

# **Northpark**

## **Maintenance Association**

### **ARCHITECTURAL COMMITTEE RULES (DESIGN STANDARDS AND GUIDELINES)**

Adopted 11-04-2020

These Architectural Committee Rules are to be used to assist in the design of proposed Improvements in the Northpark Maintenance Association. This package is not the Architectural Committee Application, Procedures, Process and Forms package which must be used to submit an Application for consideration by the Architectural Committee. The Architectural Committee Application, Procedures, Process and Forms package may be obtained from the Management Company.

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## **I. INTRODUCTION**

The maintenance of the Northpark Maintenance Association as an attractive community depends upon continuous regard for the overall community appearance coupled with sensitivity to the existing architectural context of the community.

The Architectural Committee Application, Procedures, Process and Forms package, along with these Architectural Committee Rules (Design Standards and Guidelines), CC&R's and Supplemental Declarations, comprise the documents used by the Northpark Maintenance Association and its designated agents to administer the review and approval of proposed Improvements in the community.

The Architectural Committee Application, Procedures, Process and Forms package is comprised of several sections which explain the types of proposed Improvements that must be submitted for review and approval by the Association's Architectural Committee, procedures for the submittal of an application, how the application is processed and standard forms used to assist the Applicant in organizing the minimum information required by the Architectural Committee to understand and memorialize the proposed Improvements.

These Architectural Committee Rules do not contain the Architectural Committee Application, Procedures, Process and Forms needed to submit proposed Improvements to the Architectural Committee. The Architectural Committee Application, Procedures, Process and Forms may be obtained from the Management Company.

The Architectural Committee Rules outline objective criteria used by the Architectural Committee in an attempt to better define harmony of external design and location in relation to surrounding structures and topography for new Improvements. Due to the number of design variations a Homeowner / Applicant can produce from the objective criteria outlined in the Architectural Committee Rules and specific Lot considerations, the Architectural Committee must also apply a subjective opinion in the evaluation of the proposed Improvement. The harmonious nature of the Improvement may be contested by an Applicant but it is a subjective opinion that the Architectural Committee is empowered to express. The Architectural Committee's decisions may not be unreasonable, arbitrary, or capricious.

The Association's management company (Management) acts as a liaison between the Homeowner and the Architectural Committee. Management assists in distributing, explaining and promoting the Architecture and Landscape Application, Procedures, Process and Forms package and these Architectural Committee Rules. All inquiries related to proposed or existing Improvements must be directed through Management to assure proper administration of the Residential Area Architectural Control requirements set forth in Article VIII of the CC&R's.

The Board of Directors and the Architectural Committee seek to ensure that the review and control process is effectively administered and that Owners and the community are treated equitably. All Members are encouraged to contact Management to report any concerns or questions about ongoing or completed Improvements or issues about maintenance, or lack thereof, of dwellings and landscape. Contact Management by phone, e-mail or postal service mail, referencing Northpark Maintenance Association.

## **INTRODUCTION - I**

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### **Northpark Maintenance Association**

The Board of Directors, in conformance with Civil Code Section 4355, has the right but not the obligation to adopt, amend, repeal and promulgate Architectural Committee Rules not inconsistent with the CC&Rs interpreting and implementing the provisions thereof in compliance with Civil Code Sections 4340-4370. Any such amendment shall be in writing and shall become effective twenty-eight (28) days after it is published to all members of Northpark Maintenance Association and then adopted by the Board of Directors.

To the extent these Architectural Committee Rules are inconsistent or conflict with the CC&R's or Bylaws, the CC&R's or Bylaws shall control, unless the CC&R or Bylaw provision is contrary to applicable law.

**II. ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS**

**A. Landscape and Hardscape.** Landscaping components can be categorized as (1) Hardscape: walkways, patios, driveways, planters, fences, garden walls, pilasters, columns, fireplaces, fire pits, barbecues, light poles, fountains, rock waterfalls, pools, spas, water slides, etc., (2) Softscape: grass, lawn, flowers, trees, shrubs, groundcover, etc., and (3) Temporary Fixtures: play/exercise equipment, playhouses, etc. Landscaping can be effectively used to produce an attractive street appearance, accentuate entryways, define space, create “soft” privacy screens and reduce the visual impact of fences and approved Structures. Since landscaping is a design element, the same considerations should be given to its relationship with the house and with adjacent houses as applied to other design elements. The Architectural Committee must approve all Landscape and Hardscape, as defined above, except replacement / maintenance of existing plants with the same species. The Architectural Committee will consider the visibility of landscaping to the Common Area and neighboring Lots as a factor in approval of these Improvements in addition to the criteria set forth in section V.A. of the Architectural Committee Application, Procedures, Process and Forms document. Each Owner is responsible for maintaining the hardscape and landscape in a maintained, neat, trimmed and compliant condition, including limiting the height and width of all shrubs and trees. Installed hardscape and landscape must present an attractive appearance for the property and must include an attractive combination of turf and/or ground covers, shrubs and trees, walkways, etc.

1. **Aesthetics.** The landscape character of the Community is established by the initial development. All landscape Improvements must be consistent with the Architecture of the home and community and create an attractive composition and be in harmony with the surrounding Lots.
2. **Parkways.** Modification of the Association-maintained parkway between the sidewalk and the street curb is prohibited.
3. **Loop Roads.** As set forth in Article VII, Section 7.18 of the CC&R’s, no walls, fences, spas, play equipment, sheds, light poles, pilasters higher than three (3) feet, glass block or boulders are allowed in the yards visible from the following streets: Grass Valley, Forest Glen, Spring Valley, and Meadow Valley. These are referred to as the “Loop Roads.” The existing low wall at the back of the sidewalk must remain as built by the Merchant Builder. Changes to the wall, such as, but not limited to, plastering the surface, painting the surface, or adding elements on top of the wall, are not permitted. Gates, arbors, trellises, gazebos, planters and fountains must be set back a minimum of five (5) feet clear from the back face of the low wall.

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4. **Drainage Pattern.** The Architectural Committee will review the drainage design for general conformance with community standards and the following requirements:
- a. No Owner shall alter the established drainage pattern without the prior written approval of the Architectural Committee and the City.
  - b. Each Lot shall be designed with an engineered storm water drainage system designed to convey the storm water to the street (address street of the home).
  - c. Hardscape shall slope away from adjacent Lots toward drains with a minimum slope of one (1) percent. Soil in landscape areas shall slope away from adjacent Lots with a minimum slope of two (2) percent.
  - d. Hardscape and soil in landscape areas may not be raised adjacent to a neighboring home. Hardscape must remain a minimum of three (3) inches below the weep screed of the neighboring home. Soil in landscape areas must remain a minimum of six (6) inches below the weep screed of the neighboring home.
  - e. In no event will a graded pad be permitted to drain onto or across an adjacent Lot.

The Architectural Committee shall not be responsible for reviewing, nor shall its approval be deemed approval of, any alteration in the drainage pattern for effectiveness of drainage or conformance with building or other codes, use permits, City design review requirements, or any other governmental requirement or restriction.

5. **Encroachments.** The impact to neighboring homes and the possible damage by encroaching planting must be considered. Trees, hedges, and shrubs that will grow to restrict sight lines for vehicular traffic or overhang property lines and public sidewalks may not be planted. Trees, hedges and shrubs that create an unreasonable barrier to light and air must be maintained at or below the adjacent fence height or distributed to diminish the negative effect of grouped planting.
6. **Raised Planters.** Maintenance Property Walls, garden walls and fences between Lots are not designed to retain soil. Raised soil / planters are not permitted against Maintenance Property Walls, Party Walls, fences or walls between Lots unless a waterproofed subwall is provided between the raised planter area and the property line wall or fence. If raised planters or retaining walls are to be placed on a Lot, they are to be waterproofed to prevent unsightly failure of the wall or the wall finish. The maximum height of planter walls is twenty-four (24) inches unless approved by the Architectural Committee prior to construction. The height of planter walls may not compromise any code-required wall heights for pool safety separation between Lots.

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7. **Barbecues / Outdoor Kitchens.** Barbeques can generate a great amount of smoke and become the hub of group activities. Permanent barbeques (including countertops) and outdoor kitchens are to be set back as outlined in the Setbacks Table Section B.2 of these Architectural Committee Rules. They should also be placed with a sensitivity to the potential smoke and noise impact on adjacent neighbors.
8. **Fireplaces/Fire Pits.** Outdoor fireplaces, fire pits, or other similar items must be set back as outlined in the Setbacks Table Section B.2 of these Standards, must be natural or propane gas burning only, and should be side or rear venting to eliminate the need for a tall chimney. Outdoor fireplaces are limited to six (6) feet in height above the original grade including the decorative chimney cap. Outdoor fireplaces that are attached to a patio cover or Accessory Structure may be constructed to a maximum height of twelve (12) feet; however, a chimney over six (6) feet high must be set back a distance equal to its height. To reduce the visual impact of a tall structure, evergreen plant material may need to be provided to screen the chimney. Fireplaces / chimneys must have a consistent finish of stucco or decorative stone on all sides of the structure.
9. **Kitchen Gardens.** Kitchen gardens of herbs and low growing vegetables are permitted in the rear and side yards with the following restrictions:
  - a. Kitchen gardens may not be viewed from Common Area.
  - b. Wire fencing, trellis and other vertical structures which exceed the height of property line fences / walls are prohibited.
10. **On Lot Trees.** Trees shall be neatly trimmed, properly cultivated and maintained by the Owner thereof, unless otherwise provided for herein, in a neat, compliant and orderly condition and in a manner to enhance their appearance. Trees should be planted and maintained with consideration given to the impact on the community, streetscape and, most importantly, on adjacent properties. The following standards shall apply to trees placed on Lots:
  - a. If the front yard landscaping is not provided by the original builder or if Association-maintained trees are not provided between the sidewalk and the street curb, then, if physically possible, a minimum of two (2) 15-gallon trees is required in each front yard located within fifteen (15) feet of the back of sidewalk. At corner Lots three (3) 15-gallon trees are required. Small trees such as Phoenix roebelenii or citrus species do not satisfy the requirement for front yard trees.
  - b. Side yard trees are not required and will be considered on a case-by-case basis by the Committee when proposed to create privacy between Lots.

