



# BAYSHORES

COMMUNITY ASSOCIATION

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ARCHITECTURAL DESIGN GUIDELINES & STANDARDS

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## Section A - Bayshores Overview



### A.1 PURPOSE OF THE DOCUMENT

The Bayshores Architectural Guidelines are intended to enable homeowners and their architects to plan structures that are compatible with each other and their surrounding environment. The character of the structures at Bayshores should be casual and draw inspiration from the design of existing homes in the community. Buildings should be carefully detailed and executed in a contextual way with the neighborhood and have the appearance of having been there for a long time.

These guidelines are an overview and include recommendations on how to site houses, buildings and entries to take maximum advantage of the existing environment at Bayshores. Additionally, City of Newport Beach building / planning departments and design codes are expected to be followed. Information can be found at the Building Department, City Hall.

The goal at Bayshores is to continue to build a true residential community that encourages individuality within a defined and appropriate range of style. The design principles illustrated here should help individuals realize their dreams.

The following guidelines and standards are published pursuant to Article VI, Section I of the CC&Rs applicable to the Bayshores Community (originally recorded February 27, 1973). Restrictions are set out in the CC&Rs, and homeowners should acquaint themselves with them (page 12, Article X).

## A.2 INTRODUCTION

Architecture of a new home is a personal expression through an architect's design and interpretation of an owner's needs, aesthetic values and individuality.

The intent of the Bayshores Architectural Guidelines is to promote and maintain individual expression through an outline of basic and simple criteria for sound architectural practice and creative design, and aid you and your architect in promoting a strong sense of place for the Bayshores community.\*

Through the choice of appropriate materials and colors and by maintaining scale with your neighbors' homes and Bayshores as a whole, your new house or addition will produce a three-dimensional, sculptured object.

Because of the unique location and characteristics of Bayshores, the design process must consider each elevation of the home as important as the front or main entry. Consider the appearance of the roof from neighboring 2nd floor view opportunities above and overhangs from below or ground plane perspective.

In approaching either the creation or analysis of a building design, it is important to address the following six essential issues:



- One **THE DISTANCE VIEW**  
FORM AND MASSING
- Two **THE MIDDLE VIEW**  
BUILDING ELEMENTS
- Three **THE CLOSE VIEW**  
SECONDARY ELEMENTS  
AND DETAILS
- Four **LANDSCAPING**  
HARDSCAPE AND  
SOFTSCAPE
- Five **TECHNICAL ELEMENTS**  
LOT & HOME REQUIREMENTS
- Six **THE PROCESS**  
APPLICATION AND  
SUBMITTAL

At each distance from which a building is viewed there should be a sense of complete expression.

From a distant view, the sculpture of a building should stand on its own. As the distance is shortened, the main elements and details, as they appear, should have a strong sense of natural interrelationship to one another and the overall form. And finally, landscaping elements, both natural and hardscape, can add a layering effect to complete the image.

\* Architectural elements (suggested) herein are general in nature. Individual projects shall be reviewed by the Bayshores Architectural Committee.



## Section B - Aesthetic Elements

### B.1 THE DISTANCE VIEW

When we view a building from a distance sufficient to eliminate any perception of small scale elements and details, it becomes simply a system of three dimensional shapes. Light, playing in various ways upon the surfaces of these shapes, reveals their form, depth and interrelationships (Fig. 1). It becomes the simplest and most powerful kind of sculpture. But a house is not a museum piece displayed independent of its surroundings under controlled conditions. It's only one part of an integrated whole that includes the vegetation, color and unique characteristics of the site. The ever-changing light reveals the house as fixed in and controlled by nature.

Viewed from any angle in any light of the day, the building should exhibit a responsive and complimentary sense of belonging to the site. This achieved, the neighborhood becomes a series of pleasant visual experiences, thus creating a strong sense of identity for the people who will be citizens and neighbors of Bayshores.

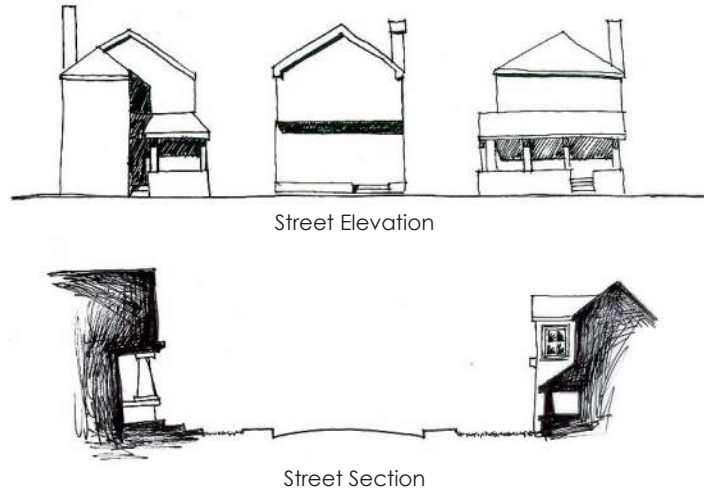


Fig. 1



## Section B - Aesthetic Elements

### B.1.1 FORM AND MASSING

There are many architectural approaches used to minimize the mass of a building. Stepping building heights, breaking the ridge line, adding dormers and varying the roof pitches create a more intimate scale. **Large expanses of continuous vertical walls should be avoided.** When necessary, these large walls can be made more friendly with the addition of elements such as stone, rocks, boards and ornamental details.



Simple roof forms and single-story front porch help break down the mass of the building.



One-story homes



One-story massing in foreground



Offsets in wall planes and roof breaks give interest to street elevation.



Balcony in foreground adds visual interest and reduces scale.



## Section B - Aesthetic Elements

### B.1.1.1 FORM AND MASSING (cont.)

Even homes of similar size can vary in scale, style and detailing from adjacent neighbors' to create individuality. Use of single-story roofs and porches on front elevations is **strongly encouraged** over "boxiness."

The following techniques are appropriate means to achieve proper massing, scale and proportion:

- Mixture of one and two story components within a two-story home
- Varied setbacks for various components of the home such as; garage, second floors, etc.
- Utilization of ells (a wing at right angles) and porches
- Staggered offset wall planes on each façade (when possible)
- Massing characterized by a series of stepping forms
- An assemblage of multi-dimensional components



## Section B - Aesthetic Elements

### B.1.2 SCALE AND PROPORTION

Problems of appropriate scale on a house typically show up as oversized elements or large wall expanses which are unbroken, have no change of materials and lack attention to detail. Small and whimsical elements create interest, familiarity and delight. Each house demands attention to scale to avoid imposing on existing neighbors.



Balcony and railing are used with landscape to layer and reduce impact of two-story structure.



One-story roof elements at the streetscape help reduce scale of buildings.



Small deck and round window help reduce mass of second story. Texture materials, siding, and divided-light windows add to composition.



Small entry porches, columns, and low roofs are strongly encouraged to help give a sense of human scale to homes.



### B.2 THE MIDDLE VIEW - BUILDING ELEMENTS

As we approach each house more closely, the pieces or elements begin to take precedence to our eye. The goal of these "building elements" or components is to reduce the mass of the structure and create a visual interest and uniqueness to each home. The strength of Bayshores is the diversity created by an absence of repetition and by the individuality of detail. Architectural features such as roof overhangs, balconies, porches, dormers, and ornamental details are all pieces that are recommended to complete the exterior of your house.



## Section B - Aesthetic Elements

### B.2.1 ROOFS

Architecture that recognizes the benefit of the roofscape can seize the potential for blending with the neighborhood and environment. Large roof areas facing the public eye should be broken up with hip and gable framing and pitched dormers. Roof pitch that varies from adjacent homes' is encouraged for diversity. Roof materials such as wood shingle, slate, and clay tile should be incorporated into each house to add a rich texture to the community. Asphalt or composition shingles and large, bulky, concrete flat tiles are not recommended.

Roof forms and configurations are patterns which significantly impact each home, neighborhood and the community. The opportunity to create roof variations must be carefully considered providing varied heights, pitch and texture.

- Primary roof forms of gables, hips, sheds and flats with multiple combinations
- Varying roof pitches
- Punctuated roof planes with window or vented dormers
- Variety of eave overhang dimensions
- Use of various roof materials & color appropriate to the architectural style
- Mixture of roof heights and pitch within the same home
- Varied fascia, rake and eave detailing
- Combinations of one and two-story roof planes
- Appropriately screen roof mounted mechanical equipment not permitted on one-story roof elements



Dutch gables appropriate with architectural style



Tower elements



Slate roof with blended colors adds a rich pattern.



Smaller scale dormers help reduce large roof mass.



Steep roof pitches with varied heights are used on visible elevations at corners of streets.



## Section B - Aesthetic Elements

### B.2.2 WALLS AND OPENINGS

Walls and openings are yet another opportunity to add scale and interest to your home. In all cases, walls are visually more appealing when comprised of more than one material or element. All elevations visible to the public eye should provide adequate breaks in the wall surface. Use glazing and openings as well as texture to soften the appearance of large facades.



Variety of windows and materials create visual interest



Shingle texture, window pattern, and roof breaks help reduce impact of large, two-story elevation.

Stacked porch elements create negative space, however these types of elements should be set back from the minimum front setback



A simple attached balcony and landscape help create detail and visual interest to opening in flat wall.



Second floor balcony at corner helps break down mass of flat wall.



## Section B - Aesthetic Elements

### B.2.3 ENTRIES

An entry consists of the door and its surrounding elements. Entries should focus on human scale and include a protective roof or element that enhances the significance of the entry and invites the visitor to slow down and examine detail. One-story roofs or overhangs that serve as porches are strongly encouraged. The door itself can vary greatly in style, such as Dutch, or materials, such as wood and glass. Rich materials, simple or ornate, can reinforce the character of your home. Interest and character of entries can be enhanced by details such as benches, planters, lighting, and address numbers.



Smaller entries help create a more human scale to your home.



Entry gates with craftsmanship can add a layer to the entry in addition to the door.

Elegant recessed entry made up of forms, texture, wall, and landscape, all in balance and harmony.



Simplistic elegant entries enhanced with landscaping

### B.3 THE CLOSE VIEW - SECONDARY ELEMENTS AND DETAILS

Details and elements that you can touch and feel comprise the close-up view. They provide the finishing touch to your home and help reinforce a sense of community. Bayshores has a rich history of these elements, and all new homes should contribute to this legacy. Special attention to the details, from the materials to the construction, forms the ideology for Bayshores. Details provide an opportunity to add visual interest to your home and establish its inherent friendliness. The Bayshores community is a celebration of craftsmanship and detail.





## Section B - Aesthetic Elements

### B.3.1 WINDOWS

Windows-size, type, amount, and shape-not only provide light and ventilation, but help add character to your home. The conflict of maximizing views without compromising style has become a modern day problem. A lesson offered by many architectural styles is to use an opening to frame a view. Limiting the view makes it even more special.



Transom windows breaking roof plane



Appropriate balance and symmetry should be considered when placing windows.



Shaped windows with multiple shutter treatment



In all cases, wood or wood-clad windows are strongly encouraged.



Window shape and mullion pattern are both useful elements for creating character.



Roofed bay window



Often a simple window with shutters and detail is enough.



## Section B - Aesthetic Elements

### B.3.2 DOORS

Doors are a focal point and can be an asset or liability to your home. Properly designed and appropriately colored, they add character and reflect the personality of the home. The doors of Bayshores reflect the community's feeling of friendliness. Unique doors that match the character of the architecture are strongly encouraged.



Simple doors with Dutch opening reflect the ideology of Bayshores.



Stacked doors at an entry key element



Doors at covered porches



Doors that are custom, unique, and match the architectural character of the home are encouraged.



Arched door and opening show a level of care and craftsmanship to a home.

## Section B - Aesthetic Elements

### B.3.3 MATERIALS

Exterior materials of your home contribute to the harmonious fit of the community. Bayshores encourages using natural materials such as stone, brick and wood where appropriate to the architectural character. Use of fabricated materials, including ornamental use of wrought iron, steel and copper elements, is also suggested. Rich materials evoke feelings of strength and substance, giving your home a feeling of stability and timelessness compatible to Bayshores.



Wood shingles give character and charm to exteriors.



Wood balcony rail combined with stone column add warmth and richness.



Combinations of materials enhance the character of the design.



Weathered wood board and batten give a peaceful and warm feeling.



Stone face adds strength and makes the home feel solid.



## Section B - Aesthetic Elements

### B.3.4 COLOR

Color is the key element to the success of your home. It can add beauty or focus unwanted attention. Careful selection and application of color to reinforce the architectural character of your house is the primary goal. Colors found in the natural landscape are best suited. Bayshores suggests you use historical applications of color found in existing homes as examples of appropriate ideas. All new homes shall provide a materials selection and color board for review.





## Section B - Aesthetic Elements

### B.3.5 DETAILS

Details should be a complement to the architecture and home, not a detraction. Whether attached or applied, most good details have a mysterious quality inherent to them. It is the detailing that releases that sense of mystery and joy that is a celebration of architecture and home.



Vented roof cupola



Planter boxes



Mailbox style matching the home's architecture



Use of copper roof accents

## Section B - Aesthetic Elements

### B.3.6 GARAGES

De-emphasis of the garage is of primary importance when developing homes in Bayshores. Garage placement should emphasize the home and the yard rather than the garage wherever possible (alley conditions are the exception).

- A variety of garage entry conditions are encouraged such as:
  - Split garages with motor court configuration
  - Alley loaded
  - Side load
  - Deep recessed
  - Shallow recessed
  - Tandem
  - Detached
  - Semi-detached
- All garages must be fully enclosed and may be integrated into the main structure, or connected to the home through the use of a breezeway, patio, garden room or other similar elements.
- Integrated garages should be visually removed to reduce the impact onto the street scene.
- Split and/or separate garage doors are encouraged



Second floor balcony and planting pockets remove the garage door prominence



Single garage doors designed to match the architectural period



## Section B - Aesthetic Elements

### B.3.6.1 GARAGES (cont.)



Second floor projects beyond the garage wall plane



Shed roof over garage doors

- Design must reflect the selected architectural style.
- Conditions with three or four car garages, no more than two doors may exist on the same plane.
- Third (and fourth) garage doors must be offset by a minimum of two feet (2'-0").
- Each garage may have a separate bay or maximum double bay façade
- Corner siting provides the ability to orient the garage for side entry.
- Alley conditions are encouraged to use one of the following design characteristics in order to provide articulation of the garage and house design at the alley:
  - Offset the garage doors from the minimum rear setback
  - Offset the 2nd floor from the minimum rear setback (not stacked over the garage wall plane)
  - Addition of trellises or shed roof over the garage door(s)
  - Provide planting pockets at garagescape



Planting pockets flank the garage doors

## Section B - Aesthetic Elements

### B.3.7 LIGHTING

Exterior lighting, appropriately designed, adds finishing touches to successful architectural and landscape design. Soft, natural lighting created with incandescent or quartz halogen can define driveways, pathways, and landscaping. Lighting can help identify entries and can enhance the home's architectural character. Exterior lighting in which the direct source is visible from a neighboring property or which produces excessive glare is not permitted.



Elegantly designed exterior lighting that reinforces the architecture and blends into the landscape is strongly encouraged.



Symmetrically placed and appropriately designed lighting can add to the entry's character.



A small, ornate porch light can identify house numbers and entries.



### B.3.8 CHIMNEYS & FIREPLACES

Chimneys are symbolic of the warmth of hearth and home. They provide a vertical counterpart to an otherwise horizontal structure. All chimneys visible to the public eye should be used as a design element and reflect the character of the architecture.

Fireplaces must be set back at least two (2) feet from the side lot line or easement line, and may not be closer than six (6) feet to a neighboring house or any fireplace on the neighboring house. Fireplaces may be no closer than five (5) feet from the front and rear setback easement line.

Exterior fireplaces, pizza ovens, fire pits, etc. also must meet the requirements as outlined in the above paragraph. The building code 10:12 rule also applies to these elements. Carefully check manufacturer(s) and the Uniform Building Code regarding the impact of these elements, especially when they are free standing.



Chimneys can be used as design elements to create interest and reinforce craftsmanship.



Chimneys should use materials and detailing similar to those found on building.



Chimney of stone and designed metal cap are used to complete the design character.

## Section B - Aesthetic Elements

### B.3.9 ARCHITECTURAL STYLES

The rich character and personality of Bayshores will be achieved through the consistent application of the architectural styles portrayed within these guidelines and in concert with the overall existing Bayshores community design theme.

Application of the architectural styles should be as authentic as possible regarding the application of detail, massing, form, etc.

Examples of appropriate architectural styles are as follows:

- Cottage
- Bungalow / Craftsmen
- Coastal / Seaside
- Colonial
- Stick
- Shingle
- Tudor
- French Country
- Monterey
- Cape Cod
- Farmhouse

Pure and contemporary versions of the preferred or encouraged styles are accepted.

Examples of not preferred or discouraged architectural styles are as follows:

Inappropriate examples are:

- Italian Renaissance
- Adobe / Santa Fe
- Romanesque
- Gothic
- Byzantine
- Italianate
- Art Deco
- Flat, rectangular, boxy designs with the predominant exterior surface materials consisting of metal, concrete and glass.

It is understood that many residential designs include elements of multiple architectural styles and cannot easily be characterized as representing one particular style. In addition, the fact that a home can be characterized as being consistent with one or more of the “preferred/encouraged” styles listed above does not necessarily ensure that it will

be found to satisfy all of the aesthetic elements of these Guidelines; nor does the fact that a home can be characterized as having elements of one or more of the “not preferred/discouraged” styles necessarily mean that the home will be found to not satisfy the aesthetic elements of these Guidelines. Finally, the list of “preferred/encouraged” and “not preferred/discouraged” styles is not intended to be comprehensive; a proposed home of a style that is not on the list will be considered on its own merits. Determination of compliance with the aesthetic standards of these Guidelines necessarily involves the exercise of judgment and discretion. Accordingly, the list of “preferred/encouraged” and “not preferred/discouraged” styles is intended to provide guidance and examples of styles of construction that more likely will or will not be found to be “in harmony as to external design and location with the surrounding structures and. . . community” (CC&Rs, Article VI, Section 1(a)), but the list does not set forth absolute hard-and-fast rules. Each proposed design will be considered on its own merits and in the context of how the home sits on the lot and relates to the overall context of the community.





## Section B - Aesthetic Elements

### B.3.9.1 ARCHITECTURAL STYLES

Generally the architectural styles are intended to be eclectic and asymmetrical with a strong sense of cohesiveness. However, the beauty of an appropriately conceived style is in its flexibility to be represented as either a formal symmetrical design or an informal asymmetrical design. Home designs tend to be more functional and practical rather than following a fashionable passing trend. The partnership of materials and colors integrated into the architectural details and elements cause each home to emerge with a unique but traditional personality.





## Section B - Aesthetic Elements

### B.4 LANDSCAPING

Landscaping and landscape elements such as walks, fences, walls, gates, and furniture are all key elements to the look of your home. Landscaping can add to the positives or help hide the negatives of the architecture. Careful consideration of the design and execution of each front yard is of primary concern to Bayshores. All new homes shall submit a landscaping plan that complements the home design for approval.



Use of landscape elements complements the architectural style and adds richness to your home.



Landscaping and elements should match the style of the home.

#### **FRONT YARDS:**

Shall be landscaped and maintained in good condition. Failure to do so will result in a \$20.00 per day assessment to begin thirty (30) days after notification by the Board of Directors.



Use of appropriate materials and design of walks and walls are key ingredients to successful landscaping.



## Section B - Aesthetic Elements

### B.4.1 FENCES / WALLS

**PERMANENT FENCES:** Structural framing or an unfinished side of a fence or wall shall not be exposed to any public street, alley, walkway, park, or neighborhood lot. All fencing and all walls shall be maintained in good condition.

Heights of fences and walls on or along side and rear lot lines or side and rear easement lines may not exceed six (6) feet from finished grade and the height of fences and walls in the front setback may not exceed three (3) feet from finish grade. The three (3) feet maximum height limit shall apply to the portion of a fence or wall on or along the side yard property line that is also within the front yard setback. In addition, fences or walls within the front yard setback, including without limitation along the side yard property line, are not permitted within two feet (2'-0") from back of curb.

The association requires separate permits for fence and wall construction. Fences, walls and other structures over three (3) feet in height within the front yard setback or on the bay side of waterfront property, are prohibited.



Gates to side yards should be designed to reflect the architectural character and reduce scale.



Metal fence with solid pilasters adds transparent layer to front yard.



Curving stone walls are integrated into landscape.



Entry gates that are unique and reflect the idea of friendliness are encouraged.

## Section B - Aesthetic Elements

### B.4.2 MAILBOXES

Mailboxes can be creative and personalized by the homeowner. It is encouraged that mailbox design reflect the character of the home, although not a requirement.

Maximum height of mailbox structures is 3'-0" as required of all vertical elements within the front yard setback.



### B.4.2.1 BARBECUE STRUCTURES

Permanent barbecue structures must be installed behind the front setback and entirely screened from view.



## Section B - Aesthetic Elements

### B.4.3 HARDSCAPE

Hardscape is yet another opportunity to provide interest to your home. Careful selection of materials and their patterns can add to the overall ambiance of your outdoor space.



Brick walkway reflects material on planters and house wall to link the hardscape and home.



Hardscape that is designed to complement the landscape is strongly encouraged.



Fences and walls can help design outdoor rooms and patios that can expand the home into the yard.



Appropriate materials and patterns help add character to walkway.

Approval is required for paving, curb cuts, boring of curb and use of masonry in the common and front setback areas.

Complete use of decorative rock, gravel, sand, concrete, artificial rock substance, or synthetic grass in the front yard is prohibited, with the exception of walkways and driveways, where only concrete, brick, or other approved materials will be used.



## Section B - Aesthetic Elements

### B.4.4 SOFTSCAPE

Plants, trees, and flowers are the only elements of your home that are constantly changing. The selection and placement of softscape should consider tomorrow as well as today. Landscape should complete the picture, and context must be considered. Remember all three “views” in the design of all yards.

#### SOFTSCAPE:

All home plans shall include a basic landscape plan indicating major planting. In addition to the botanical names, plans must include common names and sizes of all plants.

Replacement-type planting of lawns, screen planting, shrubs and hedges need not be approved by the Architectural Committee, providing the “Guidelines” are followed.

Approval by the Beautification Committee is required prior to removing, replacing, or planting of trees in the common areas.

No one other than the Association or its designated representative may alter or modify the common area, including the planting, trimming or removing of any landscaping materials.



Simple layering of streetscape to fence, fence to yard, and yard to house adds beauty and replaces the need for detail on the house.



Landscape on buildings can create interest and minimize lack of detail.



Careful placement of plants softens the architecture and reduces mass.



