
***THE POINTE AT NEWPORT RIDGE
ASSOCIATION***

ARCHITECTURAL GUIDELINES

**Approved JUNE 8, 1993
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I. INTRODUCTION

One of the most important functions of The Pointe at Newport Ridge Association is the preservation of the architectural character of the planned development of the Newport Ridge Community. The Pointe at Newport Ridge Association has been charged with the administration and enforcement of architectural control within the community by the authority given in Article IV of the Declaration of Covenants, Conditions and Restrictions of The Pointe at Newport Ridge (hereinafter referred to as the CC&R's). The CC&R's provide for an Architectural Committee to be appointed (Article IV, Section 4.01) to review all plans and specifications for any improvements proposed to be constructed within The Pointe, and has the authority to approve, conditionally approve or disapprove such proposed improvements. The CC&R's authorize the Architectural Committee to establish and enforce procedural guidelines and rules for reviewing proposed improvements and to assess reasonable fines for violations of such guidelines.

- A. Intent of the Guidelines:** These guidelines are principally concerned with the physical appearance of the community environment.

There are two levels of concern in the Architectural Guidelines: room additions, patio covers, gazebos, which are "architectural" improvements, and planting, flatwork, pools, spas, walls and fences, which are "landscape" improvements. All proposed architectural and landscape improvements are to be submitted to the Architectural Committee for approval. All submittals must include a completed Submittal Checklist along with a completed Architectural Committee Application to be considered. No work is to start prior to Architectural Committee or Board approval of the proposed plans.

- B. Architectural Guidelines:** The CC&R's also provide the authority for the Board of Directors to establish and modify Architectural Guidelines to be administered by the aforementioned Architectural Committee. (Article IV, Section 4.02). Specific Architectural Guidelines have been adopted for the community to complement the type of housing. The guidelines contained herein have been developed for The Pointe at Newport Ridge home by the builder, and may be amended by the Board of Directors (Article IV, Section 4.02).

The Architectural Committee is given the authority by the Board of Directors to establish procedural rules and to assess reasonable fees appropriate to the type and nature of the proposed improvement for which plans have been submitted. (Article IV, Section 4.03c).

- C. Approval:** The Architectural Committee may condition its approval of plans and specifications with such changes it deems appropriate and may require submission of additional plans and specifications or other information or materials prior to approving or disapproving plans and specifications. In the event the Architectural Committee fails to approve or disapprove plans and specifications within thirty (30) days after receipt by the Architectural Committee of all materials requested, such plans and specifications shall be deemed approved. This thirty (30) day period shall begin when the submittal package is deemed complete by the Architectural Committee. (Article IV, Section 4.04c).

- D. Appeal:** Should the Architectural Committee disapprove plans and specifications submitted, the person submitting such plans and specifications may appeal in writing to the Board of The Pointe at Newport Ridge Association. The written appeal must be received by the Board no more than fifteen (15) days following the decision of the Architectural Committee. (See Article IV, Section 4.06 for a complete discussion of the Appeal process for plans and specifications which have been disapproved.)
- E. Inspection:** The Architectural Committee may inspect the property in order to review proposed improvements as a part of the approval process. Further, inspections of the completed improvements may be made by the Architectural Committee or designated representatives once the owner has notified the Architectural Committee that the improvements have been completed. This notification to the Architectural Committee must be made within forty-five (45) days of the improvement's completion. Failure to obtain approvals may constitute a violation of the CC&R's and may require disciplinary action as described in the Article "Discipline of Members" of the Bylaws.

In the event of a conflict between the provisions of these guidelines and any other ordinance or regulation (Article XV, Section 15.11), the more restrictive requirements shall prevail.

- F. City Approval:** Please be aware that approval by the Architectural Committee is for aesthetic purposes only and that all necessary City of Newport Beach building permits must be obtained and that all city and county regulations must be adhered to at all times. After the Committee has approved the plans for aesthetic purposes, the local regulatory agencies must be contacted to be sure that the plans are in compliance with all building, zoning, health and other applicable regulations currently in force.

In the event of a conflict between the provisions of these guidelines and any other ordinance or regulation, the more restrictive requirements shall prevail.