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- c. Trees must be set back from the property line or fence separating the Lots in accordance with their anticipated growth to avoid excessive trimming which would destroy the trees' natural appearance.
  - d. No tree, shrub or planting of any kind shall be allowed to overhang or otherwise encroach upon any sidewalk or other pedestrian way from ground level to a height of ten (10) feet without prior approval of the Architectural Committee.
  - e. Fruit-bearing trees are not allowed in any front yard area and require a minimum five (5) foot setback from perimeter walls in the rear yard unless of a dwarf variety.
  - f. Trees planted in rows around the perimeter of a Lot are prohibited. Tree species are to be selected and their spacing planned to prevent the unreasonable interference of the passage of air and light between Lots.
- 11. **Parkway Trees.** Removal or relocation of trees in the Association-maintained parkway between the sidewalk and the street curb is prohibited.
- 12. **Synthetic Turf.** Synthetic turf must be approved, prior to installation, by the Architectural Committee. A minimum 6 inch x 6 inch sample must be provided with each Application for Committee review and approval. Synthetic turf must meet the minimum standards listed below:
  - a. **Location**
    - 1. Like natural turf, synthetic turf is to be used in front yard, rear and side yard landscaping, only as an enhancement, accessory to or to complement the main landscaping features and not as a major landscaping feature.
    - 2. A minimum two (2) foot wide planting buffer or six (6) inch wide concrete or paver mow strip between the adjacent property and the synthetic turf is required. In no case shall the synthetic turf be adjacent to regular turf on the same or adjoining property.
    - 3. Synthetic turf is not permitted on slopes steeper than a slope ratio of 4:1 (4 horizontal units for every 1 vertical unit).
    - 4. Turf located in or near driveways is to be protected from wheel traffic to avoid compressing the turf. Protection may be achieved by depressing the turf below the wear surface of the driveway.
    - 5. Turf must be placed over a proper substrate designed to accommodate the turf and facilitate drainage. Turf may not be placed over existing grass, dirt or hardscape.
  - b. **Material**
    - 1. The turf must be of the proper color, texture, and density to simulate natural turf. Synthetic turfs of multiple-height, width, textured and colored blades should be proposed in front and side

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yards visible to Common Area. Samples of the proposed turf shall be submitted for review.

2. The turf is to be uniform and defect free.
3. The turf located in the front yard is to have a minimum eighty (80) ounce pile / face weight.
4. The turf located in the front yard is to have a minimum pile length of 1 1/2 inches and a maximum pile length of 2 inches with a slight crown. Putting green turf located in the rear yard may have a 1/4 inch pile length.
5. Turf must have UV protection, no felt backing or rubber infill and be lead free.

#### c. Maintenance

1. Like natural turf, synthetic turf requires maintenance. Along with the timely removal of debris including leaves, excrement and trash, monthly brushing and hosing and semi-annual cleaning with a power brush and cleaning agent may be required.
2. Like natural turf, worn, damaged or unattractive synthetic turf must be repaired or replaced.

#### 13. Front Yard Paved Areas. Paved areas in the front yard and side yard visible to the street are to be minimized to maintain a planted landscape and attractive streetscape.

- a. A minimum five (5) foot wide planting area must be maintained between the community walkway and hardscape Improvements. If a low garden wall of eighteen (18) to twenty-four (24) inches high is constructed parallel to the back of the sidewalk, a minimum three (3) foot wide planting area must remain between the wall and sidewalk.
- b. Walkways to front doors must not exceed ten (10) feet or one-third (1/3) of the street frontage (whichever is greater), exclusive of the driveway and the side yard on the narrow side of the driveway. Requests for additional walkway width will be evaluated by the Architectural Committee on a case-by-case basis for yards with a less than average street frontage.
- c. All exterior paved areas exposed to Common Area shall be one of the following materials:
  1. Masonry unit - stone, brick, tile, concrete pavers
  2. Concrete - plain, acid washed, integral color
  3. Concrete - textured
  4. Concrete - exposed aggregate
  5. Concrete with "green seams" of turf or ground cover

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6. Combinations of the above
7. In no case shall asphalt, polished or high gloss stone / tile materials or painted / epoxy coated concrete be approved in front yards or yard areas visible from the street
14. **Drive Aprons, Driveways and Parking Pads.** The driveway is a dominant element of the streetscape. Designs which minimize the driveway size are encouraged.
  - a. Drive aprons (curb cuts) may not be widened.
  - b. Driveways, when widened, must use materials to complement or match the existing driveway. Material and design transitions which clearly demonstrate a driveway addition are not acceptable.
  - c. Driveways may be no larger than needed to convey a vehicle to the garage with an additional two (2) feet to allow trash and walkway paths. No more than one (1) foot may be added to each side of the driveway.
  - d. Parking pads (flat or level and clear areas designed to accommodate a vehicle) adjacent and parallel or perpendicular to the street or not part of the driveway are prohibited.
15. **Decorative Rock and Boulders.** Decorative rock, bare earth, gravel or decomposed granite may not be the dominant or primary feature in the front and side yard areas visible to the street. These materials may be acceptable when installed for accent in visible areas. Boulders shall be limited to twenty-four (24) inches in height above ground level, set back from community walkways and streets a minimum of twelve (12) inches and shall be softened with plant materials. A minimum of one third (1/3) of the boulder must be buried to present a natural appearance. Boulders shall not be a dominant design feature in the front yard. In no event may decorative rock, bare earth, gravel or decomposed granite be placed adjacent to the sidewalk.
16. **Shrubs, Groundcover and Turf.** Homeowners are encouraged to use drought-tolerant or “California Native” plants to reduce water consumption. The website [CALSCAPE.org](http://CALSCAPE.org) provides a specific list of native plants and trees (searchable by street address) for Irvine. Plants are to be selected which are consistent with the Architecture of the home and community character and selected and placed as follows:
  - a. Modification of the Association-maintained Common Area landscape in parkways and between Maintenance Property Walls and the street is prohibited.
  - b. The unpaved ground plane visible to Common Area must be covered with enough plant materials as to provide eighty (80) percent coverage within one (1) year of completion of the landscape project.
  - c. Mulch may be mixed with top soil but may not be the dominant ground cover. Large areas of turf (natural and synthetic), bare earth,

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decomposed granite, wood chips, bark, mulch or rocks are not permitted.

- d. Shrubs shall be placed at the base of house walls, any garden wall eighteen (18) inches in height or greater, and any fence visible from the street.
  - e. At corner Lots, groundcover and shrubs or vines must be planted in side yard areas between the street and the side yard fence that are visible to the street.
- 17. Patios.** Patios tend to affect the nature of drainage and runoff on a Lot. All patios must be designed to drain away from adjacent Lots through an engineered drainage system. Patios are limited to side and rear yards. Patios are to be set back a minimum of two (2) feet from fence and property line walls to allow landscape buffers between neighbors. Raised patios may not be more than twelve (12) inches above the original grade and must be set back from property lines a minimum of three (3) feet to allow taller landscape screening. In no event will raised patios be permitted in rear corners between Lots when they may create an unreasonable negative impact on the adjacent Lots.
- 18. Yard Fences, Walls and Hedges.** Garden walls and fences, if designed correctly, can maintain a good relationship with a neighbor, block sound, create a cohesive neighborhood appearance or create a subtle separation between the street and the home and serve to break down the scale or mass of the front wall of the home. Landscape planting and vines are encouraged to soften the appearance of walls and fences. Excessively walled, fenced, gated or enclosed front yards are prohibited. Walls and fences which straddle the property line between Lots must be approved by all impacted neighbors in writing. Additional requirements regarding height, placement and materials are enumerated below.
- a. **Height and Placement Limitations.** All yard fences, walls and hedges shall be subject to the following height and placement limitations:
    1. In no case shall walls or fences be approved or constructed to extend past the property line.
    2. In no case shall a Maintenance Property Wall or Party Wall be relocated or modified.
    3. No perimeter fence or wall may be greater than sixty-six (66) inches high. The Architectural Committee may, on a case-by-case basis and with mutual consent of adjoining neighbors, approve a fence up to seventy-two (72) inches in height.
    4. Any fence, wall or hedge abutting an existing fence, wall or hedge shall be equal in height to the existing fence, wall or hedge, except

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in any case where a particular height is required for the protection of a swimming pool or spa or to preserve a sight line for safety.

5. The height of all fences, walls and hedges shall be measured vertically from the finish grade at the base of the fence, wall or hedge. The tops of all fences, walls and hedges (except those located on a slope) shall be level. Fences, walls and hedges installed on slopes, where permitted, should match the slope angle.
  6. Walls, pilasters, fences and hedges in the front yard must be set back a minimum of three (3) feet from the back of the community sidewalk. For Loop Roads, no walls may be placed in the front yards facing the Loop Road.
  7. Wall, fence and hedge height located between the front setback line and the community walkway shall not exceed three (3) feet and the maximum height for adjoining pilasters, including cap, is three (3) feet.
  8. Retaining walls in side yards with ascending slopes (not maintained by the Association) may not exceed three (3) feet in height.
- b. Other Requirements.**
1. The bottom of a fence, wall or hedge must be no more than four (4) inches above the finish grade at any point.
  2. All vertical members of a fence or wall must be vertical or plumb.
  3. Gates must match or be harmonious with the fence or wall in design, material, height and color.
  4. Sideyard gates may be not taller than the adjacent property line fence / wall and may be no more than four (4) feet wide. Wider gates which would allow vehicle access to the side or rear yard are not permitted.
  5. Fences or walls are to be painted and / or finished on all sides.
  6. Fences and gates which screen side yard storage or trash are to be opaque to screen the contents of the side yard.
  7. Existing community perimeter walls and fences shall not be moved, altered, repainted a different color or otherwise changed in any way.
  8. Fencing and gates around a swimming pool are subject to City Code requirements. Approval of fences and gates surrounding pools must be coordinated with the City for detailed restrictions and design considerations.
- c. Acceptable Materials and Colors.** Walls and fences must be compatible or complementary with the materials and colors of the home and consistent along any one property line and when visible

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from the street. Acceptable materials and colors for extension, repair and/or new walls and fencing include:

1. A continuation of exterior dwelling materials, e.g., wood siding, masonry elements, stucco-coated walls; all subject to Architectural Committee approval.
  2. Wood colored to match existing fencing, trim, or siding color.
  3. Precision block to match the community standard for property line walls, split face block, brick and stone walls in low front garden walls. Stucco applied to masonry or concrete shall be of a color and texture to match the existing stucco on the home.
  4. Wrought iron, aluminum or tube steel in a simple design, colored to match existing wrought iron or tube steel. Steel materials are to be galvanized or metalized to prolong the wear of the fence. Fences are to have equally spaced vertical pickets with horizontal rails at the top and bottom. No decorative spikes, pickets or finials may extend above the top horizontal rail. Other designs may be approved at the discretion of the Architectural Committee.
  5. Vinyl colored to match existing fencing, trim, or siding color. Vinyl fencing may only be used where it will not be visible from Common Areas.
- d. **Unacceptable Materials.** Material and design combinations which are not acceptable include:
1. Aluminum or sheet metal,
  2. Chicken wire or other types of woven wire except as used for rodent/rabbit control in the lower 18 inches,
  3. Metal or plastic chain link,
  4. Plastic webbing or plastic coated wire,
  5. Reed or straw-like materials,
  6. Rope or other fibrous strand elements, or
  7. Glass blocks and panels.
19. **Maintenance of Walls and Fences.** Walls and fences within the community shall be maintained as follows:
- a. Where a wall or fence is located entirely upon an Owner's Lot, such Owner shall be solely responsible at his sole cost and expense for maintaining the surface and structure of the wall or fence in good condition and repair.
  - b. Where a wall or fence lies within the legal boundary of two (2) or more Lots all of which are owned by different Owners, maintenance of the structure of the wall or fence in good condition and repair shall

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be the joint obligation of such Owners and each Owner shall be solely obligated to maintain the surface of the wall or fence that faces his Lot in good condition and repair.