Plants soften corners and create buffers and privacy from street.



## C.1 TECHNICAL ELEMENTS

Technical elements include all the specific lot requirements encumbered on each lot or homesite within Bayshores.

These requirements include the City of Newport Beach Building and Planning Departments codes, the CC&Rs and the additional Bayshore restrictions as described in these design guidelines.

- Setback Requirements
- Building Heights
- Encroachments
- Architectural Design Setbacks

The Architectural Review Committee (ARC) has the authority of the Bayshores Community Association (BCA), to interpret and enforce the technical elements or standards on a case-by-case basis, regardless of the extent of proposed property improvements. It is the ARC's obligation to be as consistent as possible when applying these guidelines, in order to preserve the quality of Bayshores as a community.

**NOTE: Existing homes within Bayshores that do not conform to these design guidelines may not be used as a precedent for new construction.**

# Section C - Technical Elements

## C.2 LOT REQUIREMENTS

### C.2.1 SETBACKS

#### Front Yards

To clarify the confusion regarding the legal setback according to Newport Beach Building Ordinances, the following is provided:

1. When checking with the Newport Beach Building Division for the legal setback they will most likely tell you it is ten feet (10'-0") from the property line. In Bayshores the property line **is not** the curb. The street easements and widths determine the location of the property line. Street easements in Bayshores vary from 40, 45 and 55 feet in width. Actual street widths vary from 24 to 36 feet.
2. The Front Setback Determination Schedule & Graphic Exhibit are offered to assist you in locating your front property line.
3. Should you be unsure of your setbacks' exact location, a site survey should be prepared to accurately establish the property lines and setbacks. All new homes and major remodels require a site survey.

#### Lots 1-11, Tract 3277

Lots #1-11, Tract 3277, on Bayshore Drive, which have no setback. However, these lots do have a ten foot (10') easement / parkway between the street and front property line that has the same requirement as the front setback.

#### Rear Yards / Bulkhead

Minimum ten (10) feet from property line. This applies to all lots.

#### Side Yards

Minimum four (4) feet from property line. This applies to all lots.

#### Rear Alley

Minimum ten (10) feet from the center line of roadway easement. This applies to all lots.

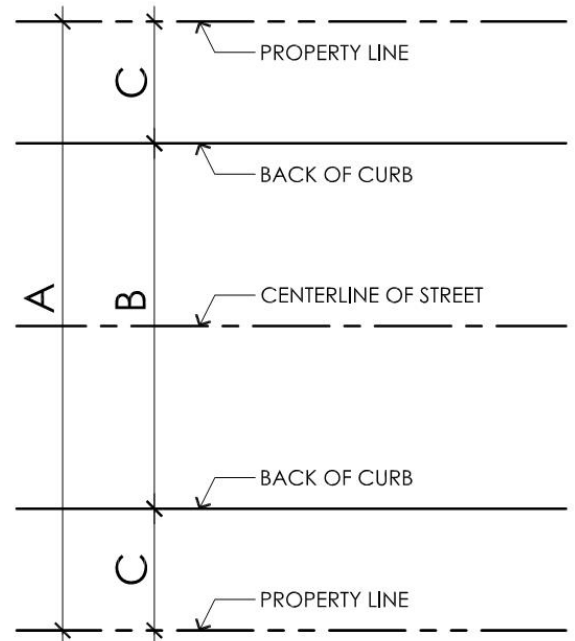
#### Side Alley

Minimum four (4) feet from alley right-of-way.

**Note:** Second floors cannot encroach into setbacks.

### Front Setback Determination Schedule & Graphic

Street	A Street Easement Widths	B Street Widths	C Distance From Back of Curb to Property Line
Bayshore Dr.	55'-0"	36'-0"	9'-0"
Marino Dr.	55'-0"	35'-0"	10'-0"
Arbor Dr.	45'-0"	31'-0"	7'-0"
Circle Dr.	40'-0"	24'-0"	8'-0"
Vista Dr.	40'-0"	26'-0"	7'-0"
Waverly Dr.	40'-0"	26'-0"	7'-0"
Crestview Dr.	40'-0"	26'-0"	7'-0"





## C.2.2 BUILDING, LANDSCAPE FEATURES & FENCE & GATE HEIGHTS / LOCATIONS

### Building Heights

Maximum building height is 29'-0" to the roof ridge, per the City of Newport Beach Planning Department.

### Maximum Height of Fences, Walls, Gates and Hedges: Permit Required

The heights of fences and walls on or along side and rear lot lines or side and rear easement lines may not exceed six (6) feet from finished grade. The three (3) foot maximum height limit shall apply to the portion of a fence or wall on or along the side yard property line that is also within the front setback. In addition, fences, walls or gates within the front setback, including without limitation along the side yard property line, are not permitted within two (2) feet from back of curb. The Association requires separate permits for fence and wall construction. Fences, walls and other structures over three (3) feet in height within the setback or on the bay side of waterfront property, are prohibited.

The height of landscape hedges within the front yard setback shall not exceed three (3) feet; provided, that: (1) outside the twenty-four inch (24") front and street side yard setback zone referred to below the maximum height of landscape hedges along an interior side yard property line (i.e., not a street side yard) shall be six (6) feet; and (2) within the twenty-four inch (24") front and street side yard setback zone referred to below no landscape hedges are permitted within eighteen inches (18") back from back of curb.

### Mailbox Heights

Heights of mailboxes in the front setback are to be installed per the USPS requirements.

### Parking

Where feasible lots along Bayshore Drive with harbor frontage are required to provide for one (1) full size car (20'-0" min.) to be able to parallel park along Bayshore Drive.

### Barbecues

Barbecues of a permanent nature/structure must be installed behind the front setback and entirely screened from view.

### 24" Front & Street Side Yard Setback Zone (see Fig. 1)

1. The 24" zone is measured on a perpendicular angle from the back/inside of the curb 24" into the front yard and, if applicable, the street side yard.
2. Within the first 18" of this 24" zone, measured from the back/inside of the curb, only flat walkable surface materials are permitted. The purposes of this rule are to (1) allow pedestrians to easily walk within/along this 18" area and (2) enable persons to easily enter and exit vehicles parked adjacent to the curb. Examples of permitted surface materials in this first 18" of the 24" zone include grass; synthetic turf; flat bricks or stone; stepping stones separated by grass, synthetic turf, or ground cover that does not grow above the level of the stones; and similar materials.

Plantings or other materials that would make it hazardous or difficult for an able-bodied person to walk within this first 18" of the 24" zone are prohibited.

3. Within the area located between 18-24" from the back/inside of the curb, plantings (e.g., boxwood hedge, shrubs, or flowers) are permitted, as long as the plantings do not exceed three feet (3') in height and are maintained accordingly.
4. All proposed pilasters, walls, fences, and gates are to be dimensioned and located outside the 24" zone and may not exceed three feet (3') in height.
5. The rules in Paragraphs 1-4 above do not apply retroactively to any non-conforming improvements or landscaping within the 24" zone that were permitted, authorized, or approved in accordance with these Guidelines at the time they were constructed or installed; provided, that such rules shall apply to any new or modified improvements or landscaping constructed or installed afterwards."

### Basements

Consistent with Article X, Section 5, of the Bayshores CC&Rs, no basement shall be constructed or used on any lot at any time for any purpose, including as a living space, garage, wine cellar, storage area, or otherwise. As used herein, the term "basement" means the part of a building that is wholly or partly below ground level.

## C.2.3 ENCROACHMENTS

The only encroachments allowed into setbacks are bay windows, at first floors only, and fireplaces/chimneys, as described below:

### Bay Windows

Bay windows are defined as a projection from the wall made up of a series of windows, not creating an offset in the foundation or increasing the floor area of the home. Most true bays have their own roof and should be viewed as predominantly window and not solid wall or mass.

**Front Setback:** Two (2) feet maximum into any front setback of ten (10) feet or more.

**Sideward Setback:** Two (2) feet into any side setback of four (4) feet or more.

**Rear Setback:** Two (2) feet into any rear setback of ten (10) feet or more, alley/roadway conditions encroachment is not permitted.

**Exceptions:** Bay windows shall not encroach into any alley or roadway easement. Bay windows are not allowed into the second floor setback.

**Maximum Length / Quantity:** Eight (8) feet each bay, with no more than two bay windows per any one setback length.

### Fireplaces

Fireplaces and chimneys are allowed to encroach into side yard setbacks a maximum of two (2) feet. A minimum of two (2) feet clear from property line for access is required.

**Note:** Total width of permitted encroachments (bay windows, fireplaces) shall not exceed 50% of the building width on all side yard setbacks.

C.2.4 FIGURE 1 - 24" LANDSCAPE SETBACK ZONE

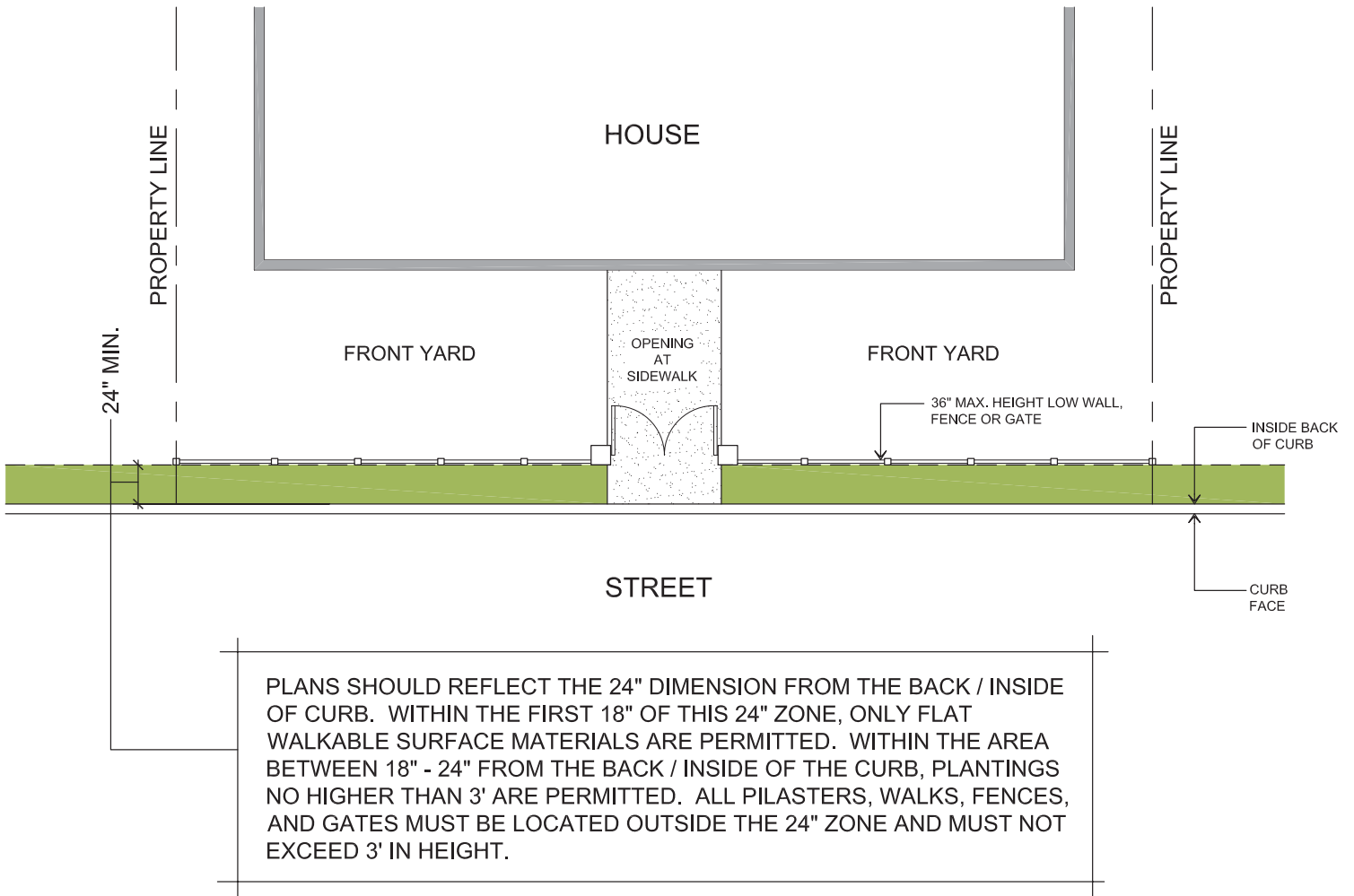


Figure 1  
24" Front and Street Side Yard Setback Zone



## C.3 ARCHITECTURAL DESIGN F.A.R / SETBACKS / OFFSETS

In addition to the lot requirements described in Section C.2 and those specific to each lot as determined by the City of Newport Beach, the following F.A.R., setbacks and offsets are to be applied to each home design within Bayshores.

These items are intended to create variety of massing and articulation as applied to the homeowner's selected architectural design style. Enhancing the community's visual impact along the streets of Bayshores with respect to the distant, middle and close views as described in Section B. To determine which rule applies to your proposed improvement, follow steps C.3.1 through C.3.3.

### C.3.1 FLOOR AREA RATIO (F.A.R.)

- The second floor shall not exceed 90% of the first floor footprint, including the garage and covered spaces. Covered spaces include all solid roofed areas, not including trellises.
- This requires an offset or relief on the second floor at the street/front elevation. The minimum 10% second floor area reduction is not acceptable at the rear or side elevations where they are not a part of the front facade.
- Should the style of architecture, such as Colonial, Monterey, Coastal, etc. (typical vertical 2-story massing), facilitate a vertical two-story front facade, an increase to the front setback is required as described in Section C.3.3 herein.

### C.3.2 TEN (10') FOOT SETBACK (see Fig. 2 & 3)

The following options provide for a ten (10') foot minimum front yard setback with varied 2nd floor conditions:

- Maximum of 2/3's of the home's first and second floor front facade/elevation is permitted to the ten (10') foot minimum front setback. The remaining 1/3 must be setback fifteen (15') feet. (see Fig. 2)
- 100% of the first floor front facade/elevation permitted to the ten (10') foot minimum front setback or easement (zero setback Lots #1-11, Tract 3277) and 50% of the second floor required to be setback a minimum of fifteen (15') feet from property line or easement. (see Fig. 3)
- Appropriate architectural styles include Craftsman, Bungalow, Shingle, Tudor, Cottage, French Country, English Country, Folk Victorian and Contemporary.

### C.3.3 FIFTEEN (15') FOOT SETBACK (see Fig. 4)

- Stacked two-story home designs where the second floor is 100% or more of the first floor area, a minimum fifteen (15') foot front setback is required (where property line & curb are the same). (see Fig. 4)
- Covered porches, verandas, loggias, etc. are also included as a second story vertical element or massing, included in the 100% or more of the first floor area and require a 15'-0" setback.
- Lots indicated as a "zero" front yard setback (Lots #1-11, Tract 3277) require a 5'-0" setback from back of community easement (see Fig. 5 & 6).
- Applicable architectural styles include, but are not limited to, Colonial, Coastal/Seaside, Monterey and Contemporary.

### C.3.4 SIDE ALLEY LOT (see Fig. 7)

- Property lines for side alley lot conditions is the center line of the alley. Side alleys are a twenty-eight foot (28') wide easement, constituting fourteen feet (14') from centerline of the alley to the home on each lot. (see Fig. 7)
- Fences along side alleys are permitted within ten feet (10') of the alley center line or property line or a minimum of four feet (4') from the building.

### C.3.5 THIRD-FLOOR SETBACK

(see Fig. 8, thru 11)

- The intent of the Third-Floor Setback requirement is to minimize the overall mass and scale of the building, preserve the scale and proportion of the building in relation to neighboring homes, encourage and promote development of an aesthetically pleasing roof design, preserve light and air enjoyed by neighboring homes, and protect the privacy of neighbors. These setbacks are in addition to required 1- and 2-story setbacks described in this section.

The intent of these requirements is to minimize the visual impact of the third floor, giving the appearance that the Dwelling is a 2-story structure. See section C.9 - Third-Floor Setbacks, Requirements & Lot Diagrams for prescriptive information to further clarify third-floor setbacks.

### C.3.6 SETBACKS & DEVELOPMENT STANDARDS ON MERGED & CONSOLIDATED LOTS; EXCEPTIONS

#### 1. Background and Intent.

The Bayshores CC&Rs (Article VI, Section 1(a)) authorize the Architectural Review Committee ("ARC") to disapprove and prohibit the commencement, erection, or maintenance upon any Lot of any building or structure that the ARC determines in its reasonable judgment to not be "in harmony as to external design and location with surrounding structures and topography." This provision applies as well to exterior additions to or changes or alterations in any existing structure. The same section of the CC&Rs authorizes the Association, through its Board of Directors, to adopt architectural standards, to amend such standards from time to time, and for the ARC to disapprove and prohibit new construction that does not conform to such standards. These Architectural Design Guidelines & Standards, as amended (the "Guidelines"), constitute the architectural standards referred to in the CC&Rs.

The above-quoted provision in the CC&Rs and many provisions in the Guidelines directly and indirectly address issues related to the scale and massing of buildings and structures constructed and maintained on the Lots in Bayshores. Prior to the amendment to the Guidelines adding this Section C.3.6, however, the Guidelines have not expressly addressed scale and massing issues created by the enlargement of existing Lots by means of a merger or consolidation of adjoining Lots. Lot mergers (2 or more Lots merged to create a single Lot) and Lot consolidations (e.g., converting 3 adjoining Lots into 2 Lots) create the potential for unique concerns relating to the increased scale and massing of buildings and structures.

The character of the Bayshores community is reflected in part by the size and configuration of the existing residential Lots and the resulting scale and massing of the homes constructed on those Lots. It is understood that not all existing Lots are of equal size or identical configuration and that, other things being equal, larger Lots can accommodate larger homes. But if owners merge or consolidate existing Lots there is an increased potential that the larger homes constructed on those Lots may be out of character with other homes in the neighborhood or, to utilize the phrase set forth in the CC&Rs, the larger homes may result in a loss of "harmony. . . with surrounding structures."

The CC&Rs and these Guidelines already authorize the ARC to exercise its "reasonable judgment" (the term utilized in the CC&Rs) or "subjective discretion and judgment" (the term utilized in Section D.2.2 of these Guidelines) to enforce what are in some respects subjective standards. When, however, the Board of Directors believes it is able to provide greater clarity and guidance for owners and their consulting professionals (e.g., architects) to assist them in designing new homes and remodeling existing homes in a manner that will enhance their prospects of obtaining ARC approval, the Board endeavors to do that. Accordingly, this Section C.3.6 is intended to provide greater objective clarity and guidance and to eliminate or minimize potential future conflicts and disputes concerning development on merged and consolidated Lots in Bayshores, all as more particularly set forth below.

#### 2. Applicability.

This Section C.3.6 shall apply to merged and consolidated Lots created after March 1, 2024, and shall not apply to any existing legal Lots of record in Bayshores as of March 1, 2024. In addition, this Section C.3.6 is not intended and shall not apply to the construction or maintenance of buildings or structures on separate adjoining legal Lots of record as of March 1, 2024, that respect the existing Lot lines and the City's and Association's respective side yard setback rules and other development standards that apply to those Lots, regardless of whether the Lots are owned by the same person(s) or entity(ies) and whether or not the adjoining Lots are developed in a manner that allows for the joint use of the separate Lots by a single household.

#### 3. General Rule - Construction of Buildings and Structures on Merged Lots.

Except as may be approved by the ARC in its reasonable subjective discretion in accordance with Section C.3.6.4 below, in the event that the lot line(s) between two or more adjacent Lots is/are eliminated through a legal Lot merger, Lot Line Adjustment, or similar procedure such that the formerly separate Lots become a single Lot (herein, collectively, a "Lot Merger"), all construction of buildings and structures on the merged Lots shall continue to respect the City's and Association's side yard setback rules (see Section C.2.1 of these Guidelines) and all other development standards (including without limitation Sections C.2.2-C.9 of these Guidelines) that would have applied to the separate Lots prior to the Lot Merger.



## Section C - Technical Elements

In addition, a housing development project on merged Lots shall comply with all applicable provisions of California and local law, including without limitation any prohibitions or restrictions against the net reduction of residential units.

#### 4. Exception Procedure.

In its reasonable subjective discretion, the ARC may approve an exception to the rules in the first paragraph of Section C.3.6.4 if the ARC determines that the proposed construction adequately offsets and mitigates the increased scale and massing created by the development on and across the merged Lots. Such offsets and mitigation may consist of one or a combination of the following: (1) substantially increasing the front yard setback area on all or a portion of the merged Lot; (2) incorporating substantial one-story elements into the design of the home on the merged Lot in order to give the home (or a portion of the home) a lower profile as seen from the street; (3) substantially increasing the side yard (including, if applicable, the street side yard) setback areas on the merged Lot; and (4) creating an alternative minimum eight (8) foot wide front-to-rear yard "no build" corridor between the structures on the merged Lot in a location other than the side yard setback areas that previously existed between the separate Lots (in effect, relocating the previously existing side yard setbacks), with construction in the alternative "no build" corridor limited to structures that previously would have been permitted in the separate side yard setback areas (e.g., fences and walls not exceeding six (6) feet in height). In addition, while exterior design elements and added landscaping (i.e., more large trees than the minimum number that would otherwise be required under Section C.9.1 of these Guidelines) shall not be sufficient in and of themselves to justify the granting of an exception pursuant to this Section C.3.6.4, the ARC may in its reasonable discretion condition its approval of an exception upon the development incorporating such items as well. No owner or applicant shall have a right to be granted an exception pursuant to this Section C.3.6.4.

#### 5. Development of Consolidated Lots (Other Than Lots Created by a Lot Merger).

When existing Lots are consolidated but not merged (e.g., when three (3) adjoining Lots are consolidated into two (2) Lots), concerns relating to scale and massing of the homes constructed on the consolidated Lots may also arise, but such concerns are likely to be less significant than when adjoining Lots are merged. It is also not practical to enforce "one-size-fits-all" development restrictions to address the scale and massing issues created by consolidated Lots, as the nature and extent of such issues will differ based on a variety of factors, including the width of the adjoining pre-existing Lots, whether the resulting consolidated Lots are of equal or unequal width, and the average width of other Lots in the immediate vicinity of the consolidated Lots in question. Finally, strict enforcement of a fixed rule such as the rule set forth in Section C.3.6.3 could render it infeasible to develop and use the consolidated Lots in a reasonable manner. Accordingly, the general rule set forth in Section C.3.6.3 shall not apply to Lot consolidations of this sort. Instead, in the event Lots are consolidated after March 1, 2024, and new development or alterations of any existing buildings or structures are later proposed on one or more of the consolidated Lots, the ARC reserves the right in its reasonable subjective discretion to require that any increased scale and massing concerns arising from such development be mitigated and offset by one or a combination of the following: (1) an increase in the front yard setback area on all or a portion of the consolidated Lot(s); (2) incorporation of one-story elements into the design of the home(s) on the consolidated Lot(s) in order to give the home(s) (or a portion of the home(s)) a lower profile as seen from the adjacent street(s); (3) an increase in the side yard (including, if applicable, the street side yard) setback areas on the consolidated Lot(s); and (4) the addition of exterior design elements and landscaping (i.e., more large trees than the minimum number that would otherwise be required under Section C.9.1 of these Guidelines) to break up the appearance of massing of the home(s) from the adjacent street(s).

