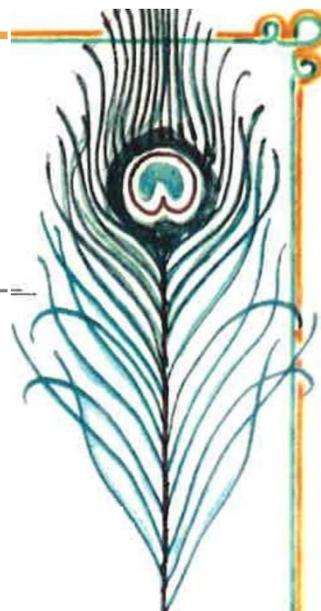




**Portuguese Bend**  
COMMUNITY ASSOCIATION INC.



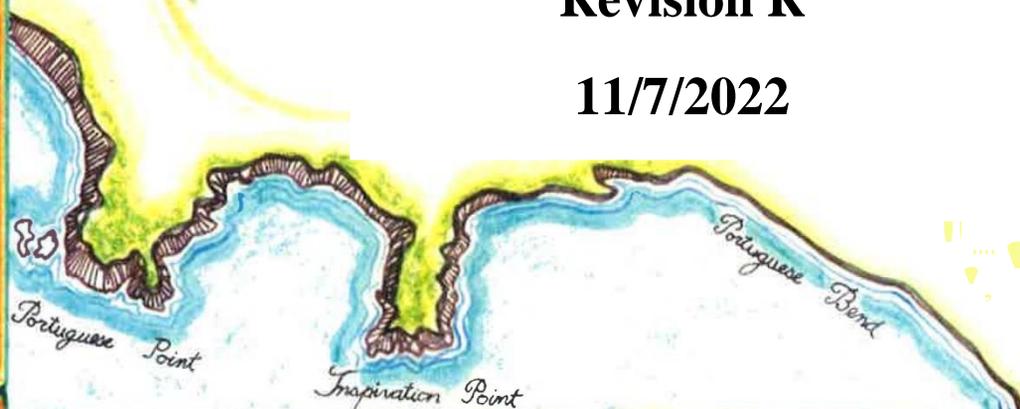
# Portuguese Bend Community Association

**10·1·92**

## Building Regulations and Architectural Standards

**Revision R**

**11/7/2022**



*A. James Anthony Design 1992*

## Revision History

Revision	Date of Incorporation	Summary Description
A	6/1/1991	Revised Equine Criteria
B	3/12/1993	Prohibition of horse keeping on vacant lots not adjacent to residents
C	10/1/2010	Misc. building standards additions and revisions
D	3/1/2012	Changes to Fees and Building Height
E	4/1/2013	For Sale Sign and open house time restrictions
F	4/30/2013	Added Architectural Review and Variance Request Forms
G	1/7/2013	Added compliance penalties, truck routes, allowed soil export
H	10/5/2016	Modified Easements to prohibit on-street parking and require tree Trimming, add “sheds” to accessory structures. Incorporated missed language from Revision D & E. Also added notes for Conditions of Approval and Penalty Procedures and revised document formatting.
J	12/3/2018	Increased Fees and Penalties. Prohibit manufactured, modular and mobile homes. Add rules for Concrete Trucks and Noise to conditions and Site Sign. Added Table of Contents. Minor formatting and typo corrections.
K	3/31/2019	Modify conditions of approval to require contractors to post guards on Narcissa gate to ensure that heavy trucks (e.g. Concrete trucks, etc.) use Peppertree gate for access.
L	3/2/2020	Modify site standards, cellar entrances, add Variance process, Add ADUs, define vehicle parking and storage, define fence height, Correct misc. Typos, Revised Time Provisions to match RPV permit process.
M	10/5/2020	Modified ADU requirements and fees, remove detailed revision notices from document to be recorded elsewhere, corrected TOC, minor formatting and text clean up.
N	2/9/2021	Added Heavy Truck Rules and Limitation to Procedures section F. on page 19.
P	5/3/2021	Added K. Vacant Lot Uses and Restrictions in SITE REQUIREMENTS, Clarified 16’ height and garage height requirements
Q	8/2/2021	Revised Real Estate Sale and Large Truck Procedures
R	11/7/2022	Added Net Area definition for lot coverage requirements Revised Building and Remodeling definitions and Fees Revised parking restrictions in PBCA easements

These revisions were approved by the PBCA Board of Directors. The revisions add to and/or supersede the 10/1/1992 Document. Detailed revision explanations archived by the Architectural Committee.

