

NEWPORT HILLS COMMUNITY ASSOCIATION

1900 PORT CARLOW PLACE • NEWPORT BEACH • CALIFORNIA • 92660
PHONE (949) 721-1929 • FAX (949) 706-3659

DATE: JULY 20, 2017
TO: NEWPORT HILLS COMMUNITY ASSOCIATION MEMBERS
FROM: THE BOARD OF DIRECTORS/ARCHITECTURAL COMMITTEE
NEWPORT HILLS COMMUNITY ASSOCIATION
RE: PROPOSED CHANGES TO ARCHITECTURAL GUIDELINES

Over the last few years the Newport Hills Community Association has been operating under the Architectural Guidelines and Standards adopted December 8, 2015. The recently adopted Guidelines and Standards have proved to be a very effective tool and Guideline for the neighborhood. In an effort to clarify a few remaining items in the guidelines the Board of Directors and Architectural Committee propose to amend the Guidelines. On April 18, 2017 the Board of Directors received feedback from several homeowners regarding the Proposed Amendments sent out in March of this year. The new Proposed Architectural Guideline Amendments incorporate some of the suggestions provided by owners.

California Civil Code requires the Board of Directors to give association members thirty (30) days' notice of any proposed rule change they are considering so that members may offer comments and opinions on the proposed changes. The Board of Directors is considering amendments and or clarifications to the following sections:

- 2.6.2- Required Drawings for Preliminary Plan Submittal- Buildings
- 2.7- Final Plan Submittal for Buildings and Landscape/Hardscape
- 3.5- Homes abutting Newport Hills Drive
- 4.1.2- Computation of Building Square Footage
- 4.2.1- Dwelling Heights
- 4.2.3- Grade (4.2.4)
- 4.2.5- Chimneys
- 4.3- Setbacks (4.3.1 & 4.3.2)
- 4.3.3- Required Additional Building Setbacks (4.3.3.1 & 4.3.3.2)
- 5.2.4- Roofing Material
- 5.6.3- Solar panels
- 6.1- Artificial Turf Requirements (6.1.1)
- 6.7.2- Trees
- 7.3- Unapproved materials for hardscape/planting areas.
- 7.5- Exterior staircases
- 7.9- Fencing (7.9.1, 7.9.2, & 7.9.4)
- 7.10.1- Definitions: Arbors
- 7.11- Wood burning fireplaces
- 7.12.3- Play Equipment
- Application- Fee Schedule

A complete detailed description of all proposed changes to the above noted sections can be found attached to this cover page, on the association website at www.newporthillshoa.com or at the association's designated posting location which is the Clubhouse bulletin board located at 1900 Port Carlow Place, Newport Beach. Please review the proposed changes and provide any comments or questions in writing to the Board of Directors prior to September 4, 2017. A meeting will be held on Tuesday, September 12, 2017 at 7:00 p.m. at the clubhouse, 1900 Port Carlow Place, Newport Beach, to review the comments submitted, and to adopt the proposed amendments. All comments and/or questions must be in writing and may be submitted by mail to NHCA, 1900 Port Carlow Place, Newport Beach, CA 92660 or by e-mail to jill@newporthills.occoxmail.com no later than September 4, 2017. Should you have any questions regarding the meeting process please contact Management at (949) 721-1929, thank you.

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The Board of Directors is considering amendments to the following sections:

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2.6.2 Required drawings for Preliminary Plan Submittal – Buildings.

Paper drawing submittals shall ~~be accompanied by two pdf version CDs of the submittal, including~~ include colored exhibits, photos and photos of color boards. The Preliminary Plan Submittal shall include the following drawings, and any additional drawings as applicable. All plans shall include the date prepared or amended.

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2.7 Final Plan Submittal for Buildings and Landscape/Hardscape

~~Paper drawing submittals shall be accompanied by two pdf version CDs of the submittal.~~

The Final Plan Submittal shall be the same as, but at least two weeks prior to the building department submittal to the City of Newport Beach. All City submittals must incorporate NHCA comments and standards. The drawings will be checked for substantial conformance with the approved Preliminary Plans, and deviations from those drawings will have to be returned to the ARC for approval or denial of the changes.

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3.5 Homes abutting Newport Hills Drive or Greenbelts. Dwellings located adjacent to a Greenbelt or on corner lots at the end of each street abutting Newport Hills Drive must either be entirely one story or have an exterior elevation that steps down to one story on the major portion of the side of the dwelling facing Newport Hills Drive or greenbelt, as applicable. Refer to Section 4.3.3.2.