In addition, a housing development project on consolidated Lots shall comply with all applicable provisions of California and local law, including without limitation any prohibition or restriction against the net reduction of residential units.

C.4 STANDARD LOT DIAGRAMS: SECTION 3.2 TEN (10') FOOT SETBACKS - FIGURE 2



Figure 2  
2/3's 1st & 2nd Floor



C.4.1 STANDARD LOT DIAGRAMS: SECTION 3.2 TEN (10') FOOT SETBACKS - FIGURE 3

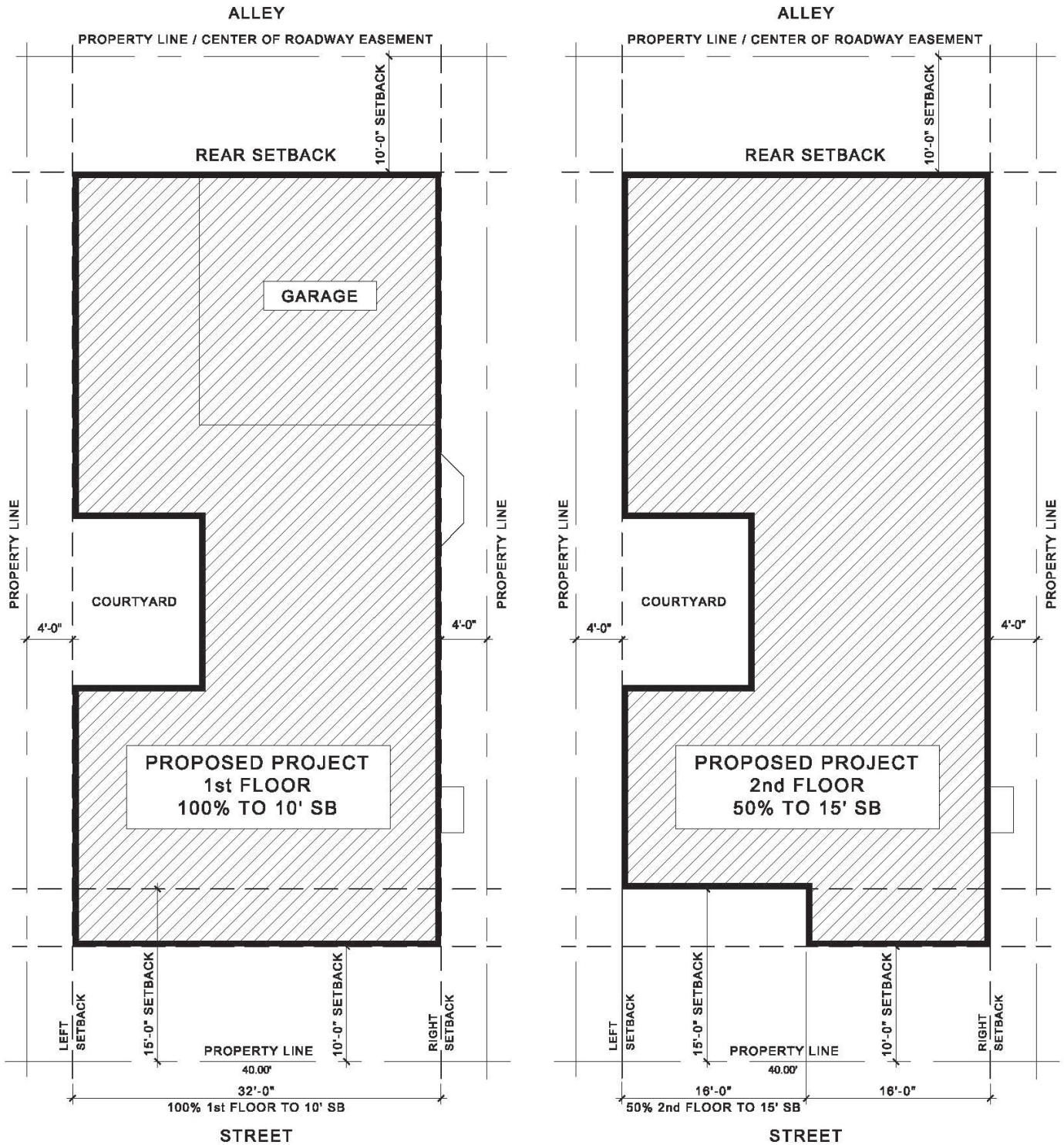


Figure 3  
100% 1st Floor at 10'-0" & 50% of 2nd Floor at 15'

**Note:** Lot size and setbacks vary. Verify specific lot requirements with the City of Newport Beach Planning Department

C.4.2 STANDARD LOT DIAGRAMS: SECTION 3.3 FIFTEEN (15') FOOT SETBACKS - FIGURE 4



Figure 4  
Stacked 2-Story Front Facade - 100% of 1st / 2nd Floors at 15'

**Note:** Lot size and setbacks vary. Verify specific lot requirements with the City of Newport Beach Planning Department



## C.5 ZERO FRONT SETBACK LOT DIAGRAM: BAYSIDE LOTS - FIGURES 5 & 6

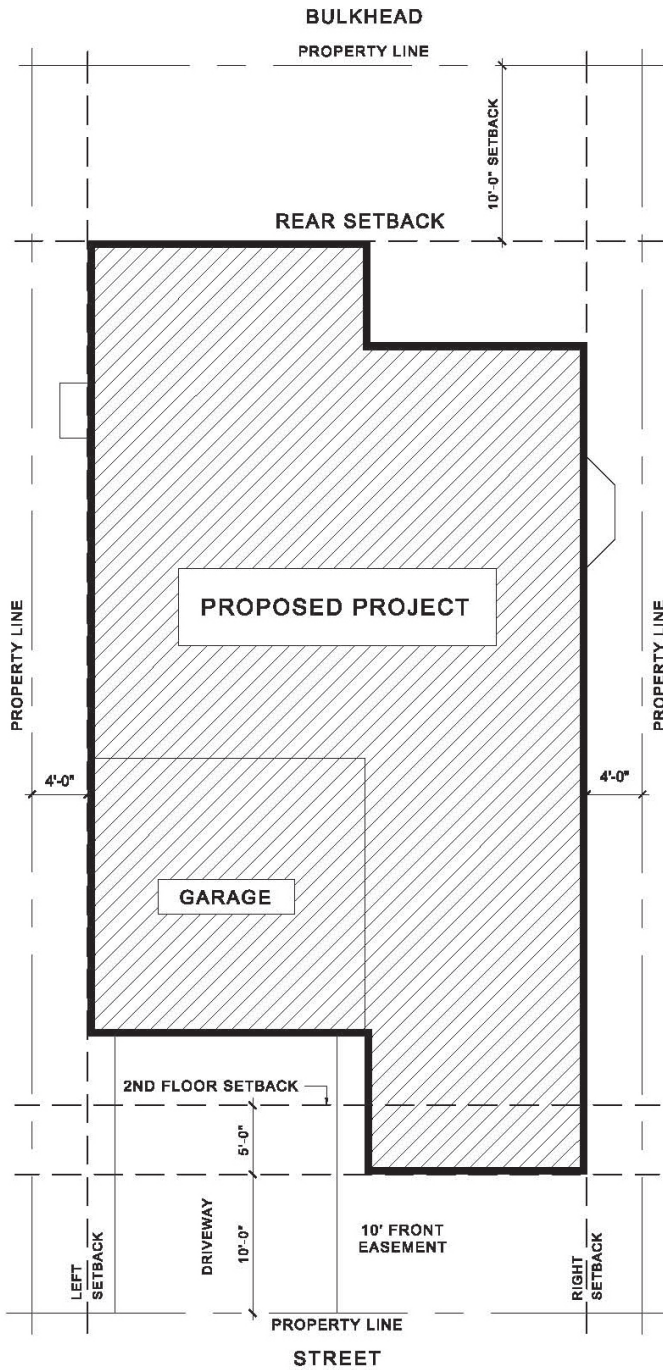


Figure 5  
Zero Setback

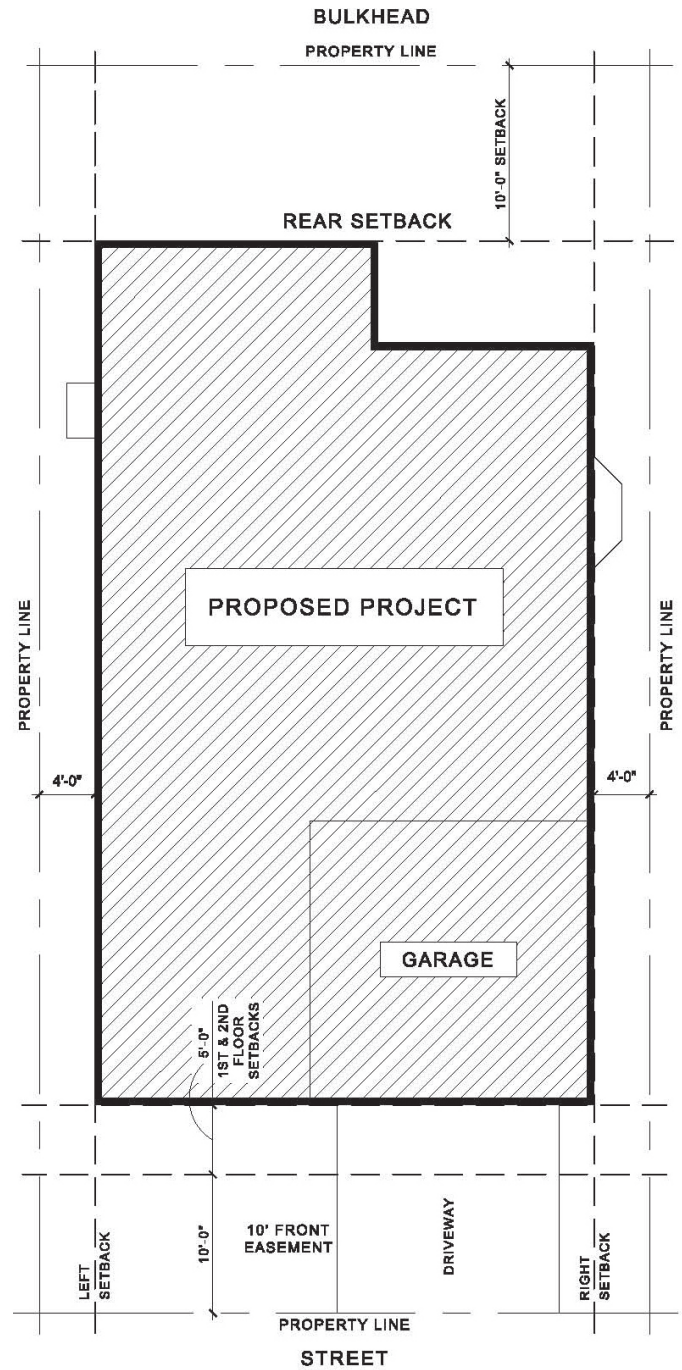


Figure 6  
Five Foot Setback

**Note:** 1) Lot size and setbacks vary. Verify specific lot requirements with the City of Newport Beach Planning Department.  
2) Affected Lots #1 - 11, Tract 3277 on Bayshore Drive

C.6 SIDE ALLEY LOT DIAGRAM: FIGURE 7 (SECTION C.3.4)

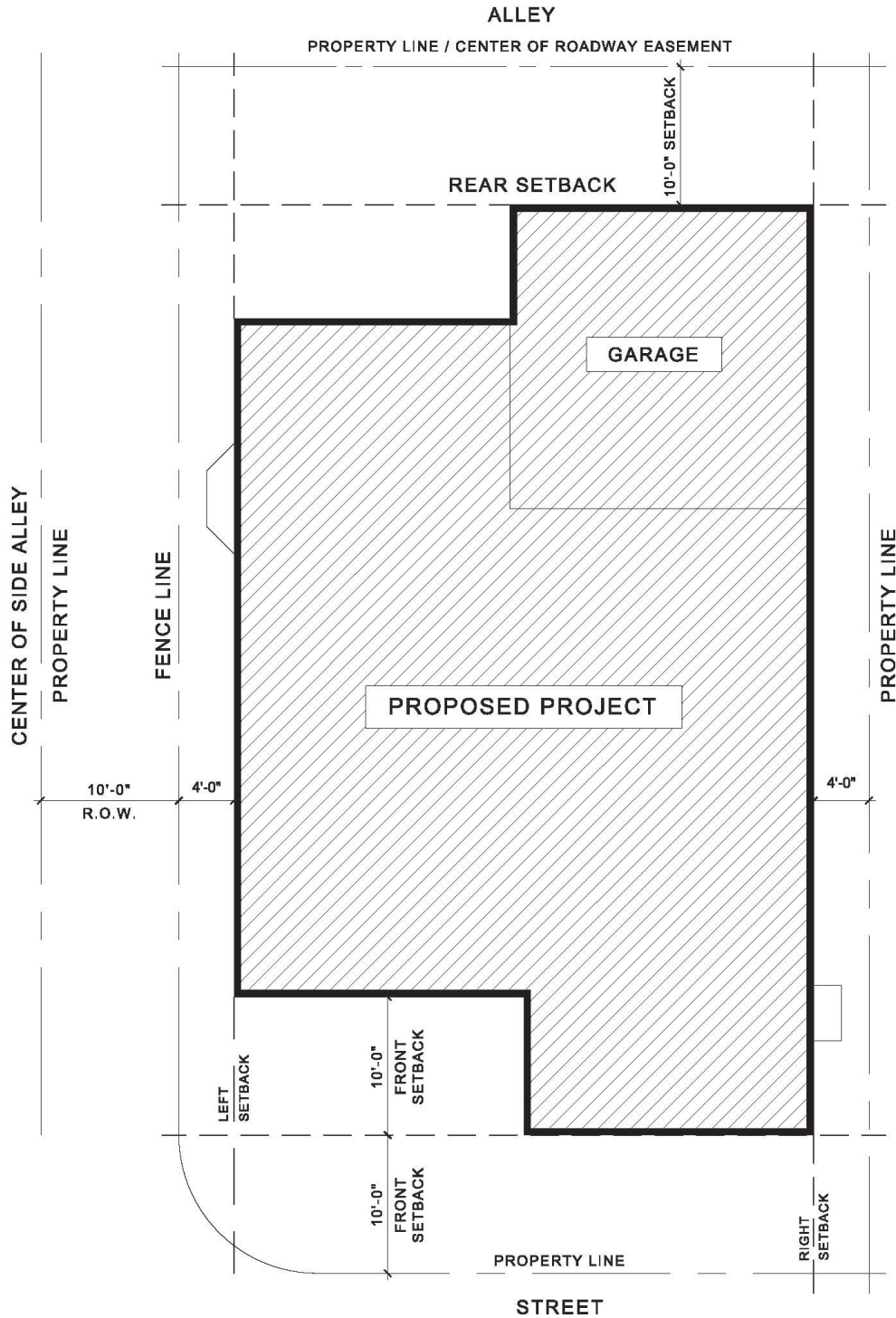


Figure 7  
Side Alley Setback

**Note:** Lot size and setbacks vary. Verify specific lot requirements with the City of Newport Beach Planning Department



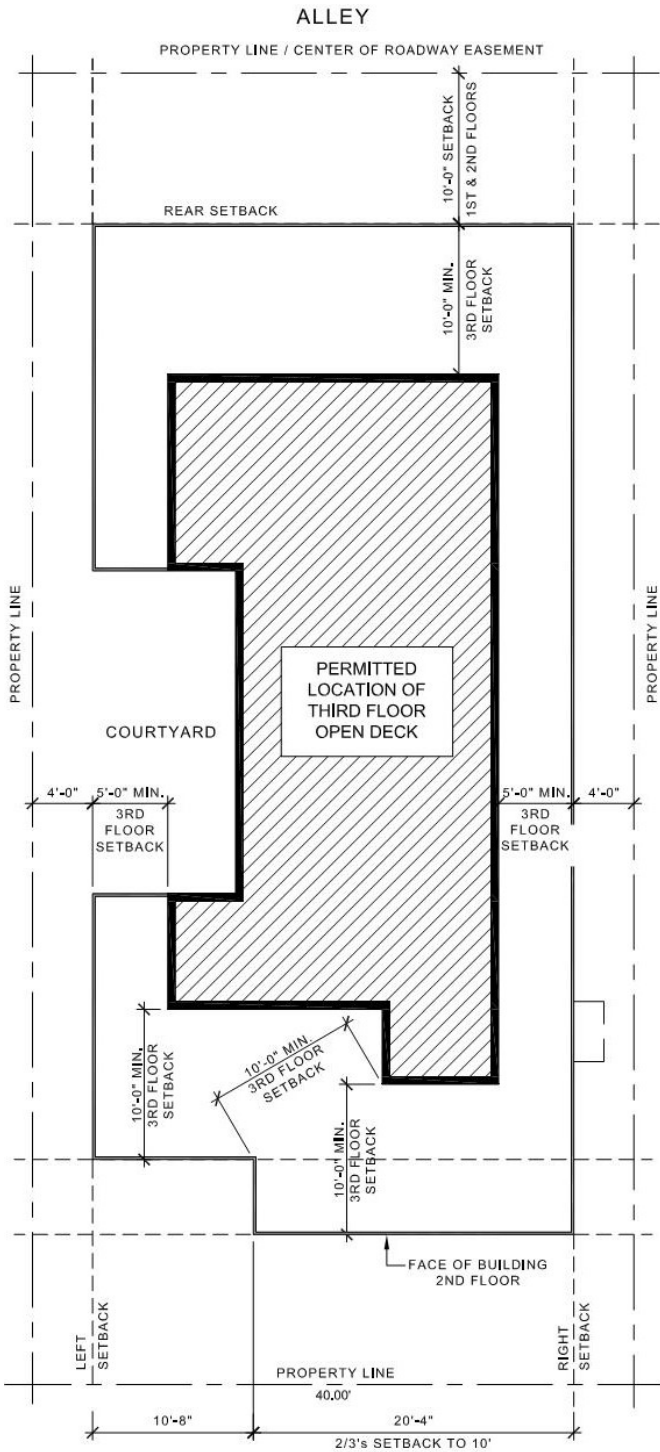
## C.7 THIRD FLOOR SETBACK, REQUIREMENTS & LOT DIAGRAMS: SECTION C.3.5 - (SEE FIGURES 8 THRU 11)

The following requirements shall apply to open decks at the third floor level and to open stairways, stairwells, and elevators required to access third floor decks:

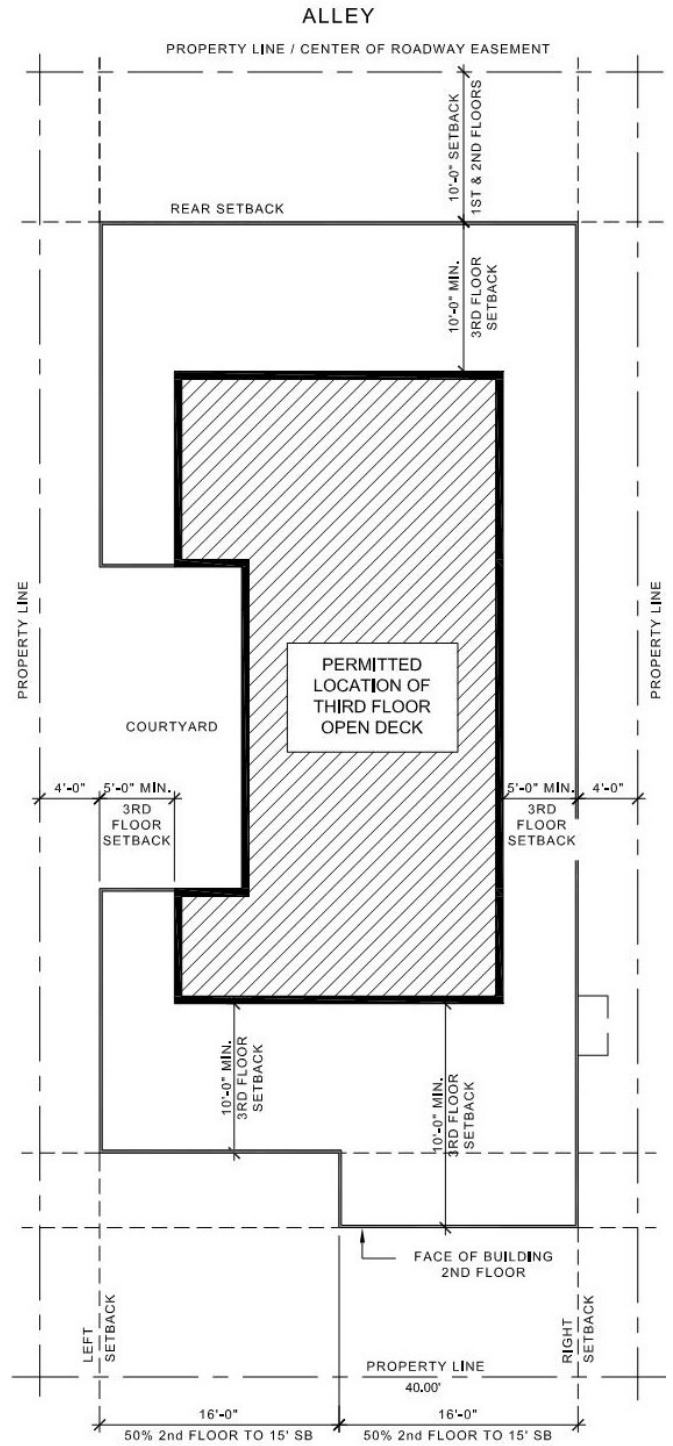
- a. **10' Minimum Front Setback** - Minimum of ten (10') feet from the face of the dwelling. (see Fig. 8 & 9)
- b. **15' Minimum Front Setback** - Minimum of five (5') feet from the face of the dwelling. (see Fig. 10)
- c. **Alley Setback** - Minimum ten (10') feet from the face of the second floor of the dwelling. Minimum of five (5') from the face of the second floor of the dwelling where the dwelling's second floor is setback an additional five (5') feet from the Alley Setback. (see Fig. 8 thru 11)
- d. **Side Yard Setback** - Minimum of five (5') feet from the face of the second floor of the dwelling. Applies to all lot types except as described for Corner Lots.
- e. **Corner Lots** - Minimum of ten foot (10') setback from the side yard setback facing the street. (see Fig.11 for additional requirements)
- f. **Bayside Setback** - Minimum ten (10') feet from bayside setback.
- g. Bayside Lots with Zero Setback follow the same setback requirements as described and illustrated in items "a." and "b." above.
- h. **Maximum Allowable Area** - The maximum size of a third floor deck for the typical 4,000 square foot Bayshores lot shall be four hundred fifty (450) square feet, subject to adjustment as may be determined to be appropriate by the Architectural Committee in special and unusual circumstances.
- i. **No Covered or Enclosed Structure on Third Floor Level; Only Open Deck Areas Permitted** - No enclosed or covered structure is permitted at the third level. Only open roof decks and stairways, stairwells, and elevators needed to access the open roof decks are allowed.
- j. **Access to Third Floor Open Deck** - Any open stairway, enclosed stairwell, or elevator shaft providing access to a third floor deck (herein "third floor access way") shall satisfy the following requirements: (1) the third floor access way above the second floor level shall satisfy the same front and alley/rear setbacks as are applicable in accordance with items "a"- "c" and "f"- "g" above; (2) the entry exit point of the landing of the third floor access way at the third floor level shall be outside the applicable setback areas described in items "a"- "g" above; (3) the third floor access way above the second floor level shall be no larger in size than is needed to provide access to the third floor deck; and (4) the third floor access way above the second floor level shall be located and designed to blend into the roofline or otherwise so as to minimize to the maximum extent feasible the appearance of a third story structural element as viewed from nearby streets, alleys, and homes.
- k. **Glass Guardrails** - Open glass guardrails at decks may be permitted subject to approval by the ARC.
- l. **Restrictions on Structures/Paraphernalia on Third Floor Decks** - No structure, fixture, item of equipment, or personal property shall be constructed, installed, erected, placed, or maintained on a third floor deck that is visible above the roofline of the dwelling from any Bayshores street, whether or not the same is affixed to the building. This prohibition applies to and includes, but is not limited to, the following: canopies, tents, shade structures, roofs, and umbrellas; poles, stanchions, and other support structures; and lights and lighting systems. Notwithstanding the foregoing, temporary portable items such as umbrellas may be erected, placed, and maintained on a third floor deck that are visible above the roofline of the dwelling from a Bayshores street during the period that the third floor deck is actively being used; provided, that the same shall be promptly removed (or lowered so as to not be visible from the street) during times when the third floor deck is not being actively used.

