

**DOVER SHORES COMMUNITY ASSOCIATION
ARCHITECTURAL CONTROL PROCEDURES and FEE SCHEDULE
COVERING EXTERIOR ALTERATIONS and ADDITIONS**

Amended May 2018

The CC&R's of the Dover Shores Community Association has established architectural, landscape and maintenance control for all Homeowners in the Community. For specific language, please refer to Articles VI and IX of the CC&R's:

- A.** No work on any of the following but not limited to the property's home, exterior structures, fence, wall, patio covers, exterior alterations or other structure shall commence until the plans and specifications showing the nature, kind, shape, height, materials, colors and locations of same shall have been submitted to and approved in writing by the Dover Shores Architectural Committee.

In order to obtain approval each homeowner must follow the guidelines presented below:

- B.** Submissions: Please provide the following to the HOA Management Company:
- Three (3) hard copies of all plans (36" X 24"), including a fully dimensioned site plan, including setbacks, elevations, floor plans and landscape plans.
 - Three (3) flash drive copies of all plans.
 - Two (2) checks – Payable to Dover Shores Community Association – One covering the HOA incurred fees and the other for a deposit for potential additional fees that may arise through the course of review and construction (any unused portion of the deposit will be refunded upon final completion and sign off by the HOA).

And in triplicate copies, provide the following:

- Completed application containing the names of the homeowners and their completed contact numbers and emails.
- Executed Neighbor Awareness Forms from all surrounding properties.
- Photos of existing project (s) prior to demolition or remodel.
- Samples or pictures of all exterior materials and/or finishes to be utilized with a color board showing locations of materials, including siding, gates, fences, roofing, etc.....

One completed set with two (2) hard copies and flash drive goes to the Association architect. Another completed set with hard copy and a flash drive goes to the Association Architectural Committee and one flash drive and completed set remain with the Management Company.

- C.** After final approval of the submitted plan, the Association Architect's one redlined hard copy along with the stamped approval by the Architectural Committee is returned to BHE Management Corporation and then forwarded with an approval letter to the homeowner (s). This redlined copy should be kept on the jobsite and available at all times throughout the construction term to be used as reference during any future site visit by the Architectural Committee.
- D.** Obtaining necessary City Building Permit (s), although required, does not release the applicant homeowner from meeting the requirements of the Dover Shores Community Association CC&R's and the requirement to process the applicant's plans through the Association's Architectural

Committee through BHE Management Corporation for approval. Please note that approval of plans by the City does not alter or circumvent the approval process required by the Dover Shores Community Association.

- E. No building structure, garage or storage structure of any kind will be allowed to be built on or into any slope areas below any homes except decks and their under structures at housing grade level, at the edge of the slope to exceed 12 feet horizontally; without consent of the Architectural Committee.

F. Architectural review Fee and Deposit Schedule:

Please note that fees (Design Review Fees) are not refundable. Deposits fees are refundable less any additional architectural expenses or fines incurred until the final notice of completion is signed off by the HOA Architectural Committee.

Level 1: NEW HOME OR MAJOR REMODEL

Fee: \$1,600 Deposit: \$3,500.00

(Replenishment is required when Deposit balance falls below \$2,500.00)

Level 1 consists of the following but is not limited to the following improvements:

- Complete demolition of the existing dwelling / building of a new home.
- Room, floor additions or remodeling involving 1,000 or more square feet of the existing dwelling.
- Exterior remodel altering the outward appearance of a dwelling associated with the remodel.
- Landscaping (hardscape & planting) associated with the proposed improvements.

Level 2: INTERMEDIATE REMODEL or SMALL EXTERIOR REMODEL

Fee: \$800.00 Deposit: \$2,500.00

(Replenishment is required when Deposit balance falls below \$1,500.00)

Level 2 consist of the following improvements:

- Room or floor additions or remodeling involving under 1,000 square feet of the existing dwelling.
- Exterior remodel altering the outward appearance of a dwelling associated with the remodel.
- Landscaping (hardscape & planting) associated with the proposed improvements.
- Installation of a new pool/spa/hot tub and their associated equipment's.

