall, promptly upon notice from the Architectural Committee, remove or replace any awning that has, in the Architectural Committee's

- opinion, become discolored, deteriorated or damaged.
- (2) **Trellises.** Trellises should be made of wood and should match the trim color of the house. Untreated redwood or cedar trellises may be acceptable. Maximum height shall be 9 ft.

14. **Landscaping.** Landscaping can be effectively used to accent entryways, define space, create "soft" privacy screens and reduce the visual impact of fences, sheds and structures. Since landscaping is a design element, the same considerations should be given to the relationship with the house and with adjacent houses as apply to other design elements.

- (a) **Aesthetics.** All plantings and permanent irrigation systems must be aesthetically consistent with the design and plan of the community.
- (b) **Drainage.** Each lot in Newport Hills, including any slopes thereon, must be maintained in a manner that causes water to drain onto adjacent streets and not adjoining lots. The Architectural Committee will require grading and drainage plans to be prepared by a licensed or registered civil engineer or landscape architect in connection with any proposed modification of established grading or drainage.
- (c) **Views and Encroachments.** Views from neighboring homes and possible damage by encroaching plantings should always be considered. Trees, hedges and shrubs that restrict sight lines for vehicular traffic or that obstruct the view from neighboring houses must be trimmed or removed. Future size of new trees shall be taken into account when being located near property lines, so that adjacent neighbors will not have future tree growth projecting over or into their property.
- (d) **Planters.** Planters are permitted. Planter materials and colors should be compatible with the house.
- (e) **Outdoor Fireplaces and Permanent Barbecues.** Outdoor fireplaces and permanent barbecues shall be located sensitively in relation to neighbors, taking into account prevailing breezes and the direction smoke will blow. Height of chimney shall be in accord with City Code requirements. A City Building Permit is required. Chimneys are to be screened from neighbor's view with fencing or landscaping.

1 5. **Play Equipment.**

- (a) **Basketball Backboards.** Backboards may be permanently attached to that portion of the dwelling or garage adjacent to the driveway. Backboards shall be fan shaped and shall be either clear plastic or painted to match or blend with the surface to which it is attached. A contrasting color outline may be painted on the backboard behind the goal. Backboards, including the net and all attachments and mounting devices, must be regularly maintained (including painting where required) to keep them in an attractive, neat and clean condition.
- (b) **Sports Courts.** (Basketball) are not permitted except on larger lots backing up to street, subject to approval of neighbors on both sides.
- (c) **Other Play Equipment.** Swings, tot lots and other such play equipment should be placed in rear yards. Swings and slides (including those used in connection with a swimming pool) shall be at least five (5) feet from all fences located on or near perimeter lot lines. The Architectural Committee will consider the size, design, and amount of visual screening of such equipment, the size of the lot in relation to the equipment, the noise and light intrusion on adjoining properties and other relevant factors when considering any proposed play equipment installation.

1 6. **Pools, Spas, Hot Tubs, Ponds and Fountains.** Safety, noise, visual an other impacts on adjacent properties of swimming pools, spas and other water related improvements, and the security fencing for such improvements, can be significant. Such improvements need to be carefully planned and should be discussed with your neighbors as much and as early in the planning stage as possible to address and resolve such impact issues in a satisfactory manner. You will also need to comply with all applicable City building code and health ordinance provisions.

- (a) **Location.** Pools and other water related improvements should be located in rear yards. All accessory equipment, except solar panels, shall be located, screened, or recessed so that they are not within public view. Solar panels and related solar equipment, and the fencing or other screening material around the water related feature, shall be located and installed in a manner that complies with the requirements set forth above in these standards.

- (b) **Heaters.** Heaters shall be stackless or low profile in configuration.
 - (c) **Minimize Impacts.** All installations shall be located, sound controlled and maintained in a manner that does not disturb other residents in the neighborhood. The Architectural Committee shall have the rights, but not the obligation, to require an owner to repair or restore any installation to quiet operation or to restrict its use or operation if in the Architectural Committee's opinion, further unrestricted use or operation disturbs other residents.
17. **Exterior Colors and Lighting.**
- (a) **Exterior Colors.** Any improvements may be repainted without the Architectural Committee's approval if it is repainted the same color or any color on the Approved Color List. The Architectural Committee may also, from time to time, preapprove certain other colors for new construction, additions and repainting purposes. Any other colors must be approved by the Architectural Committee before being used.
 - (b) **Exterior Lighting.** Exterior lighting must be low voltage (12V) and the light source should be concealed where possible. Higher voltage lighting may be approved only if it is directed or placed so that it does not create an annoyance to the neighbors. Christmas lighting in season is permitted, however, it must be removed not later than January 15th of the following year.
18. **Garages.** There shall be a minimum of two garage spaces provided for each house. **Garage doors must be wood. Metal garage doors are not permitted.**
19. **Storage Sheds.** A well designed and appropriately sited storage shed may be permitted if it is compatible with the architecture of your house and landscape, utilizes the same materials and color as the house and is not visible from the street.
20. **Exposed Equipment.** All water softeners, gas meters, electrical meter panels, air conditioning equipment, pool equipment or other such equipment shall be completely concealed from public view and shall be installed in a place and manner that minimizes any impact on neighboring properties. Any electrical meter panel shall be recessed into a wall and shall be painted to match the color of that wall.

21. **Trash Containers.** Trash containers should be made of plastic to reduce collection noise.
22. **Flagpoles.** Flagpoles should be an appropriate height, color and location for your property and its background. Permanent, freestanding flagpoles must be installed and maintained in a vertical position.
23. **Satellite Dishes and Antennas.** Television, radio signal receiving or transmitting equipment, including antennas, satellite dishes, earth stations and microwave equipment may be permitted only if it (a) will be reasonable in size, shade and configuration, (b) will be completely concealed from public view and (c) in the Architectural Committee's sole discretion, will not interfere with television or radio reception in the neighborhood or otherwise be a nuisance or annoyance to the neighbors.
24. **Dog Houses.** A dog house should be compatible with your house in color and material, and should be located where it is visually unobtrusive.
25. **Signs.** No contractor or other signs of any kind shall be placed on or about any lot or in the window of any structure except for (a) a security and/or alarm sign, and/or (b) a sign that is reasonably located, in plain view of the public, and is of reasonable design (that complies with all applicable City requirements) advertising the home for sale, lease or exchange at a maximum size of 18" x 24".
26. **Unspecified Items.** Any material, condition, architectural feature or other item not specifically described in these Guidelines and Standards shall be approved or disapproved in the sole discretion of the Architectural Committee after taking into consideration all factors and information it deems necessary or appropriate.

Attachments

Form No. 1 - Application for Architectural Committee Approval
Form No. 2 - Neighbor Awareness Form
Form No. 3 - Notice of Completion
Fee Schedule
Approved Color List
Approved Roofing Materials