II. GENERAL SUBMISSION PROCEDURES AND REQUIREMENTS

The approval of any "Improvement" by the Architectural Committee does not waive the necessity of obtaining the required city and county permits. Obtaining a city or county permit does not waive the need for Architectural Committee approval.

- A. Application Submittal:** All applications are to be submitted to The Pointe at Newport Ridge Architectural Committee, via the managing agent for The Pointe at Newport Ridge Association. Applications may be mailed or delivered to:

The Pointe at Newport Ridge Association c/o
Keystone Pacific Property Management, Inc.
16775 Von Karman, Suite 100
Irvine, CA 92606

Telephone inquiries should be directed to (949) 833-2600.

- B. Forms:** All requests for Architectural Committee approval must be made on the standard The Pointe at Newport Ridge Association Architectural Committee Application forms and include a completed copy of the Submittal Checklist and Neighbor Awareness Form. One set of application materials are provided with these guidelines or may be obtained from the management company.
- C. Required Copies:** Four (4) complete sets of plans, showing the items requested in Section IV of these Guidelines which apply to the appropriate housing type, must be submitted with the application.
- D. Construction Drawings:** Plans must be prepared in accordance with applicable building codes and with clarity and completeness. It is recommended that work involving major improvements, or work requiring variances be submitted at the preliminary drawing stage for review by both the Architectural Committee and the City of Newport Beach.
- E. Right of Entry:** If construction work requires the use of common area for purposes of transporting labor and materials, or for the temporary storage of materials for the work, the applicant shall obtain written permission from the Association for the "Right of Entry" during the course of the construction. A copy of this letter granting permission shall be filed with the Architectural Committee prior to the commencement of construction.
- F. Neighbor Awareness:** The intent of this portion of the Architectural Application form is to advise neighbors who own property adjacent to the proposed work in order to avoid future conflicts. This will necessitate obtaining the signature of your neighbor(s) on the application blank in the spaces provided. The neighbors who must sign the Neighbor Awareness form must also initial each and every sheet of drawings they are shown to review. Please contact the management company to determine which neighbors you must obtain a signature from. In the event of neighbors that are in escrow or uncooperative in reviewing plans, a good faith effort must be made to obtain the signatures as evidenced by furnishing copies to the Architectural Committee of a registered letter transmitting plans and requesting review. **No application will be considered a complete submission until the neighbor awareness condition has been met to the satisfaction of the Architectural Committee.**
- G. Submittal Fees:** The Architectural Committee requires a five hundred dollar (\$500.00) fee for small jobs such as painting or replacing light fixtures and one thousand dollars (\$1,000.00) for all other architectural and/or landscape improvements. These improvement review fees will be retained until all improvements are complete. There is a two hundred and fifty dollar (\$250.00) fee for all Appeals. Any unused portion of the deposit will be returned to homeowners after the final inspection is completed.

All submittal fees may be amended by the Architectural Committee from time to time as the cost of review varies. Architectural Committee to cover the cost of retaining professional consultants.

In addition to a security deposit, the Architectural Committee may require an indemnity bond or restoration agreement.

- H. Incomplete Submittals:** To avoid unnecessary delays and expenses, the Architectural Committee shall not accept incomplete submittals for consideration. Incomplete submittals shall be returned to the applicant along with a copy of the checklist noting the area of deficiency.
- I. Non-Liability:** Plans and specifications are not approved for (a) engineering design, (b) compliance with zoning and building ordinances, and other applicable statutes, ordinances or governmental rules or regulations, (c) compliance with the requirements of any public utility, or (d) any easement or other agreement, or (e) preservation of any view. By approving such plans and specifications neither the Architectural Committee, the members thereof, the Association, the Owners, the Board, Management Agent nor Declarant, assume liability or responsibility therefore, or for any obstruction or impairment of view caused or created as the result of any Improvements approved by the Architectural Committee. (Article IV Section 4.05 of the CC&R's.)
- J. Disposition:** Upon approval, disapproval or in the event the Architectural Committee requests clarification or additional information, all submissions shall be distributed as follows:
1. One plan shall be retained by the Architectural Committee as its working copy.
 2. One approved plan shall be placed in the Association files.
 3. Two approved plans shall be returned to the owner who shall be required to maintain the same at the work site during the course of construction until such time as a final inspection has been made by the Architectural Committee or its designated representative.
 4. Disapproved plans or those requiring clarification or additional information shall be returned to the Owner. Said plans shall be included in subsequent submittals.
- K. Time Period:** Work must commence within one hundred-twenty (120) days of approval or the Architectural Committee may void this approval and require new submission for review. Except for front landscaping, which must be installed within one hundred eighty (180) days following the homeowner's close of escrow, all works of improvement shall be completed within one (1) year after the date of approval, unless otherwise specified in writing by the Architectural Committee.
- L. Inspection:** Within forty-five (45) days following the completion of the improvement as indicated on the "Approved" copy of the drawings and specifications, the owner/applicant shall notify the management company and submit the Notice of Completion Form on page five of the Architectural Improvement Application for final inspection and approval. If no inspection is made within forty-five (45) days, work will be deemed completed in compliance with approved plans and specifications (Article IV Section 4.07).