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# **PORTUGUESE BEND COMMUNITY ASSOCIATION**

**10-1-92**

## **BUILDING REGULATIONS/ARCHITECTURAL STANDARDS**

### **SCOPE AND PURPOSE**

"Pursuant to the authority granted to the Portuguese Bend Community Association Inc., a California Non-Profit Mutual Benefit Corporation (hereinafter "Association"), by various deed restrictions, the following Building Regulations/Architectural Standards shall apply to the construction, alteration or repair of any building or structure within the area under the jurisdiction and control of the Association, which area is defined in the deed restrictions. These Building Regulations may be amended from time to time. It is the responsibility of the property owner to insure that he or she and their architect are working with the most recent of version of the Architectural Standards.

"The purpose of these Building Regulations is to preserve the attractiveness of the entire area under the jurisdiction of the Association and to prohibit by erection, alteration, maintenance or repair of existing structures, the creation of undesirable or inharmonious types or designs which detract from the aesthetic effects of the proposed construction on neighboring property, protection of privacy, protection and enhancement of landscaping, avoidance of erosion or subsidence and overall protection of property values.

"It is not the purpose or intent of these Building Regulations to control the safety factor of the proposed building or structure, or to provide guidelines or standards concerning either geological conditions or the stability of the soil on which the building or structure is proposed to be constructed. Additions, alterations, and repairs on all buildings and structures shall comply with the provisions herein for new buildings, except as may be modified or permitted by the Board of Directors of the Portuguese Bend Community Association.

"Personal appearance before the Architectural Committee of the Association is not encouraged as it is not the purpose of this Committee to design or engineer any proposed building or structure. The committee's function is to adhere to the principles of good architecture for the purpose of preserving the aesthetic value of all building and structures in the area under the control and jurisdiction of the Association, including those already in existence.

"The approval process begins with the applicant submitting plans to the Architectural Committee. The Architectural Committee, after review of the submitted plans, will give its recommendation to the Board of Directors of the Association who will provide the applicant with written approval or denial of plans submitted.

# I

## **BUILDING DESIGN AND CONSTRUCTION**

### **A) GENERAL DESIGN REQUIREMENTS**

- 1) Design must be of a type or kind as will, in the opinion of the Committee, be appropriate to its site, harmonize with the surroundings, and maintain the quality of the neighborhood. The design must be viewed as "reasonably good of its kind". Pre-fab, modular, and/or mobile homes are not permitted.

The Architectural Committee need not necessarily be bound by the approval of previous designs or architectural details of existing structures.

- 2) New residences and additions to existing residences shall be of a design that will follow the contour of the ground and provide a low silhouette in general form. Step down floor levels and roof planes conforming to natural grade are encouraged, as are porches and terraces.
  - a) The California Ranch house was developed out of the turn-of-the-century Craftsman bungalow and the period style bungalows of the twenties. The ranch house is a single-floor dwelling, low in profile and closely related to terraces and gardens. Its specific historic images were both the nineteenth-century California adobe house and the nineteenth-century California single wall, board-and-batten, rural farm buildings. The characteristic ranch house did and still does employ a variety of historic images, but the classic design mingles modern imagery with the Colonial. Versions of the California Ranch house were designed as early as the 1920s. But its "hey-day" was in the post-World War II years.

#### Characteristics:

- Single-floor dwelling composed of informal arrangements of volumes.
  - Low-pitched hip or gable roof with wide eaves.
  - Sheathed in stucco, board and batten, shingles, clap-board, or a combination of one or more of these.
  - Windows often treated as horizontal bands.
  - Glass sliding doors or French type doors (multi-pane) lead to covered porches, terraces, or pergolas.
  - Interior spaces open, and of low horizontal scale.
- 3) New residences shall provide a minimum living area of 1500 square feet of floor space and a total cumulative maximum habitable area of 4000 square feet of floor space, including ADU, if any, or maximum of 15% lot coverage (total building area to Gross Lot Area) whichever is smaller, exclusive of garages, porches and terraces. Non-permeable lot coverage including roofs, patios, paved areas, and walkways, must be less than 25% of the Net Lot Area.
  - 4) Each new residence shall have a fully-enclosed garage with a capacity for three cars. The garage design must similar in style and color and be subordinate to the residence with a maximum ridge height of 12' above the finish floor. The cumulative total area of residence plus garage must be less than 4,650 SF with a maximum garage area of 900 SF. Additional garage requirements will be reviewed on a case-by-case basis.