# Section C - Technical Elements

## C.7.1 FIGURES 8 & 9: THIRD FLOOR SETBACK, REQUIREMENTS & LOT DIAGRAMS



STREET  
Figure 8  
Third Story Applied to Figure 1



STREET  
Figure 9  
Third Story Applied to Figures 2, 3 & 5

**Note:** Lot size and setbacks vary. Verify specific lot requirements with the City of Newport Beach Planning Department



C.7.2 FIGURE 10: THIRD FLOOR SETBACK, REQUIREMENTS & LOT DIAGRAMS

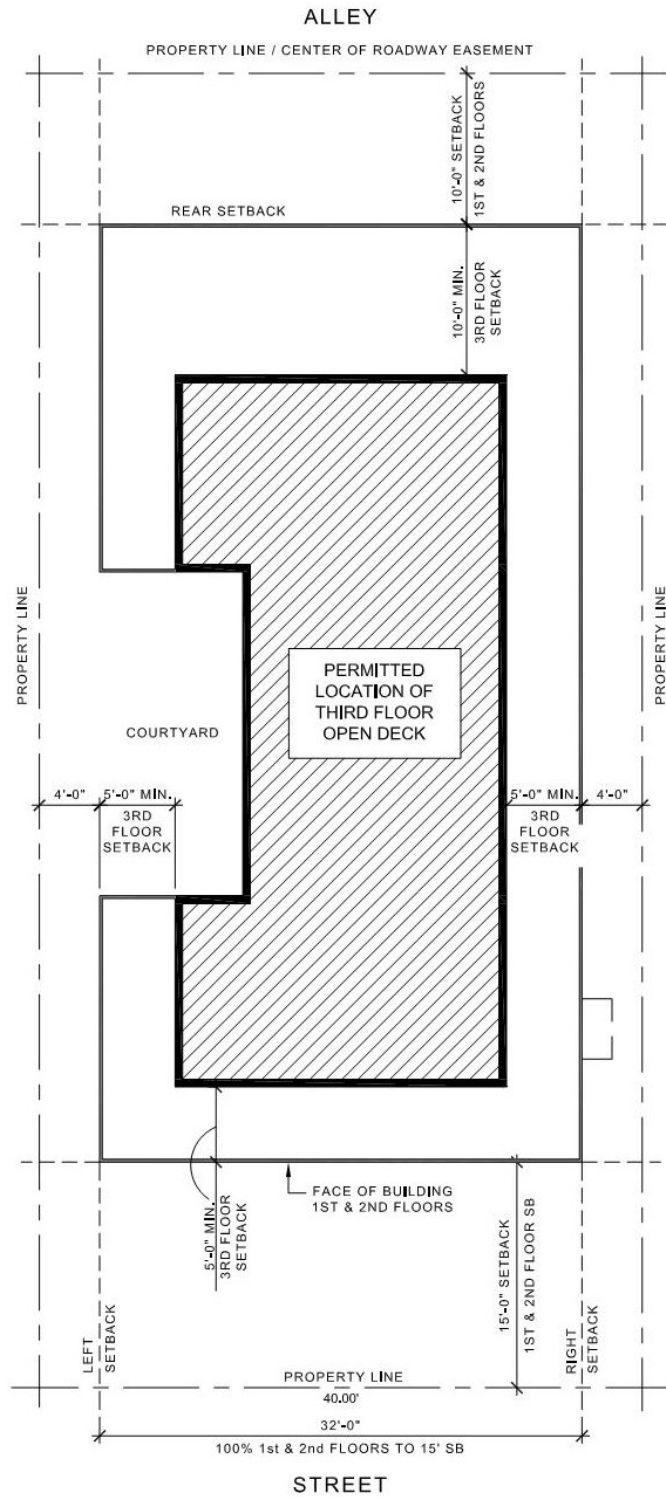


Figure 10  
Third Story Applied to Figures 4 & 6

**Note:** Lot size and setbacks vary. Verify specific lot requirements with the City of Newport Beach Planning Department

C.7.3 FIGURE 11: THIRD FLOOR SETBACK, REQUIREMENTS & LOT DIAGRAMS

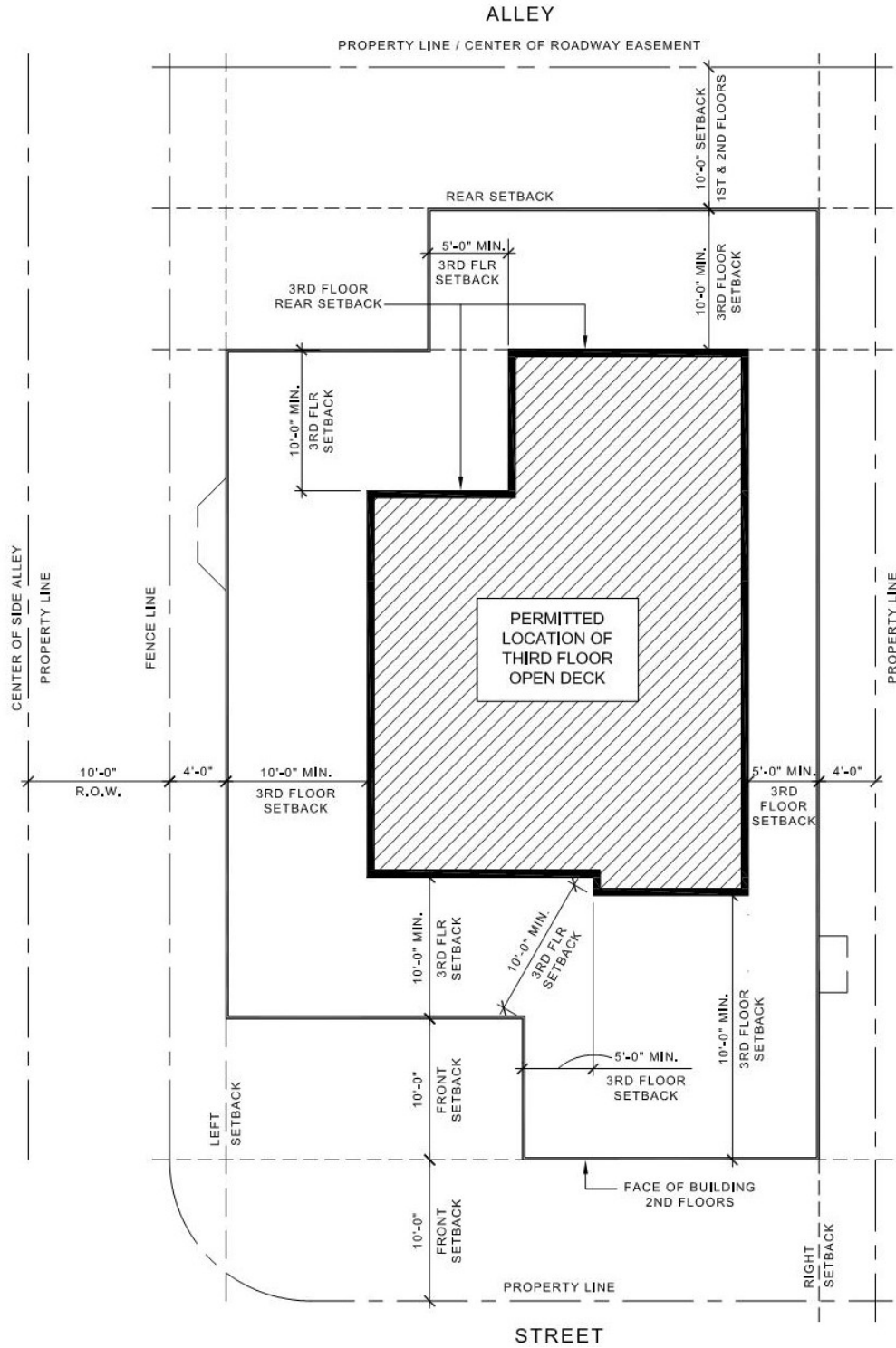


Figure 11  
Third Story Applied to Figure 7

**Note:** Lot size and setbacks vary. Verify specific lot requirements with the City of Newport Beach Planning Department



## C.8 PERMITTED EXTERIOR MATERIALS

A combination of materials, finishes and/or treatments are encouraged. To ensure the application of the historical application of the selected style the following elements are required to be strictly adhered to.

### A. Exterior Wall Surfaces

*Appropriate Materials include:*

1. Stucco finishes and treatments; smooth sand finish (staging marks between coats of stucco, due to scaffolding and construction techniques must be avoided and should be cause for rejection in the field).
2. Lapped, tongue and groove and ship lapped siding in wood or composite wood materials, used as accents to stucco.
3. Wood board & batten in limited accent locations.
4. Brick.
5. Stone (faux stone subject to ARC approval).
6. Fascia & rakes of wood, stucco, copper, pre-cast, etc. are appropriate dependent on the selected architectural style.
7. Exposed wood timbers, rafters, headers, sills, deck / balcony guardrails and various wood accent details.
8. Pre-cast concrete details.
9. All pressure treated wood such as columns, deck surfaces and railings, etc. must be painted or stained.

*Inappropriate Materials include:*

1. Exposed concrete.
2. Medium to heavy Laced (Spanish) and adobe stucco finishes.
3. Aluminum and vinyl siding, soffits, fascias, etc.
4. Reflective finishes such as mirrored glass.
5. T-11 siding.

### B. Roof Material

*Appropriate Materials include:*

1. Appropriate colors include, but are not limited to; earth tones, grays, reds and black, dependent on the selected architectural style.
2. Flat roofs with crushed stone or elastomeric roof membrane to be complimentary with the home's color palette.
3. Wood shake shingles.
4. Standing seam metal roof.
5. Clay & concrete one-piece barrel and "S" roof tiles.
6. Use of copper, terne, zinc, etc.

*Inappropriate Materials include:*

1. Monochromatic roofs are not permitted.
2. Concrete flat roof tiles of a variety of styles and textures are not recommended (subject to ARC approval on a case-by-case basis).
3. Asphalt shingles are not recommended (subject to ARC approval on a case-by-case basis).
4. All other roofing materials not mentioned are prohibited.

### C. Windows, Doors & Garage Doors

*Appropriate Materials include:*

1. Wood & wood clad windows & doors.
2. Painted steel & aluminum windows & doors.
3. Wood barn style sectional roll-up garage doors (suggested to be solid wood or to have the appearance of solid wood construction) panel style, top panel glazing permitted.
4. Garage door colors should blend into the overall color scheme to de-emphasize the prominence of the door.
5. Wood, stucco & pre-cast trim surrounds.

*Inappropriate Materials include:*

1. Natural aluminum.

## C.8.1 PERMITTED EXTERIOR MATERIALS

### D. Chimneys

*Appropriate Materials include:*

1. Stucco, stone, brick and siding are acceptable and combinations of these materials are permitted.
2. Spark arrestors must be shrouded with an appropriate cap applicable to the architectural style, such as; painted metal or copper.
3. Chimney caps of clay.

*Inappropriate Materials include:*

1. Exposed metal flues and spark arrestors are not permitted.

### E. Skylights

*Appropriate Materials include:*

1. Designed as an integral part of the roof.
2. Glazing must be flat clear or solar bronze.
3. Frame material must be bronze or color to match roof.

*Inappropriate Materials include:*

1. Reflective glass.
2. Natural aluminum framing.
3. Bubble and white plastic skylights.
4. Not permitted to be up lighted.

### F. Gutters & Downspouts

*Appropriate Materials include:*

1. Gutters and downspouts are required and must be designed as continuous architectural features.
2. Natural decorative copper or painted metal gutters and downspouts.
3. Downspouts must be connected to the area drain system.

*Inappropriate Materials include:*

1. Vinyl and plastic.



## C.9 BUILDING EQUIPMENT / ELEMENTS & LANDSCAPE

### A. Vents:

1. All vent stacks and pipes must be colored to match the adjacent roof or wall material.
2. Vent stacks should be grouped on the roof where least seen from view.
3. Vents should not extend above the ridge line.

### B. Antennas & Satellite Dishes:

1. Homeowners may not install, or cause to be installed, any television, radio or citizen band (CB) antenna, large satellite dish or other large electronic receiving or broadcasting device on the exterior of any house or structure. Exceptions are to be made on a case-by-case basis by the ARC.
2. Small ground or structure mounted satellite dishes (18" in diameter or less) must be appropriately screened from view subject to the review and approval of the ARC.
3. Any such installations must be in compliance with all applicable ordinances.

### C. Solar:

1. Solar panels are to be integrated into the roof design.
2. Panels and frames must be bronze anodized or to match the roof color.
3. Natural aluminum frames are prohibited.
4. Solar equipment is to be screened from the view of adjacent homesites and public streets.
5. Exposed conduit must be painted to match the adjacent surface.
6. Solar panel arrays should be located in a manner to minimize visibility from the street when and where feasible.
7. The number of solar panels shall not exceed the number required to provide adequate kilowatt power to meet the subject dwelling's own electrical load needs, in the reasonable discretion of the ARC. The applicant shall provide calculations to verify that no more than the needed number of solar panels will be installed.
8. Solar panels installed on a pitched roof shall be flat/parallel to the pitch of the roof. Solar panels installed on a flat roof shall have a pitch of not more than thirty (30) degrees from the horizontal.

### D. Flashing and Sheet Metal:

1. All flashing and sheet metal must be colored to match adjacent material.
2. Copper is permitted.

### E. Gas and Electric Meters:

1. Meters are to be located in enclosed cabinets, within recesses or behind screen walls as part of the architecture and must conform with utility company standards.
2. Utility meters must be located in side yards of the custom home and hidden from street view.
3. Landscape screens are acceptable.
4. Gas meters shall not be located behind locked fences, walls or gates.

### F. Trash Containers:

1. New homes constructed in Bayshores shall provide a trash container storage area that is behind a six (6) foot high fence, wall or in the garage, i.e., not in the alley. No trash container enclosures, sheds, or similar trash storage facilities are allowed that are visible from the adjacent street(s) or alley(s).
2. The rule in Paragraph 1 also applies to homes that are substantially remodeled in or around the areas in which a trash container storage area would most appropriately be located (e.g., along the side yard adjacent to the alley or the garage). The ARC may consider exceptions to the application of this rule on a case-by-case basis, based on exceptional circumstances or hardship that make it infeasible to comply.
3. The rule set forth in Paragraph 1 shall not apply to existing homes in Bayshores that are in compliance with the CC&Rs and Guidelines as of the date the rule contained in Paragraph 1 becomes effective; provided that nothing in this Section C.9.F of the Guidelines is intended to modify, amend, or relax the requirement set forth in Article X, Section 8 of the CC&Rs which requires in part that "(a)11 refuse containers...shall be prohibited upon any Lot, unless obscured from view of adjoining lots and streets, by a fence or appropriate screen."

## C.9 BUILDING EQUIPMENT / ELEMENTS & LANDSCAPE

### G. Exterior Lighting:

1. Exterior lighting is to be indirect and shielded to prevent spill-over onto adjacent homesites
2. All exterior lighting (including landscape and security lighting) will be reviewed and approved by the ARC.

### H. Mechanical Equipment:

1. Air conditioning, heating equipment, soft water tanks and pool equipment must be screened from view (including neighbor's second floor views).
2. Mechanical equipment is not permitted on one-story roof elements and must be appropriately screened from neighbors view.
3. Equipment is required to be insulated for sound attenuation.
4. Air conditioning units are prohibited to be mounted in windows.
5. Generators will be reviewed on a case-by-case basis.
6. New homes constructed in Bayshores shall place any HVAC equipment entirely within the structure or in a roof vault or well that provides such sound attenuation as may be required by the ARC to mitigate potential noise impacts on neighbors. The foregoing rule shall apply to existing homes that are substantially remodeled in or around the areas in which either (1) newly proposed HVAC equipment could feasibly be installed or (2) existing HVAC equipment could feasibly be relocated. The ARC may consider exemptions to the application of this rule on a case-by-case basis, based on exceptional circumstances or hardship that make it infeasible to comply.
7. In order to mitigate noise impacts on neighbors, the ARC may require that pool and spa equipment be designed and placed in a manner that mitigates noise impacts on neighbors to the maximum extent feasible, including without limitation requirements that such equipment be located in an underground vault or inside a shed or other structure. This rule applies even if the equipment satisfies minimum City of Newport Beach noise standards.

### I. Required Trees:

A minimum of one (1) 48" box canopy tree is required for each 40' of street frontage and for each 40' along the street side yard (if applicable). The ARC reserves the discretion to approve smaller sized plantings for fast-growing species. This requirement applies to all building projects in Fee Category 1 in Section E of these Guidelines (new home or major remodel [over 50% of home square footage] and to all projects (in whatever Fee Category) that include the removal of existing mature trees on the subject property. In addition, the ARC reserves the discretion to determine whether this requirement will be applied to building projects in Fee Categories 2-5 (semi-major remodel [30% to 50% of home square footage], minor remodel [10% to 30% of home square footage], small remodels [10% or less of home square footage], semi-small remodels [no change in home square footage]), and projects in Fee Category 6 (landscape/hardscape, masonry fencing). This requirement does not apply to projects involving only painting (Fee Category 6) and arbors, wooden fences, garden walls, and (temporary) dumpsters (Fee Category 7).

The ARC reserves the right to prescribe the species of tree(s) used to satisfy the requirements in this Section C.9.I. The purpose of this Section C.9.I is to provide visual relief that mitigates the massing of the home when viewed from the adjacent street(s) and nearby residences, so in general owners/applicants are strongly encouraged to choose a tree species that will grow to a minimum height of fifteen (15) feet and will provide a canopy that will help to partially offset or interrupt the view of the home from those locations. Small citrus trees and tall, thin-trunked palm species will generally not be deemed satisfactory.

### J. Synthetic Turf:

Synthetic turf in the front and side yard setbacks visible from the adjacent street(s) is permitted subject to the following specifications:

1. Must have a realistic appearance (with variable colors and blade height) and be indistinguishable from natural turf, from a pedestrian's standpoint.
2. Minimum pile height of one and one-half inches (1-1/2").
3. Minimum pile weight of forty-five (45) ounces per yard.
4. Minimum ten (10) year "no fade" warranty.
5. One (1) year installation/workmanship warranty.
6. One hundred percent (100%) UV protection.



## C.9 BUILDING EQUIPMENT / ELEMENTS & LANDSCAPE

### K. Alley Planting:

Each typical forty feet (40') wide Bayshores lot with a rear alley (i.e., not including bayfront lots along Bayshore Drive) shall provide a minimum of two (2) planting pockets at the rear alley for tall vertical shrubs or vine espaliers to soften the appearance of the dwelling along the alley edge. The ARC retains the discretion to require additional or extended planting pockets along the rear alley edge of lots wider than forty feet (40'). This requirement applies to all building projects in Fee Category 1 in Section E of these Guidelines (new home or major remodel [over 50% of home square footage]). This requirement also applies to building projects in Fee Categories 2-4 (semi-major remodel [30% to 50% of home square footage]), minor remodel [10% to 30% of home square footage], and small remodels [10% or less of home square footage]), but only if the project includes new construction at the first floor level at the rear of the dwelling adjacent to the alley.

Owners are encouraged to provide the required alley planting pocket(s) entirely on the owner's property, outside the (typically ten foot (10') wide) alley easement. If the City of Newport Beach allows an encroachment into the alley easement area, however, the Association will permit an encroachment of up to a maximum of one foot (1') into the alley easement for this purpose. The Association makes no representation as to whether the City will approve such an encroachment, however, so if the City does not approve the encroachment, the planting pocket must be located entirely outside of the alley easement. Just as with landscaping installed on the balance of an owner's property, if an owner is authorized to install landscaping within the alley easement, it shall be the owner's (not the Association's) responsibility to maintain such landscaping in good condition.