- M. Appeals:** In the event plans and specifications submitted to the Architectural Committee are disapproved thereby, the party or parties making such submission may appeal in writing to the Board. The appellant should check with the management company for appeal forms. The written request must be received by the Board not more than fifteen (15) days following the final decision of the Architectural Committee. The Board shall submit such request to the Architectural Committee for review, whose recommendation and supporting materials will be submitted to the Board. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. The failure of the Board to render a decision within said forty-five day (45) period shall be deemed a decision in favor of the appellant. (Article IV Section 4.06.)
- N. Enforcement:** Failure to obtain the necessary approval from the Association may constitute a violation of the Declaration of Covenants, Conditions and Restrictions and may require modifications or removal of work at the expense of the Owner. (Article IV Section 4.09).
- O. Violation:** All residents have the right and the responsibility to bring to the attention of the Architectural Committee any violations of any provisions or guidelines which the Board of Directors has adopted.
- P. Amendments:** These guidelines along with the provisions set forth in the CC&R's form the basis and criteria for evaluation of plans and specifications submitted for review and approval by the Architectural Committee. Any condition or material not defined in the Association Management Documents shall become a matter of discretionary judgment on the part of the Architectural Committee acting in good faith on behalf of the best interests of the Association as a whole.

The Architectural Committee may at its discretion from time to time amend the design guidelines for the purpose of more fully defining their original intent.

III. GENERAL CONDITIONS OF APPROVAL

The following shall be the conditions of any architectural approval and shall be incorporated by reference only as the approved plans or Architectural Committee's letter of approval. It shall be the responsibility of the owner of the residence on which an approval was granted to insure that these conditions are enforced upon all persons or firms used, engaged or employed in carrying out any operation or trade in conjunction with said improvement.

- A. Signs:** No signs shall be displayed on any residence other than a sign advertising the property for sale and/or as permitted by the CC&R's. This includes tradesmen's, contractor's, and installer's signs of any type, including the signs identifying the residence as the site of their activities of operations.
- B. Hours of Operations:** All operations shall be carried on between the hours of 7:00 a.m. and 5:00 p.m. on Monday through Friday and 8:00 a.m. and 1:00 p.m. on Saturday, Sundays, and holidays. In the event County ordinances are more restrictive, the County ordinances shall prevail.

- C. Temporary Structure:** No structure of a temporary character will be permitted to remain on any lot without the written approval of the Architectural Committee.
- D. Streets and Walkways:** No construction debris or materials such as sand or bricks may be permitted to remain on the streets or walkways. All items of such nature must be stored on the owner's lot. In the event that any materials are delivered and deposited on the streets or common areas, the owners will be held responsible for the costs involved in cleaning and/or restoring the common areas, streets and walkways. The Association reserves the right to clean the streets and bill the responsible owner for costs or deduct such costs from security deposits no earlier than thirty (30) days after written notice to the owner.
- E. Maintenance of Improvements:** The repair and maintenance of any work or improvement will be the responsibility of the installing owners or subsequent owner.
- F. Conditions Not Covered:** Any condition not covered or material not contained within these Guidelines shall become a matter of judgment on the part of the Architectural Committee.
- G. Construction Equipment:** The parking of trucks, concrete mixers, trailers, trash bins, compressors and other types of construction equipment on streets, or common areas for a period greater than seventy-two (72) hours is prohibited. The owner shall be financially responsible for any equipment removal or necessary repairs caused by equipment which the Board of Directors or the Architectural Committee deems necessary.
- H. Drainage:** There shall be no interference with the rain gutters, downspouts, or other drainage systems (whether surface or subterranean) originally installed by the developer, or any other interference with the established drainage pattern over any lot, condominium, or common areas within the residential area, unless an adequate provision, previously approved in writing by the Architectural Committee, is made for property drainage.