- 5) The construction or erection of an accessory building, swimming pool, tennis court may not precede construction of the residential building; may be built concurrently but no use of accessory structure may be made until a certificate of occupancy is issued.
- 6) In the case of multiple lot ownership, lots must be connected at side or rear lot lines to the residential lot to be used for swimming pool, tennis court, accessory building and/or horse-keeping facilities. Residential building must be completed with a certificate of occupancy on file with the City of Rancho Palos Verdes prior to the construction of any and all accessory facilities. **HORSES MAY NOT UNDER ANY CIRCUMSTANCES BE KEPT ON A VACANT LOT UNLESS THE PROPERTY OF THE OWNER OF THE ADJOINING RESIDENCE.**
- 7) Cellars are defined as those portions of a building below the living area floor and which are wholly or partially below grade.
  - a) Cellars of minimal size are permitted for use for mechanical equipment and/or storage, but not for habitation purposes and shall not exceed 200 square feet in size.
  - b) Cellar outside entrance or access must be smaller than 4' x 7'. Exterior windows and larger doors are prohibited.
- 8) Any improvement, whether proposed to be temporary, portable or permanent, shall meet the standards set forth herein for permanent structures.
- 9) Residences are encouraged to hug the ground and provide a low silhouette. Finish grade may be no more than 3'6" above natural grade. The finish floor must be less than a maximum of 5'0" above finish grade and an average less than 2'6" across any façade. Plate heights along the front facade must be 8'6" or less. Maximum building height must be less than 16'0" above finish grade.
- 10) There shall generally be no habitable area superimposed above another, unless, in the judgment of the Architectural Committee, such construction, because of the topography and contour of the land will allow a building harmonious with the general type, design, and appearance of other buildings in the neighborhood and community.
- 11) Lot owners may apply for exceptions to the Architectural Standards where specific characteristics of the lot prohibit development as established in this standard, or as required by Rancho Palos Verdes building and safety requirements (eg. fire dept. rules). Variances may only be granted by the PBCA board at regularly scheduled meetings.

**B) GUIDELINES FOR SUBMITTAL OF NEW RESIDENCES**

Before any application for permits for new residence or additions are obtained from the City of Rancho Palos Verdes, final land-use plans must be submitted to the Architectural Committee for approval, which shall include the following:

- 1) Rough grading plan showing grade elevations of pads or proposed floor elevations. (Show only the "footprint" of perimeter of residence and accessory buildings.). Rough grading plan shall show any proposed changes in existing topography.
- 2) Approximate area computation of the residence as well as the exterior configuration. Floor plan and exterior elevations are required.

- 3) Show Gross area and net area of property. Show the percentage of lot coverage of all Structures excluding garage and porches of the gross lot area, and the percentage of lot coverage of all non-permeable surfaces including roofs, paving, walkways, and patios of the net lot coverage.
- 4) Plans to include the following:
  - a) Driveway with material specified, walkway and decking location and grade.
  - b) Garage, stable and accessory buildings.
  - c) Tennis court, pool or spa.
  - d) Location and distance of proposed improvements and distance of all existing improvements from contiguous properties.
  - e) View angles (tennis court, pool, riding ring, stable, etc.)
  - f) Prevailing wind direction.
  - g) Direction north.
  - h) Dimension setbacks. Call out on plan.
  - i) Easements. No grading is permitted in easements.
  - j) Geology status letter from a license geologist or soils engineer.
  - k) Any known flood or water drainage hazards.
  - l) Major existing trees with trunk diameters.
  - m) Any known natural drainage courses.
- 5) Landscaping plans must accompany architectural plans and be installed within four months of completion of improvement.