### L. Enhanced Front Yard and Street Side Yard Landscape Requirements:

No homeowner or resident may remove or allow to be removed an existing mature tree from the front yard or street side yard of his/her property without the prior approval of the ARC. For purposes of this rule, a "mature tree" shall mean any tree twenty-five (25) feet in height or higher. In addition, no homeowner or resident may cut, trim, or otherwise reduce the height of a mature tree in the front yard or street side yard of his/her property to less than twenty-five (25) feet and later remove or allow the tree to be removed without the prior approval of the

ARC. Prior to the ARC's consideration of an application to remove a mature tree subject to this restriction, the applicant shall submit the completed Neighbor Awareness forms set forth in Section E of these Guidelines for each nearby owner who is entitled to receive notice. Each homeowner contemplating the construction of a new home or the remodeling or expansion of an existing home shall make reasonable efforts to incorporate any existing mature trees located in the front yard and any street side yard of the lot into the development. In the event the homeowner proposes to remove an existing mature tree located in the front yard or street side yard of the lot as part of his/her development plan, removal of the tree shall be subject to ARC review and approval as part of the landscape plan for the property.

The ARC may consider the following factors, among others, in determining whether to approve the removal of an existing mature tree subject to this rule: (1) the age and physical health of the tree and whether removal is needed because the tree is diseased and/or presents a danger to life or property (including utility lines, foundations, fences and walls, and similar improvements on the property); (2) whether retention of the tree would significantly constrain or impair the developability of the lot; (3) whether the tree encroaches onto or over adjoining properties whose owners support or oppose retention of the tree; (4) the existence of other mature trees that will be retained on the property, if applicable; and (5) the adequacy of the applicant's replacement plan for the mature tree proposed for removal.

As a general rule, the ARC will require one-for-one replacement of any mature tree that it approves for removal with a minimum forty-eight inch (48") box tree or equivalent. The ARC may approve exceptions to this replacement policy in its discretion, in particular if there are other remaining mature trees on the lot and the ARC determines that no replacement tree is warranted.

If the ARC requires the planting of a replacement tree or trees pursuant to this Section C.9.L, the ARC reserves the right to prescribe the species of tree(s) used to satisfy the requirements in this Section C.9.L. The purpose of this Section C.9.L is to preserve and provide visual relief that mitigates the massing of the home when viewed from the adjacent street(s) and nearby residences, so in general owners/applicants who are required to plant a replacement tree or trees are strongly encouraged to choose a tree species that will grow to a minimum height of fifteen (15) feet and will provide a canopy that will help to partially offset or interrupt the view of the home from those locations. Small citrus trees and tall, thin-trunked palm species will generally not be deemed satisfactory.

# Section D - Submittal Process

## D.1 SUBMITTAL PROCESS

Homeowners are reminded that approval from the Architectural Review Committee (ARC) is required for additions or alterations to residential properties (including new construction), fences, walls, hardscape and landscaping, as well as satellite antennas and solar panels that are exposed to any street, beach, alley, path, or park.

Failure to obtain the necessary approval constitutes a violation of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and may require modification or removal of unauthorized work at the expense of the homeowner. In addition, a permit may be required from the City of Newport Beach Building Department or other government agencies.

## D.2 SUBMITTAL PROCEDURES

### 1. ARCHITECTURAL REVIEW COMMITTEE APPROVAL AND GOVERNMENTAL PERMITS BOTH REQUIRED:

All requests for approval of a project are to be made to the Architectural Review Committee ("ARC") and do not waive the necessity of obtaining the required government permits. Obtaining such permits does not waive the need for ARC approval.

### 2. STANDARDS TO BE APPLIED BY ARCHITECTURAL REVIEW COMMITTEE IN GRANTING OR DENYING APPROVAL:

All lots in Bayshores are subject to the Declaration of Covenants, Conditions and Restrictions ("CC&R's") recorded with the Orange County Recorder's Office. Article VI, Section 1(a) of the CC&R's provides in pertinent part that the ARC may deny approval for a fence, wall or other structure, or any addition, change or alteration to a structure, which in the reasonable judgment of the ARC is not in harmony as to external design and location with surrounding structures and topography.

Article VI, Section 1(a) of the CC&Rs also provides in pertinent part that the ARC may deny approval of construction which, in the reasonable judgment of the ARC, is determined to not "conform to such Architectural standards, if any, as may from time to time be promulgated by the Association ('Architectural Standards')." These Guidelines constitute the Architectural Standards referred to in the CC&Rs. These Architectural Standards encompass the entirety of the Guidelines—Sections A-E. In exercising its authority to approve or disapprove construction, the ARC shall endeavor in good faith to fairly apply all provisions of the Guidelines. Not by way of limitation of the foregoing, it is acknowledged that application of the standards for approval/disapproval of a project as set forth in the

CC&Rs (whether the proposed project is "in harmony as to external design and location with surrounding structures and topography") and in Section B ("Aesthetic Elements") of these Guidelines in particular necessarily involve the exercise of subjective discretion and judgment on the part of the ARC. The purpose of Section B of the Guidelines is to promote design elements in new construction that "are compatible with each other and their surrounding environment" (Guidelines, Section A.1) and that enhance and maintain the character, scale, and charm of the community. While it is acknowledged that the examples and illustrations reflected in Section B of the Guidelines do not apply in all instances to all designs and are not intended to impose a "one size fits all" rule book for all construction projects, the ARC may rely upon and refer to Section B of the Guidelines (just as it relies upon and refers to the more objective "Technical Elements" in Section C) in determining whether to approve or disapprove a proposed project subject to its jurisdiction.

### 3. APPEALS FROM ARC DECISIONS:

Any applicant and any Member of the BCA shall have the right to appeal a decision of the ARC to the Board of Directors. The deadline for appeal shall be 5:00 PM on the date that is ten (10) days after the ARC issues its decision or the written notice of decision is delivered to the applicant, whichever is later. If said deadline falls on a weekend, holiday, or a day that BCA's management company is not open for business (collectively, "non-business days"), the appeal deadline shall be extended until 5:00 PM of the next day that is not a non-business day. Appeals shall be in writing, shall state the grounds for the appeal, and shall be delivered to BCA's management company prior to the appeal deadline. The ARC's decision shall be final and non-appealable if no appeal is filed prior to the appeal deadline.

If a timely appeal of the ARC decision is filed, the matter shall be agendaized for consideration by the Board of Directors at its next available regularly scheduled meeting. BCA's management company shall make a good faith effort to notify the applicant and any Members of the BCA who appeared at the ARC meeting in support of or opposition to the application as to the time and place of the Board meeting at which the appeal will be considered; provided, however, that the failure of the applicant or any Member to receive actual notice of said meeting shall not be grounds for invalidating the Board's decision. The Board shall give the applicant and interested Members of the BCA who appear at the Board meeting an opportunity to provide input prior to the time the Board makes its decision with respect to the appeal. The Board shall exercise its independent judgment in deciding on the appeal and its scope of review of the ARC decision shall be de novo. The Board of Director's decision shall be final.



## D.3 SUBMITTAL REQUIREMENTS

### 1. PRE-APPLICATION REVIEW:

Homeowners are required to submit a request to the ARC for pre-application review of plans for any new home or major remodel (over 50% of home square footage) and any semi-major remodel (30-50% of home square footage) prior to submitting a formal application. Homeowners are encouraged, but not required, to submit a request to the ARC for pre-application review of any minor remodel (10-30% of home square footage), small remodel (10% or less of home square footage), semi-small remodel (no change in home square footage), and any other project for which ARC approval is required that is not specified above (i.e., landscape/hardscape, masonry fencing, and painting projects, arbors, wooden fences, garden walls, and dumpsters). The purposes of pre-application review are to: (1) enable homeowners to obtain informal and non-binding guidance and feedback from the ARC regarding their plans prior to incurring the time and expense needed to prepare more detailed engineered drawings, at a time when revisions to plans can be made at a lesser cost; (2) facilitate and expedite the ARC's consideration of construction plans after the formal application has been submitted; and (3) minimize potential conflicts between homeowners and the ARC.

In order to facilitate meaningful pre-application review, the applicant is encouraged to include the following information with its pre-application submittal: concept plans for each floor level; building elevations for the front elevation and any street side elevation(s); information sufficient to enable the ARC to determine the project's compliance with applicable setback, floor area ratio, and other technical requirements set forth in Section C of these Guidelines; and any other information the applicant may desire to submit in order to obtain feedback from the ARC.

The ARC will not take a formal vote to approve/disapprove a pre-application submittal. The comments of individual ARC members at the time of pre-application review are not binding upon the ARC when a formal application is submitted and reviewed.

The balance of this Section D applies to formal applications for ARC approval.

### 2. CONSTRUCTION DRAWINGS:

Architectural drawings are to be prepared and certified by an architect licensed in the State of California. Drawings must be prepared in accordance with applicable building codes and with clarity and completeness. Preliminary drawings must be submitted to the ARC for approval before working drawings are prepared. Working drawings should not be prepared until preliminary plans have been approved.

### 3. SITE PLAN/SURVEY:

A site plan/survey prepared by a licensed State of California civil engineer will be provided by the property owner. The plan shall include, but not be limited to: scaled drawings showing property lines, monuments, and footprint of the existing building, and all sides dimensioned to the property lines, sideyard setback, and building outline.

When remodeling within the existing foundation, a survey will not be required. A site plan prepared by the architect will be satisfactory.

The civil engineer must set permanent monuments at the rear setback corners and on top of the curb at the side property line extension.

### 4. REQUIRED COPIES:

Two (2) complete printed sets and one (1) electronic PDF file of all submittal documents, such as; site survey, site plan, building plans, elevations, landscape plans, etc., which conform with the Architectural Application & Agreement are to be submitted to the property management company. See page E.3 through E.3.3, Architectural Checklist for a complete listing of required drawing submittal information.

### 5. NEIGHBOR AWARENESS FORM:

Each property owner submitting an application for Preliminary Design Review shall include with his/her submittal a completed and signed Neighbor Awareness Form. (See Section E.) The Neighbor Awareness Form shall be provided to each property owner (not renters) whose property adjoins the property that is the subject of the application. For purposes of this Section D.3.5, a property "adjoins" the property that is the subject of the application if it: (1) has a common property line with the property that is

### D.3.1 SUBMITTAL REQUIREMENTS

#### 5. NEIGHBOR AWARENESS FORM (CONT.):

the subject of the application; (2) is directly across the street or alley from the property that is the subject of the application; or (3) is separated from the property that is the subject of the application by a street or alley, has a direct line-of-sight to the property that is the subject of the application, and is located within seventy-five (75) feet of the property that is the subject of the application (as measured from the closest point between the two properties, measured from the back of the curb.

The applicant shall make reasonable efforts to contact each adjoining owner who is entitled to receive a Neighbor Awareness Form (and the information referred to therein). Such efforts shall include but not be limited to (1) in-person contact or telephone/email contact (using the phone number(s) and email address(es) set forth in the most recent Bayshores directory) and, if none of those methods is unsuccessful, (2) delivery of a first-class letter to the home address of the adjoining owner identifying the applicant's willingness to share the information referred to in the Neighbor Awareness Form and enclosing a copy of the Neighbor Awareness Form. If the applicant is unable after such efforts to locate/contact an adjoining owner who is otherwise entitled to receive a Neighbor Awareness form and/or if an adjoining owner declines for whatever reason to meet with the applicant or sign the form, it shall be sufficient compliance with this Section D.3.5 if the applicant identifies the property, certifies that it complied with this Section D.3.5 by attempting to provide the information to the adjoining owner that is referred to in this Section D.3.5, but was unable to do so, or that the applicant did provide the information to the adjoining owner that is referred to in this Section D.3.5 but the adjoining owner declined to sign the Neighbor Awareness Form, as applicable. Neighbor Awareness Forms shall not be delivered by certified mail.

#### 6. APPROVED PLANS:

One (1) set of all plan submittals will be retained by the management company for future reference and the other will be returned to the applicant. All sets of plans will be noted as approved or not approved, stamped and signed by the BCA or designated nominee.

#### 7. SUBMITTAL APPLICATIONS

Each submittal is to be accompanied with the following completed submittal forms found in Section E, as applicable:

- Architectural Application & Agreement
- Neighbor Awareness Form
- Bayshores Architectural Fee - Construction & Deposit Requirements
- Bayshores Agreement
- Contractor Responsibilities Agreement, including Owner/General Contractor Insurance Requirements and Contractor's Parking Permit Rules

#### 8. CONSTRUCTION COMMENCEMENT TIMEFRAME

Once a homeowner has received "Final Approval" they have up to twelve (12) months to commence the project. If said project has not commenced within the specified timeframe, the approval shall expire, shall be of no further force or effect, and the homeowner shall be required to re-submit for ARC approval.

#### 9. EXCEPTIONS; REPAIR AND MAINTENANCE NOTIFICATION FORM

No discretionary ARC approval is necessary for repair and maintenance work that does not change the exterior appearance of the home, including interior remodeling, replacement of HVAC equipment that is not visible from adjacent streets and alleys, re-painting, re-roofing, and replacement of windows, doors, and siding using similar materials. However, homeowners are required to notify the BCA management company in writing of the anticipated scope of work by submitting a Repair and Maintenance Form. (See Section E.).

BCA's management company shall promptly forward Repair and Maintenance Notification forms to the Chairpersons of the ARC and Security Committee, respectively, for their review. The Chair of the ARC or his/her designee shall have the authority on behalf of the ARC to approve Repair and Maintenance Notification forms upon verification that the work in fact qualifies for an exception to the normal ARC discretionary review and approval process. The Chair of the Security Committee or his/her designee shall have the right to contact the homeowner and/or the homeowner's contractor to address any anticipated



## D.3.1 SUBMITTAL REQUIREMENTS (cont.)

or potential construction period issues or concerns, including but not limited to construction vehicles and parking, placement of dumpsters and porta-potties, construction fencing and signage, and other similar matters.

The Chair of the ARC (or designee) shall promptly advise BCA's management company when he/she has approved a Repair and Maintenance Notification form and BCA's management company shall then promptly so advise the homeowner. The homeowner shall not commence work prior to receiving such approval. The Chair of the ARC (or designee) shall report to the ARC at its next regular ARC meeting with respect to any Repair and Maintenance Notification forms approved since the prior meeting.

## D.4 FEES

### 1. REQUIRED DEPOSIT / FEES:

Payment of the deposit in full is required with the Architectural Application & Agreement at first submittal. Refer to the BCA Architectural Application & Agreement for the schedule of construction fees and deposit requirements. If the amount of the required security deposit is increased between the date the deposit is made and commencement of construction, the increased deposit amount shall apply and the increased deposit shall be paid prior to commencement of construction.

Damage to the common areas such as streets, alleys, curbs and gutters shall be paid for by the homeowner. Should damage occur, the deposit required shall be an assessment, as explained in Article V, Sec. 1 (e) of the association by-laws.

Failure to pay the assessment may result in a lien being imposed on the property pursuant to Article III, Sec. 9 of the by-laws. Action by the BCA and legal proceedings may also be brought in order to halt the construction until the deposit is made.

## D.4.1 SECURITY DEPOSIT

### 1. REQUIRED DEPOSIT:

A Security Deposit is required for all construction to ensure its timely completion. Construction not completed within the applicable maximum time period set forth in Section D.5.5 of these Guidelines (as said time may be extended by the ARC as set forth therein), beginning with the first calendar day of the first calendar month after the completion deadline, shall result in 10% of the deposit being retained by the BCA. For each ensuing month completion is late an additional 10% will be retained until completion.

Should the entire deposit amount be retained and construction not completed or should the BCA reasonably determine that the remaining amount of the deposit on account will not be sufficient to compensate BCA for construction delays, damages caused to BCA streets, alleys, or property, or fines assessed for other violations of these Architectural Guidelines, the BCA reserves the right to request an additional appropriate deposit be provided.

Deposit fees are based on square footage of construction including garage as follows:

Square Footage	Deposit
7,000 SF & Above	\$30,000.00
5,000 SF - 6,999 SF	\$20,000.00
3,000 SF - 4,999 SF	\$10,000.00
1,000 SF - 2,999 SF	\$5,000.00

## D.5 CONSTRUCTION

### 1. RIGHT OF ENTRY:

Construction work requires the use of Bayshores common areas, namely streets and alleys, for the purpose of transporting labor and materials to be used at the building site.

Workmen are granted entry on the condition they follow Bayshores traffic rules and all provisions set forth in the Contractor Responsibilities & Agreement and Contractor's Parking Permit Rules. (See pg. E.2 - E.4.1.) Violators will be denied entry. No workmen or gardeners are permitted entry into Bayshores until starting time. Authorized work hours for construction and professional gardening in Bayshores are: 7:00 a.m. to 6:00 p.m., Monday through Friday only. Construction work, gardeners, etc., are not permitted on Saturdays, Sundays, legal holidays the day after Thanksgiving, December 24th, December 31st and MLK Day.

### 2. DUMPSTER:

Wherever possible, all dumpsters and trash receptacles shall be placed directly on the property under construction. If a dumpster cannot practically be placed on the property (e.g., during demolition and grading or, for more minor remodels, when the front yard landscaping/hardscape is not being removed or replaced and there is insufficient room in the garage to accommodate such facility(ies), it may be temporarily placed on the street directly adjacent to the curb next to the property under construction, so as not to constitute a hazard to the safety of others or impede the free flow of traffic. Owners are encouraged to substitute small dumpsters for larger ones whenever possible to eliminate the need for placement of a dumpster in the street. Thick rigid wood pads (minimum 1" x 12" x 18") must be placed under the wheels of any dumpster placed on the street to prevent damage to the street. Any dumpster placed in the street may remain in that location for a maximum of ten (10) work days (i.e., excluding weekends and holidays when construction workers are not permitted to enter Bayshores). Extensions of the ten (10) day time limit may be approved only by the Chairperson of the ARC or his/her designee.

### 3. BUILDING MATERIALS:

Wherever possible, all building materials must be stored on the construction site. They are not to extend to neighboring properties or Bayshores streets or alleys.

### 4. TEMPORARY CHAIN LINK FENCE; CONSTRUCTION SIGNAGES. COMPLETION OF PROJECT:

During construction, contractors shall install and maintain a chain link/cyclone-type wire fence six feet (6') in height with dark green vinyl mesh around the perimeter of the lot to prevent trespassing onto the construction site and to mitigate unsightly views. The fence shall be closed with a secure lock during all hours and days when work is not actively being performed. The fence (including the green vinyl mesh) shall be maintained in first-class condition and repair for the duration of the construction project, until removed. If the fence deteriorates or is damaged, it shall be promptly repaired or replaced. Portable toilet and construction materials must be placed and maintained behind this fence, screened from view from the street. Construction signage on the exterior of the perimeter fence and/or visible from the adjacent street(s) and alley(s) shall be limited to the following: (1) one (1) rectangular sign per construction site, on the street front yard side of the lot, not to exceed 24" X 30" in size, which identifies the contractor and (optional) project architect and which provides contractor/emergency contact information, City of Newport Beach contact information, and any other information the sign may be required to obtain in order to comply with applicable federal, state, and local laws and regulations; (2) "No Trespassing" signs not to exceed 12" X 18" in size, with no more than two (2) such signs for every forty (40) linear feet of street or alley frontage; and (3) "No Parking" signs not to exceed 12" X 18" in size, with no more than two (2) such signs for every forty (40) linear feet of street frontage, and with such signage worded to prohibit parking only during construction hours (Monday-Friday between 7 AM-6 PM, excluding holidays and other non-Bayshores construction days). To the extent practicable and legal, signage setting forth work rules for and notices to on-site construction workers shall be posted inside the construction fence so as to not be visible from the street or, if posting in such a location is not practicable or violates applicable federal, state, or local laws or regulations, such signage/notice(s) shall



### D.5 CONSTRUCTION (cont.)

not exceed 10" X 12" in size. All signage shall consist of dark print against a white background. Each sign shall be maintained in first-class condition and repair for the duration of the construction project (or until removed) and shall be comprised of materials that will not deteriorate in adverse weather conditions or over the expected duration of the construction project. If a sign does deteriorate or is damaged, it shall be promptly repaired or replaced. Notwithstanding the foregoing, to the extent the signage requirements of this Section D.5.4 conflict with applicable federal, state, or local laws or regulations, the requirements of this Section D.5.4 shall be deemed to be modified to the minimum extent needed to comply with such laws and regulations. Signs posted in violation of this requirement may be removed by the BCA management staff and stored, where they may be collected by the owner or contractor.

#### 5. PARKING:

Construction workers are permitted to park their personal transportation vehicles (passenger cars and light trucks) in any of the following locations within the Bayshores community (but no others): (1) on the job site itself (i.e., behind the curb and off the street); (2) along the street frontage directly adjacent to the job site, but not in any alley and not in front of neighboring residences; (3) along the east side of Bayshore Drive adjacent to the hedge near the entrance to the Bayshore community (but not in the spaces marked for the use of BCA Security personnel and not in any red zone); (4) along the south side of Bayshore Drive adjacent to the Bayshore Marina (but not in any red zone); and (5) if pursuant to a valid Bayshore Marina parking pass (see below), in one of the BCA's reserved spaces in the Bayshore Marina. Construction worker vehicle parking is not permitted on the street adjacent to a Bayshores property other than the job site itself based on the written or verbal "permission" granted by the owner or occupant of the adjacent property. The foregoing rule does not apply to construction vehicles required for the delivery, placement, or removal of heavy materials, equipment, supplies, debris, etc., that cannot be easily carried by hand from a location away from the job site itself—including without limitation skip loaders and other tractors; dump trucks; cement mixers; cranes; and trucks carrying lumber, scaffolding, drywall, doors, windows, roofing materials, stone, cement, electrical supplies and equipment, pipe and plumbing supplies, flooring, paint and painting equipment, landscaping and hardscape materials, and the like.

#### 5.1 RULES APPLICABLE TO BCA-ALLOCATED PARKING SPACES IN BAYSHORE MARINA:

From time to time, BCA may have the authority to utilize a limited number of parking spaces in the Bayshore Marina for construction workers performing work on Bayshores projects—passenger cars and pick-up trucks only, excluding larger and heavier trucks and other heavy construction equipment. As of the date this Section D.5.5 is being published, BCA has the right to utilize up to twenty (20) such spaces in the parking row along the low wall in the Bayshore Marina parking lot closest to Bayshore Drive, excluding the five (5) spaces closest to the driveway entrance to the parking lot. During the period(s) of time that BCA maintains such parking rights in the Bayshore Marina, the following rules shall apply to the use of such spaces:

- All projects in Fee Categories 1-3 in Section E of these Guidelines (i.e., "New Home or Major Remodel" [over 50% of home square footage], "Semi Major Remodel" [30% to 50% of home square footage], and "Minor Remodel" [10% to 30% of home square footage]) for which construction is commenced after October 1, 2021, shall be required to purchase at least two (2) monthly Bayshore Marina parking passes for each full or partial month that construction is ongoing, commencing upon the commencement of construction (including the earliest of demolition, excavation, grading, or building) and ending upon the last day of the month in which the project qualifies for issuance of a Notice of Completion. Subject to the availability of additional parking spaces (see below), each owner/contractor of any project in any Fee Category who commences work after October 1, 2021, and who wishes to obtain additional Marina parking passes on a voluntary basis will be allowed to do so, on a first-come, first-served basis, up to a maximum of five (5) total Marina parking passes per job site.
- All projects in any Fee Category that commenced work prior to October 1, 2021, will be allowed, on a voluntary basis, to purchase Marina parking passes on a first-come, first-served basis, up to a maximum of five (5) total Marina parking passes per job site.