IV. SUBMITTAL REQUIREMENTS

In addition to the general submission procedures described in Section II of these Architectural Guidelines, Owners within the Development, other than Declarant, shall comply with the following submission guidelines:

A. Submittal Checklist:

There are four parts to the Submittal Checklist attached. The first part lists the submittal requirement for All Improvements which must be included with any and all submittal requests. The second part lists the submittal requirement for Landscape Improvements (e.g. plant material, hardscape, spa and pool, and fences and walls). The third part lists the submittal requirements for Exterior Improvements (e.g. trellis, gazebo, sunshade, balcony, window, door treatment, gates visible from the Street and exterior color or material changes). The fourth part lists the submittal requirements for Interior/Exterior Improvements (e.g. room additions or conversions).

If you are applying for landscape improvements, you must submit all of the items listed under the Landscape Improvements part of the checklist. If you are applying for exterior improvements such as trellis or a gazebo, you must submit all of the items listed under the Interior/Exterior Improvements part of the checklist. If you are applying for room addition or conversion, you must submit all of the items listed under the Space Improvements part of the checklist.

If you are applying for improvements involving items related to more than one part of the checklist, you must include all of the items for all of the parts of the checklist related to the improvements you are applying for. For example, if your request involves a landscape plan with a gazebo or shade structure you must submit items required for both the Landscape Improvements and Exterior Improvements parts of the checklist.

All applications shall include the items listed under the All Improvements part of the checklist.

B. Minimum Submittal Requirements

When required by the checklist, each type of drawing submitted must include the minimum amount of information listed below:

1. Plot Plan/Blueprints

- a. Show lot lines accurately as to length, angles and amount of curve. Show all existing and proposed buildings, structures, fences, walls, sidewalks and other improvements; indicate all required setbacks, easements, and top or toe of slopes.
- b. Show all dimensions on work to be considered, distances between existing and proposed work and distances between proposed work and property lines, setback lines and slopes.

- c. When the proposed improvements involve changing existing grades by more than 1'-0" or changing existing drainage, show contours or spot elevations, flow lines, finish grades and proposed drainage systems. Drawings for proposed improvements changing existing drainage shall be prepared by a registered civil engineer or licensed landscape architect.

2. Landscape Plans: (may be included as part of Plot Plan/Blueprints)

- a. Include proposed walkways and other hardscape, planting areas and plant names, size and shape, decks, fences and walls, stairs, trellises, arbors, gazebos, spas, ponds, fountains, ornamental rocks, barbeques, fireplaces, courts, play equipment, apparatus and yard lighting.
- b. Proposed fences and wall drawings shall note materials, colors and dimensions. Heights shall be noted in relation to the immediate ground elevations.
- c. Pool and spa plans shall include the location, size and sound mitigation treatment of all mechanical equipment.

3. Exterior Elevations:

- a. Provide exterior elevations of all proposed structures including trellises, gazebos, fireplaces and shade structures. When the proposed improvement is attached to the existing home, show the existing elevation in relation to the proposed improvement.
- b. Note all finish materials, colors and textures of proposed work. Note if proposed finishes and materials are to match existing finishes and materials.
- c. If the proposed finish materials or colors are to be different than those of the existing structure, a color and material board must be included clearly depicting the materials and/or colors that are to differ.

4. Floor Plans:

- a. Indicate all walls columns, openings and any condition or feature that will affect the exterior design of the structure.
- b. Show dimensions of proposed work and related existing work; indicate relationship.
- c. Delineate all parts of the exterior that cannot be shown on elevation drawings.
- d. Identify square footage of proposed work and existing work.

5. Roof Plan:

- a. Show all existing and proposed roof surfaces. Note pitches and overhangs.
- b. Call out existing and proposed roof materials and colors.