**C) MATERIALS**

- 1) Exterior walls may be of wood boarding or siding, stucco or approved masonry left natural or painted.

**D) ROOFS**

- 1) The minimum of pitch of all roofs shall be 3:12 and the maximum of 5:12. Flat roofs are prohibited. "M" roofs are not permitted. Shed roofs are not permitted.
- 2) Skylights are to be parallel to the roof plane, (4" curb See Section N). Plastic bubble lights are not permitted except on the rear of house.
- 3) Beam-ends may extend a maximum of 6" beyond roof.

- 4) Soffits may be plastered or left exposed but overhead electrical fixtures must be concealed.
- 5) Roofing materials shall meet a minimum Class A fire retardant and be non-reflective. No wood shingles or wood shake roofs are permitted. Sample of proposed roofing material to be submitted with architectural plans.

**E) WINDOWS AND DOORS**

- 1) Beveled glass, leaded stained glass and lightly tinted glass windows are permitted. No mirror-finish glass is allowed.
- 2) Windows in a cellar are prohibited.
- 3) Clerestory windows are permitted.

**F) DECKS**

- 1) Decks which are more than 2'-0" above grade must be closed from their undersurface to grade. Decks shall not project more than one foot beyond understructure.
- 2) Decks shall not be more than 5'-0" above grade, averaging no more than 2'-6" above grade, and may not be of excessive size in relation to the house.
- 3) Railings as required by City of Rancho Palos Verdes Building and Safety Dept. shall be provided. Design of railing shall be submitted for approval.

**G) PAINT, TRIM AND ORNAMENTATION**

- 1) Exterior walls and trim are to be painted a color submitted for approval, by Architectural Committee.
- 2) Retaining walls not attached to residence shall be painted to match adjacent soil.
- 3) Residence walls and chimneys of natural stone need not be painted.
- 4) The finish of other walls, fences or enclosures must be approved by the Architectural Committee.
- 5) Wrought iron or other ornamentation must be approved by the Architectural Committee.
- 6) Metal or plastic awnings for window coverings are prohibited.

**H) EXTERIOR LIGHTING**

- 1) All exterior lighting must be approved by the Architectural Committee and should be in harmony with, and not encroach upon the privacy and sensitivity of other property owners.

Details of exterior lighting shall be shown on plans or working drawings showing locations of all lighting fixtures or uprights supporting fixtures and the type of light bulb or tube, the candle power thereof, the total wattage expended therewith, and the area affected by the operation of said lights or system of lights. Motion security lights are permitted.

- 2) Lighting shall be only that necessary to provide adequate visibility and shall meet the following requirements:

- a) All glass shall be smoked, frosted or obscure.
- b) All garden lights must be designed or equipped with umbrella type shades to cast light downward. Up lighting is only permitted where low voltage equipment is used.
- c) Exterior lights on all structures, except those at the front entryway of the main residence, shall be limited to those required for the functional use of the household and not intrude upon privacy of other property owners.
- d) The lighting of tennis courts is prohibited.

**I) SPAS POOLS AND TENNIS COURTS**

- 1) Pools and tennis courts must comply with all appropriate requirements of these Building Regulations, and in addition, all tennis court fencing shall be either black or dark green vinyl coated chain link, and shall not extend more than ten (10) feet in height. Tennis court fencing may require landscaping as determined by the Architectural Committee. (See Grading, Lighting and Fences) To the extent that grading is permitted tennis courts shall be constructed at the lowest elevation possible to aid in noise abatement.
- 2) All windscreens used on tennis courts must be approved. All types of windscreens for pool areas must be approved.
- 3) The courts shall not be located on steep slopes, sides or bottoms of canyons.
- 4) Courts shall not be located in the front yard.
- 5) Each spa, pool or court must have an area adequate in width on all sides for the maintenance and planting of landscaping. See B) Types of Fencing, 5) Other Requirements, e).
- 6) The views of adjacent properties and noise abatement measures must be taken into consideration when siting the tennis court.
- 7) An adequate drainage system must be incorporated into the overall plan of the court, which drainage system must be approved by the Engineer for the City of Rancho Palos Verdes.
- 8) The construction of the proposed court shall conform to the lot coverage limitations set forth in Site.
- 9) Requirements, Section II, Paragraph A of these Building Regulations.
- 10) Retaining walls incorporated as part of the overall plan of the court shall not be greater than 5'-0" from finished grade to top of wall, averaging no more than 2'-6" in height, providing an acceptable landscape design is submitted.