### D.5 CONSTRUCTION (cont.)

#### 5.1 RULES APPLICABLE TO BCA-ALLOCATED PARKING SPACES IN BAYSHORE MARINA (cont):

- Notwithstanding the foregoing, BCA reserves the right on thirty (30) days' notice to recall/reduce the number of "voluntary" Marina parking passes previously issued to an owner/contractor if a new construction job site would otherwise be unable to obtain its required minimum two (2) Marina parking passes; provided, that in no event shall the BCA unilaterally recall/reduce the number of Marina parking passes previously issued to a job site to less than two (2). In the event BCA reduces the number of "voluntary" parking passes previously issued to an owner/contractor, BCA shall promptly refund the amount of any advance parking fee previously paid by the owner/contractor with respect thereto (see below).
- The charge for a Marina parking pass shall be Seventy-Five Dollars (\$75) per month per pass, or such different amount as may be approved from time to time by the BCA Board of Directors. If the amount of the fee for a Bayshore Marina parking pass is changed, BCA shall promptly inform each owner/contractor to whom a Marina parking pass has previously been issued.
- The entire estimated amount of each project's Bayshore Marina parking fee (both required and voluntary spaces) shall be paid in advance. The amount of the required Security Deposit for each project (see Section D.4.1.1) shall be increased accordingly. In the absence of approval by the ARC, the total estimated fee amount will be based upon the assumption that a construction job will be completed within the applicable deadline set forth in Section D.5.6 of these Guidelines (below). Upon non-payment of the fee for Bayshore Marina parking passes, BCA reserves the right, in its discretion, to (1) revoke the parking pass(es) previously issued to the project; (2) draw down the owner's Security Deposit for the project by the amount owing (see Section D.4.1.1); and/or (3) require that the amount of the owner's Security Deposit be immediately restored/increased to cover any accrued and unpaid and estimated future parking fees for that project. If any portion of the Security Deposit attributable to the Marina parking pass program remains on deposit after issuance of the Notice of Completion, that amount shall be promptly refunded to the owner (subject to deductions for amounts otherwise owing).
- Upon payment of the required fee (see above), BCA will provide to each owner/contractor the applicable number of Marina parking passes for that owner/contractor's job site. The Marina parking passes will be numbered or otherwise marked to be identifiable as pertaining to a particular job site. The Marina parking passes may have expiration dates and be subject to replacement/renewal.
- It shall be the responsibility of each owner/contractor to deliver the Marina parking passes to its subcontractors and construction workers, to be responsible for the sharing or transfer of such passes between/among construction workers at the job site, and to return any unexpired parking passes to the Chair of the ARC or other designated BCA representative when use of the Marina parking pass has expired or is no longer needed. If a Marina parking pass is lost or stolen, a replacement parking pass will be provided for an additional fee of Twenty-Five Dollars (\$25) upon identification of the number of or other identifying information relating to the pass that needs to be cancelled.
- The construction workers parking their vehicles in the Marina parking lot shall be required to comply with all applicable rules and regulations set forth in the permit, including without limitation with respect to the types of vehicles permitted to park in the Marina parking lot (personal passenger vehicles and pick-up trucks only—no larger or heavier trucks or construction equipment) and the location(s) where they are permitted to park (generally, along the low wall closest to Bayshore Drive, excluding the five (5) spaces closest to the driveway entrance to the parking lot). Each permit shall be displayed face up on the windshield of the vehicle at all times that the vehicle is parked in the Marina parking lot, together with the vehicle's temporary guest entry pass into Bayshores, so that both passes are easily visible from the exterior of the vehicle. Violations of the rules applicable to display or usage of the Marina parking passes will be considered a violation of the Bayshores Rules and Regulations and will be subject to the fines applicable to such violations.



### D.5 CONSTRUCTION (cont.)

#### 6. COMPLETION OF PROJECT:

Once construction of a project has commenced, construction shall be diligently and continuously pursued to completion. Building construction for projects listed in Fee Categories 1 and 2 in Section E of these Guidelines (i.e., new home or major remodel [over 50% of home square footage] and semi-major remodel [30% to 50% of home square footage]) shall be completed within two (2) years starting on the date of permit as issued by the City of Newport Beach or commencement of construction, whichever occurs first. Building construction for projects listed in Fee Categories 3-5 in Section E of these Guidelines (i.e., minor remodel [10% to 30% of home square footage], small remodels [10% or less of home square footage], and semi-small remodels [no change in home square footage]) shall be completed within one (1) year starting on the date of permit as issued by the City of Newport Beach or commencement of construction, whichever occurs first; provided, that the ARC retains the discretion to approve a longer construction period, not to exceed two (2) years total, for projects in Fee Categories 3-5 based upon the applicant's submittal of information satisfactory to the ARC that special circumstances warrant an extension beyond the normal one (1) year maximum construction period. Where exterior landscaping/hardscape improvements are part of a building construction project, the landscaping/hardscape improvements shall be completed within sixty (60) days of occupancy or substantial completion of the exterior of the building, whichever first occurs. Should the improvements be limited to projects listed in Fee Categories 6 or 7 in Section E of these Guidelines (i.e., landscaping, hardscape, masonry fencing, painting, arbors, wood fences, garden walls, and the temporary placement of dumpsters) the construction must be completed within one hundred twenty (120) days.

Construction of a building shall be deemed to have been completed when, upon completion of construction, a certificate by a licensed State of California architect stating that the structure has been erected in substantial conformity with plans, setbacks, and specifications, including landscaping approved by the BCA, is provided to the BCA's management company. Satisfactory completion of construction is subject to the verification by BCA's architectural consultant and the ARC; provided, that the time taken by BCA's architectural consultant and the ARC to verify completion shall not be deemed to extend the completion date, for purposes of this Section D.5.5.

#### 7. FAILURE TO CORRECT:

Except as set forth in Section D.4.1 (applicable to failure to timely complete construction), failure to comply with any of the conditions herein contained or in accordance with any Notice of Violation issued pursuant to these Guidelines shall result in a fine/assessment of \$50.00 per day for each day the violation continues in effect or such greater amount as may be set forth in the Violation Policy adopted by the BCA Board of Directors from time to time. The fine/assessment may be deducted/taken from the owner's construction security deposit. In addition, should any owner fail to pay a fine/assessment when levied (and if the construction security deposit for whatever reason is not sufficient or available for that purpose), BCA reserves the right to place a lien on the owner's property as provided in Article III, Sec. 9 of the by-laws of the Association (page 3).

### D.6 GENERAL

#### 1. VARIANCE PROCEDURES:

In the event plans and specifications submitted to the Architectural Review Committee ("ARC") are disapproved for the reason that in the judgment of the ARC such plans and specifications do not conform with the Architectural Guidelines and Standards, and in the event the applicant believes unreasonable conditions have been imposed (e.g., time to complete construction, amount of assessment, etc.), the party making such submission may submit a written "Request For Variance." Said "Request" shall be reviewed by the ARC, whose written recommendation of approval, disapproval or modification of conditions shall be submitted to the Board of Directors.

The Board of Directors shall, by written notice to the owner, approve or disapprove said request. In the event the Board of Directors fails to act on said "Request" within sixty (60) days after said "Request" is submitted to the ARC, said "Request" shall be deemed approved.

#### 2. ENFORCEMENT:

Failure to obtain the necessary approval from the ARC or the association may constitute a violation of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and may require removal or modification of the work at the expense of the homeowner.



## Section E - Applications

I hereby apply to the Bayshores Community Association for review and approval of plans, surveys, exhibits and specifications submitted herewith.

### **BAYSHORES COMMUNITY ASSOCIATION ARCHITECTURAL APPLICATION & AGREEMENT**

Date: \_\_\_\_\_

Owner's Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Project Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

### **PROJECT INFORMATION**

Please complete the following for the type of application being requested.  
Refer to the Construction Fee & Deposit Requirements.

Number \_\_\_\_\_

Description / Fee Category \_\_\_\_\_

Deposit \_\_\_\_\_

Complete the following information:

New Home

Addition / Remodel

Landscape

Hardscape

Square Footage \_\_\_\_\_

Height \_\_\_\_\_

No. of Stories \_\_\_\_\_

No. Bedrooms / Baths \_\_\_\_\_

Garage Spaces \_\_\_\_\_

Roof Deck/Size (if applicable) \_\_\_\_\_

Are any variances, modifications, etc., required for subject property?  
(If yes, please explain on reverse)

Yes

No

### **Design Team Information**

Each member of the design team is to be licensed and certified by the State of California:

ARCHITECT: \_\_\_\_\_ Address: \_\_\_\_\_

License # \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

LANDSCAPE ARCHITECT: \_\_\_\_\_ Address: \_\_\_\_\_

License # \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

CIVIL ENGINEER: \_\_\_\_\_ Address: \_\_\_\_\_

License # \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Section E - Applications

### BAYSHORES COMMUNITY ASSOCIATION ARCHITECTURAL FEE

PAYMENT OF THE FEE IN FULL IS REQUIRED WITH THE APPLICATION AND FIRST SUBMITTAL.

The fee schedule is published annually and shall be increased on the first day of the first month of the fiscal year based on the percentage increase in the Consumer Price Index\* during the prior year.

		<b>Fee Categories</b>
1)	<b>NEW HOME OR MAJOR REMODEL</b>	(over 50% of home square footage)
2)	<b>SEMI MAJOR REMODEL</b>	(30% to 50% of home square footage)
3)	<b>MINOR REMODEL</b>	(10% to 30% of home square footage)
4)	<b>SMALL REMODEL</b>	(10% or less of home square footage)
5)	<b>SEMI-SMALL REMODEL</b>	(No change in home square footage)
6)	<b>LANDSCAPE / HARDSCAPE , MASONRY FENCING &amp; PAINTING</b>	
7)	<b>ARBORS, WOODEN FENCES / GARDEN WALLS &amp; DUMPSTERS</b>	
8)	<b>REPAIR &amp; MAINTENANCE WORK EXCEEDING 60 DAYS DURATION</b>	
	No fee is required for work eligible to be performed pursuant to a Repair and Maintenance Notification form (see Section D.3.9 of the Architectural Guidelines) that is completed within sixty (60) days from commencement of work. Thereafter, a fee of \$100 is required for each month or partial month that the work continues until work is completed. This fee is not required to be submitted in advance and may be paid in arrears, after completion of the work. This fee shall be paid regardless of whether the owner actually submits a Repair and Maintenance Notification form.	

**NOTE:** Garage area (new or remodeled) is to be included in the square footage calculation to determine the appropriate fee above.

\*The Bayshores Community Association Architectural Fees (the "Architectural Fees") shall be increased, but not decreased, on each fiscal year on the first day of the first fiscal month of said fiscal year (each an "Adjustment Date") to reflect any increases in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, All Urban Consumers, All Items (1982-84 = 100), for Los Angeles-Riverside-Orange County (the "Index"), in accordance with the following:

The increased Architectural fees to become effective on any Adjustment Date will be determined by multiplying the Architectural Fees in effect immediately prior to the Adjustment Date by a fraction, the numerator of which is the most recently published Index prior to the Adjustment Date and the denominator of which is the most recently published Index prior to the last prior Adjustment Date, rounded up to the nearest ten (\$10) dollars. In no event, however, will the Architectural Fees following any Adjustment Date be less than the Architectural Fees in effect prior to the Adjustment Date.

If the Index is discontinued or revised, or is published less frequently than is the practice as of the date hereof, then the Bayshores Community Association may adopt a reasonable substitute index or procedure which reasonably reflects consumer prices.

**SUBMIT APPLICATIONS TO:**  
**BHE Management Corporation**  
30011 Ivy Glen, #118  
Laguna Niguel, CA 92677  
949.363.1963 Fax 949.363.9930

## Section E - Applications

### **SUBMITTAL #1 - PRELIMINARY DESIGN APPROVAL**

1. The applicant submits to BCA's management company a completed and executed an Architectural Agreement & Application form, Construction Fee, Deposit, two (2) sets of Preliminary Design Drawings with all of the items preceded by an asterisk in the Architectural Submittal Checklist set forth in Section E of the Bayshores Community Association Architectural Design Guidelines & Standards--herein, the "Architectural Guidelines"), completed/signed Neighbor Awareness form, and signed Responsibility of Owner and Contractor During Construction form. The management company will forward the submittal to BCA's consulting architect and Architectural Review Committee (ARC) for review.
2. BCA's or consulting architect will review the applicant's submittal for conformance to BCA's CC&Rs and Architectural Guidelines, including any adopted amendments, and will issue a written report to the ARC setting forth his/her comments/corrections and recommendations. It is understood that the BCA consulting architect's comments/corrections and recommendations are not binding upon the ARC and are intended only to provide one source of information to the ARC to assist it in making a decision.
3. If the applicant's plans are not approved, the applicant may submit revised plans addressing each of the comments/corrections and concerns raised in the previous review(s). Revised plan submittals will be handled in accordance with the procedures outlined in Paragraphs 1 and 2 above. This process continues until the ARC approves the plans.

### **SUBMITTAL #2 - FINAL PLAN APPROVAL**

1. Based upon the Preliminary Design Approval, the applicant prepares complete construction drawings, then submits to BCA's management company two (2) sets of drawings that are identical in content to those submitted to the City of Newport Beach for plan check and include, without limitation all of the items set forth in the Architectural Submittal Checklist set forth in Section E of the Architectural Guidelines that are required to be included with a Final Plan submittal. The Final Plan Approval submittal shall highlight any inconsistencies or conflicts with the Preliminary Design Approval previously issued by the ARC. The management company will forward the submittal to the BCA's or consulting architect and ARC for review and response.
2. BCA's consulting architect will review the applicant's Final Plan submittal for conformance with the ARC's Preliminary Design Approval and will issue a written report to the ARC setting forth his/her findings and determinations with respect to same. If BCA's consulting architect finds and determines that there are any inconsistencies or conflicts between the applicant's Final Plan submittal and the ARC's Preliminary Design Approval, his/her report shall set forth appropriate comments/corrections and recommendations regarding same. It is understood that the BCA consulting architect's comments/corrections and recommendations are not binding upon the ARC and are intended only to provide one source of information to the ARC to assist it in making a decision.
3. The ARC shall approve the applicant's Final Plans if they are in conformance with the previously approved Preliminary design Plans. If there are any inconsistencies between the Final Plan submittal and the ARC's Preliminary Design Approval, the ARC retains the same discretion with respect to approving or disapproving the changes that the ARC would have had if such changes were part of the Preliminary Design submittal.
4. If the ARC issues its Final Plan Approval, BCA will stamp the Final Plans/drawings as approved and BCA's management company will issue a letter of approval to the applicant.



## Section E - Applications

### BAYSHORES AGREEMENT

Prior to commencement of any addition, alteration or construction work of any type, I/we, the owner(s), agree to submit to the BCA for its review and approval, plans that conform with and abide by the Bayshores Community Association (BCA) CC&Rs and Architectural Design Guidelines and Standards. I agree to pay the applicable fee and to deliver the required security deposit. If I/we fail to submit the required plans, do not obtain the approval of the BCA prior to the commencement of improvements, or if my/our construction does not comply with the approved plans, I/we acknowledge that this action shall constitute a violation of BCA's governing documents and I/we may be required to modify or remove the unauthorized improvements at my/our sole cost and expense. Likewise, I/we agree to reimburse BCA for any and all, fees of expert witnesses, and costs/fees of mediators or arbitrators who may be engaged to settle or resolve any dispute related to the same.

In addition to obtaining BCA's consent for the construction of improvements, I/we acknowledge that I/we may be required to obtain a building permit from the City of Newport Beach, a Coastal Development Permit from the California Coastal Commission, and/or other permits and approvals from other appropriate governmental agencies prior to the commencement of any work. The BCA does not assume any responsibility for my/our failure to obtain such permits. Likewise, the BCA does not advise as to the necessity for permits or review of plans for the purpose of guaranteeing quality of work or compliance with specific governmental requirements. Obtaining such permits does not waive my/our obligation to obtain approval from the BCA.

Upon receiving written approval from the BCA, I/we agree to conform with all the CC&Rs, Architectural Guidelines and all other applicable Rules adopted by the Bayshores Board of Directors from time to time related to the work. I/we acknowledge that it is my/our responsibility to notify my/our contractor(s) and subcontractor(s) of all the rules, regulations, and standards that govern the construction project in Bayshores, and it is I/we who take(s) responsibility for all the actions of my/our contractor and subcontractors and their conformance to the same.

Upon completion of this project, my/our architect is required to submit written certification to the BCA confirming construction has been completed in conformance with the final plans, as approved by the Bayshores Community Association BCA's Architectural Review Committee ("ARC").

All approvals granted by the ARC will expire twelve (12) months after the Final Plan Approval date unless, prior to that date, I/we commence construction pursuant to all required governmental permits (including, if applicable, a building permit from the City of Newport Beach) and diligently continue such construction to completion. If a BCA approval expires, a complete new submittal, including fees, will be required.

My/our signature below signifies my/our understanding of all the above information. Signature by an agent does not waive my/our agreement to these terms and conditions.

---

Owner's Signature

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Date

---

Co-Owner's Signature

---

Date

# Section E - Applications

## NEIGHBOR AWARENESS FORM

Each applicant for a project that requires approval from the Bayshores Architectural Review Committee must submit this completed Neighbor Awareness Form with his/her application, except as may be set forth in the Bayshores Community Association Architectural Design Guidelines & Standards.

Today's Date: \_\_\_\_\_ Address where work will take place: \_\_\_\_\_

Names of Owners(s) Performing Work: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Owner's Signature: \_\_\_\_\_

**By my signature below, I/we acknowledge the following:**

1. I have been made aware that the Owner(s) identified above intend(s) to submit an application to the Bayshores Architectural Review Committee ("ARC") for approval of a project that requires ARC approval (the "Project").
2. The Owner(s) identified above or their architect has provided me with the opportunity to review the Preliminary Design Drawings and related materials for the Project (collectively, the "Plans") and to provide my input/comments thereon and I have either reviewed the Plans and provided my input/comments to the Owner(s) or architect or have elected to not do so at this time.
3. Even if I have not provided input/comments on the Plans to the Owner(s) identified above or the Project architect, I am aware that I have the right to submit my input/comments directly to the ARC or members of the ARC prior to or at an ARC meeting held for the purpose of reviewing the Plans.
4. I am aware that I will have or should have the opportunity to review the Plans a reasonable period of time prior to any ARC meeting held for that purpose by accessing a copy of the Plans in the Bayshores clubhouse.
5. My signature below does not imply my consent to or approval of the Plans or the proposed improvements.

Neighbor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Neighbor's Name (Print): \_\_\_\_\_

Neighbor's Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Section E - Applications

### BAYSHORES COMMUNITY ASSOCIATION

### CONTRACTOR RESPONSIBILITIES & AGREEMENT

BHE Management Corporation  
30011 Ivy Glen, #118  
Laguna Niguel, CA 92677  
949.363.1963  
Fax 949.363.9930

## RESPONSIBILITIES OF OWNER AND CONTRACTOR DURING CONSTRUCTION

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It is the responsibility of the property owner to oversee the construction and to assure that the General Contractor, all subcontractors, all suppliers of materials and equipment, and all of their workers observe these rules.

1. Pre-Construction Meeting: Before commencement of construction, the Property Owner and General Contractor must meet with the Chair of BCA's Security Committee or his/her designee in order to ensure that all parties are aware of the CC&Rs, Rules and Regulations, and Architectural Design Guidelines applicable to Bayshores construction projects and the consequences for failure to comply. At the discretion of the Chair of BCA's Security Committee (or designee), the pre-construction meeting may be virtual rather than in-person.
2. Construction Days/Hours: Construction hours are as follows: Monday - Friday 7:00 a.m. to 6:00 p.m. No construction vehicles or workers will be allowed to enter Bayshores except during construction hours and all construction vehicles and workers must exit Bayshores prior to the end of construction hours, excepting only construction vehicles that remain parked overnight in accordance with the parking rules set forth herein. Construction work is prohibited on Saturdays, Sundays and legal holidays, the day after Thanksgiving, December 24th, December 31st and MLK.
3. Authorized Entry to Construction Projects:
  - 3.1 General: No vehicle or person will be permitted to enter Bayshores to access or work at a construction site without the prior authorization of the Owner and/or the Owner's General Contractor. The Owner/Contractor shall be responsible to provide the Guard Gate with a list of all subcontractors, workers, and vehicles authorized to enter Bayshores to work at a job site. Owners/Contractors are strongly encouraged to enter the names, addresses, employer name, and other required information on Bayshores Dwelling Live.
  - 3.2 Entry for Large Vehicles That Block Streets or Alleys: Except as stated below, no construction vehicle shall be stopped or parked on any Bayshores street or alley for any period of time in such a manner as to block the flow of vehicular traffic along any street or alley. For purposes of this rule, a street or alley shall be deemed to be blocked if vehicular traffic is blocked in both directions or if vehicular access into or out of any garage is blocked. If it is necessary to block a street or alley in Bayshores in order to construct a project, approval must be obtained from the President of the Board of Directors or the Chairperson of either the Architectural Review Committee ("ARC") or Security Committee at least two (2) construction days (see Paragraph 2 above) in advance. In the event the temporary street/alley blockage is approved, at least forty-eight (48) hours prior to the scheduled blockage of a street or alley the Owner or Contractor shall (1)



### RESPONSIBILITIES OF OWNER AND CONTRACTOR DURING CONSTRUCTION

Page 2 of 7

notify the Guard Gate of the date and time of the approved entry and (2) provide written notice to all affected neighbors so they can move their vehicles out of the way. In addition, at least forty-eight (48) hours prior to the scheduled blockage of the street or alley, the Owner or Contractor shall post signs in appropriate places on either side of the area to be blocked so that traffic in the community can continue to flow as smoothly as possible. In all circumstances, the street or alley area to be blocked and the time period of the blockage shall be minimized to the maximum extent feasible. Immediately following the elimination of the street or alley blockage, the Owner or Contractor shall remove the signage notifying drivers of the blockage

4. No Animals, Minor Children, or Other Guests of Construction Workers Allowed: No pets (dogs, cats, or other animals), minor children, or guests who are not themselves construction workers on the applicable job site may enter Bayshores with a construction worker, including in vehicles. If another person who is not himself/herself a construction worker is driving a construction worker to or from the job site, such person shall drop off or pick up the construction worker outside the entrance to Bayshores, in a legal parking/stopping location that does not block or obstruct vehicular ingress to or egress from the Bayshores community, and the construction worker shall enter (after providing proper identification) or exit through the pedestrian gate.
5. Worker Behavior: No loud music or bad language will be tolerated. Workers are to show consideration and respect to residents and their guests. BCA reserves the right to bar the entry of any worker who violates this rule. BCA property (e.g., parks, beaches, etc.) is never to be used by the contractor or any construction workers, suppliers, or delivery persons for any purpose.