6. Mechanical and Solar Energy Plans:

- a. Include all mechanical devices exposed to the exterior and all solar collectors, racks, storage facilities and distribution components.

V. SITE DEVELOPMENT GUIDELINES

The following site development guidelines shall apply to all improvements, except such work undertaken by Declarant (Article XV, Section 15.15):

A. Workmanship:

All works of improvement shall be performed in a manner consistent with the guidelines of the existing structures, fences or common area improvements. Any work deemed by the Architectural Committee as not meeting the guidelines shall be reworked to meet those guidelines or removed and the building or common area restored to their condition prior to commencement of the work by the owner. In the event the owner refuses to rework, remove, and/or restore as called for above, the Architectural Committee shall request the Board of Directors to cause such rework, removal, and/or restoration and the cost thereof shall be assessed to the owner as provided in the Bylaws of The Pointe at Newport Ridge Association (Article X Section 10.02 — Enforcement).

B. General Development Guidelines:

1. Heights:

- a. **Dwellings:** Heights of improvements other than landscaping shall be restricted to the maximum height of the existing structure and must be compatible with the intent of the existing structure with respect to massing and enclosure.
 - b. **Other Structures:** Maximum height of the occupiable area of all other structures including patio structures, trellises and gazebos shall be limited to ten (10) feet in height. All portions of proposed structures that are decorative and unoccupiable and exceed the ten (10) foot limit are subject to review and may be permitted.
2. **Setbacks:** Minimum setback guidelines for the community are established in conformance with the applicable City of Newport Beach building and zoning codes. These guidelines affect all improvements including without limitation, buildings, outbuildings, garages, carports, pools, recreation facilities, parking areas, awnings, patio covers, balconies, stairs and decks. In the case of irregular shaped lots or flag lots, the Architectural Committee may establish front, side and rear yard setbacks,

consistent with the approved minimum guidelines, to allow alternative siting of improvements. Freestanding structures shall occupy the lesser of a maximum of 10% of rear yard area of 150 square feet. The rear yard area shall be measured from the back of the house to the rear and side property lines. All freestanding structures regardless of size require approval from the Architectural Review Committee.

- 3. Fireplaces & Chimneys:** No chimney may extend higher than the minimum height as required by the Building Code of the City. Proof of City of Newport Beach inspection certificate required.
- 4. Fences and Walls:** Fences, walls, and gates shall not be installed, removed, reconstructed, or modified as to structure, finish or color without the prior written consent of the Architectural Committee. Double walls constructed side by side shall not be permitted. Fences, walls and gates shall not exceed six (6) feet in height. Retaining walls are subject to the approval of the Architectural Committee. Such approval shall be as to the aesthetic appearance of the wall but shall not be deemed to warrant or approve in any manner the engineering or structural design of the wall. Structural framing and/or unfinished sides of fences or walls shall not be exposed to any public right of way, common area or other lot. Side return walls shall be masonry with wood or wrought iron gate, however all walls fences and gates must property screen any element as required in these guidelines.
- 5. Planter Walls:** Building materials used to construct decorative planters should blend in and compliment the style of the home and existing walls or fences. These materials are subject to the Architectural Committee's approval.
- 6. Antennae:** No radio station or short-wave operators of any kind shall operate from any lot or dwelling unit. No outside antenna shall be constructed, erected or maintained at any time on any lot, unless they are contained within a building or underground conduits. Appliances or installations upon roofs of structure, except for solar panels or other appliances installed by the builder, shall not be permitted unless they are approved by the Architectural Committee. All electrical, mechanical or other equipment on any roof of any building in the properties shall be completely screened, so as not to be visible from any portion of the properties, the Public Parcel, or any other point outside the properties (See CC&R's Article IX, Section 9.10).
- 7. Satellite Dish:** No satellite "dish" antenna shall be constructed, erected, altered, placed, or permitted to remain on any Lot without the prior written approval of the Architectural Committee. The size of the satellite antennae must be compatible in scale with its location. Further, satellite "dish" antennae will not be approved by the Architectural Committee unless the dish is reasonably screened from view by adjacent Lots with the use of fences, hedges, or other appropriate plant materials chosen by the owner and approved by the Architectural Committee. The satellite antennae must be screened by landscape which is, or will be, located solely on that owner's Lot. The antennas designed to look like patio umbrellas must also receive approval under these criteria.