Level 3: LANDSCAPE / HARDSCAPE / FENCING / SOLAR SYSTEM

Fee: \$400.00 Deposit: \$700.00

(Replenishment is required when Deposit balance falls below \$500.00)

Level 3 consists of the following improvements:

- Major landscape & hardscape demolition and installation
- Alterations of the landscape regarding:
 - Changes in grading.
 - Terracing the front or rear yards.
 - Replacement of property fences, retaining and landscape walls, etc.
 - Installation of new trees (no trees should exceed 14' at maturity).
 - Installation of new landscape planting.
 - Demolition & installation of new (significant) hardscape.
 - Remodel of existing pools/spas/hot tubs and their associated equipment's.
- Solar system installation.

Level 4: MINOR NON-STRUCTUAL / REPLACEMENT MODIFICATIONS

No fee No Deposit

- Fee Exception: No fee/deposit is required for repair and maintenance work that can be completed within thirty (30) days using similar colors and materials including re-painting, re-roofing or replacement of windows, doors, gates, siding, re-planting or where the alterations are entirely within the interior of the structures so as not to change the exteriors appearance.

- G. Approval of the plans and specifications shall be based, among other things, on harmony of external design and location in relation to surrounding structures and topography. Any exterior changes which are made to the originally approved plans must be resubmitted to the Association's Architectural Committee **through BHE Management Corporation** for review and approval.
- H. For maintenance of property that will not alter the appearance, such as paint color or roofing materials, a simple notification letter with samples sent to the Dover Shores Architectural Committee for signed off approval will be required prior to the commencement of any such work.
- I. No above ground level building additions may be built on the Bay or view side patio areas which extend beyond the rear yard set- back line of the respective residence.
- J. With certain exceptions and restrictions, single story construction with a maximum roof height of fourteen (14) feet above the building pad is the standard for all lots within Dover Shores. Where two-story construction is permitted, twenty-five (25) feet is the maximum roof height. For specific information as to the exceptions and restrictions, please refer to Article VI, Section 7 of the CC&R's.
- K. Where "VIEWS "may be altered or impacted as a subsequent result of new construction, addition or modification of an existing structure, water feature, pool fence, guardrail, awnings, deck, etc. or a change in Building Code requirements, the Association Architectural Committee may require that prior to approval by the Committee and prior to commencement of construction, that story poles be erected to identify the parameters of the proposed new construction or alteration. The story poles are to be installed for a minimum of period of twenty-one (21) days for the Association's Architectural Committee and impacted neighbors to review.
- L. Construction of improvements or additions shall commence within one (1) year from the date the Architectural Committee approves the working drawings. Resubmittal of all documentation is required if construction does not begin within the one (1) year commencement period.
- M. Upon receipt of the approved plans and specifications, the Homeowner has the responsibility to monitor and expedite the progress of the work so as to complete the project as rapidly as possible. Once construction and/or demolition has begun, if the project cannot be completed within the next twelve (12) months, the Homeowner must resubmit plans to BHE Management Corporation, with an additional dollar amount that will be equal to half the original fee and deposit, before continuing with construction.
- N. The Homeowner agrees to maintain the street, sidewalk and parkway area in front of the property clear of any construction rubbish or building material. Demolition rubbish shall be placed immediately in a dumpster and not on the ground in front of the property and building material shall be placed in the garage or behind the screened off construction area. A dumpster may not remain parked on or in front of the property longer than sixty (60) calendar days. Further, the Homeowners are responsible for the cleaning and removal of any and all stains left on the street which were caused by their contractors and respective sub-contractors as a result of any type of construction work.
- O. All portable toilets should be screened and not exposed to the street nor placed on the sidewalk or the parkway area.
- P. Mechanical or air conditioning equipment, when located on the roof, must be screened or concealed from surrounding neighbors or adjacent street view and must be of a color that blends with the color of the roof.
- Q. No change in the existing contour lines and topography of any lot shall be made without the approval of the Architectural Committee.
- R. Hours of work must comply with City of Newport Beach Ordinances. Work will not be allowed prior to 7:00 a.m. and no later than 6:30 p.m. on weekdays. Work hours on Saturdays will be 8:00 a.m. to 6:00 p.m. No work will be allowed on Sundays and/or legal holidays. Violations will be reported to the City.