**J) MAIL BOXES**

- 1) Mailbox posts shall be compatible with the chosen style of house and landscaping.

- 2) Name sign, if any, shall use only the peacock emblem and association approved paint color(s) and shape.

**K) SATELLITE DISH ANTENNAS**

The following requirements apply to the installation of a satellite antenna:

- 1) Submit a "to scale" plot plan showing proposed location of antenna, proposed landscaping, picture of proposed antenna and easements and property line setbacks.
- 2) Antenna must be located no closer than 10 feet to the side or rear property lines or easements and must not be visible from streets or adjacent properties.
- 3) Antenna must be installed in a location unobtrusive to surrounding properties.
- 4) Antenna to be dark flat colored mesh and screened at time of installation. Mature planting to height equal to antenna. No planting permitted within easements.
- 5) Brochure for satellite dish antenna describing dimension, installation height, providing a general picture of appearance and other particulars regarding the proposed installation, must accompany submittal request.

**L) DETACHED ACCESSORY BUILDING, SHEDS, ADUs AND JADUs**

- 1) Size of detached accessory building is limited to 400 square feet and may be used as a cabana, studio, workshop, greenhouse or other hobby use. The accessory building can never be used as a guest house or rented or used as a residence. There shall be no private or separate driveway to the accessory building.
- 2) In the event that the residence has an existing swimming pool, an additional accessory building may be permitted to house the pool equipment and other pool related mechanical equipment, but no larger than necessary for the purpose of enclosing the equipment.
- 3) Sheds of under 120 square feet are allowed within rear setbacks. The height must be no more than 8' from finished grade and located more than 5' from the property line, unless a written approval is obtained from the adjacent property owner. Sheds must be painted an earth tone color.
- 4) Detached ADUs should be located in the rear yard and maintain a minimum setback of 20' to rear and side property lines. The maximum height from finish grade must be less than 12'0". The maximum size is 600 SF and the maximum ADU + Residence shall not be more than 4000 SF of habitable living area. The maximum depth from natural grade to finish grade is 3'6". This is to assist in maintaining both the attractiveness of the community and to provide privacy for the neighboring properties.
- 5) Accessory buildings and/or ADUs shall be consistent architecturally with the style of the main residence. The design must be of a type and kind as will, in the opinion of the Architectural Committee, be appropriate to its site, harmonize with the surroundings, and maintain the quality of the neighborhood. The design must be viewed as "reasonably good of its kind".
- 6) JADUs are an integral unit of the main residence and treated as interior remodeling.

**M) SKYLIGHTS**

- 1) Skylights shall be located as to not be offensive to neighbors, present or future. Location, color, size and quantity will be evaluated on individual basis. Skylight curb may be 4" maximum height, flat and parallel to roof slope and dark colored aluminum frame. Bubble skylights are permitted on non-street frontage sides of house.

**N) STABLE CONSTRUCTION**

- 1) Revised Equine Criteria is to be adhered to for the keeping of horses. See attached Exhibit A.
- 2) Stables must comply with materials, roof paint and trim requirements applicable to houses.
- 3) Stables shall be one story. Barns and stables are for the exclusive use of keeping permitted domestic animals provided that any such structure for the keeping of horses, cows, goats or other farm pets is located not less than thirty-five feet from any residence and not less than one hundred feet from nearest other house or activity area. Stable cannot have lavatory facilities. Stable not to be less than
- 4) 400 square feet.
- 5) All corrals must be located a minimum of thirty-five feet from owner's main residence and a minimum of one hundred feet from the nearest other house. Fencing confining the animals shall located a minimum of fifty feet from nearest other house and a minimum of twenty-five feet from neighboring property line.
- 6) Vehicular access to stable area must be provided for delivery of feed and removal of waste. Such access need not be paved, but grade must not exceed 25% or 1' in 4'.