No food or other deliveries are permitted for construction workers. No more than one food truck or similar vehicle providing food service to workers shall be allowed per day per construction site and the food truck or similar vehicle shall be required to park on or directly in front of the construction site.

6. Construction Worker/Vehicle Parking:
  - 6.1 Permitted Locations for Construction Worker/Vehicle Parking: Construction workers are permitted to park their personal transportation vehicles (passenger cars and light trucks) in any of the following locations within the Bayshores community (but no others): (1) on the job site itself (i.e., behind the curb and off the street); (2) along the street frontage directly adjacent to the job site, but not in any alley and not in front of neighboring residences; (3) along the east side of Bayshore Drive adjacent to the hedge near the entrance to the Bayshore community (but not in the spaces marked for the use of BCA Security personnel and not in any red zone); (4) along the south side of Bayshore Drive adjacent to the Bayshore Marina (but not in any red zone); and (5) if pursuant to a valid Bayshore Marina parking pass (see below), in one of the BCA's reserved spaces in the Bayshore Marina. Construction worker vehicle parking is not permitted on the street adjacent to a Bayshores property other than the job site itself under any circumstances, including based on the written or verbal "permission" granted by the owner or occupant of the adjacent property. To the extent there is not sufficient parking within the Bayshores community for all of the construction workers on a particular job site, Owners/Contractors will need to provide parking outside Bayshores or else instruct their subcontractors and construction workers accordingly.

The parking restrictions in this Paragraph 6.1 do not apply to construction vehicles required for the delivery, placement, or removal of heavy materials, equipment, supplies, debris, etc., that cannot be easily carried by hand from a location away from the job site itself—including without limitation skip loaders and other tractors; dump trucks; cement mixers; cranes; and trucks carrying lumber, scaffolding, drywall, doors, windows, roofing materials, stone, cement, electrical supplies and equipment, pipe and plumbing supplies, flooring, paint and painting equipment, landscaping and hardscape materials, and the like.

### RESPONSIBILITIES OF OWNER AND CONTRACTOR DURING CONSTRUCTION

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6.2 Rules Applicable to BCA-Allocated Parking Spaces in Bayshore Marina: From time to time, BCA may have the authority to utilize a limited number of parking spaces in the Bayshore Marina for construction workers performing work on Bayshores projects—passenger cars and pick-up trucks only, excluding larger and heavier trucks and other heavy construction equipment. As of the date this Agreement is being executed, BCA has the right to utilize up to twenty (20) such spaces in the parking row along the low wall in the Bayshore Marina parking lot closest to Bayshore Drive, excluding the five (5) spaces closest to the driveway entrance to the parking lot. During the period(s) of time that BCA maintains such parking rights in the Bayshore Marina, the following rules shall apply to the use of such spaces.

- All projects in Fee Categories 1-3 in Section E of the Bayshores Architectural Guidelines (i.e., "New Home or Major Remodel" [over 50% of home square footage], "Semi Major Remodel" [30% to 50% of home square footage], and "Minor Remodel" [10% to 30% of home square footage]) for which construction is commenced after October 1, 2021, shall be required to purchase at least two (2) monthly Bayshore Marina parking passes for each full or partial month that construction is ongoing, commencing upon the commencement of construction (including the earliest of demolition, excavation, grading, or building) and ending upon the last day of the month in which the project qualifies for issuance of a Notice of Completion. Subject to the availability of additional parking spaces (see below), each owner/contractor of any project in any Fee Category who commences work after October 1, 2021, and who wishes to obtain additional Marina parking passes on a voluntary basis will be allowed to do so, on a first-come, first-served basis, up to a maximum of five (5) total Marina parking passes per job site.
- All projects in any Fee Category that commenced work prior to October 1, 2021, will be allowed, on a voluntary basis, to purchase Marina parking passes on a first-come, first-served basis, up to a maximum of five (5) total Marina parking passes per job site.
- Notwithstanding the foregoing, BCA reserves the right on thirty (30) days' notice to recall/reduce the number of "voluntary" Marina parking passes previously issued to an owner/contractor if a new construction job site would otherwise be unable to obtain its required minimum two (2) Marina parking passes; provided, that in no event shall the BCA unilaterally recall/reduce the number of Marina parking passes previously issued to a job site to less than two (2). In the event BCA reduces the number of "voluntary" parking passes previously issued to an owner/contractor, BCA shall promptly refund the amount of any advance parking fee previously paid by the owner/contractor with respect thereto (see below).
- The charge for a Marina parking pass shall be Seventy-Five Dollars (\$75) per month per pass, or such different amount as may be approved from time to time by the BCA Board of Directors. If the amount of the fee for a Bayshore Marina parking pass is changed, BCA shall promptly inform each owner/contractor to whom a Marina parking pass has previously been issued.
- The entire estimated amount of each project's Bayshore Marina parking fee (both required and voluntary spaces) shall be paid in advance. The amount of the required Security Deposit for each project (see Section D.4.1.1 of the Bayshores Architectural Guidelines) shall be increased accordingly. In the absence of approval by the ARC, the total estimated fee amount will be based upon the assumption that a construction job will be completed within the applicable deadline set forth in Section D.5.6 of the Bayshores Architectural Guidelines. Upon non-payment of the fee for Bayshore Marina parking passes, BCA reserves the right, in its discretion, to (1) revoke the parking pass(es) previously issued to the project; (2) draw down the owner's Security Deposit for the project by the amount owing (see Section D.4.1.1 of the Bayshores Architectural Guidelines); and/or (3) require that the amount of the owner's Security Deposit be immediately restored/increased to cover any accrued and unpaid and estimated future parking fees for that project. If any portion of the Security Deposit attributable to the Marina parking pass program remains on deposit after issuance of the Notice of Completion, that amount shall be promptly refunded to the owner (subject to deductions for amounts otherwise owing).

### RESPONSIBILITIES OF OWNER AND CONTRACTOR DURING CONSTRUCTION

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- Upon payment of the required fee (see above), BCA will provide to each owner/contractor the applicable number of Marina parking passes for that owner/contractor's job site. The Marina parking passes will be numbered or otherwise marked to be identifiable as pertaining to a particular job site. The Marina parking passes may have expiration dates and be subject to replacement/renewal.
  - It shall be the responsibility of each owner/contractor to deliver the Marina parking passes to its subcontractors and construction workers, to be responsible for the sharing or transfer of such passes between/among construction workers at the job site, and to return any unexpired parking passes to the Chair of the ARC or other designated BCA representative when use of the Marina parking pass has expired or is no longer needed. If a Marina parking pass is lost or stolen, a replacement parking pass will be provided for an additional fee of Twenty-Five Dollars (\$25) upon identification of the number of or other identifying information relating to the pass that needs to be cancelled.
  - The construction workers parking their vehicles in the Bayshore Marina parking lot shall be required to comply with all applicable rules and regulations set forth in the permit, including without limitation with respect to the types of vehicles permitted to park in the Marina parking lot (personal passenger vehicles and pick-up trucks only—no larger or heavier trucks or construction equipment) and the location(s) where they are permitted to park (generally, in the parking row along the low wall closest to Bayshore Drive, excluding the five (5) spaces closest to the driveway entrance to the parking lot). Each permit shall be displayed face up on the windshield of the vehicle at all times that the vehicle is parked in the Marina parking lot, together with the vehicle's temporary guest entry pass into Bayshores, so that both passes are easily visible from the exterior of the vehicle. Violations of the rules applicable to display or usage of the Marina parking passes will be considered a violation of the Bayshores Rules and Regulations and will be subject to the fines applicable to such violations.
7. Jobsite and Adjacent Streets and Alleys to Be Kept Clean at All Times: The project site shall be maintained in a clean, orderly and safe condition at all times during construction, consistent with the work being performed. Trash and debris shall be regularly removed. All streets and alleys adjacent to and near the job site shall be kept clean at all times. No dumping or storage of dirt, cement, trash, etc., is permitted on any street or alley. If cleanup is required, costs incurred by the BCA will be charged back to the Owner and/ or taken out of the Owner's construction Security Deposit.
8. Construction Fencing: During construction, contractors shall install and maintain a chain link/cyclone-type wire fence six feet (6') in height with dark green vinyl mesh around the perimeter of the lot to prevent trespassing onto the construction site and to mitigate unsightly views. The fence shall be closed with a secure lock during all hours and days when work is not actively being performed. The fence (including the green vinyl mesh) shall be maintained in first-class condition and repair for the duration of the construction project, until removed. If the fence deteriorates or is damaged, it shall be promptly repaired or replaced. Portable toilet and construction materials must be placed and maintained behind this fence, screened from view from the street.
9. Construction Signage: Construction signage on the exterior of the perimeter fence and/or visible from the adjacent street(s) and alley(s) shall be limited to the following: (1) one (1) rectangular sign per construction site, on the street front yard side of the lot, not to exceed 24" X 30" in size, which identifies the contractor and (optional) project architect and which provides contractor/emergency contact information, City of Newport Beach contact information, and any other information the sign may be required to obtain in order to comply with applicable federal, state, and local laws and regulations; (2) "No Trespassing" signs not to exceed 12" X 18" in size, with no more than two (2) such signs for every forty (40) linear feet of street or alley frontage; and (3) "No Parking" signs not to exceed 12" X 18" in size, with no more than two (2) such signs for every forty (40) linear feet of street frontage, and with such signage worded to prohibit parking only during construction hours (Monday-Friday between 7 AM-6 PM, excluding holidays and other non-Bayshores construction days—see Paragraph 2 above). To the extent practicable and legal, signage setting forth work rules for and notices to on-site construction workers shall be posted inside the and legal,



### RESPONSIBILITIES OF OWNER AND CONTRACTOR DURING CONSTRUCTION

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signage setting forth work rules for and notices to on-site construction workers shall be posted inside the construction fence so as to not be visible from the street or, if posting in such a location is not practicable or violates applicable federal, state, or local laws or regulations, such signage/notice(s) shall not exceed 10" X 12" in size. All signage shall consist of dark print against a white background. Each sign shall be maintained in first-class condition and repair for the duration of the construction project (or until removed) and shall be comprised of materials that will not deteriorate in adverse weather conditions or over the expected duration of the construction project. If a sign does deteriorate or is damaged, it shall be promptly repaired or replaced. Notwithstanding the foregoing, to the extent the signage requirements of this Paragraph 9 conflict with applicable federal, state, or local laws or regulations, the requirements of this Paragraph 9 shall be deemed to be modified to the minimum extent needed to comply with such laws and regulations. Signs posted in violation of this requirement may be removed by the BCA management staff and stored, where they may be collected by the owner or contractor.

10. Dumpsters: Wherever possible, all dumpsters and trash receptacles shall be placed directly on the property under construction. If a dumpster cannot practically be placed on the property (e.g., during demolition and grading or, for more minor remodels, when the front yard landscaping/hardscape is not being removed or replaced and there is insufficient room in the garage to accommodate such facility(ies), it may be temporarily placed on the street directly adjacent to the curb next to the property under construction, so as not to constitute a hazard to the safety of others or impede the free flow of traffic. Owners are encouraged to substitute small dumpsters for larger ones whenever possible to eliminate the need for placement of a dumpster in the street. Thick rigid wood pads (minimum 1" X 12" X 18") must be placed under the wheels of any dumpster placed on the street to prevent damage to the street. Any dumpster placed in the street may remain in that location for a maximum of ten (10) work days (i.e., excluding weekends and holidays when construction workers are not permitted to enter Bayshores). Extensions of the ten (10) day time limit may be approved only by the Chairperson of the ARC or his/her designee.
11. Placement of Construction Materials: If lumber or other packaged construction materials are unloaded in the street, the street access must not be blocked, and safety and warning devices must be installed while materials are being unloaded. The maximum length of time that materials may be unloaded in the street is twenty-four (24) hours. Unpackaged materials such as sand and soil may not be unloaded in the street. Stockpiling on the street is not permitted.
12. Portable Toilets: Portable toilets must be placed on the job site, not in any street or alley.
13. Exterior Painting: Exterior painting shall be controlled so paint does not migrate onto neighboring properties or nearby vehicles. No exterior spray painting is permitted on windy days when spray cannot be adequately controlled. The Owner or Contractor shall notify all adjacent neighbors in advance when exterior painting will occur so they can remove vehicles from the area.
14. Owner Responsible for Damage and Cost of Repairs: The Property Owner is responsible for all damage caused to streets, curbs, gutters, alleys, and other BCA property. Any costs or estimated costs incurred by BCA to repair such damage may be taken out of the Owner's construction security deposit.
15. BCA Remedies: Failure to comply with any of the requirements and procedures set forth in the CC&Rs, the Architectural Guidelines, or this Agreement may result in implementation of any one or more of the following remedies:
  - Issuance of a Notice of Violation to the Owner and/or contractor.
  - Placement of "Stop Order" to halt all work pending resolution or remedy of a violation.
  - Imposition of fines and/or penalties and deduction of the applicable fine or penalty amount against Owner's construction security deposit.
  - Denial of Bayshores gate access to the contractor, subcontractors, tradesmen, or workers.
  - Institution of court action.

**RESPONSIBILITIES OF OWNER AND CONTRACTOR DURING CONSTRUCTION**

**INSURANCE AND INDEMNITY**

Prior to construction, the general contractor and property owner shall provide the Bayshores Community Association with a Certificate of General Liability Insurance naming Bayshores Community Association as additional named insured for all operations, with no less than \$2,000,000 combined single limits for property damage and bodily injury and \$1,000,000 for auto liability. (See Addendum A-1 for additional information)

In addition to insurance, and without regard to any limitations on or exclusions from insurance coverage, Owner(s) agree to indemnify, defend, and hold harmless BCA and its officers, members, employees, independent contractors, and agents (collectively, the "Indemnitees") from and against any and all claims, liabilities, and losses for personal injury or death, property damage, economic loss, and damages of whatever kind or nature, including without limitation statutory fines or penalties, court costs, and attorney's fees (collectively, "Claims"), arising out of any of the following: (1) any work performed by or on behalf of Owner or Contractor with respect to the work that is the subject of this Agreement; (2) any acts or omissions of Owner or Contractor in performing the work; and (3) any breach by Owner or Contractor of its or their obligations set forth in this Agreement. Said indemnity obligation shall apply regardless of any actual or alleged negligence by any of the Indemnitees, but shall not apply to the extent that a Claim arises out of the intentional or reckless misconduct of the Indemnitee(s).

**ENVIRONMENTAL NOTICE**

THE CITY OF NEWPORT BEACH, ORANGE COUNTY & THE STATE OF CALIFORNIA ALL HAVE ORDINANCES AGAINST WASHING ANY TYPE OF POLLUTING SUBSTANCE (PAINT, CONCRETE, CLEANERS, THINNERS, BUILDING DEBRIS, ETC.), DOWN THE DRAINS INTO THE BAY. ALL SUCH DEBRIS MUST BE DISPOSED OF PROPERLY OFF-SITE. THERE ARE LARGE FINES FOR DISOBEYING THESE ORDINANCES. ANYONE OBSERVED DUMPING SUBSTANCES DOWN THE DRAINS INTO THE BAY WILL BE REPORTED TO THE NEWPORT BEACH POLICE DEPARTMENT ENVIRONMENTAL OFFICER.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Owner Name

\_\_\_\_\_  
Contractor Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**RESPONSIBILITIES OF OWNER AND CONTRACTOR DURING CONSTRUCTION**

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**Addendum A-1**

**BAYSHORES COMMUNITY ASSOCIATION  
OWNER/GENERAL CONTRACTOR INSURANCE REQUIREMENTS**

The property owner and contractor shall maintain in full force and effect at all times during the performance of all work within Bayshores Community Association, insurance coverage, and additional insured endorsements as set forth herein. General Contractor shall provide Certificates of insurance evidencing such coverages before commencing the work.

A comprehensive liability or commercial general liability policy which shall include (a) broad form property damage, including completed operations or its equivalent; (b) an endorsement Association as additional insured. General Contractor shall provide proof that General Contractor and all subcontractors, if any, maintain comprehensive general liability within the limits of liability not less than \$2,000,000.00 combined single limit per occurrence. General Contractor and its subcontractors, if any, shall name Association and The Irvine Company (owner of the Bayshore Marina property upon which construction workers may be permitted to park their vehicles during Bayshores construction hours) as additional insureds; (c) an endorsement stating; "Such insurance as is afforded by this policy for the benefit of the Association and The Irvine Company shall be primary insurance, and any other maintained by the Association and The Irvine Company shall be non-contributory. However, this endorsement shall apply only to losses, claims, or liabilities arising out of the Contractor's operations or the operations for whose actions the Contractor may be responsible"; (d) commercial auto coverage with limits of liability of not less than \$1,000,000.00 each accident combined Bodily Injury and Property Damage Liability insurance including, but not limited to owned autos, hired or non-owned autos; (e) General Contractor shall furnish certificates and endorsements to Association, in a form acceptable to Association. Failure to provide the Insurance Certificates as required shall give Association the right to deny access to Bayshores Community Association by General Contractor and/or any subcontractors.



# Section E - Applications

## REPAIR & MAINTENANCE NOTIFICATION

This form is for repair and maintenance work that does not change the exterior appearance of the home, including without limitation: interior remodeling, replacement of HVAC equipment that is not visible from adjacent streets and alleys; re-painting; re-roofing; and replacement of windows, doors, and siding using similar materials.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Contractor's Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone/Email: \_\_\_\_\_

Phone/Email: \_\_\_\_\_

Description of work to be done: \_\_\_\_\_

### Responsibilities of Owner and Contractor

It is the responsibility of the property owner to oversee all repair and maintenance work and to ensure that the General Contractor, all subcontractors, all suppliers of materials and equipment, and all of their workers observe these rules.

1. Construction Days/Hours: Workers on repair and maintenance projects are subject to all of the same rules applicable to more extensive construction projects. Construction hours are as follows: Monday - Friday 7:00 a.m. to 6:00 p.m. No construction vehicles or workers will be allowed to enter Bayshores except during construction hours and all construction vehicles and workers must exit Bayshores prior to the end of construction hours, excepting only construction vehicles that remain parked overnight in accordance with the parking rules set forth herein. Construction work is prohibited on Saturdays, Sundays and legal holidays, the day after Thanksgiving, December 24th, December 31st and MLK Day.
2. Authorized Entry for All Workers:
  - 2.1 General: No vehicle or person will be permitted to enter Bayshores to access or work at a work site subject to this Repair and Maintenance Notification form without the prior authorization of the Owner and/or the Owner's General Contractor. The Owner/Contractor shall be responsible to provide the Guard Gate with a list of all subcontractors, workers, and vehicles authorized to enter Bayshores to work at a job site. Owners/Contractors are strongly encouraged to enter the names, addresses, employer name, and other required information on Bayshores Dwelling Live.
  - 2.2 Entry for Large Vehicles That Block Streets or Alleys: Except as stated below, no construction vehicle shall be stopped or parked on any Bayshores street or alley for any period of time in such a manner as to block the flow of vehicular traffic along any street or alley. For purposes of this rule, a street or alley shall be deemed to be blocked if vehicular traffic is blocked in both directions or if vehicular access into or out of any garage is blocked. If it is necessary to block a street or alley in Bayshores in order to construct a project, approval must be obtained from the President of the Board of Directors or the Chairperson of either the Architectural Review Committee ("ARC") or Security Committee at least two (2) construction days (see Paragraph 1 above) in advance. In the event the temporary street/alley blockage is approved, at least forty-eight (48) hours prior to the scheduled blockage of a street or alley the Owner or Contractor shall (1) notify the Guard Gate of the date and time of the approved entry and (2) provide written notice to all affected neighbors so they can move their vehicles out of the way. In addition, at least forty-eight (48) hours prior to the scheduled blockage of the street or alley, the Owner or Contractor shall post signs in appropriate places on either side of the area to be blocked so that traffic in the community can continue to flow as smoothly as possible. In all circumstances, the street or alley area to be blocked and the time period of the blockage shall be minimized to the maximum extent feasible. Immediately following the elimination of the street or alley blockage, the Owner or Contractor shall remove the signage notifying drivers of the blockage.

# Section E - Applications

## REPAIR & MAINTENANCE NOTIFICATION

### Responsibilities of Owner and Contractor (cont.)

3. No Animals, Minor Children, or Other Guests of Construction Workers Allowed: No pets (dogs, cats, or other animals), minor children, or guests who are not themselves construction workers on the applicable job site may enter Bayshores with a construction worker, including in vehicles. If another person who is not himself/herself a construction worker is driving a construction worker to or from the job site, such person shall drop off or pick up the construction worker outside the entrance to Bayshores, in a legal parking/stopping location that does not block or obstruct vehicular ingress to or egress from the Bayshores community, and the construction worker shall enter (after providing proper identification) or exit through the pedestrian gate.
4. Worker Behavior: No loud music or bad language will be tolerated. Workers are to show consideration and respect to residents and their guests. BCA reserves the right to bar the entry of any worker who violates this rule. BCA property (e.g., parks, beaches, etc.) is never to be used by the contractor or any construction workers, suppliers, or delivery persons for any purpose.

No food or other deliveries are permitted for construction workers. No more than one food truck or similar vehicle providing food service to workers shall be allowed per day per construction site and the food truck or similar vehicle shall be required to park on or directly in front of the construction site.`

5. Construction Worker/Vehicle Parking:

- 5.1 Permitted Locations for Construction Worker/Vehicle Parking: Construction workers are permitted to park their personal transportation vehicles (passenger cars and light trucks) in any of the following locations within the Bayshores community (but no others): (1) on the job site itself (i.e., behind the curb and off the street); (2) along the street frontage directly adjacent to the job site, but not in any alley and not in front of neighboring residences; (3) along the east side of Bayshore Drive adjacent to the hedge near the entrance to the Bayshore community (but not in the spaces marked for the use of BCA Security personnel and not in any red zone); (4) along the south side of Bayshore Drive adjacent to the Bayshore Marina (but not in any red zone); and (5) if pursuant to a valid Bayshore Marina parking pass (see below), in one of the BCA's reserved spaces in the Bayshore Marina. Construction worker vehicle parking is not permitted on the street adjacent to a Bayshores property other than the job site itself under any circumstances, including based on the written or verbal "permission" granted by the owner or occupant of the adjacent property. To the extent there is not sufficient parking within the Bayshores community for all of the construction workers on a particular job site, Owners/Contractors will need to provide parking outside Bayshores or else instruct their subcontractors and construction workers accordingly.