S. Deck Construction

Certain lots include landscaped slopes and extend down below the pad level. On such lots deck construction is permissible on the upper portion of the slope, provided that the following requirements are followed:

1. The Architectural Committee must approve plans for the decking.
2. The deck must be an extension of the patio, and shall not be more than five feet lower than housing grade level. Deck depth must be held to a maximum of twelve feet (12') with a see-through handrail all around the deck. The deck width cannot exceed two-thirds of the width of the respective lot. To protect the privacy of the adjoining neighbors, this width restriction must be taken at the center of the lot width.
3. All deck understructure materials are to be painted or stained a dark green or brown so as to blend in with the existing slope landscaping.
4. Association irrigation lines that are damaged or become ineffective as a result of construction shall be repaired immediately and/or relocated at Homeowner expense.
5. If existing slope shrubbery does not screen the deck understructure, the Homeowner, at their expense, shall coordinate with the Landscape Committee in planting landscaping to screen or appropriately hide the deck understructure.
6. To reduce the visual impact to neighbors below, the finish color of the upper deck structures shall promote harmony between the house, deck and immediate surroundings.

Residential Exterior Color Changes, Repainting and Cosmetic Maintenance

In any situation where a new Dover Shores Homeowner or existing Homeowner proposes to change the exterior color of their residence, a sample of the new proposed color must be submitted to the Architectural Committee for approval. Colors must be consistent with the aesthetics and architectural qualities of the Community. The Committee will consider color hues, their placement and their contrast, relative to other colors.

Landscape Committee Participation

The Landscape Committee need to appoint a member to represent them at all Architectural Committee meetings.

Children's Play Equipment

Playhouses, forts, climbing structures as well as swing sets, slides, etc., cannot be visible from the street.

The Architectural Committee is available to discuss any aspect of the Association's CC&R's relating to the architectural standards of the Dover Shores Community. In the event that the Architectural Committee denies any applicants submission, the applicant shall receive a written explanation of the reason or reasons of the denial. The letter outlining the denial shall also advise the applicant of the applicant's right to appeal the decision to the Board of Directors.

Architectural Processes Q&A

Definitions

“Architectural Guidelines” – Otherwise referred to as Architectural Standards, Design Review Guidelines, Design Guidelines, Design Standards or any other document containing the parameters in which a homeowner is to follow when submitting an application.

“Reviewer” – Otherwise known as the person or persons responsible for reviewing the plans, for Dover Shores, it will be a combination of a volunteer homeowner architectural committee, and a qualified third party architect hired to perform the review on behalf of the committee.

Plan Review

Who is responsible to review your plans?

Your association CC&R's contain a section devoted to architectural review, which indicates how many members need to be appointed to a committee and also include designation of a third party architect.

Who makes the final decision on approval or denial?

The designated party responsible for reviewing plans.

How do I find out how much time the committee has to review my plans?

Your CC&R's currently allow for a 30 day review period, after all requested items are submitted to the Committee. It is not atypical for the Committee to need additional information, and each time that additional information is provided, this triggers another 30 day review period. This means the committee and/or third party consultant can take up to that many days to review your plans. It is therefore suggested that your submittal comes to the Association as far in advance of your anticipated commencement date as your planning allows.

BHE Management Corporation has no jurisdiction over the committee members or the third party consultant. The committee is appointed by the Board of Directors and works at the pleasure of the Board and the third party consultant is retained by the Board of Directors on behalf of the association.

What if my plans are denied – do I have to wait another 30 days for review?

Yes, each time a plan is resubmitted the time frame allowed for the review process starts over.

Why can't you “rush” the review upon request?

BHE Management Corporation has no jurisdiction over the time constraints of the committee and/or third party consultant. As a courtesy, we are happy to include a note requesting the appropriate party to “rush” the plan review, but we cannot guarantee this will occur.

Why can't I contact the reviewer directly with my questions?

The third party consultant would be inundated with calls, thus taking away from their limited time to actually perform reviews in a timely manner. Homeowner committee members are volunteers and therefore their personal information cannot be provided. All questions can be submitted in writing and will be forwarded to the appropriate party and a response will be provided in writing.

Who pays for the qualified consultant to review the plans?

The association pays for this service. If a third party consultant is contracted to review plans on behalf of the association, the fees are paid via your submittal fee. The CC&R's typically give the association the right to collect fees in order to offset the costs related to plan review costs when a third party consultant is utilized.

Why can't BHE Management Corporation give me approval?