**O.) VEHICLE AND EQUIPMENT PARKING AND STORAGE**

- 1) Recreational Vehicles, trailers, construction vehicles and equipment, and other vehicles may be parked in a resident's lot and adjacent lots owned by the resident and must not be visible from the street.
- 2) Parking and storage of recreational vehicles, trailers, construction vehicles and equipment, and other vehicles is prohibited on vacant lots that are not contiguous to a residence.
- 3) Recreational Vehicles, trailers, construction vehicles and equipment, and other vehicles in violation of paragraphs 1 & 2 are subject to towing per Architectural Standards Site Requirements Section B-2).

**P) CARPORTS**

- 1) Carports are not permitted.

## II

### SITE REQUIREMENTS

#### A) GENERAL

- 1) Only one single-family dwelling shall be constructed on each lot. Main buildings, accessory buildings, structures, tennis courts, spas, swimming pools, stables, driveways, parking spaces, walks, patios, decks and asphalt or concrete paving of any kind shall not cover more than twenty five (25%) of the net lot area. Prior to final approval the Architectural Committee shall require a silhouette of proposed construction through the use of flags and poles.
- 2) The definition of the term "gross area" shall exclude all perimeter easements to a maximum of ten feet and that portion of the lot which is used for roadway purposes, and shall also exclude any private drive or driveway which provides ingress and egress to any other lot or parcel of land and access strip portion of any flag lot.
- 3) Any construction proposed for a front yard requires approval of the Architectural Committee.
- 4) The posting or erecting of signs of any kind is prohibited, except as sanctioned by the Association.

#### B) EASEMENTS

- 1) Easements are perimeter areas of one's property dedicated to the Community Association and are reserved for roads, streets and public utilities. Hence, no planting, building, pool fence, pole (except public utility), drainage structure, grading, paving or any obstruction may be placed on any easement.
- 2) Parking: All roads in the community are considered fire lanes. As a result, the following parking rules and restrictions will be strictly enforced.
  - a) No parking any time on Peppertree Drive or Narcissa Drive. PBCA Directors can have member vehicles towed 24 hours after a flyer notice has been placed on the offending vehicle whether or not it has been parking continuously for 24 hours or leaves and returns at a later time or times. PBCA Directors can have nonresident vehicles towed without notice; posted signs are considered adequate notice. Vehicles on these streets must have all four tires off the road surface or they will be considered to be illegally parked. Residents with properties on Peppertree or Narcissa Drives who have inadequate parking on their own property for guests or construction/maintenance workers should arrange for off street parking on other nearby properties or streets.
  - b) Parking on streets other than Peppertree and Narcissa Drives will be allowed with the permission of the resident in front of whose property the vehicle is parked. Members have the authority to have vehicles towed they do not want parked in front of their property. Residents should not park on opposing sides of the street as it could impede access by responding fire and emergency vehicles.

- c) Any member observing any of the above parking violations can contact the Sheriff's Department to have the vehicle cited. The Sheriff's Department has the authority to enforce the California Vehicle Code on any of the PBCA streets.

- 3) Owners are responsible for maintaining trees and foliage clear of the roadways. No foliage may extend past the edge of the paved roadway less than 13' in height, to provide safe clearance for cars and trucks. In the event that an owner does not maintain the road clearance, the Board will provide a 30 day notice and shall have the foliage trimmed at the owner's expense. The expenses may be added to the annual assessment fees.

**C) DRAINAGE**

- 1) Proper drainage facilities shall be provided by the use of non-erosive means.
- 2) There shall be no open drainage ditches, berms or swales across or in any road easement.

**D) SETBACKS**

- 1) New residence or additions shall be located on the lot so as to provide:
  - a) Front Yard: Not less than 60' from the front lot line (to the middle of the road if the residence fronts on a street) Cul-de-sac will be treated on a case by case basis.
  - b) Side Yard: All parcels of land containing building sites shall have side yards, the widths of which shall be determined by the Architectural Committee, provided that in no event the width of the side yards be less than 20' or City of Rancho Palos Verdes code, whichever is greater, measured from the boundary line of the parcel; provided further that if the side yard abuts on an easement 25' in width, the side yard shall be not less than 10' from the interior boundary of the easement.
  - c) Rear Yard: Not less than 50 feet from rear easement or lot line. Accessory buildings may be constructed within the rear yard provided they conform to other requirements of these guidelines.
- 2) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features may not extend or project into a side yard more than two and one-half (2 ½" for each 1' of the maximum required width of such side yard and may not extend or project into the front or rear yard more than 4'.