The goal of the Architectural Committee will be to balance the aesthetic requirements of the community with the reasonable functionality of the satellite dish. The Committee shall:

- a. Strive to prohibit the location of the dish from the front yards or portions of the roof that face the front yard.
- b. Require reasonable screening of the dish from view by other surrounding properties where the dish is approved for the roof. Such screening shall be accomplished, for example, by modifying the roof in order to inset the dish into the existing roof line or by augmenting the roof structure such that it remains consistent with the existing form of the roof.
- c. Require reasonable screening of the dish from view by surrounding properties where the dish is located in the yard of a Lot. Such screening shall be accomplished in order of priority by:
 - (1) Lowering the grade elevation of the pad supporting the dish such that the top of the dish shall not exceed the height of any existing opaque perimeter Lot wall or fence.
 - (2) Installing landscape materials around the dish to screen the dish from view.
 - (3) Installing walls/fences around the dish to screen the dish from view.
 - (4) Combination of the above.
- d. Operate in good faith and in the best interests of the community in reviewing applications for satellite dishes. The Committee shall require reasonable mitigation of the visibility of the dishes in order to promote aesthetic compatibility of the dishes with the surrounding properties. If it is determined by the Committee that satellite dishes are regulated by City, State, or Federal Agencies such that these or other architectural guidelines of The Pointe at Newport Ridge Community Association may be limited in their enforceability, the adoption of these guidelines shall not be construed as an absolute obligation of the Association to litigate the enforceability of its architectural guidelines for satellite dishes.
- e. All architectural applications concerning satellite "dish" antenna shall:
 - (1) Include plot plans showing the location of the antenna in relation to adjoining structures;
 - (2) Specify the "dish's" shape, height, width, diameter, and shall include a photograph or drawing of the antenna; and
 - (3) Include a landscaping or fence plan showing the type, locations, elevation, and color (in the case of a fence) of trees, bushes, shrubs, plants, hedges or fences designed for the purpose of screening the dish.

The Association will determine if the screening chosen by the homeowner is appropriate by considering the following criteria:

- (1) The effect of the "dish's" location on neighboring property;
- (2) The location and heights of the "dish" with respect to visibility, color scheme and aesthetic beauty;
- (3) Whether the "dish" conforms and is "in harmony" of external design with the surrounding and neighboring structures; and
- (4) The location of the "dish" in relation to the topography, surrounding and natural obstructions, grade and finished ground elevation of the neighboring property.

8. Door and Window Coverings: No screen door shall be permitted on any front or main entry door. No aluminum or metal awnings, or coverings shall be permitted over windows or patios. Windows shall not be covered with unsightly material such as aluminum foil, paint, etc. (See also CC&R's Article IX, Section 9.13 — Window Covers).

9. Exterior Lighting: No exterior lighting shall be placed or maintained upon any lot so as to cause an unreasonable glare or illumination upon any other private or common lot.

10. Clothes Lines: Outside clothes lines shall not be erected, unless they are placed and maintained so as not to be visible from neighboring properties. (See also CC&R's Article IX, Section 9.09 — Unsightly Items).

11. Vehicles: (See CC&R's Article IX, Section 9.05 — Vehicles).

12. Patio Structures, Sun Shade and Gazebos: All patio structures, sun shades and gazebos shall be constructed according to the approved beam, rafter and footing specifications of the local building ordinance. Patio covers must be constructed with materials approved by the Architectural Committee that are consistent with the existing dwelling unit materials. Patio covers and patio cover columns of stucco or wood shall be painted to match the color of the house, or house trim. Side elevations of shade structure shall not be enclosed in any manner, except in the case where a wall of a dwelling forms a natural enclosure to some or all portions of a side elevation.

13. Sundecks: No sundecks are permitted on or over any portion of a second story roof (e.g. crow's nests, etc.). Floor heights for decks are limited to those of the existing second floor living levels. All sun decks shall be directly accessible from living unit levels. A sundeck is further defined as a balcony, open porch, etc., which is attached to the house at second floor level height.

14. Exterior Colors: Exterior colors of all existing improvements shall not be changed or altered without the consent of the Architectural Committee.