- c. Where a wall or fence lies within Association Property or an Association maintenance easement, maintenance of the structure of the wall or fence shall be the sole obligation of the Association.
  - d. Where a pad level wall or fence lies within the legal boundary of an Owner's Lot, maintenance of the structure of the wall or fence shall be the sole obligation of the Owner.
  - e. Where a wall or fence lies within the legal boundary of an Owner's Lot and property owned by a third party (someone outside of Northpark Maintenance Association) other than another Owner or the Association, the Owner shall be obligated to maintain the structure and exterior surface of the wall or fence in good condition and repair unless other maintenance agreements have been entered into with the third party.
  - f. No Owner shall alter or remove any walls or fences within the Property at any time without the approval of the Architectural Committee.
- 20. On-Lot Driveway Vehicular Gates.** Vehicular access gates across driveways (except those that are part of a porte-cochere) are prohibited.
- 21. Exterior Lighting.** Northpark Maintenance Association promotes a “Dark Sky” approach to lighting. Uncontrolled or excessive lighting is prohibited. Exterior lights (light bulbs) must be screened from direct view from streets and adjacent dwellings and shielded to illuminate the immediate ground, wall area or tree around the light fixture.
- a. Exterior lighting is to be low lumen (50 to 200 lumens per fixture) totaling 1,500 lumens or less with a color temperature of 2800 Kelvin or less and integrated into the landscape and architecture of the home.
  - b. Exposed fluorescent lamps, flashing lights, colored lights, excessive garden lights exposed and aligned like an airport runway, flood lights, unshielded lights (visible light bulbs) placed on top of garden columns or pilasters, glass block bollards, unshielded exterior lights and lights strung along fence tops or festooned over a yard or patio which result in unreasonable glare and light intrusion into neighboring homes are prohibited.
  - c. String lighting or “Café lighting” is prohibited in the front yard. Café lighting in rear yards must have hoods to direct light downward and may not be used continuously as the sole source of rear yard lighting. Café lights must be designed in a manner cohesive with the landscape design. Lighting must be secured to cables and sturdy (and vertically

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plumb) poles placed in an orderly pattern. String lighting must be approved by the Architectural Committee.

22. **Mailboxes.** Mailbox posts, standards and enclosures are part of Common Area and may not be modified.

23. **Play Equipment / Structures.**

- a. **Basketball Boards.** No basketball backboard and hoop attached to the home or supported by a pole to the ground is allowed in the front of a residence or on the side of a residence facing a street. Portable basketball backboards and poles will be allowed provided they are removed from view of other Lots and Common Area when not in use. One basketball backboard and hoop supported by a pole is permitted in the rear yard or on the side of a residence not facing a street provided the colors used are architecturally harmonious with adjoining improvements and the location does not create an unreasonable nuisance to the adjacent neighbor. The net must not be made of chain. The backboard, hoop and net must be maintained in a complete and operable condition. Lighting proposed to illuminate the sport court must be approved by the Architectural Committee.
- b. **Playhouses, Play Structures and Other Play Equipment.** Tree houses are prohibited. Swings, climbing structures, trampolines and other such play equipment may be placed in the rear yard or side yard not facing a street. Swings and slides (including those used in connection with a swimming pool) shall be set back from all fences and walls located on or near perimeter lot lines and visually screened from adjacent properties with landscape planting. The Architectural Committee will consider the size, design, and amount of visual screening of such equipment, the size of the lot in relation to the equipment, the noise and light intrusion on adjoining properties and other relevant factors when considering any proposed play equipment installation. Additional considerations and Standards are as follows:
1. Structures shall be constructed, located and screened to minimize the impact on the adjacent neighbor's privacy and visibility from Common Area and adjacent Lots.
  2. Play structures, at their highest point, shall not exceed the maximum height for Accessory Structures (see Section II.B.1.b).
  3. Structures shall blend with the architectural characteristics of the dwelling and neighborhood in both colors and materials (i.e., wood shingle roof, wood siding, etc.).
  4. Enclosed structure openings must be designed in such a manner that any openings (windows, doorways, etc.) that face any neighboring dwelling shall be no higher than the adjacent fence. Any openings

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above the fence shall be installed facing the dwelling of the Applicant who is proposing the playhouse/structure.

5. The structure shall be screened from view from Common Area and surrounding properties, etc., by the use of fences, hedges, trees, etc. Such visual mitigation shall be designed so the structure is screened from view upon installation.
  6. Portable children's play-area equipment that does not exceed five (5) feet in height from the ground level and is placed in a screened yard does not require an Architectural Committee Application.
24. **Pools, Spas, Water Slides, Rock Waterfalls, Hot Tubs and Ponds.** Safety, noise, visual and other impacts on adjacent properties of swimming pools, spas and other water-related Improvements, and the security fencing for such Improvements, can be significant. Such Improvements need to be carefully planned and should be discussed with neighbors as much and as early in the planning stage as possible to address and resolve such impact issues in a satisfactory manner. Compliance with all applicable City building code provisions is required.
- a. **Location.** Pools, spas, water slides, rock waterfalls and other water-related recreational Improvements may only be located in rear and side yards which are not visible to the street with setbacks as outlined in Section B.2 of these Standards. All accessory equipment, except solar panels, shall be located, screened, or recessed so that they are not within public view or required setbacks. Solar panels and related solar equipment, and the fencing or other screening material around the water-related feature, shall be located and installed in a manner that complies with the requirements set forth above.
  - b. **Height.** Water slides and rock waterfalls shall not exceed the height of perimeter walls or fences and shall be fully and continuously screened from neighboring Lots and Common Area with landscape planting.
  - c. **Installation.** Walls, fences, hardscape and landscape damaged as part of the installation or construction access must be repaired to match the conforming existing conditions prior to construction. Any change to these secondary Improvements requires approval by the Architectural Committee.
  - d. **Heaters.** Heaters shall be stackless or low profile in configuration.
  - e. **Minimize Impact.** All installations shall be located, sound controlled and maintained in a manner that does not disturb other residents in the neighborhood and as required by City Code. The Architectural Committee shall have the right, but not the obligation, to require an owner to repair or restore any installation to quiet operation or to

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restrict its use or operation if, in the Architectural Committee's opinion, further unrestricted use or operation disturbs other residents.

- 25. Fountains and Sculptures.** Fountains and sculptures shall be consistent with the overall design theme of the home. Fountains should be considered as an accent feature to the main residence. Where they are visible from the Common Area, their size and scale should be consistent with other hardscape elements. The subject matter of statuary and sculpture elements associated with fountains shall be appropriate for their residential context. Elements which could reasonably be considered to be offensive are not permitted. Such subject matter generally includes but is not limited to religious forms, symbols or objects, political subjects or satirical items, nude forms, gnomes, human and animal figures, freeform and other types of sculpture and statues that contain written material, verses and advertisements. These elements are not permitted in areas that are visible from the Common Area. Additional considerations and Standards are as follows:

- a. Fountains are not permitted in front yards other than Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley). For Loop Roads, fountains must be set back a minimum of five (5) feet clear from the inside face of the low wall behind the sidewalk.
- b. The color of fountains should complement the primary residential structure. Bright colors and reflective surfaces are not permitted.
- c. Fountains and sculptures are more appropriately located close to the primary residence and shall be set back as outlined in Section B.2 of these Standards and shall be softened with plant material. Fountains and sculpture are not permitted to be placed in a location where they detract from the overall appearance of the streetscape.
- d. The maximum height of fountains and sculpture in front yard areas of Loop Roads is thirty-six (36) inches.
- e. Multiple fountains and sculpture in front yard areas are prohibited. One fountain or one sculpture is permitted.
- f. Fountains and sculptures in rear and side yard areas shall not exceed the height of perimeter walls.
- g. Fountains and sculptures must be free-standing and not attached to any perimeter wall or property line wall.

- B. Architectural Character and Structures.** The Northpark Maintenance Association is comprised of homes constructed in variety of architectural expressions including French Country, French Formal, Italian Country, Italian Classical, Monterey and Spanish Colonial. Improvements inconsistent with the established architectural character of the community and overly thematic styles such as Tudor, Adobe, Moorish, Modern and Colonial are prohibited. Improvements which propose to introduce novel or trendy architectural notions or maximize the use of the Lot to the unreasonable detriment of the

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adjacent Lots or neighborhood will be denied. Below are general Standards for building materials, form and details which are expressive of the community's architectural character, and which will be used by the Committee in reviewing plans and specifications for compatibility with the architectural character of the community. Compliance with the Architectural Committee Rules shall not be in lieu of Committee approval or selectively applied by the Applicant. Compliance with the Architectural Committee Rules shall be determined by the Committee as part of the review process.

#### **1. Heights.**

- a. Dwellings** (includes Garage). Dwelling heights may not exceed the height of the maximum height of the existing structure and must be compatible with surrounding homes in relation to massing and enclosure.
- b. Accessory Structures** (Casitas, Pool House, Pavilions, Gazebos, Play Equipment / Structures, Patio Covers). The maximum height of Accessory Structures is ten (10) feet for flat open trellis structures and twelve (12) feet for sloped roofs above the original pad level of the Lot.

#### **2. Setbacks and Offsets.** The minimum setback for any Structure, excluding property line fences or walls, shall be established by measurement from property line to the nearest portion of any Structure and shall be the greater setback of any distance specified below or City Zoning Ordinance unless noted otherwise. Setbacks may be increased by the Committee on a case-by-case basis to conform with the general plan of the community.

The side wall of a two-story home shall not exceed fifty (50) feet in length without a horizontal offset of at least five feet starting at the foundation and extending vertically through the entire structure. This offset shall have a horizontal measurement of at least fifteen (15) percent of the length of the entire wall.

Improvements shall not be permitted to cross the property line of two (2) or more Lots without the prior approval of the Architectural Committee.

In the event that an Owner is permitted to construct Improvements on two (2) or more Lots within the community, the Owner of the Lots shall remain obligated to pay Assessments on all of the Lots.