BHE Management Corporation is an independent third party managing agent and has no authority to review, approve or deny plans on behalf of the association. The only responsibility of Management is to make sure the application has been completed and submitted with your plans, a review fee/deposit check has been submitted (if applicable) and the correct number of plans have been submitted. This information is then forwarded to the party responsible for reviewing plans on behalf of the association. BHE Management Corporation also takes receipt of the plans from either the committee and/or third party consultant and then notifies the homeowner of the decision.

Why can't Management give me the decision over the phone?

A plan review usually results in many comments from the reviewing party. In order to avoid any miscommunication, Management has a policy that all decisions made by either the committee and/or third party consultant must be communicated in writing.

Why can't my contractor call and get the information or pick up my plans for me?

Unless the homeowner provides written authorization for a specific person to receive information on their behalf, Management can only communicate with the homeowner. All decisions must be mailed to the homeowner's mailing address on file.

If I want to make changes to my approved plan, do I have to re-submit?

Yes, any plan changes need to be submitted for approval.

If I am just painting my house the same colors, do I have to submit for review?

The safest bet is to submit. Many times homeowners may believe that they are painting the same color, however even a slight variation can be significant when it is applied to a home. Also, colors fade over the years, and the resulting fresh paint color may not be what you anticipated. It is advisable, therefore, to submit an application to the Association.

Why are site photos required?

Depending on the complexity of the improvements, the committee and/or third party consultant needs a point of reference when visualizing the project you are proposing.

Neighbor Awareness

What does a Neighbor Awareness form do for you?

A Neighbor Awareness form is merely a means of notifying your neighbors that you plan to make exterior modifications to your home. Your neighbor does not have the right to approve or deny proposed modifications to your home, but they do have the right to be aware and make comments for the reviewing party to consider. The committee and/or third party consultant is required to approve your plans if they meet the architectural guidelines.

How many signatures are required on the Neighbor Awareness Form?

If you are on a single loaded street, meaning you have no neighbors across the street from you, then you only need your neighbors to the left, right and behind you. If you are on a double loaded street, meaning you have neighbors across the street, you need your neighbors to the left, right, behind you and across from you. Any property that touches your property should be signing your form.

What would happen if I just leave a signature off the form or have a neighbor sign a few doors down, versus my immediate neighbors?

Leaving a signature off the form could also delay your submittal process, because if you don't provide the required signatures, your submittal will be deemed incomplete and will be returned to you. Additionally, leaving a signature off the form or getting a distant neighbor to sign may void your plan approval if later challenged.

What if my neighbor is a renter?

You may indicate this on the form and you should also mail a letter via certified mail to the address anyway notifying the owner of the property of your intentions to submit for exterior modifications. Provide a copy of the letter and returned receipt with your application.

After You Are Done With Improvements

What do I need to do after my improvements are finished?

When complete, fill out the notice of completion form and attach photos of the improvements from all angles. You can e-mail these photos to mmora@BHEManagement.com or mail a hard copy. Keep in mind that the photos should show set back requirements met (use a tape measure in your photo) and need to show the overview of the improvements. The committee and/or third party consultant will take these photos and compare them to your plans to make sure all was installed per plan. You may also get a site visit from a Committee member to review the conditions onsite.

Where do I get the Notice of Completion form?

You can download the Notice of Completion from the Architectural Application on the website. If you prefer, you may send an e-mail mmora@BHEManagement.com and request one be e-mailed or mailed to you.

How difficult is it to get my Notice of Completion signed off?

If you installed per plan and provide pictures of all improvements it will be approved. If you decided, for instance, not to install a tree that was on your plan, explain that with your Notice of Completion – however you may be required to still install it in the size and species you put on your plans in order to get clearance. Anything that wasn't installed per plan will hold up your Notice of Completion approval.

Can a site visit be performed in place of submitting photographs?

Site visits could be performed in place of a photo Notice of Completion review only if you are willing to pay, in advance, the cost for the third party consultant to perform the review.

What if my Notice of Completion keeps getting denied, what do I do?

The best thing to do is to do everything on the list of issues pointed out to you. If you feel you have completed those items, then you should address your concerns with the Board. If you have no plans to complete all of the items on the list, then you should resubmit your plans showing only what you actually installed. The Board of Directors does have the right to call you to a hearing and assess fines if you choose to ignore the notification to correct items.