- 15. Flagpoles:** The design, material and installation of flagpoles shall be subject to the review and approval of the Architectural Committee.
- 16. Mechanical and Solar Devices:** All mechanical equipment exposed to the exterior, including pumps, heaters and air-conditioning compressors, and solar devices including collectors shall be subject to review and approval of the Architectural Committee. The design of the proposed solar panel/mechanical device shall be integrated into the roof design of the building and be flush with the existing roof slope. Frames must be colored to complement roof. Natural aluminum frames are prohibited. All mechanical equipment exposed to the exterior shall be located in a manner to minimize visual impact.
- 17. Basketball Backboards:** The location of basketball backboards shall be subject to review and approval by the Architectural Committee. Plexiglas backboards are approved, but placement must be approved by the Architectural Committee. Freestanding basketball backboards must be stored out of view when not in immediate use. Retractable backboards must be retracted out of view. Use of basketball equipment shall be limited to 9 a.m. to 7p.m. Backboards, including all attachments and mounting devices, shall be maintained by painting or staining as required by the Architectural Committee. Any backboard attachment not maintained to the satisfaction of the Architectural Committee shall be removed by the owner at the request of the Architectural Committee. Moveable freestanding backboards are allowed but must be stored out of view while not in immediate use.
- 18. Playground Equipment:** Design of all proposed playground equipment shall be subject to height limit requirements and must be reviewed and approved by the Architectural Committee.
- 19. Paving Materials:** All exterior paved areas exposed to street right-of-way shall be of materials and colors consistent with existing treatments and approved by the Architectural Committee.
- 20. Holiday Decorations:** All exterior holiday decorations and lights must be removed within thirty (30) days of that particular holiday.

C. Landscaping and Pool Guidelines:

- 1. Exhibit A, APPROVED PLANT MATERIAL:** contains a list of plant material approved by The Pointe at Newport Ridge Association that has been selected based on visual and aesthetic considerations only. No representation, explicit or implicit is made as to the soils suitability or disease resistance of the attached list of plant material. Newport Ridge and the surrounding area are not "thematic" in their landscape treatment. The list of approved plant material is intended only as a starting point. Owners are encouraged to select plant material suitable to the general environment and appropriate to the area. The use of "exotic" (e.g. cactus, etc.) landscape material is specifically discouraged.

- a. The Architectural Committee shall have the right, but not the obligation, to require any owner to remove, trim, top or prune any bush, tree, shrub or plant which in reasonable belief of the Architectural Committee detracts from the appearance of the Community.
- b. Each owner agrees that the established drainage pattern over the lot from and to the adjoining or other lots will not be interfered with, or that adequate provisions for proper drainage will be made in the event it is necessary to change said established drainage.
- c. All owners of lots shall continuously maintain and properly water any slope on their owner lots. All improvements located within the slope areas, such as landscaping and sprinklers shall be maintained in a safe condition and a state of good repair. Any re-planting of slope area must be approved by the Architectural Committee.
- d. Each owner of a lot shall keep shrubs, trees, grass and plantings of every kind on his lot, neatly trimmed, properly cultivated, irrigated and free of trash, weeds and other unsightly materials.

2. Pool, Spas, Hot Tubs, Ponds and Fountains:

- a. Pool, spas, hot tubs, ponds and fountains shall be subject to review by the Architectural Committee.
- b. All accessory equipment, except solar collector panels, shall be located, screened, or recessed in such a manner so as not to be viewable from any lot or street. Solar collector panels shall be located in a manner to minimize visual impacts.
- c. Heaters shall be stackless or low profile in configuration.
- d. Solar collector panels including racks and distribution components shall be subject to Architectural Committee review and approval as to materials, method of installation and exposure of any portion thereof.
- e. All installation shall be located, sound controlled and maintained in such a manner so as not to unreasonably disturb residents of other lots. The Architectural Committee shall have the right, but not the obligation, to require any owner to repair or restore any installation to quiet operation or restrict its use or operation if in the reasonable opinion of the Architectural Committee, continued use or operation disturbs residents of other lots.