For the San Simeon homes, see Exhibit BE of the CC&R's for Non-Buildable Landscape Zone, Buildable Landscape Zone, setbacks and building restrictions. Other than San Simeon homes, the setbacks for Improvements shall be as set forth below:

<b>Dwelling</b>	<b>Standard</b>
Minimum front yard setback:	15 ft or City Ordinance (whichever is more restrictive) as measured from the face of street curb.
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow	Existing Setback

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Valley):	
Minimum side yard setback	5 ft
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	Existing Setback
Minimum rear yard setback	10 ft
<b>Garage</b>	<b>Standard</b>
Minimum front yard setback	Existing or 18 ft (whichever is less)
Minimum side yard setback	5 ft
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	Existing Setback
Minimum rear yard setback:	10 ft
<b>Accessory Structures</b> (Detached Casitas, Pool House, Pavilions Gazebos, Play Equipment / Structures)	<b>Standard</b>
Minimum front yard setback	Not permitted in the front yard
Minimum side yard setback	5 ft
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	Not permitted to be visible from Loop Roads except Gazebos which must be setback of minimum of 5 feet clear from the inside face of the low wall behind the sidewalk
Minimum rear yard setback	10 ft
<b>Accessory Structures</b> (Attached Patio Covers)	<b>Standard</b>
Minimum front yard setback	Not permitted in the front yard
Minimum side yard setback	3 ft to posts (open trellis type) 5 ft to posts (solid roof type)
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	No closer than the existing garden wall.
Minimum rear yard setback	3 ft to posts (open trellis type) 10 ft to posts (solid roof type)

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<b>Accessory Structures</b> Trellis and Arbors	<b>Standard</b>
Minimum front yard setback	Not permitted in front yards
Minimum side yard setback	3 feet to posts
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	5 feet clear from the inside face of the low wall behind the sidewalk
Minimum rear yard setback	3 feet to posts
<b>Accessory Structures</b> Slides and Waterfalls (must be screened with landscape planting)	<b>Standard</b>
Minimum front setback	Not permitted in the front yard
Minimum side yard setback	5 ft
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	5 feet from existing garden wall. Not permitted to be visible from Loop Roads
Minimum rear yard setback:	5 ft
<b>Accessory Structures</b> Pools, Spas, Ponds	<b>Standard</b>
Minimum front setback	Not permitted in the front yard
Minimum side yard setback:	3 ft
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	3 feet from existing garden wall. Not permitted to be visible from Loop Roads
Minimum rear yard setback	3 ft
<b>Accessory Structures</b> Built-in Barbeques, Fire pits, Fireplaces	<b>Standard</b>
Minimum front setback	Not permitted in the front yard
Minimum side yard setback	2 ft (includes countertop)
Loop Roads (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	3 feet from existing garden wall. Not permitted to be visible from Loop Roads
Minimum rear yard setback:	2 ft (includes countertop)
<b>Accessory Structures</b> Fountains and Statues	<b>Standard</b>

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Minimum front setback	Not permitted in the front yard
Minimum side yard setback	
Interior - Portable	0 ft but may not attach to a property line wall or fence and must be below wall height.
Interior – Non-portable	3 ft and must be below wall or fence height
Loop Roads: (Grass Valley, Forest Glen, Spring Valley and Meadow Valley)	Not permitted to be visible from Loop Roads except fountains which must be setback of minimum of 5 feet clear from the inside face of the low wall behind the sidewalk
<b>Mechanical Equipment</b> AC condensers, pumps and filters	<b>Standards</b>
Minimum front yard setback	Not permitted in the front yard
Minimum side yard setback:	0 ft and City acoustic compliant
Minimum rear yard setback:	0 ft and City acoustic compliant

3. **Junior Accessory Dwelling Units.** Conversion of garages into junior accessory dwelling unit (“JADUs”) are permissible if (a) all applicable state and local governmental requirements are satisfied, and (b) the JADU (i) is constructed wholly within the walls of the existing Residence, (ii) includes a separate entrance from the main entrance to the Residence, and (iii) includes an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
4. **Setback Encroachments.** Roof overhangs and eaves of solid roofed structures may encroach into the required setbacks a maximum of two (2) feet. Roof overhangs and eaves of open trellis type structure may encroach into the required setbacks a maximum of one (1) foot. Bay windows, attached fireplaces, etc., may encroach into the sideyard setbacks a maximum of two (2) feet.
5. **Square Footage.** Each Lot shall have a single-family dwelling. Accessory Dwelling Units are prohibited. Total Lot coverage of the home and accessory structures is limited by City Ordinance but will be evaluated by the Architectural Committee to retain an attractive Community appearance with a balance of building and open space.
6. **Exterior Building Walls.** The material, color, and texture of walls shall be consistent on all sides of the home. Fascia or trim must be consistent on all sides of the home. Veneer accents (such as wood siding, shingles, brick, and stone)

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when applied must terminate at inside corners to avoid exposing the thickness of the veneer to view.

- a. Materials permitted for exterior walls shall be:
  - 1. Primarily stucco with the following accent materials:
    - a. Masonry, stone, brick;
    - b. Wood;
    - c. Combinations of the above.

Notwithstanding the acceptability of these materials, the use and application of the materials and colors remain subject to full Architectural Committee approval. This approval may be denied based on overall design / compatibility criteria as set forth in these Standards. The exterior siding material treatment must achieve a complete architectural design statement that is compatible and harmonious with the existing home.

- 7. **Roofs and Re-roofing.** The height of roofs shall be as set forth in section II.B.1 above. The roofs of the main dwelling and accessory structures shall have matching or complementary forms, slope and materials. Additional requirements and Standards are as follows:
  - a. Roofs on dwellings shall be sloped to match existing roof slopes. Flat and Mansard roofs are prohibited. Solid roofed patio covers attached to dwellings shall be sloped to match existing roof slopes and materials. Detached accessory structures with solid roofs shall have a minimum 3:12 roof slope with materials to match the dwelling. Open beam / trellis type patio covers (attached or detached) may be flat with a minimum fifty (50) percent open roof area. Beam / trellis members are to be a minimum 2 inches by 3 inches with a minimum two (2) inch space between members. Solid roofed aluminum structures (sloped or flat) are prohibited.
  - b. Flat or low slope roofs which are less than a 3:12 pitch are prohibited.
  - c. Penetration of sloping roofs by plumbing vents, flues, etc., should be confined to hidden sides of the roof, and whenever possible, set low enough on the roof so as not to penetrate the silhouette of the roof form.
  - d. All roof vents shall be colored to match the adjacent roof material.
  - e. Exposed horizontal ducting and piping are not permitted on or above the roof. Piping and conduit to support thermal and photovoltaic solar systems are permitted on the roof but must be painted to match the adjacent surface.
  - f. The finish roofing material must match the existing roofing material and achieve a complete architectural design statement that is compatible and harmonious with other homes in the neighborhood.
- 8. **Windows and Doors.** Some window and door styles may not be acceptable if the proposed changes alter the character of the window and door elements already

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existing on the home and in the neighborhood. Additional consideration of window and door design and placement are enumerated below:

- a. **New Windows and Doors.** Windows and doors must be consistent in color, frame profile and operation on all sides of the home and enhance the architecture of the home. Window and door openings shall be designed to achieve an acceptable scale, order and proportion on all sides of the home. Window and door header heights shall be consistent and shall produce an ordered arrangement and composition within the total wall surface of an elevation.
  - b. **Door and Window Additions/Replacements.** When existing windows and doors are replaced or new windows and doors are added, the windows and doors shall be consistent and harmonious in color, design, style and order. All windows and doors shall be replaced, if needed, to maintain a consistent appearance on all elevations of the home. While this will generally require that the windows be consistent, some variation in type may be permitted if the overall result is a harmonious one. Mismatched window/styles and color will not be permitted.
  - c. **Glass.** Window glass may be slightly reflective for energy efficiency, but may not be heavily reflective, tinted, mirrored or stained glass. Reflective material that creates a “mirror” effect from the outside is prohibited where visible from adjacent properties and Common Area. Stained glass is prohibited.
  - d. **Window and Door Coverings.** Curtains, drapes, shutters, or blinds may be installed as interior window coverings; however, any such covering visible from the street shall be in color and patterns which are approved by the Architectural Committee. No newspaper or aluminum foil shall be used as window coverings. Exterior security bars are prohibited. Security bars, if desired, may be placed on the inside of the windows or doors.
  - e. **Appliances.** No heating or air conditioning appliances or ducts may be placed in or through windows or doors.
  - f. **Garage Doors.** All replacement garage doors must be approved by the Architectural Committee. Replacement doors must be sectional roll-up. Treatments that draw attention to the garage door (e.g., family crest, eagles, sunbursts, decorative decals) are prohibited.
9. **Gutters and Downspouts.** Each Residence or Improvements on each Lot must have appropriate gutters and downspouts for the collection and drainage of storm water. Gutters and/or downspouts may be exposed or concealed. Unless the gutters and downspouts are an integral part of the architectural style of the home, they shall be colored to match the surface to which they are attached. No exposed roof straps or plastic gutters are permitted. Copper gutter, downspouts or similar features are not permitted.

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#### **10. Rooftop Appliances and Equipment.**

- a. **Rooftop Appliances.** Rooftop appliances and equipment are not permitted except for solar panels and attic ventilators that satisfy the requirements set forth below.
- b. **Attic Ventilators.** Attic ventilators or other mechanical apparatus requiring penetration of the roof should be low profile and as small in size as functionally possible and shall be painted to match the roof. They should be located on the least visible side of the roof and are not to extend above the maximum roof height except as required by applicable building codes.

#### **11. Skylights.** Skylights may not project above the maximum roof height and must be arranged in an attractive grouping or order.

- a. Skylights shall have clear, solar bronze or gray flat glass. Acrylic domes are prohibited.
- b. All metal framing and flashing must be a dark color or painted to blend with the roof. Clear anodized aluminum frames are prohibited.
- c. All visible manufacturer labels shall be removed prior to installation.

#### **12. Chimneys.** Chimneys, when proposed, must be designed as an integral part of the home design with the following requirements:

- a. The maximum height for all chimneys shall be based on the code-allowed minimum height of the flue termination above the roof line.
- b. Chimney flashing shall match the integral or applied color of the chimney and roofing material.
- c. Chimneys shall be constructed of materials integral with the design of the home using siding materials found on the home.
- d. Exposed sheet metal flues are not permitted. Chimney flue terminations must be screened with a decorative cap.

#### **13. Garages.** Except in the case of a garage conversion into a Junior Accessory Dwelling Unit, each home must have a garage. Minimum clear inside dimensions of a garage shall be defined by City Codes.

- a. Garages and entry driveways may not be reoriented or relocated.
- b. As set forth in Article VII of the CC&R's, in no event shall a garage be converted to livable area or a use which will not accommodate vehicle parking. No storage in a garage shall be permitted which precludes the use of the space to accommodate at least the number of authorized vehicles for which it was originally constructed by the Declarant or Merchant Builder.
- c. Garage enlargements are prohibited unless the Applicant can demonstrate that there will be no increase in driveway (concrete) area and the size of

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the proposed garage is appropriate in scale and mass for the home and streetscape.

- d. Garages shall be enclosed with an operable door of wood or steel construction (with or without glass panels at the top of the door) and with a design consistent with the architecture of the home and community context. Garage doors must be a color consistent with the color scheme of the home.

14. **Vehicles.** As set forth in CC&R Article VII, the storage and repair of motor homes, trailers, campers, boats or other similar equipment are restricted as follows:

- a. No area improved as a driveway on any Lot shall be used for the parking of any motor home, recreational vehicle, camper, commercial vehicle, trailer, boat or watercraft (except for temporary parking of any such vehicle for loading and/or unloading purposes).
- b. Motor homes, recreational vehicles, campers, commercial vehicles, trailers, boats and watercraft may be stored on the Lot if completely screened from the Common Area and view of other Owners or stored in enclosed garages to fully and continuously screen the contents from the Common Area and view of other Owners. Garages designed to accommodate tall recreational vehicles must be proportionally harmonious with the home and adjacent homes. Garages and garage doors which appear too tall and disproportionate may not be approved by the Architectural Committee.