4.1.2 Computation of Building Square Footage.

For purposes of this Standard, the first floor above a basement may be no higher than ~~eighteen (18)~~ six (6) inches above grade. 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 included in the total square footage. Basement floor area is not counted in the calculation. Horizontal area shall include the area of garages, storage and equipment enclosures. ~~Two-story stairwells shall be counted only once. Stairwells shall be counted in the square footage for each floor it occupies. For purposes of this Standard, a "stairwell" is defined as a vertical shaft or opening that contains a staircase. The stair tread run and associated mid-level landings of two-story stairwells shall be counted only once. All two-story volume areas associated with entries, stairwells, etc. are to be counted per each floor level. Volume areas with a maximum ceiling height of 14'-0" will only be counted one time in the first floor calculations.~~

1. 6. A Balcony is a non-roofed, open-sided outdoor living area directly accessible from a second-story space in the living unit on the same level as the balcony. It may be cantilevered, or supported by structure below. 50% of its area is included in the total square footage of structures on a lot. Exterior stairwells are not permitted. A balcony must be accessed internally from a first or second level space. No decks or balconies can be above the second level, such as a roof deck, and cannot be accessed from outside.

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~~2-~~ 8. Outdoor Roof Covered and Sloped Open Beam Covered Patios (with the design potential to be fully roofed, or cover the structure at a future date), whether attached or detached, shall be counted in the square footage computation.

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4.1.3 Garages (moved from 4.3.3)

Every residence shall include an attached garage that houses a minimum of two cars, or shall include two separate one-car garages. All existing structures must have a minimum clear garage door height of 7' with a maximum of 9'. All new structures must have an interior-minimum clear garage height of 8'. The minimum clear interior width of a two-car garage shall be twenty-two feet (22'). The minimum clear interior width of a single-car garage shall be eleven feet (11').

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4.2.1 No dwelling shall be more than two (2) stories in height or exceed thirty feet (30'0") in overall height from grade. 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 exterior elevation that steps down to one story on the major portion of the side of the dwelling facing Newport Hills Drive.

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4.2.3 "Grade" is defined as the lower of: (a) the average ground level within 2 feet of an existing structure, or (b) 6 inches below the lowest finished main first floor level of an existing structure. Grade for new construction shall be keyed off the existing grade level(s) of the lot pad finish grade elevation. If the existing slab has more than one level it will be the average slab level. The applicant will be required to certify the existing slab height when submitting plans.

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4.2.4 The first floor of the first story above a basement may be no higher than eighteen (18)-six (6) inches above grade.

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4.2.5 Chimneys shall be permitted in excess of the roof height limit, to the minimum extent required by City ordinance including spark arrestor, plus a reasonable height addition for decorative termination cap of copper or painted galvanized metal. Spark arrestor and termination cap design must meet City of Newport Beach ordinance. Also refer to 4.3.2 for chimney size restrictions.

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4.3.1- Requests for modifications to front yard setbacks are discouraged. Only under extreme, extenuating circumstances can a front yard setback be modified. Both ARC and Board approval are required, then, a variance from the City of Newport Beach is required.

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Front setbacks have been established by the City of Newport Beach and vary from lot to lot. The minimum setback requirements as of the date of these Standards, established by the Planned Community Zoning Text (PCZT) and the approved Districting Map of the City of Newport Beach indicating front yard setbacks, shall apply to all Improvements. No structure may be constructed in any setback.

The Owner is responsible to verify the specific front setback of his/her lot. All setbacks are measured from the property line, or from Association wall or fence. If a property is adjacent to an association wall/fence the setback is measured from the property line. However, the building setback from the association wall or fence is a minimum of 3' - 0". All roof overhangs must be setback a minimum of 1' - 0" from the Association wall or fence. The following minimum setback requirements pertain to all structures that are required to be constructed within the Buildable Area of a lot.

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<u>Yard</u>	<u>Required — Setback Less Than 7,000 SF Lot Setback</u>	<u>Greater Than 7,000 SF Lot Setback</u>
Front Yard	as set forth by PCZT	as set forth by PCZT
Rear Yard ^(1st/2nd Floor)	40'-0" 1 st floor 10'-0"/2 nd floor	1 st floor 15'-0"/2 nd floor 20'-0"
Side Yard	5' - 0"	5' - 0"
Association wall or fence	3'-0"	3'-0"

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* The minimum rear yard setback for one-story portions of a home is 15'-0". Refer to 4.2.2 for one-story requirements.

* The minimum rear yard setback for two-story portions of a home is 20'-0".