How soon can I get my deposit back once my Notice of Completion is approved?

Your deposit will be prepared during the Association's next check run; as Dover Shores cuts checks once a month, and your approval happens to be right after a check run was issued, you would have to wait until the following month, which could take up to 45 days.

Variances/Appeals

If you do not agree with the reviewer's disapproval, you may fill out a variance/appeal form that will go to your Board of Directors for review and consideration. There may be a fee required for these requests when a third party consultant is being utilized, which must be paid to the association prior to the work being performed.

Nuisance Conditions

Permitting, causing or allowing to exist any of the following conditions on a lot during the demolition or construction phases of a project is a violation of Article VII, Section 2 of the Dover Shores CC&Rs, and a violation of the "public nuisance" provision of the City of Newport Beach Municipal Code (Title 10, Section 10.50.020):

- A fire hazard including, but not limited to, any cut or uncut shrub, tree, grass, weeds, vines or other vegetation; combustible refuse or waste; or other flammable material which by reason of its size, manner of growth or location constitutes a fire hazard to any structure, improvement or landscaping;
- Any swimming pool, spa, pond, fountain or other body of water which is allowed to become stagnant, unsanitary or unsafe;
- The accumulation of rubbish, trash, debris, rubble, broken-up asphalt, lumber, concrete, plaster, tile, rocks, bricks, building materials, crates, cartons, containers, boxes, scrap metal, trimmings from plants and trees, cans, bottles and barrels;
- Vegetation, including, but not limited to trees, shrubbery, grass and plants, which is overgrown, dead, decayed or diseased such that it may:
 - Impede or present a danger to pedestrian or vehicular traffic;
 - Interfere with visibility on, or free use of, or access to, any portion of any public sidewalk, street, alley or right-of-way; or
 - Harbor rats, vermin, insects and other situations likely to cause a hazard to the public safety;
- Buildings or structures which are partially destroyed, partially repaired, abandoned or which remain in the state of partial construction or disrepair for more than three months, unless the construction and repairs are being accomplished pursuant to an active, open building permit.
 - Obtaining necessary City building permits, although required, does not release the applicant Homeowner from meeting the requirements of the CC&R's and processing the plans through the Association's Architectural Committee for approval.
 - Approval of plans by the City does not alter or circumvent the approval process required by the Association.

**DOVER SHORES COMMUNITY ASSOCIATION
RESIDENCE REPLACEMENT & PROTECTION OF VIEWS**

In the event of the removal or teardown of a single story or a two story residence, the replacement structure must comply with the City of Newport Beach Building Code requirements regarding Floor Area Ratios and View Blocking, as well as front and side-yard setbacks; including the juxtaposition of the new floor slab and roof heights so as not to block, infringe or diminish the previous views of neighboring members of the Association residences.

The newly constructed residence is not entitled to a better view than the view that existed from the replacement residence.

The Association Architect, as well as the Architectural Committee, must approve the project which involves a complete teardown and may grant permission to a previously designated two-story lot to proceed with a new two story home to be constructed with a taller roof height than previously allowed.

Variations of roof heights may be allowed if such architectural expression does not impact another's right to an existing or future view.

The existing two-story lots which qualify for the roof height modification are listed as follows:

Alderbaran Circle:	Lots: 259, 260,261
Antigua Way:	Lots: 263 thru 276, Lots 277 thru 284 (subject to offset)*
Galaxy Drive:	Lots: 236 thru 243, 251 thru 257, 259 thru 261
Pescador Drive:	Lots: 215 thru 230
Rigel Circle:	Lots: 247,248
Santiago Drive:	Lots: 211 thru 214, 231,232

Tract #4224 CC&R, Section 7, Construction Standards:

Single story construction is the standard for all lots within Tract #4224 except:

- a. **Two story construction is permitted on lots I through 7, inclusive, and on all lots on the water level (lots IOI through 180 inclusive).**
- b. **Two story construction is permitted on lots 215 through 311 inclusive, subject to the following restrictions:**
Lots 244, 245, 246, 249, 250, 258, 259, 262, 277,278, 279, 280, 281, 282, 283, & 284 are limited to one story construction on that part of the house which comes within twelve (12) feet of the street property line, and two story construction on that part of the house which is twenty (20) feet or more from the street side property line.