15. **Solar Power and Thermal Systems.** The Northpark Maintenance Association embraces energy conservation and the use of renewable resources. Notwithstanding any provision or restriction contained in the Declaration to the contrary, and in accordance with applicable state and federal laws, solar panels/mechanical devices may be installed within the community subject to prior written approval from the Architectural Committee. Photovoltaic and thermal solar panels must be reviewed by the Architectural Committee and shall meet the following requirements:

- a. Solar panels shall be placed in locations that take into consideration the aesthetic balance of the house and the overall appearance of the community.
- b. Solar panels shall be placed parallel to the roof plane.
- c. Solar panels shall be placed in a location that minimizes glare to surrounding houses. They preferably should be installed at the rear-facing roof of the house or garage.
- d. Solar panels shall be installed in an aesthetically correct manner with gaps minimized and panel edges shrouded as required.
- e. Solar panels shall not exceed an overall height of eight (8) inches from the roof surface when being used for electric generation and not more than four (4) inches when used for water heating.

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- f.** Frames of the solar array are to be black or a dark bronze.
- g.** When placed on grade, the panels and supporting sub structure shall be screened from adjacent Lots with landscape planting.
- h.** Preferably, no pipes, conduit or other equipment should be exposed to public view. Any hot water storage tank or battery bank located outside the house or garage must be completely and continuously screened from Common Area. If any pipe, conduit or other equipment is visible, it shall be painted to match the color of that part of the house or other structure to which it is affixed.

**16. Balconies and Raised Decks.** Balconies and decks are an extension of the house and have a significant impact on its appearance. Balconies and decks may also affect the established relationship with adjacent properties. The impact to the adjacent neighbor is considered in the Architectural Committee's review. Balconies and raised decks shall meet the following requirements:

- a.** Balconies and decks shall be treated with a finished walking surface, and must be compatible with the house in material, color, and the design of railings and trim.
- b.** All balconies and decks must be directly accessible from the same level of the living unit. Exterior stairs must be placed within the required setbacks and designed and constructed of materials consistent with the architecture of the home. Spiral stairs must be placed in an inconspicuous location, screened from Common Area and placed where the sound of footfalls on the treads will not create an unreasonable hardship on a neighboring home.
- c.** No balconies or decks are permitted on or over any portion of a roof or designed in such a manner to be placed adjacent to a roof.
- d.** Balconies and decks may not extend past or in front of single-story roofs.
- e.** Raised decks in yards may be raised no more than 12 inches above the existing grade and must be setback from property line walls a minimum of three (3) feet to allow for landscape screening between adjacent Lots.
- f.** Balconies and decks may not extend onto or over Common Area.
- g.** Balcony railings must be designed to be consistent on all sides of the home and must match any existing railing on the house.
- h.** Balconies and decks are not to be used for storage.

**17. Patio Covers, Arbors and Trellises.** The size and design of Patio Covers, Arbors and Trellises must be compatible with the Dwelling, Lot and adjacent homes. Patio Covers, Arbors and Trellises shall be painted to match colors on the home. Front yard Arbors and Trellises may not be appropriate, but will be considered on a case-by-case basis by the Committee:

- a. Side Elevations.** The side elevations of such structures shall not be fully enclosed in any manner, except in a case where a wall of a dwelling

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forms a natural enclosure to some or all of a side elevation. Patio structures may not be used as a substitute for room additions. Fireplaces, entertainment walls and countertops may partially enclose an additional wall.

**b. Adornments.** No objects such as televisions, etc., shall be placed on top of any such structure. All such objects shall be located under, around, or suspended within the structure. Televisions shall be placed and screened to minimize impact to the adjacent neighbor.

**c. Roof.** Solid roofed structures shall be designed with sloped roofs and materials to match the existing home. Open spaced roof structures (lattice or open beam) may be sloped or flat. To qualify as an open spaced roof structure, at least fifty (50) percent of the roof structure must be open to the sky. The open area must be equally distributed across the roof structure.

**d. Acceptable Materials.**

1. The framework of such structures, including any overhead portions, must be made of wood, manufactured wood (aesthetically consistent with the proportions of wood), embossed steel, aluminum or plastic to simulate wood except that vertical support members may be clad with stucco or compatible stone products consistent with the existing home. Posts shall be a minimum six (6) inch x six (6) inch dimension or larger. Post spacing, height and size shall be designed in proportion to size of the structure. Joists or rafters must be a minimum of two (2) inch x six (6) inch dimension or larger. Lattice or trellis material must be a minimum of two (2) inch x three (3) inch dimension or larger.
2. For sloped roofs, roofing materials shall match the roof materials of the Dwelling.

**f. Unacceptable Materials.**

1. Prefabricated structures that do not simulate the dimension, proportion, texture and framing systems of wood or are inconsistent with the architecture of the home.
2. Roofing materials which do not match the materials and architecture of the home or community (e.g., thatch, reed, shade cloth, fiberglass).
3. Prefabricated solid flat paneled (insulated) metal patio roofs.

**18. Awnings and Sunshades.** Awnings (fixed and retractable) and sunshades can provide an effective means of controlling glare and excessive heat buildup on windows and doors and help to reduce energy consumption and utility costs. The manner in which such controls are implemented has a considerable effect on the exterior appearance of a house. Such devices must be compatible with the architectural character of the house in terms of design, color and materials and must be used only as an architectural accent. Such devices must also be

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compatible with the overall neighborhood. Additional design considerations are as follows:

- a. The awnings or sunshades must be of cloth in a simple design and color approved by the Architectural Committee. Cloth awning material must be maintained in an attractive and un-faded condition;
- b. Temporary sunshades attached to the vertical face of the house, patio cover, or gazebo (such as rolls of bamboo, fiberglass, or reed) are not permitted;
- c. The size, location, and form must be in scale with the window or door;
- d. Awnings and sunshades may project no more than twenty-four (24) inches into any side or rear yard setback. When projecting into a setback, the Architectural Committee will consider the impact to neighboring homes;
- e. Some elevation styles and some windows (such as large windows, recessed windows and/or windows designed as accent features themselves) are less suitable for awnings and may not be approved by the Architectural Committee.

19. **Exterior Colors.** Color is intended to act as a primary theme-conveying element, reflective of the community character and the architecture of the home. A total of thirty-six (36) different color schemes have been pre-selected for the Community. Applicants are to select from this library of color schemes which may be obtained from Management. Exterior colors of buildings, fences, walls and structures as approved by the Architectural Committee for new construction, additions or alterations shall not be changed or altered without Architectural Committee approval. The following requirements shall also apply:

- a. Adjacent homes and homes located directly across the street may not be painted the same color scheme. A minimum one house separation between homes painted the same color scheme is required.
- b. The number of different colors originally used on the home must be retained. Monochromatic color schemes will not be approved.
- c. Unless the rain gutters and downspouts are an integral part of the architectural style of the home, gutters, downspouts, or similar features are to be painted to match the adjacent surface or wall surface.
- d. All external repainting requires an Application; if the color scheme is identical to the current color, submission of an Application is still required.

20. **Temporary or Portable Structures.** As set forth in Article VII, Section 7.16 of the CC&R's, no tent, shack, trailer or any temporary building, Improvement or structure, or prefabricated building or structure may be placed upon any portion of the Properties.

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- a. Portable spas, canvas cabanas, prefabricated gazebos, etc., shall not be located on a Lot unless approved by the Architectural Committee. Such structures may be approved for one specific location and must be harmonious to the architecture of the home and surrounding area. Such structures will require the identical setbacks required of fixed Improvements from property lines to allow landscape screening. Temporary structures must conform to all requirements of the Architectural and Landscape Standards including preservation of the natural view.
- b. See VI-A.21 for Play Equipment.
- c. Storage sheds are prohibited.

**21. Exterior Equipment.** All water softeners, water heaters, gas meters, electrical meter panels, air conditioning equipment, pool equipment or other such equipment shall be completely concealed from the Common Area and shall be installed in a place and manner that minimizes any negative impact on neighboring properties. Any electrical meter panel shall be recessed into a wall and shall be painted to match the color of that wall. Placement of each of these, as well as the type of equipment, is subject to Architectural Committee review. Exterior equipment which is used for home-hobby, security or entertainment purposes (cameras, televisions and stereo speakers) may be used on a Lot, without Committee approval provided such machinery or equipment meets the following Standards:

- a. is obscured from view of other Lots by a fence or appropriate screen and such fence or screen is approved by the Architectural Committee;
- b. does not constitute a nuisance; and
- c. is not used between the hours of 10:00 PM and 7:00 AM (Stereo and Television).
- d. No horns, whistles, bells or other sound devices, except security devices used exclusively for security purposes, shall be located, used or placed on a Lot.
- e. Security cameras must have a fixed field of vision limited to the Homeowners private property, Common Area or public areas. In no event is the field of vision to extend into neighboring homes.
- f. Security cameras may not be mounted above the roof line.
- g. Televisions are to be housed in cabinets and placed in a manner to minimize the impact sound and sight) on adjacent homes.
- h. Power and cables to security and entertainment equipment is to be routed inside the wall, ceiling or floor framing of the home.

**22. Trash Containers and Storage Areas.** Trash, garbage, rubbish and other waste shall be kept only in sanitary containers. All service yards or service areas, clothesline areas, sanitary containers, and storage piles, woodpiles, machinery and equipment on any property within the community shall be enclosed or fenced in such a manner that yards, areas, containers, and piles will be obstructed from

## **ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS - II**

### **Northpark Maintenance Association**

view from any neighboring property or street. Homeowners must consider trash and storage areas in landscape, hardscape and fence designs to assure they are screened from Common Area and adjacent Lots. No Owner shall use any exposed balcony or patio deck for storage purposes.

**23. Satellite Dish and Antenna:** Dishes and antennae are to comply with the following standards:

- a.** Satellite dishes and antennae designed to (A) receive direct broadcast satellite service or video programming services via multi-point distribution services, or (B) receive or transmit fixed wireless signals via satellite or other than via satellite, may be installed in an area under the Owner's exclusive use or control so long as such antennae and satellite dishes are:
  - 1.** One meter or less in diameter;
  - 2.** Installed in the least visually obtrusive portion of an Owner's property where an acceptable quality signal can be received, so long as such installation is not unreasonably expensive;
  - 3.** Either screened from view or painted to match the surrounding area so as to blend in with the surrounding area, so long as such screening or painting is not unreasonably expensive;
  - 4.** Cabling is to be installed in straight lines under eaves or parallel with fascia and rain gutters. Vertical cable is to be installed adjacent to rain downspouts. Cable installation in the middle of house walls is prohibited. Cable which is unsupported, draped or installed with efficiency rather than aesthetic care must be removed and reinstalled correctly; and
  - 5.** Cable and clips are to match the color of the adjacent surface of the structure.
- b.** Broadcast antennae designed to receive television broadcast signals may be installed in an area under an Owner's exclusive use or control so long as:
  - 1.** An acceptable signal cannot be received via an indoor antenna (e.g., an antenna mounted in an attic, "rabbit ears," etc.);
  - 2.** The antenna used is the smallest size available at a reasonable cost that receives an acceptable quality signal; and
  - 3.** The antenna is installed in the least visually obtrusive portion of an Owner's property where an acceptable quality signal can be received, so long as such installation is not unreasonably expensive;
- c.** After installing an outdoor antenna or satellite dish pursuant to the standards set forth above, the Owner must complete and submit a Notice of Completion (Exhibit H) to the Association. The Association will inspect the antenna or satellite dish to determine compliance with the above requirements