**E) DRIVEWAYS**

- 1) Driveway surface must be hard surface, i.e. paved surface.

**F) LANDSCAPING**

- 1) Landscaping shall be incorporated in and around new residences and on cut and fill banks, and shall be planted within four (4) months of completion of the structure. Replacement of de-watering types of trees is encouraged.
- 2) Cut and fill bank must be planted in accordance with City of Rancho Palos Verdes requirements.

- 3) Landscape plan should identify the type and size of plants to be planted provided in each location and a grading plan with grades shown. Grading plan shall show slopes and be prepared on 5'-0" contour map.
- 4) NO PLANTING OR CONSTRUCTION IS PERMITTED IN ASSOCIATION EASEMENTS OR WITHIN 3 FEET OF THE EDGE OF PAVEMENT.
- 5) Do not abbreviate common or scientific names of plants on plans. Adherence to water conserving and drought tolerance planting should be considered.
- 6) Provide irrigation plan at time of submittal.
- 7) Highly flammable shrubs and trees such as acacia are discouraged. Applicant and his agent are encouraged to consult local fire department on selection of landscape materials.
- 8) For every tree removed for construction purposes, one tree must be planted on site. Trees, particularly peppertrees are considered good de-watering trees.

**G) RETAINING WALLS**

- 1) Retaining walls must be of a construction compatible with the building materials of the residence. City of Rancho Palos Verdes codes regulating retaining walls must be adhered to by the owner and his agent.

**H) EXCAVATIONS**

- 1) City of Rancho Palos Verdes codes regulating excavations must be adhered to by the owner and his agents. Redistributed site material may remain on project site. Import of soil is prohibited. Export of soil is allowed with prior coordination with the Architecture Committee.
- 2) The maximum difference between existing or "natural grade" and finished grade must be 3'-6" or less.

**I) SLOPE LIMITS**

- 1) City of Rancho Palos Verdes codes regulating slope limits must be adhered to by the owner and his agents.

**J) CONSTRUCTION IN CANYONS**

- 1) City of Rancho Palos Verdes codes regulating construction in canyons must be adhered to by the owner and his agents. See Code Section 1, Item I, No.3).

## **K) VACANT LOT USES AND RESTRICTIONS**

Submit application to the AC prior to any modification of vacant lots or easements.

### 1) **Allowed:**

- a. Landscaping
- b. Property Line Fencing per Section III (no chain link)
- c. Vehicular Access
- d. Garden walls <36" ht, un-reinforced
- e. Storage – not visible from street or adjacent lots
- f. Sheds – 1 shed less than 120SF
- g. Horses per equestrian standards (max 3 per lot)

### 2) **Prohibited**

- a. Permanent Structures > 18" ht
- b. Habitable Structures
- c. Reinforced concrete walls or slabs
- d. Habitation or Overnight Camping
- e. Cargo Containers
- f. Portable Restrooms (small camp type porta-potties allowed)
- g. Pools or Jaccuzzi

### III

## FENCING

### A) FENCING

- 1) The use of walls as fencing enclosures is prohibited. Any such fence or enclosure on or near the exterior boundary line of any lot or building site, or which appears to enclose the site, shall be deemed an enclosure of the exterior or boundary lines of any lot or building site. No enclosure of the exterior or boundary lines of any site, lot or parcel may be erected or maintained except a wooden fence.