4.3.2 The area within the required building setbacks is referred to as the "Buildable Area". All structures constructed on a lot, including Arbors, Gazebos, Shade Structures, Outdoor Rooms, ~~and Storage Sheds and free-standing fireplaces~~, shall be located solely within the Buildable Area. Cornices, eaves and projected windows that extend above the footing of a dwelling may not project more than two feet six inches (2'-6") into any front, side or rear yard setback. Chimneys no wider than six (six) feet at the base and designed to be part of the major structure, or designed to be part of an open arbor that is attached to the main structure, may encroach into any side yard or rear yard setback, but in no case shall the chimney be built closer than three (3) feet from the side property line. Pilasters may encroach 6" (six inches) into any required Front setback. All encroachments will be considered on a case by case basis and will depend on surrounding conditions. For Pools, Spas, and Barbecues refer to section 7.13.

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4.3.3 Required Additional Building Setbacks

In addition to the building setbacks described above, Newport Hills requires additional building articulation or staggered off-set wall plane facades. Long unarticulated or unbroken wall planes are not permitted as further described below. The additional articulation is achievable within the maximum allowable lot coverage of 67%. The articulation or staggered off-set wall planes is in addition to the setback requirements.

4.3.3.1 All front (street-facing) facades. Flat, unbroken two-story front facades are not allowed. Second story cantilevers are not allowed. A minimum of 30% of the total width of every front façade shall be designed with a second story recess of enclosed living space, wherein second story walls and roofs are located a minimum of eight feet (8'-0") behind the required front setback line. No second story element can be allowed to dominate the design of a home. A minimum of 30% of the total width of every front façade shall be designed with a second story recess of enclosed living space, wherein second story walls and roofs are located a minimum of eight feet (8'-0") behind the required front setback line. No second story element can be allowed to dominate the design of a home. Additionally, second story cantilevers are not allowed.

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4.3.3.2 All rear facades. Flat, unbroken, two-story rear facades are not allowed. A minimum of 30% of the total width of every rear façade shall be designed with a second story recess of enclosed living space, wherein second story walls and roofs are located a minimum of four feet (4'-0") or more behind the required rear second floor setback line. Additionally, second story cantilevers are not allowed.

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4.3.3.23 Dwellings located adjacent to a Greenbelt or on a corner lot at the end of a street abutting Newport Hills Drive. Second story cantilevers are not allowed. A minimum of 30% of the total width of every façade facing a Greenbelt or Newport Hills Drive shall be designed with a second story recess of enclosed living space, wherein second story walls and roofs are located a minimum of eight feet (8'-0") behind the first story walls. No second story element can be allowed to dominate the design of a home.

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5.2.4 All roofing material shall be one of the following: flat concrete tile, cementitious composite tile, flat clay tile, slate, or wood shake/wood shingle if permitted by the City of Newport Beach. Barrel tile, metal roofs, and glazed colored tile is not acceptable. All roof colors are subject to ARC approval and colors other than earth tones such as brown and grey are prohibited.

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5.6.3 ~~Preferably, No pipes or other equipment shall 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. No solar heating panels or other solar energy collection equipment shall be installed on any portion of any Lot, or any Improvement thereon, unless such equipment is installed with the prior written approval from the ARC, in such a location and in such a manner as to be obscured from the view of other persons in Newport Hills to the greatest degree practicable without significantly increasing the cost of the system or significantly decreasing its efficiency. Solar installations may not exceed in any instance 250 square feet of area. No person shall install any such panels or equipment without the prior written consent of the ARC, which shall have the right to reasonably restrict and determine the size, shape, color, style, materials, and location of any such panels or equipment within Newport Hills, subject to the provisions of California Civil Code, Section 714.

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6.1 ~~The use of artificial turf and artificial plants is not allowed in the ground or anywhere that can be viewed from the public street or area.~~ The use of tasteful drought tolerant plantings and pavers to reduce the amount of lawn is encouraged.

6.1.1 Artificial Turf Requirements:

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Drought tolerant plant materials and artificial turf may be installed in front, side, and rear yards after receipt of written approval by the ARC. All ARC approvals of artificial turf are made on a case-by-case basis.