The parking restrictions in this Paragraph 6.1 do not apply to construction vehicles required for the delivery, placement, or removal of heavy materials, equipment, supplies, debris, etc., that cannot be easily carried by hand from a location away from the job site itself—including without limitation skip loaders and other tractors; dump trucks; cement mixers; cranes; and trucks carrying lumber, scaffolding, drywall, doors, windows, roofing materials, stone, cement, electrical supplies and equipment, pipe and plumbing supplies, flooring, paint and painting equipment, landscaping and hardscape materials, and the like.

- 5.2 Rules Applicable to BCA-Allocated Parking Spaces in Bayshore Marina: From time to time, BCA may have the authority to utilize a limited number of parking spaces in the Bayshore Marina for construction workers performing work on Bayshores projects—passenger cars and pick-up trucks only, excluding larger and heavier trucks and other heavy construction equipment. As of the date this Repair and Maintenance Notification form is being executed, BCA has the right to utilize up to twenty (20) such spaces in the parking row along the low wall in the Bayshore Marina parking lot closest to Bayshore Drive, excluding the five (5) spaces closest to the driveway entrance to the parking lot. During the period(s) of time that BCA maintains such parking rights in the Bayshore Marina, the following rules shall apply to the use of such spaces:

## Section E - Applications

### REPAIR & MAINTENANCE NOTIFICATION

#### Responsibilities of Owner and Contractor (cont.)

- Subject to availability, the Project subject to this Repair and Maintenance Notification form may obtain Marina parking passes on a voluntary first-come, first-served basis, up to a maximum of five (5) total Marina parking passes per job site.
- Notwithstanding the foregoing, BCA reserves the right on thirty (30) days' notice to recall/reduce the number of Marina parking passes previously issued to the Project subject to this Repair and Maintenance Notification form if another Bayshores construction site would otherwise be unable to obtain its required minimum two (2) Marina parking passes. In the event BCA reduces the number of Marina parking passes previously issued to the Project subject to this Repair and Maintenance Notification form, BCA shall promptly refund the amount of any advance parking fee previously paid by Owner with respect thereto (see below).
- The charge for a Marina parking pass shall be Seventy-Five Dollars (\$75) per month per pass, or such different amount as may be approved from time to time by the BCA Board of Directors. If the amount of the fee for a Bayshore Marina parking pass is changed, BCA shall promptly inform each owner/contractor to whom a Marina parking pass has previously been issued.
- The entire estimated amount of each project's Bayshore Marina parking fee shall be paid in advance. In the absence of approval by the ARC, the total estimated fee amount will be based upon the assumption that a construction job will be completed within the applicable deadline set forth in Section D.5.6 of the Bayshores Architectural Guidelines. Upon non-payment of the fee for Bayshore Marina parking passes, BCA reserves the right, in its discretion, to revoke any parking pass(es) previously issued to the project. If any portion of Owner's payment for Bayshore Marina parking passes remains on deposit after completion of the Project, that amount shall be promptly refunded to the owner (subject to deductions for amounts otherwise owing).
- Upon payment of the required fee (see above), BCA will provide to each owner/contractor the applicable number of Marina parking passes for that owner/contractor's job site. The Marina parking passes will be numbered or otherwise marked to be identifiable as pertaining to a particular job site. The Marina parking passes may have expiration dates and be subject to replacement/renewal.
- It shall be the responsibility of each owner/contractor to deliver the Marina parking passes to its subcontractors and construction workers, to be responsible for the sharing or transfer of such passes between/among construction workers at the job site, and to return any unexpired parking passes to the Chair of the ARC or other designated BCA representative when use of the Marina parking pass has expired or is no longer needed. If a Marina parking pass is lost or stolen, a replacement parking pass will be provided for an additional fee of Twenty-Five Dollars (\$25) upon identification of the number of or other identifying information relating to the pass that needs to be cancelled.
- The construction workers parking their vehicles in the Bayshore Marina parking lot shall be required to comply with all applicable rules and regulations set forth in the permit, including without limitation with respect to the types of vehicles permitted to park in the Marina parking lot (personal passenger vehicles and pick-up trucks only—no larger or heavier trucks or construction equipment) and the location(s) where they are permitted to park (generally, in the parking row along the low wall closest to Bayshore Drive, excluding the five (5) spaces closest to the driveway entrance to the parking lot). Each permit shall be displayed face up on the windshield of the vehicle at all times that the vehicle is parked in the Marina parking lot, together with the vehicle's temporary guest entry pass into Bayshores, so that both passes are easily visible from the exterior of the vehicle. Violations of the rules applicable to display or usage of the Marina parking passes will be considered a violation of the Bayshores Rules and Regulations and will be subject to the fines applicable to such violations.



## Section E - Applications

### REPAIR & MAINTENANCE NOTIFICATION

#### Responsibilities of Owner and Contractor (cont.)

6. Jobsite and Adjacent Streets and Alleys to Be Kept Clean at All Times: The project site shall be maintained in a clean, orderly and safe condition at all times during construction, consistent with the work being performed. Trash and debris shall be regularly removed. All streets and alleys adjacent to and near the job site shall be kept clean at all times. No dumping or storage of dirt, cement, trash, etc., is permitted on any street or alley. If cleanup is required, costs incurred by the BCA will be charged back to the Owner and/ or taken out of the Owner's construction Security Deposit.
7. Construction Fencing: Typically, projects subject to a Repair and Maintenance Notification form do not require perimeter construction fencing. Such fencing is required only if an unattended construction site would constitute a potential attractive nuisance and safety hazard (e.g., if materials are being stored in the front yard or the first floor doors and windows are removed and unsecured). If a construction fence is installed, the fence shall be a chain link/cyclone-type wire fence six feet (6') in height with dark green vinyl mesh and the fence shall be situated at the front and/or rear of the lot as necessary to prevent trespassing onto the construction site and to mitigate unsightly views. The fence shall be closed with a secure lock during all hours and days when work is not actively being performed. The fence (including the green vinyl mesh) shall be maintained in first-class condition and repair until removed. If the fence deteriorates or is damaged, it shall be promptly repaired, replaced, or (if appropriate) removed. Any portable toilet and construction materials must be placed and maintained behind this fence, screened from view from the street.
8. Construction Signage: Construction signage may be installed on the project site but shall be limited to one (1) rectangular sign per construction site, on the street front yard side of the lot, not to exceed 24" X 30" in size, which identifies the contractor and (optional) project architect and which provides contractor/emergency contact information, City of Newport Beach contact information, and any other information the sign may be required to obtain in order to comply with applicable federal, state, and local laws and regulations. In addition, only if construction fencing is installed at or near the curb in the front yard of the subject property (see Paragraph 7 above), the following additional construction signage may be installed: (1) "No Trespassing" signs not to exceed 12" X 18" in size, with no more than two (2) such signs for every forty (40) linear feet of street or alley frontage; and (2) "No Parking" signs not to exceed 12" X 18" in size, with no more than two (2) such signs for every forty (40) linear feet of street frontage, and with such signage worded to prohibit parking only during construction hours (Monday-Friday between 7 AM-6 PM, excluding holidays and other non-Bayshores construction days—see Paragraph 2 above). To the extent practicable and legal, signage setting forth work rules for and notices to on-site construction workers shall be posted inside any construction fence so as to not be visible from the street or, if posting in such a location is not practicable or violates applicable federal, state, or local laws or regulations, such signage/notice(s) shall not exceed 10" X 12" in size. All signage visible from any Bayshores street or alley shall consist of dark print against a white background. Each such sign shall be maintained in first-class condition and repair for the duration of the construction project (or until removed) and shall be comprised of materials that will not deteriorate in adverse weather conditions or over the expected duration of the construction project. If a sign does deteriorate or is damaged, it shall be promptly repaired or replaced. Notwithstanding the foregoing, to the extent the signage requirements of this Paragraph 8 conflict with applicable federal, state, or local laws or regulations, the requirements of this Paragraph 8 shall be deemed to be modified to the minimum extent needed to comply with such laws and regulations. Signs posted in violation of this requirement may be removed by the BCA management staff and stored, where they may be collected by the owner or contractor.

# Section E - Applications

## REPAIR & MAINTENANCE NOTIFICATION

### Responsibilities of Owner and Contractor (cont.)

9. Dumpsters: Wherever possible, all dumpsters and trash receptacles shall be placed directly on the property under construction. If a dumpster cannot practically be placed on the property (e.g., during demolition and grading or, for more minor remodels, when the front yard landscaping/hardscape is not being removed or replaced and there is insufficient room in the garage to accommodate such facility(ies), it may be temporarily placed on the street directly adjacent to the curb next to the property under construction, so as not to constitute a hazard to the safety of others or impede the free flow of traffic. Owners are encouraged to substitute small dumpsters for larger ones whenever possible to eliminate the need for placement of a dumpster in the street. Thick rigid wood pads (minimum 1" X 12" X 18") must be placed under the wheels of any dumpster placed on the street to prevent damage to the street. Any dumpster placed in the street may remain in that location for a maximum of ten (10) work days (i.e., excluding weekends and holidays when construction workers are not permitted to enter Bayshores). Extensions of the ten (10) day time limit may be approved only by the Chairperson of the ARC or his/her designee.
10. Placement of Construction Materials: If lumber or other packaged construction materials are unloaded in the street, the street access must not be blocked, and safety and warning devices must be installed while materials are being unloaded. The maximum length of time that materials may be unloaded in the street is twenty-four (24) hours. Unpackaged materials such as sand and soil may not be unloaded in the street. Stockpiling on the street is not permitted.
11. Portable Toilets: Portable toilets must be placed on the job site, not in any street or alley.
12. Exterior Painting: Exterior painting shall be controlled so paint does not migrate onto neighboring properties or nearby vehicles. No exterior spray painting is permitted on windy days when spray cannot be adequately controlled. The Owner or Contractor shall notify all adjacent neighbors in advance when exterior painting will occur so they can remove vehicles from the area.
13. Environmental Notice: **THE CITY OF NEWPORT BEACH, ORANGE COUNTY & THE STATE OF CALIFORNIA ALL HAVE ORDINANCES AGAINST WASHING ANY TYPE OF POLLUTING SUBSTANCE (PAINT, CONCRETE, CLEANERS, THINNERS, BUILDING DEBRIS, ETC.), DOWN THE DRAINS INTO THE BAY. ALL SUCH DEBRIS MUST BE DISPOSED OF PROPERLY OFF-SITE. THERE ARE LARGE FINES FOR DISOBEYING THESE ORDINANCES. ANYONE OBSERVED DUMPING SUBSTANCES DOWN THE DRAINS INTO THE BAY WILL BE REPORTED TO THE NEWPORT BEACH POLICE DEPARTMENT ENVIRONMENTAL OFFICER.**
14. BCA Remedies: Failure to comply with any of the requirements and procedures set forth in the CC&Rs, the Architectural Guidelines, or this Agreement may result in implementation of any one or more of the following remedies:
  - Issuance of a Notice of Violation to the Owner and/or contractor.
  - Placement of "Stop Order" to halt all work pending resolution or remedy of a violation.
  - Imposition of fines and/or penalties and deduction of the applicable fine or penalty amount against Owner's construction security deposit.
  - Denial of Bayshores gate access to the contractor, subcontractors, tradesmen, or workers.
  - Institution of court action.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# Section E - Applications

## BAYSHORES COMMUNITY ASSOCIATION

## ARCHITECTURAL SUBMITTAL CHECKLIST

BHE Management Corporation  
30011 Ivy Glen, #118  
Laguna Niguel, CA 92677  
949.363.1963  
Fax 949.363.9930

### GENERAL REQUIREMENTS

All submittals are to be made to BHE Management Corporation (BHE) only. Submitting to anyone else will only delay the review process. Only complete submittals will be reviewed by the Bayshores Community Association. Any submittal that does not have all the required information will be denied and resubmittal will be required.

- \* Preliminary Plans are required.
- \* Final Plans shall be the exact same submittal that will go to the City of Newport Beach for Plan Check. Final Plans will be checked for conformance to the Approved Preliminary Plans.

### HOW TO USE THE CHECKLIST

This checklist is to be used for landscape and building submittals in the BCA. All submittal requirements used herein are required for submittal #2 - Final Plan Approval. **Items preceded with an "\*" asterisk are required for Submittal #1 - Preliminary Design Review.**

### ADMINISTRATIVE REQUIREMENTS

- \_\_\_\_\_ \* Complete Architectural Application & Agreement Form (signed)
- \_\_\_\_\_ \* Submit Construction Fee
- \_\_\_\_\_ Submit Security Deposit
- \_\_\_\_\_ Submit Neighbor Awareness Form (signed)
- \_\_\_\_\_ \* Submit two (2) printed sets of Design Drawings, Site Plan/Survey and/or Landscape Plan
- \_\_\_\_\_ \* Submit one (1) electronic (PDF) copy of all submittal application, forms, plans, etc.
- \_\_\_\_\_ \* Responsibility of Owner and Contractor during Construction form (signed)



## Section E - Applications

### SITE PLAN / SURVEY

- \_\_\_\_\_ \* Legal description, tract number, lot number, lot address, Assessors' parcel number; name and address of owner; name and address of Architect / Landscape Architect.
- \_\_\_\_\_ \* Property lines, with dimensions, bearing, easement locations/widths.
- \_\_\_\_\_ Location of all site utilities, underground hookups and meter enclosure locations.
- \_\_\_\_\_ \* Show all dimensions for work to be considered, distances between proposed work and property lines, and distances between existing and proposed work.
- \_\_\_\_\_ Delineate fireplaces on adjacent properties.
- \_\_\_\_\_ \* Side yard setback from property line.
- \_\_\_\_\_ \* Rear yard setback from property line.
- \_\_\_\_\_ \* Front yard setback from property line.
- \_\_\_\_\_ \* Eaves, overhangs, window seats, balconies, architectural projections, chimneys and columns.
- \_\_\_\_\_ Mechanical Equipment: AC condensers, pool/spa/fountain equipment, etc., with details of screening, sound attenuation notes and location.
- \_\_\_\_\_ Trash container storage location with method of screening from view.
- \_\_\_\_\_ Fence and wall locations, heights and materials.
- \_\_\_\_\_ \* Proposed hardscape areas: walks, driveways, patios, pools, spa, fountain, etc.
- \_\_\_\_\_ Proposed landscape planting areas.
- \_\_\_\_\_ \* Square footage, size and percent of lot coverage of existing and proposed structures(s).
- \_\_\_\_\_ \* Scale, north arrow, date prepared or amended.

### ROOF PLAN

- \_\_\_\_\_ Roofing type, manufacturer, color name, color number and style.
- \_\_\_\_\_ Gutters, diverters and downspout: locations, materials and colors.
- \_\_\_\_\_ Satellite TV and solar panels: locations, style and recess detail.
- \_\_\_\_\_ Scale, date prepared or amended.
- \_\_\_\_\_ Location of solar system array(s) if required or intended.

## Section E - Applications

### FLOOR PLANS

- \_\_\_\_\_ \* Existing and proposed structures. Include all wall columns, architectural projections, openings and any feature that will affect the exterior design. Plans are to be fully dimensioned.
- \_\_\_\_\_ \* Gross living area square footage, existing and proposed for living areas (all floors), garage, patios and decks.
- \_\_\_\_\_ Mechanical equipment locations, utility meter locations.
- \_\_\_\_\_ Future underground utility connections.
- \_\_\_\_\_ Foundation plan and details.
- \_\_\_\_\_ \* Scale, date prepared or amended.

### BUILDING SECTIONS

- \_\_\_\_\_ Section taken through the highest point of the structure and any other additional sections required to illustrate the design intent. Indicate all finish floor heights and dimension the ridge/peak heights from finish pad elevation.
- \_\_\_\_\_ Details of the foundation section, wall section and eave/overhang section shown on the building section.
- \_\_\_\_\_ Scale, date prepared or amended.

### EXTERIOR ELEVATIONS

- \_\_\_\_\_ \* All exterior wall elevations visible from the exterior of the building.
- \_\_\_\_\_ \* Window and door locations, and surrounding treatment.
- \_\_\_\_\_ Roof pitch and dimensioned ridge/peak and mid-point of roof heights from finished pad elevation.
- \_\_\_\_\_ \* Building plate height dimensions and exterior material information call outs.
- \_\_\_\_\_ Rendered and colored front elevation.
- \_\_\_\_\_ \* Scale, date prepared or amended.

## Section E - Applications

### LANDSCAPE / HARDSCAPE PLAN

- \_\_\_\_\_ Residence footprint with location of doors and windows indicated Identifying all paving types, steps, patterns, textures, materials and colors.
- \_\_\_\_\_ All site walls, heights from both sides of property line, materials and colors.
- \_\_\_\_\_ Dimensioned location of all pools, spas, fountains. Include the location of all mechanical equipment and the screening and sound baffling of the equipment.
- \_\_\_\_\_ Site structures: trellises, patio structure, sun shade, gazebo, arbor, storage building, water feature, pool and spa.
- \_\_\_\_\_ Dimensioned location in relation to the building and setbacks.
- \_\_\_\_\_ All necessary details to show the design, materials and type of construction. Elevations of all sides, indicating the height in relation to the nearest wall and the residence.
- \_\_\_\_\_ Barbecue location and details of enclosure.
- \_\_\_\_\_ Spot grade elevations, types and methods of drainage.
- \_\_\_\_\_ Plant list indicating both botanic and common names, and container size at time of planting.
- \_\_\_\_\_ Show & dimension the 24" front Yard Setback Zone on the Hardscape & Planting Plan including notes describing the requirements.
- \_\_\_\_\_ Trees and shrubs to scale at 15 years growth, indicated graphically.
- \_\_\_\_\_ Landscape lighting plan.
- \_\_\_\_\_ Scale, north arrow and date prepared or amended.

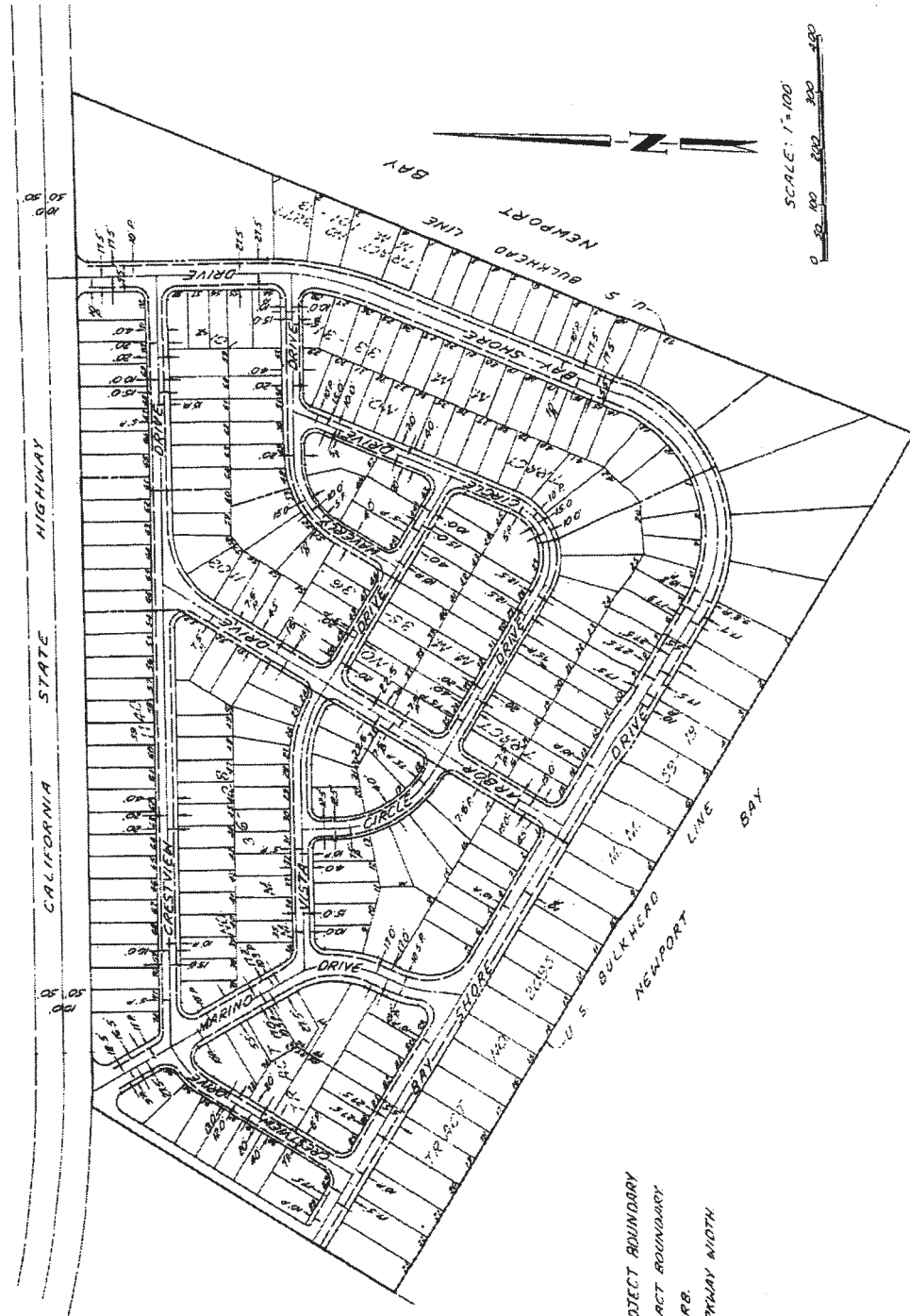
### COLOR & MATERIALS

- \_\_\_\_\_ Exterior Paint
- \_\_\_\_\_ Exterior Wall Materials
- \_\_\_\_\_ Windows & Doors
- \_\_\_\_\_ Entry Door
- \_\_\_\_\_ Garage Door
- \_\_\_\_\_ Roof
- \_\_\_\_\_ Fence
- \_\_\_\_\_ Hardscape
- \_\_\_\_\_ Lighting



TRACT MAP

**EXHIBIT**  
 SHOWING CURB LOCATIONS WITHIN  
 BAY SHORE TRACTS  
 NEWPORT BEACH  
 COUNTY OF ORANGE, CALIFORNIA



- LEGEND:**
- INDICATES PROJECT BOUNDARY
  - INDICATES TRACT BOUNDARY
  - INDICATES CURB
  - 10' R INDICATES PARALLEL WIDTH

SITE PLAN EXHIBIT SHOWING CURB LOCATIONS