## **ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS - II**

### **Northpark Maintenance Association**

24. **Pet Houses.** A pet house should be compatible with the main dwelling in color and should be located where it is not visible from Common Area and is otherwise visually unobtrusive. The pet house should also be placed away from neighbors' windows and living areas.
25. **Flags, Banners and Signs.** Notwithstanding any provision or restriction contained in the Declaration to the contrary, and in accordance with applicable state and federal laws, flags, banners and signs may be installed within the community subject to the following standards:
- a. No signs, flags or banners may be placed in Common Area.
  - b. Freestanding flagpoles are prohibited in front yards. With the exception of an American flag, the design, material, installation and lighting of flagpoles shall be subject to the review and approval of the Architectural Committee.
  - c. One flag / banner bracket is permitted for each home. The size of flags and banners shall be compatible with the scale of the house. The design and message/content of flags and banners shall be appropriate for residential development.
  - d. Non-Commercial flags and banners may not exceed fifteen (15) square feet in size. Flags and banners must have no commercial content or inappropriate message; and must be maintained continually in good repair. The flagstaff holding the decorative flag must be no longer than six (6) feet in length. The staff must be removed when a flag is not displayed.
  - e. Non-Commercial signs may not exceed nine (9) square feet in size and may only be placed per approval of the Architectural Committee. An Owner may display on a Lot one (1) real estate sign as permitted in the Rules and Regulations for the Community.
  - f. No other sign or advertising device may be displayed anywhere on an Owner's Lot, with the exception of commonly accepted protective device signs, including for security alarms, "beware of dog" and "no soliciting," or non-commercial signs.
26. **Weathervanes, Windmills, Paddles and Windsocks.** Ornamental wind units such as weathervanes, windmills, wind paddles, or windsocks require Architectural Committee approval. Size and color limitations include:
- a. Weather vanes may not exceed eighteen (18) inches by twenty-four (24) inches in cross section size and must be constructed of durable materials such as metal;
  - b. Wind-mills and wind paddles may not exceed twelve (12) inches x eighteen (18) inches in cross section size;
  - c. Weather vanes, wind-mills or paddles may not be brightly colored;
  - d. Wind socks may not exceed eighteen (18) inches in length;

## **ARCHITECTURAL AND LANDSCAPE DESIGN STANDARDS - II**

### **Northpark Maintenance Association**

- e. Weather vanes, windmills and windsocks may not exceed the maximum height restriction for the Lot.
- 27. **Air Conditioners.** Air conditioners may be installed subject to prior written approval from the Architectural Committee. Any such equipment shall be screened from view from adjoining residences and streets. Care must be taken not to place air conditioning units adjacent to neighbors' windows or outdoor living space. Air conditioning units shall comply with the minimum acoustic requirements of City Codes. Through wall or window air conditioners, fans and condensers are prohibited. Conduit and condenser fluid tubes, when not embedded in the wall, are to be covered with a metal raceway painted to match the exterior surface of the home.
- 28. **Screen Doors and Security Bars.** All screen doors, other than those provided as a standard accessory with sliding glass doors, must be approved by the Architectural Committee. Exterior security doors and bars are prohibited. Security doors and bars are to be placed on the interior of the home. The Committee shall consider the approval of screen doors under the following standards and criteria:
  - a. Doors shall be painted to match the exterior trim around the front door opening or blend with the same trim.
  - b. Door shall not be ornate or massive in design (i.e., bars, scrolls, etc.).
  - c. Consideration of location of the screen door relevant to its visibility from walks, streets, etc.
- 29. **Clotheslines.** Clotheslines are permitted in enclosed yards only. Clotheslines are limited to the ground level and may not exceed seven (7) feet in height. Clotheslines are not to be attached to the residence. Clotheslines must be set back from the property line a minimum of three (3) feet to allow landscape screening.
- 30. **Unspecified Items.** Any material, condition, architectural feature or other item not specifically or clearly described in these Standards 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.

### **DEFINITIONS**

The following definitions are provided to assist all review process participants with common definitions of terms. Terms listed in the definitions does not imply the defined term is an approvable or prohibited Improvement.

**“Abandon”** means to cease or suspend from developing or maintaining a structure or use for a stated period of time.

**“Abutting or adjoining”** means contiguous to, having boundaries or lot lines in common (i.e., not separated by an alley, public or private right of way, or street). See “Adjacent.”

**“Access”** means a safe, adequate, and usable way of approaching or entering a property or use, including ingress (the right to enter) and egress (the right to exit).

**“Accessory Dwelling Unit.”** See “Dwelling Unit, Senior Accessory.”

**“Accessory Structure”** means an attached or detached non-habitable structure that is a part of, and clearly incidental and secondary to, a residence and that does not change the character of the residential structure. Does not include granny units (see “Accessory dwelling unit”). Illustrative examples of these structures include:

- a. Carports
- b. Decks
- c. Fences
- d. Fireplaces and fire pits
- e. Garages
- f. Gazebos
- g. Greenhouses (noncommercial)
- h. Outdoor play equipment
- i. Patios
- j. Platforms
- k. Porches
- l. Spas and hot tubs
- m. Storage or work sheds
- n. Studios
- o. Swimming pools
- p. Tennis and other on-site sport courts
- q. Terraces
- r. Walls
- s. Workshops

**“Adjacent”** means the condition of being near to, or close to, but not having a common boundary or dividing line. Properties that are separated by a public access easement, alley, public or private right of way, street or by a creek, river, stream, or other natural or artificial waterway shall be considered as adjacent to one another.

**“Agent”** means a person authorized in writing by the property owner to represent and act for a property owner in submitting and processing Architectural Committee Applications and communicating with Management, Members, Committees and the Board in matters related to these Standards.

**“Alteration”** means a change, addition, or modification in construction or occupancy of an existing structure.

**“Alteration, structural”** means a change or replacement in the supporting members of a structure (e.g., bearing walls, columns, beams, girders, foundations, etc.).

**“Apartment Area”** means all of the real property so classified from time to time in a Supplemental Declaration, as provided in Article II of the CC&R’s, which is developed or designated for development with Improvements suitable for multi-Family apartment use. Except as otherwise expressly provided in the Supplemental Declaration annexing an Apartment Area to the Properties, all Apartment Areas in the Properties are exempt from (i) the provisions of Article VII, Residential Area Use Restrictions, and (ii) except as provided in Section 8.3.2, the provisions of Article VIII, Residential Area Architectural Control.

**“Application”** shall mean a complete submittal of required forms, drawings and specifications of proposed Improvements, submitted by an Owner, for consideration by the Architectural Committee.

**“Approval”** of the Association or the Architectural Committee shall mean prior written approval.

**“Approved Plans”** shall mean plans and specifications which have obtained Approval by the Architectural Committee.

**“Approved with Conditions”** shall mean plans and specifications which have obtained Approval by the Architectural Committee contingent upon the Owner complying with specific conditions imposed by the Architectural Committee on the proposed Improvements.

**“Arbor”** means a detached, linear, freestanding, open-air structure designed for the support of vines and flowers and not for habitation. See “Accessory Structure.”

**“Architectural Committee”** shall mean the committee created pursuant to the provisions of Article VIII of the CC&R’s.

**“Architectural Committee Rules”** means the Architectural Committee design standards, procedures, rules and guidelines which may be adopted by the Board pursuant to the Declaration, as amended.

**“Articles”** shall mean the Articles of Incorporation of the Association filed in the Office of the Secretary of State of the State of California, as such Articles may be from time to time be amended.

**“Association”** shall mean and refer to the Northpark Maintenance Association, a California nonprofit corporation, incorporated under the laws of the State of California, its successors and assigns.

**“Awning”** means an ornamental roof-like cover that is attached to the side or wall of a structure and projects over a window, doorway or pedestrian walkway for protection from the sun or weather (see “Canopy” and “Patio cover”).

**“Balcony”** means a platform that projects from the wall of a structure, typically above the first level, with direct access from and upper floor door, and is surrounded by a rail or parapet wall.

**“Basement”**

- a. **“Subterranean basement”** means that portion of a building located below grade, provided the finished floor above is not more than eight inches above grade at any point.
- b. **“Daylight basement”** means that portion of a building that is partly below grade, but with the finished floor more than eight inches above grade at any point. Also includes a “walkout” basement, which provides access from the basement to the outside.

## DEFINITIONS - III

### Northpark Maintenance Association

**“Bay Window”** means a window or series of windows that project outward from a wall of a structure forming a bay or alcove in a room within. This definition includes bow, oriel, greenhouse and similar projecting windows.

**“Board”** or **“Board of Directors”** means the Maintenance Association Board of Directors elected in accordance with the Maintenance Association Bylaws and the Declaration.

**“Building”** means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. See “Structure.”

**“Canopy”** means a rooflike cover, supported from the ground or from the floor or walls of a structure, for protection from the sun or weather. Does not include “Carport.” See “Awning” and “Patio Cover.”

**“Carport”** means a structure or portion of a structure, open or enclosed by walls or doors on not more than three sides, that is designed and intended to shelter one or more parking spaces.

**“CC&R’s”** shall mean and refer to the Declaration of Covenants, Conditions and Restrictions for Northpark Maintenance Association.

**“City”** means the City of Irvine, in the County of Orange, State of California, and its various departments, divisions, employees and representatives.

**“Common Area”** means that area within any portion of the Properties designated in a Project Declaration as “common area” for the primary benefit of or maintenance by the Owners within a particular Planned Development or Condominium Project within the Properties.

**“Condominium”** means a condominium as defined in Section 783 of the California Civil Code, or any similar California statute hereafter enacted. For purposes of the Declaration, the term “Condominium” shall include a Residence or other area of space which is appurtenant to one (1) or more ownership interests in a “community apartment” or “stock cooperative” project (as such terms are defined below in the definition of Condominium Project). The airspace element of any Condominium is referred to herein as the “Condominium Unit.”

**“Condominium Project”** means a “condominium project” as defined in Section 4125 of the California Civil Code, or any similar California statute hereafter enacted, and all property designated in the Project Declaration for such Condominium Project as additional “phases of development” if such Condominium Project is developed in phased increments. For purposes of the Declaration, the term “Condominium Project” also includes “community apartment” and “stock cooperative” projects as respectively defined in Sections 4105 and 4190 of the California Civil Code or any similar California statutes hereafter enacted.

**“Deck”** means a platform, either freestanding or attached to a structure that is supported by a raised foundation, pillars or posts

**“Declarant”** means IRVINE COMMUNITY DEVELOPMENT COMPANY, a Delaware corporation, its successors, and any other Person to which it assigns any of its rights under the Declaration by an express written and Recorded assignment.

**“Declaration”** means the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Northpark, as amended.

**“Demolition”** means the removal of all or part of a residential dwelling, accessory structure or other Improvement.

**“Dormer”** means an extension projecting from the slope of a roof usually provided with its own roof and housing a window or series of windows. A dormer is located below the highest point of a roof. Examples of a typical dormer include eyelid dormers or eyebrow dormers (i.e., with an arched roof that gives it the appearance of an eyelid); gable dormers (i.e., with a gable roof) and shed dormers (i.e., with a shed roof).