Required product specifications:

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- Minimum pile height of 1.5 (one and one-half) inches;
- Minimum pile weight of 45 ounces per yard;
- Minimum 10-year "No Fade" warranty;
- One-year installation/workmanship warranty;
- 100% UV protection

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Artificial turf must:

- Have a realistic appearance (with variable colors and blade height) and be indistinguishable from natural turf, from a pedestrian's perspective;
- Be adequately secured, with no ripples or seams showing;
- Have finished turf edges;
- Be separated from other planting areas by mow strips to prevent intrusion of living plant material into the area of artificial turf;
- Be installed in accordance with the manufacturer's instructions/recommendations, including a weed barrier and a properly prepared aggregate base for drainage;
- Have an adequate base and drainage as defined by the manufacturer under the turf;
- Be maintained on an on-going basis to ensure an appearance that mimics real, live turf to the greatest extent feasible;
- Be kept free of weeds, debris, tears, holes, dents;
- Be regularly maintained to ensure an attractive appearance.

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Artificial turf shall not:

- Serve as a major focal point for front yard landscaping;
- Be installed immediately adjacent to the house or other structure;
- Be applied over concrete, dirt, or existing turf;
- Be installed immediately adjacent to regular "living" turf;
- Be installed on slopes;
- Be installed in the parkway strip.

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Integration into landscape design:

- Natural turf, drought tolerant plant material, or a combination of hardscape materials and natural turf or plant material must be used in parkway strips. Please contact the City of Newport Beach to obtain a current copy of the approved plant palette and hardscape options for parkway strips. Any changes in the parkway strip must be approved by the ARC and the City of Newport Beach, as the parkway strip is owned by the City and located in the public right-of-way.
- Artificial turf cannot be installed within 18" of the sidewalk. Living plant material must be planted densely in this 18" area and must be maintained at a minimum height of 6" at installation.
- Living plant material (i.e. flower beds, tree wells, groundcover beds, etc.) shall include shrubs, vines, trees and flowering groundcovers, and shall consist of at least 30% of the landscape area. This must be documented in the architectural application.
- Artificial shrubs, flowers, trees, and vines in lieu of living plant material **are prohibited**.
- Indoor/outdoor plastic or nylon carpeting, or astroturf is prohibited as a landscape element.

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Maintenance:

- If artificial turf is not maintained in accordance with community standards, the homeowner will be asked to remove and replace it with new artificial turf or standard "living" turf.
- Infill must be recharged or replaced if odor or deterioration occurs, Seams must not show.
- Turf must be cleaned and the pile raked/fluffed periodically to maintain its appearance.
- The Association reserves the right to require replacement of artificial turf at any time its appearance has deteriorated to a point of looking worn out, faded, compressed, seamed, or to have raised or collapsed edges.

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Submittal Requirements: The ARC must approve all proposed materials and design prior to installation.

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The architectural application for artificial turf installation shall include:

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- Completed and executed application, neighbor awareness form, and review deposit;
- Site plan showing the area of installation;
- Site photographs of the area of installation;
- Manufacturer's brochure
- Minimum 1' x 1' square sample of the proposed turf material to be used;
- Description of the turf specifications;
- Description of the method of installation

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Information and contact information for the qualified contractor who will perform the installation.

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7.3 Asphalt paving is not permitted for any new driveway. The use of gravel, pea gravel, decomposed granite (DG), dirt and or wood chips for hardscape areas and landscape planting areas in the front yard is not allowed, with the following exception: Gravel and DG are allowed in side yards if shielded from street view by a minimum five foot (5'-0") high gate or fence, and a border is installed to keep the material from spreading into the neighbor's yard.

6.7.2. Trees located in side yards, between houses, are not permitted. In cases of wide side yards between houses, the ARC may consider approving appropriate trees. Trees or any species with invasive roots are not permitted in the 5 foot side yard setback. Plantings in side yards between houses must be held-maintained to a maximum height of 8'. Trees are not permitted to be planted within three (3) feet of any property line. Trees planted within ~~three-five~~ (3-5) feet of a rear property line shall have root barriers to a minimum depth of 2430". Trees and shrubs such as figs that have intrusive root systems, including but not limited to ficus, mayten trees, and bamboo with "running" underground stems, or that have intrusive root systems are prohibited within 10- 15' of all property lines. While these requirements are intended to minimize conflicts, in every case (The, the homeowner shall be fully responsible for root damage from ~~his-that homeowner's trees or plantings trees or hedges~~ to sewer, water, irrigation systems, concrete foundations, fences, hardscape, pools, etc. on ~~his-a~~ neighbor's property. When this occurs, the owner of the trees shall be required to remove the invasive roots and install a root barrier or remove the tree entirely and repair the damage caused by such intrusion.