D. General Materials and Color Guidelines:

- 1. Architectural and Structural Elements:** Exterior plaster or stucco will be the primary wall surface material with a smooth or raked finish texture. Heavy textures such as spanish lace, swirl or heavy trowel are prohibited. Wall finish colors shall be selected from the approved color palette. Accent materials and colors used to complement the stucco are allowed and encouraged in moderation.

Wood trim shall be stained with semitransparent-stains or painted as accents. The use of tile, brick, stone and masonry are permitted as design accents and trim.

2. **Patio Structures, Sunshades, Trellises, Gazebos and Sundecks:** Structures including overhead elements shall be of wood construction. Vertical support members may be wood, stucco, or masonry to relate to existing structures.

Roofing materials shall match the roof material of the dwelling or be open wood beams.

Structures of exposed metal and roofing materials of gravel, built up roofing, asphalt shingles or shakes, composition roofing plastic, fiberglass and metal are prohibited.

3. **Walls and Fences:** Approved materials for walls and fences other than the Perimeter Walls shall include masonry material or stucco covered fences, brick or painted wrought iron.

Chain link, or other types of woven wire, including, but not limited to plastic coated wire, aluminum or sheet metal, plastic or fiberglass materials other than clear non-patterned tempered glass or plexiglass, reed or straw-like materials, rope or other fibrous strand elements, concrete block, plain or painted, wood picket or split rail are not permitted.

4. **Color:** Color is intended to act as a primary theme-conveying element, and reflective of French architectural style. In general, the values should remain light, although darker or lighter accents are encouraged to highlight the character of the building, especially on balcony rails and moldings. The use of vinyl, aluminum siding, wood, masonite or similar siding is prohibited. Additionally, the use of rustic materials for primary wall surfaces (e.g., stone and brick) and dark earth tone colors are prohibited. Exterior colors of buildings shall match those applied by the original home builder and/or comply with the color palette approved by the Architectural Committee. Any change of color requires prior approval by the Architectural Committee.

The color of any stucco wall shall match the existing building immediately adjacent thereto. Wood and iron fences must be painted to match or complement the existing building color.

E. Building Material Guidelines:

1. Exterior Building Walls:

- a. Material allowed for exterior cover of building walls shall include any of the following:
 1. Brick or stone to match existing accents.
 2. Stucco, sand texture finish, color to match existing.

- b. Exterior cover material treatment used on the building walls shall be continuous and consistent on all elevations of a residence in order to achieve a uniform and complete architectural design statement.
 - c. Two story wall surfaces shall be treated in one or more of the following ways in order to break up the flat appearance of the wall plane:
 1. Balcony or other projection.
 2. Change of plane between first and second story.
 3. Change in finish material.
 4. Other treatments considered by the Architectural Committee.
- 2. Window and Door Openings:** Window openings within exterior wall surfaces shall be located and detailed in a manner consistent with the existing treatment.
 - 3. Window Glazing, Tinting and Shading:** Glass tinting or shading must be compatible with the existing treatment. Reflective glass film and plastic roll up shades shall not be permitted. Exterior shades of any type shall not be permitted.
 - 4. Trim:** Fascias, window trim, and exterior doors shall be of re-sawn wood with paint compatible with the existing treatments.
 - 5. Diverters:** Galvanized iron or aluminum diverters shall be painted to match roof vents or roof material.
 - 6. Roof:** All roofing materials shall be medium wood shake or shingles, or clay tile, and shall be compatible with the existing treatment. If build up roofing material is used for flat areas of the roof, it shall match the color of the existing roof. All roof pitches shall match existing roof pitches.
 - 7. Roof Vents:** All roof vents shall be colored to match the roof.
 - 8. Gutters and Downspouts:** All gutters to match color trim at roof and downspouts to match color of house or trim.
 - 9. Flashing:** All flashing shall be colored to match the roof or wall surface surrounding it.
 - 10. Wrought Iron:** All wrought iron shall be galvanized or bonderized prior to applied finish color and shall match existing.
 - 11. Walls, Fences & Gates:** All walls and fences that exist shall not be altered in any manner. Side yard return walls and fences shall match existing conditions in design, finish materials, colors and construction. The design, construction, and finish material of any gates are to match the same of the main structure, side yard walls or perimeter walls. A diagram which includes details of gate design, elevation, material and color must be included for review and approval by the Architectural Committee.