**“Driveway”**

- a. **“Access Drive”** refers to a drive, including those owned and/or maintained by the Maintenance Association, which provides front, side, or rear access to one or more residential lots. An Access Drive is not a Private Street as that term is used within these Regulations. Driveways on a residential lot are not Access Drives.
- b. **“Primary Access Drive”** refers to an Access Drive, which is designed as the principal means of access to a residential lot.
- c. **“Rear Access Drive”** refers to an Access Drive, which provides access to a residential lot from the rear of the lot.
- d. **“Flag Lot Driveway”** refers to an Access Drive which, although having the appearance and function of an extended driveway, is used to provide access to two or more residential units from a Private Street or Access Drive.

**“Dwelling, Single-Unit (land use)”** means a structure containing one dwelling unit located on a single lot for occupancy by one single housekeeping unit (see “Single housekeeping unit”) and is not attached to another dwelling, excluding an accessory dwelling unit (see “Accessory dwelling unit”).

**“Dwelling Unit, Senior Accessory”** means a dwelling unit accessory to and attached to, detached from, or contained within the principal dwelling unit on a site zoned for a single-family dwelling. The unit is intended for the sole occupancy of one or two adults who are fifty-five (55) years of age or older. The floor area of the unit does not exceed six hundred forty (640) square feet.

**“Emergency Work”** means work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by a natural or manmade disaster.

**“Fence”** means a structure, solid or otherwise, that is a barrier and used as a boundary or means of protection, confinement, or concealment. Does not include hedges, shrubs, trees or other natural growth.

**“Fill”** means material (e.g., earth, clay, sand, concrete, rubble, wood chips, bark, waste, etc.), including pilings placed for the purpose of erecting structures, that is placed, stored, or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

**“Finished Grade.”** See “Grade, finished.”

**“Floor Area, Gross.”** Single-Unit Dwellings

- a. For single-unit dwellings, the following areas shall be included in calculations of gross floor area:
  - 1. The surrounding exterior walls; and
  - 2. Any interior finished portion of a structure that is accessible and that measures more than six feet from finished floor to ceiling.
- b. The following areas shall be excluded:
  - 1. Stairwells and elevator shafts above the first level.

**“Floor area limit”** means the allowed gross floor area for a residential lot determined by multiplying the allowed buildable area of the lot times the applicable multiplier for the lot.

**“Floor area, net”** means the area included within the surrounding walls of a building, exclusive of vent shafts, elevator shafts, stairways, exterior corridors or balconies, rooms containing only mechanical and electrical equipment used for service of the building, utility shafts, and parking structures.

**“Floor Area Ratio (FAR)”** means the gross floor area allowed on a site divided by the total gross area of the site, expressed in decimals. For example, on a site with ten thousand (10,000) gross square feet of land area, a floor area ratio of 1.0 will allow a maximum of ten thousand (10,000) gross square feet of building floor area to be built. On the same site, an FAR of 0.5 would allow five thousand (5,000) gross square feet of floor area and an FAR of 0.4 would allow four thousand (4,000) gross square feet.

**“Gazebo”** means a detached, covered, freestanding, open-air structure designed for recreational use only and not for habitation. See “Accessory Structure.”

**“Grade, existing”** means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project.

**“Grade, finished”** means the surface of the ground at a stated location as it exists after completion of a project.

**“Grade, natural”** means the unaltered natural surface of the ground at a stated location.

**“Granny Unit.”** See “Dwelling Unit, Senior Accessory.”

**“Greenhouse Window.”** See “Bay window.”

**“Gross Floor Area.”** See “Floor area, gross.”

**“Ground floor”** means the first floor of a structure that is at ground level or street level. Does not include a “Basement.”

**“Hedge”** means a group of shrubs or trees planted in a line or in groups forming a compact, dense barrier that protects, shields, separates, or demarcates an area from view. For purposes of this definition, a shrub is a perennial woody plant smaller than a tree, having multiple permanent stems branching from or near the base and lacking a single trunk; a bush. See “Fence.”

**“Height”** means a vertical dimension above adjacent finished grade.

**“Impervious Surface”** means any surface or material that prevents, impedes, or slows infiltration or absorption of water directly into the ground, including buildings, asphalt, concrete, and other surfaces that do not readily absorb water.

**“Improvement”** means all structures, landscaping, and appurtenances thereto, including but not limited to buildings, outbuildings, walkways, clustered mailbox structures, sprinkler pipes, irrigation systems, storm drainage systems, garages, recreational facilities, roads, driveways, parking areas, fences, screening walls, retaining walls, stairs, decks, hedges, windbreaks, plantings, planted trees and shrubs, fire breaks, poles, antennae, signs, exterior air conditioning and water softener fixtures or equipment.

**“Invasive.”** See “Noninvasive plant.”

**“Landscaping”** means an area devoted to or developed and maintained with native or exotic plantings, lawn, groundcover, gardens, trees, shrubs, and other plant materials, and associated decorative outdoor landscape elements.

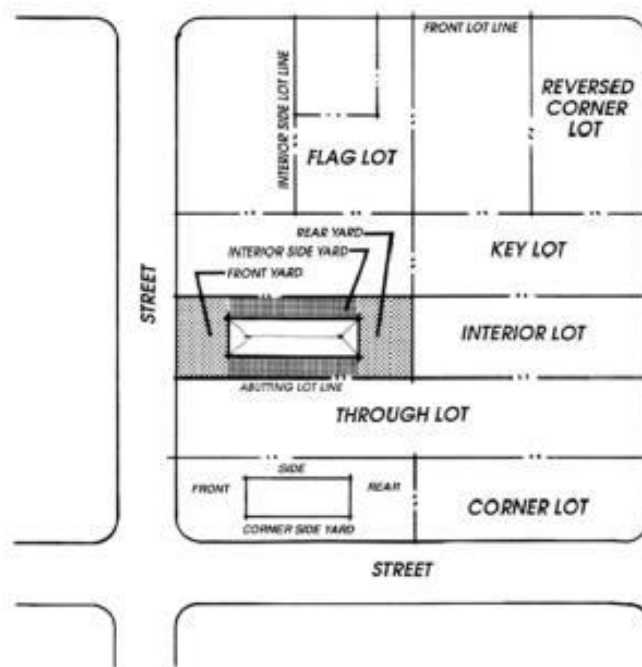
## DEFINITIONS - III

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**“Lot”** shall mean any lot or parcel of land shown upon any Recorded subdivision map or Recorded parcel map of any portion of the Properties (as such lot or parcel may be modified by any Recorded lot line adjustment), together with the Improvements, if any, thereon, but excepting any Common Area, the Maintenance Property and any Condominium in a Condominium Project.

- a. **“Corner lot”** means a lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than one hundred thirty-five (135) degrees. If the intersection angle is more than one hundred thirty-five (135) degrees, the lot is considered an interior lot. The front lot line of a corner lot abuts the shortest street property line, unless otherwise determined by the Architectural Committee.
- b. **“Flag lot”** means a lot not meeting minimum lot frontage requirements and where access to the private or public street is provided by a narrow private access way that is between abutting lots and that is owned in fee.
- c. **“Interior lot”** means a lot abutting only one street.
- d. **“Key lot”** means an interior lot, the front of which abuts the side property line of a corner lot.
- e. **“Reversed corner lot”** means a corner lot, the rear of which abuts the side of another lot.
- f. **“Through lot”** means a lot with frontage on two generally parallel streets. May be an interior lot having frontage on more than one street or a corner lot having frontage on more than two streets.

Illustration of Terms



### Lot Types

**“Lot area”** means the total area within the exterior lines of a lot including public access corridors, vehicular easements, and areas to be included in future street rights-of-way or other public facilities or uses established by easement, dedication, or ordinance.

**“Lot depth”** means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line; or, for irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the horizontal distance from the midpoint of the front lot line to a line ten (10) feet long within the lot, parallel to and at a maximum distance from the front lot line.

**“Lot frontage”** means the property line of a lot that abuts a street right-of-way.

**“Lot line”** means a recorded boundary of a lot. Types of lot lines include the following:

- a. **“Front Lot Line”** means, on an interior lot, a lot line separating the lot from the street or the waterfront, if there is no street. For corner lots, the shortest side fronting upon a street is considered the front of the lot regardless of which street is used for vehicle or pedestrian access, or street address. Where two lot lines abutting a street are substantially the same length, the Architectural Committee shall determine the location of the front lot line.
- b. **“Interior lot line”** means a lot line not abutting a street or alley.
- c. **“Rear lot line”** means a lot line, not a front lot line, that is parallel or approximately parallel to the front lot line and that does not intersect the front lot line. For irregularly shaped lots where the side lot lines converge to a point at the rear of the lot, the rear lot line is a line ten (10) feet long within the lot, parallel to and at a maximum distance from the front lot line.
- d. **“Side lot line”** means a lot line that is not a front or rear lot line.

**“Lot line adjustment”** means, as provided in the Subdivision Map Act, a lot line adjustment relocates one or more lot lines between two or more existing adjacent lots, where land taken from one lot is added to an adjacent lot and where no more lots are created than originally existed.

**“Lot Size”** refers to the total square footage of a residential lot. The boundaries used to determine the lot size of a residential lot shall be those set forth on the subdivision map. The square footage of a residential lot shall be deemed to include those abutting areas extending to the center line of adjoining Access Drives, even where the Access Drive is shown as a separate lot under common ownership.

**“Lot width”** means the horizontal distance between the side lot lines, measured at right angles to the line that defines the lot depth at a point midway between the front and rear lot lines.

**“Maintenance Association”** means Northpark Maintenance Association, a California nonprofit corporation (formed pursuant to the Nonprofit Mutual Benefit Corporation Law), its successors and assigns. The Maintenance Association is an “association” as defined on Section 4080 of the California Civil Code.

**“Maintenance Property”** means all the real and personal property and Improvements which are owned in fee simple at any time by the Maintenance Association, or over which the Maintenance Association has an easement or encroachment permit for the use, care or maintenance thereof, for the common benefit, use and enjoyment of Owners, as further provided in Article III of the Declaration. The Maintenance Property includes (for maintenance purposes but not necessarily fee ownership) without limitation all walls, median strips, slopes, berms, landscaping, fuel modification zones, parkway areas, sidewalks, and irrigation and drainage systems in public property or public rights-of-way in or near the Properties designated for maintenance by the Maintenance Association pursuant to the Declaration or any Supplemental Declaration, any agreement between a Local Governmental Agency and Declarant, a Merchant Builder or the Maintenance Association, or on any Recorded subdivision or parcel map of the Properties.

**“Maintenance Property Wall”** means any wall or fence which (i) separates a Lot or Common Area from the immediately adjacent Maintenance Property or Public Property, regardless of whether such wall or fence

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### Northpark Maintenance Association

is (a) located on the common property line separating the Maintenance Property or Public Property from the adjacent Lot or Common Area, or (b) located wholly or partially within the Maintenance Property, Public Property, Lot or Common Area immediately adjacent to such common property line, or (ii) is otherwise designated as a Maintenance Property Wall in any Supplemental Declaration.