7.5 Above grade exterior staircases are not permitted. ~~Wood framed stairs or steps are not allowed in any setback area. If framed stairs are proposed, they shall be an integral part of the building. The design of the stairs, landings, rails and skirt should complement the style of the building.~~

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7.9.1 Acceptable materials and colors for extension, repair and/or new fencing on property lines include:

5. For wood fences, the maximum width of a wood top plate shall be 4 inches nominal dimension (for example a 2X4 laid flat. This will eliminate cupping.

7.9.2 Unacceptable materials for extension repair and/or new fencing and gates include, but are not limited to:

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

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4. plastic or fiberglass panels, fencing, posts, or panels
5. reeded ~~or~~ straw, or bamboo-like materials
6. rope or other fibrous strand elements
7. wood grapestake or douglas fir (due to warping and shrinkage)
8. glass blocks and panels
9. exposed plywood (not acceptable even if painted or stained)
- 9.10. vinyl picket fencing or vinyl boards, trex, or plastic of any kind/design

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7.9.4

2. No fence, wall or hedge shall be installed within eighteen inches (18") of the public sidewalk and within 12" of the driveway. Within five (5) feet to the rear of the front property line, no fence wall or hedge shall be more than three (3) feet high.

7.10.1 Definitions:

- **Arbor (Pergola) (Shade Structure)** a garden structure with a roof that is at least 50% open to the sky, an open wood roof-often latticed, supported by posts or columns with no side enclosure. This structure may be free-standing or attached to the main structure. It is often covered by climbing plants such as vines, and often shades a patio. Its area is not included in the total square footage of structures on a lot. The maximum total height for these types of structures shall not exceed 12'. These structures must be located within the buildable area of the lot.
- **7.11** Wood-burning fireplaces are no longer allowed by City ordinance. Free-standing fireplaces and permanent barbecues shall be located sensitively in relation to neighboring homes and yards. Chimney height shall be in accord with City Code requirements. A City Building Permit is required. Free standing fireplaces must be constructed within the "Buildable Area" of the Lot. Free standing fireplaces located outside of the buildable area of a lot shall not exceed 9' in height and must have a minimum rear yard and sideyard setback of five feet (5'-0"). Refer to Section 4.3.2 for minimum fireplace setback requirements for fireplaces designed to be part of an open arbor that is attached to the main structure.
- **7.12.3** Swings, tot lots, play houses and other such play equipment must be placed in rear yards and must be within the buildable area of the lot. 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 ARC will consider the size, design, and amount of visual screening of such equipment, the size of the lot in relation to the equipment, height of the equipment, the noise and light intrusion on adjoining properties and other relevant factors when considering any proposed play equipment installation. **Such installations are considered on a case by case basis and the existence of another facility is not precedent setting.**

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All information on the Fee Schedule will remain the same except for the Fee Schedule. Below are the Current Fee Schedule and Proposed Fee Schedule for your review.

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CURRENT FEE SCHEDULE

TYPE OF APPLICATION	REVIEW DEPOSIT	CONSTRUCTION DEPOSIT	TOTAL DEPOSIT
1. New Home Construction. Includes new residences rebuilt after demolition.	\$5,000.00	\$15,000.00	\$20,000.00
2. Additions & Major Remodels. Includes all new construction with any new exterior walls, roof or roof/wall penetrations.	\$5,000.00	\$5,000.00	\$10,000.00
3. Minor Remodel. Includes all new construction without any new exterior walls. Includes Landscape/Hardscape additions and alterations with structures and/or a pool	\$1,500.00	\$2,500.00	\$4,000.00
4. Garden Walls and Fences	\$500.00	\$1,000.00	\$1,500.00
5. Exterior Material Change	\$500.00	\$500.00	\$1,000.00
6. Exterior Color Change	\$0.00	\$0.00	\$0.00

PROPOSED FEE SCHEDULE

TYPE OF APPLICATION	REVIEW DEPOSIT	CONSTRUCTION DEPOSIT	TOTAL DEPOSIT
1. New Home Construction. Includes new residences rebuilt after demolition.	\$10,000.00	\$20,000.00	\$30,000.00
2. Additions & Major Remodels. Includes all new construction with any new exterior walls, roof or roof/wall penetrations.	\$7,500.00	\$7,500.00	\$15,000.00
3. Minor Remodel. Includes all new construction without any new exterior walls. Includes Landscape/Hardscape additions and alterations with structures and/or a pool	\$3,000.00	\$3,000.00	\$6,000.00
4. Garden Walls and Fences	\$2,000.00	\$2,000.00	\$4,000.00
5. Exterior Material Change	\$1,000.00	\$1,000.00	\$2,000.00
6. Exterior Color Change	\$0.00	\$0.00	\$0.00