**“Manager”** or **“Managing Agent”** shall mean the persons, firm or corporation engaged by the Association by contract and charged with the management of the Association and the performance of other duties of the Association as provided in the Declaration.

**“Member”** means every Person holding a Membership in the Maintenance Association. Membership means the voting and other rights and privileges of Members as provided in the Restrictions, together with the correlative duties and obligations contained therein.

**“Noise”** means an undesired sound.

**“Nonconforming lot”** means a lot that was legally created before the adoption of the current City Zoning Code or that legally existed at the time of annexation, and that does not conform to current code provisions/standards (e.g., access, area or width requirements, etc.) prescribed for the zoning district in which the lot is located.

**“Nonconforming structure”** means a structure that was approved by the Committee and lawfully erected, but that does not conform to current Standards.

**“Nonconforming use”** means a use of a structure or land that was lawfully established and maintained, but that does not conform to the current City use regulations for the zoning district in which it is located by reason of adoption or amendment of the Zoning Code or by reason of annexation of territory to the City.

**“Noninvasive plant”** means a plant that does not invade a habitat to the detriment of native species.

**Notice of Completion** – Exhibit E of the Architectural Committee Application, Procedures, Process and Forms package submitted to notify the Architectural Committee that the Approved Improvements have been completed and are ready for final inspection.

**“Open space (land use)”** means a lot or area of land or water set aside, designated, dedicated, or reserved for public or private use or enjoyment.

- a. **“Common Area.”** The land area owned and maintained by the Association that is not individually owned or dedicated for public use and that is designed, intended, and reserved exclusively for the shared enjoyment or use by all the residents and their guests.
- b. **“Private Open Space.”** An outdoor or unenclosed area directly adjoining and accessible to a dwelling unit, reserved for the exclusive private enjoyment and use of residents of the dwelling unit and their guests (e.g., balcony, deck, porch, terrace, etc.). Boundaries are evident through the use of fences, gates, hedges, walls, or other similar methods of controlling access and maintaining privacy.
- c. **“Usable Open Space.”** An outdoor or unenclosed area within the community on the ground, or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor living, active or passive recreation, pedestrian access, or landscaping. Parking facilities, driveways, utility or service areas, required front or street side setback areas, and sloped or submerged land do not constitute usable open space.

**“Owner”** means the Person or Persons holding a fee simple or long-term ground leasehold interest of Record to a Lot or a Condominium. The term “Owner” includes a seller under an executory contract for sale,

but excludes Mortgagees. For purposes of the Declaration, a “long-term ground leasehold interest” means a leasehold interest having a term of ten (10) or more years.

**“Parking, shared”** means a public or private parking area used jointly by two or more uses.

**“Parking space”** means an unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

**“Parking space, enclosed”** means a parking space that is in a garage that is enclosed on four sides.

**“Parking space, tandem”** means a pair of parking spaces (i.e., two spaces) arranged one behind the other.

**“Patio”** means a paved outdoor area that is used for lounging, dining, etc.

**“Patio cover”** means a solid-roof or open-roof structure that covers a patio, platform, or deck area. A patio cover may be detached from, or attached to, another structure. See “Awning” and “Canopy.”

**“Party Walls”** means each wall or fence which is placed on the dividing line between Lots or Condominiums (but not the structural wall of a Residence). To the extent not inconsistent with the provisions of the Declaration, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions apply thereto.

**“Pervious Surface”** means any material or surface that permits infiltration, percolation, or absorption of water into the ground through the material or surface.

**“Planned Development”** means an area of the Properties (other than a multi-Family apartment project in an Apartment Area or Condominium Project) developed as an integrated increment of this overall planned community, whether or not the increment is developed in phases.

**“Project Association”** means any California nonprofit corporation or unincorporated association, or its successor, established in connection with a Project Declaration, the membership of which is composed of Owners of Lots and Condominiums within a Condominium Project, Planned Development or other portion of the Properties.

**“Porch”**

a. **“Enclosed Porch.”** (Also known as screened-in porches or three-season rooms). A platform projecting from or attached to a wall of a building that:

1. Has direct access to a building;
2. Is covered by a roof or roof-like structure;
3. May or may not be heated or cooled; and
4. Is enclosed by:
  - a. Walls;
  - b. Permanent or removable windows or screens; or
  - c. A combination of walls and windows/screens.

b. **“Open Porch.”** A platform projecting from or attached to a wall of a building that:

1. Has direct access to a building;
2. Is covered by a roof or roof-like structure;

3. Is not heated or cooled;
4. Is open to the outside air; and
5. Is not enclosed by:
  - a. Walls;
  - b. Permanent or removable windows or screens; or
  - c. A combination of walls and windows/screens.

Open porches may be partially enclosed by a railing(s) not to exceed forty-two (42) inches in height as measured from the porch floor and may include columns for the purpose of supporting the roof or roof-like structure.

**“Principle Structure”** means a structure in which the principal use of the Lot and/or building site is conducted.

**“Private Street”** refers to any street within Northpark Maintenance Association, which is owned and maintained by the Maintenance Association. While a Rear Access Drive may be owned and maintained by the Maintenance Association, a Rear Access Drive is not a "Private Street."

**“Queue Space”** means a temporary waiting area for motor vehicles or persons obtaining a good or service.

**“Recreational Vehicle (RV)”** means a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation for recreational, emergency or other occupancy.

**“Residence”** shall mean a dwelling intended for use and occupancy by a single Family and located on or within a Lot or Condominium Project or within an apartment building within an Apartment Area.

**“Residential Area”** means (i) all of the real property which is so classified in the Declaration or a Supplemental Declaration. The Residential Area is intended to be developed as single-Family Lots or Condominiums.

**“Restrictions”** means the Declaration, the Supplemental Declarations, the Articles, the Bylaws, the Architectural Committee Rules, the Rules and Regulations and the Maintenance Guidelines.

**“Rules and Regulations”** means the Rules and Regulations adopted by the Board as provided in the CC&R’s.

**“Retaining Wall”** means a wall used to support or retain an earth embankment or area of fill.

**“Rules”** shall mean the rules from time to time promulgated and adopted by the Board and/or the Architectural Committee.

**“Screening”** means a landscaping treatment or a decorative structure to visually conceal an area or on-site utilitarian use that is considered unattractive.

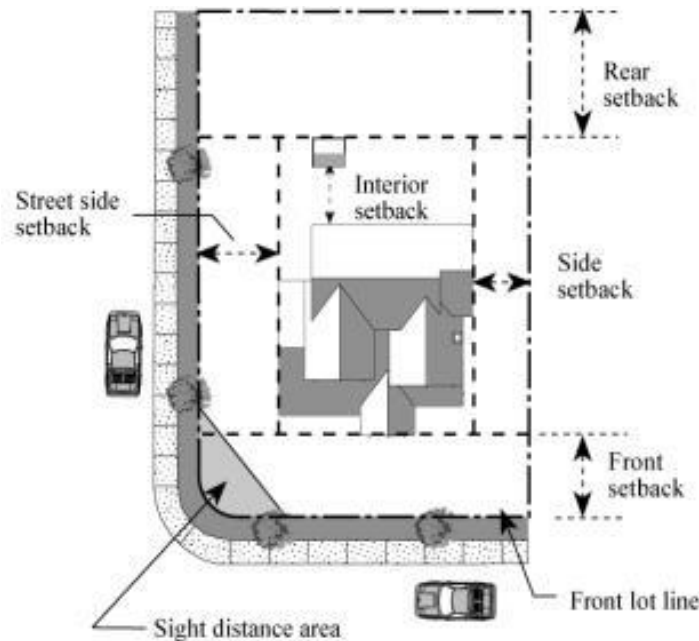
**“Second unit”, “Accessory Dwelling Unit” or “Junior Accessory Dwelling Unit”** means a dwelling unit accessory to and attached to, detached from, or contained within the principal dwelling unit on a site. Does not include “Senior Accessory Dwelling Unit.”

**“Security”** means bonds, cash deposits, letters of credit, and/or other instruments acceptable to the Association that are used to guarantee specific performance.

**“Senior Accessory Dwelling Unit.”** See “Dwelling unit, senior accessory.”

**“Setback”** refers to the minimum distance by which a structure, parking area, or other feature must be separated from the closer of

- a. the property line,
- b. the back of an adjacent sidewalk, and
- c. the back of an adjacent curb.



#### **Setbacks**

**“Setback area”** means an area within a lot that is established for the purpose of governing the location of structures on a lot. A setback area is located between a setback line and the nearest relevant parallel lot line and is unobstructed and unoccupied from the ground upward, except for permitted encroachments. See “Yard.”

- a. **“Front setback area”** means an area that extends across the full width of a lot between the front lot line and the required front setback line.
- b. **“Rear setback area”** means an area that extends the full width of a lot between the rear lot line and the required rear setback line.
- c. **“Side setback area”** means an area that extends from a front setback line to a rear setback line between the side lot line and the required side setback line.

**“Setback line”** means, within a lot, a line established to indicate the boundary of a specified front, side, or rear setback area. A setback line may be parallel to and equidistant from a lot line (front, back, and side) or from a current or future public right-of-way, whether acquired in fee, easement, or otherwise; or may be coterminous with the lot line.

**“Site”** means a lot or adjoining lots under single ownership or single control, considered as a unit for the purposes of development or other use.

**“Site coverage”** means the percentage of a site covered by structures and accessory structures and by decks more than thirty (30) inches in height.

**“Site plan”** means a drawing of a lot, drawn to scale, showing the actual measurements, the size and location of existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other information.

**“Skylight”** means the portion of a roof that is glazed to admit daylight, including the mechanical fastening required to hold the glazing and to provide a weatherproofing barrier.

**“Slope”** means land gradient, described as the vertical rise divided by the horizontal run, and expressed in percent or ratio. Slope is determined using the following equation:

Slope = (V/H) x 100, where:

V = vertical distance between the highest elevation and lowest elevation of a straight line drawn perpendicular to the sloping surface;

H = horizontal distance of a straight line drawn perpendicular to the sloping surface.

**“Solar Equipment”** means a solar collector or solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, water heating, or for power generation.

**“Street”** means a public or private vehicular right-of-way (e.g., local streets, commuter roadways, arterials, etc.), but not including alleys, driveways, or off-road bikeways.

**“Story”** means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above and, for the top-most story, from the upper surface of the floor to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters.

**“Structure”** means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Includes “Building.”

**“Structure, attached”** means a structure that is connected to another structure by means of a wall, roof, stairway, atrium, breezeway, or other structural connection.

**“Structure, detached”** means a structure that does not have a wall or roof in common with another structure.

**“Surface, Finished.”** See “Finished Floor/Surface.”

**“Trellis”** means a vertical frame of latticework used as a screen or as a support for climbing plants.

**“Xeriscaping”** means a set of landscape design and maintenance principles and horticultural practices that promote efficient use of water. The term “xeriscape” is a registered trademark of the National Xeriscape Council and means water-conserving, drought-tolerant landscaping.

**“Yard”** means the area between a lot line and a principal structure. May be the same size as or larger than a required setback area. See “Setback area.”