### B) TYPES OF FENCING

- 1) Country Estate Fence: Committee members approve P.V.C. Country Estate Fence with the following requirements.
  - a) 3-rail P.V.C. fencing should align with existing wooden fencing, if any.
  - b) If bracketed fencing is used, brackets should be placed on side of posts away from the street.
  - c) Caps should be flat.
  - d) Posts should be placed at 8-foot intervals in concrete.
  - e) Height of fence posts to be 4'-6".
- 2) Heritage Three-Rail Fences: Approved with flat cap on posts.
- 3) Solid wood fencing of a natural color shall be allowed on lot lines between properties, provided there is a residence on at least one of the properties, and further provided both owners of the directly affected lots are in agreement with the proposed fence. Said fence shall be no closer to the street than the front of the house and shall comply with height (max 6') and setback requirements.
- 4) Chain Link Fences: Chain link fences or pipe fences for rear areas and corrals are permissible with the approval of the Committee.
- 5) Other Requirements:
  - a) No fences shall be erected on, constructed in, or enclose any Association access easement unless otherwise permitted.
  - b) Fences enclosing pools and/or tennis courts may be of chain link or other material with the approval of the Committee.
  - c) Barbed wire fences are prohibited. Electric fences are prohibited except for purposes of restraining animals if permitted by the City of Rancho Palos Verdes.
  - d) Gates used with three rail fences are to follow the same style. All other gates are to be approved by the Committee.

- e) Equipment for pools and other mechanical apparatus shall be housed or fenced and screened by landscaping. No roof shall be provided unless it cannot be seen from road and the enclosure shall be no larger than that required by the equipment. If grape stake is used, it may be left natural to blend with the landscaping.

## IV

### **PROCEDURES**

No person shall erect, construct, enlarge, alter or have any building or structure or fence in the area under control of the Association without first obtaining approval from the Association. Such approval fee proceeds are to be used to maintain and/or repair road network due to possible stress from heavy vehicle usage during construction period and to defray architect consulting fees and Committee staff fees. The members of the Architectural Committee and the Board of Directors are not reimbursed for their volunteer activity.

#### **A) FILING PLANS**

- 1) Association support of applicant following final approval of plans by the Board of Directors, based on recommendation of the Architectural Committee. The President of the Association will stamp the applicant's final plans and provide the applicant with a cover letter of support and a copy forwarded to the City of Rancho Palos Verdes Planning Department.
- 2) All plans must be to scale and legible.
- 3) Plans for new residences, residence additions, and remodels over 1000 Sq Ft. shall be submitted to the Committee in PRELIMINARY FORM for conceptual approval early in the design process to ensure compliance. Building and Safety Permit Drawing shall be submitted to the Committee concurrent with the RPV submittal for PBCA Final Design Approval. (See B - GUIDELINES FOR SUBMITTAL OF NEW RESIDENCES RE; SUBMITTAL FORM).
- 4) All plans shall show the name and address of the owner of the property, lot and tract number, if any, and the name and address of the Architect preparing the plans. Should corrections be necessary, the original plan filed shall remain with the Committee.
- 5) One Copy of all plans for new construction shall be submitted in the form of prints on clean white drawing paper, floor plans for final working drawings shall be drawn to a scale of 1/4" to 1' for Architectural Plans and 1" to 20' for site plans and surveys. Plans must be legible with materials plainly marked. A pdf file of plans must also be submitted.
- 6) All plans must include a plot plan, grading plan, floor plan and elevations of ALL sides, roof plan, and such sections as may be required for clarity; exterior color scheme and square footage chart of the building shall also be included. ALL OVERHANGS ON ROOF PLAN SHALL BE MARKED WITH DIMENSIONS. Pool and tennis court plans must be submitted separately. The Committee may require a perspective, if, in its opinion, the design is not clearly shown on the plans. Complete elevations affected by the additions or remodeling must be shown on the plans submitted.
- 7) Plot plan shall include:
  - a) Roads, driveways and easements with the width thereof. Indicate pedestrian / equestrian road path.
  - b) Terraces, pools and paved areas. (Including walks, driveways and all decks paved or otherwise.)
  - c) Building plan outline, lot dimensions, setbacks, and north arrow.

- d) All existing and proposed structures, including fences and service yard areas.
  - e) Drainage plan
  - f) A minimum scale of 1" – 20' shall be used.
  - g) Complete lot must be shown. Small key plan allowed; house area is shown at large scale.
  - h) See attached example of plot plan.
- 8) All plans shall be filed by mailing, or hand delivered to an Architectural Board member, to Portuguese Bend Community Association, P. O. Box 2908, Palos Verdes Peninsula, CA 90274. The Committee meets on the first Monday of each month. Plans should be made available to the Committee at least one week prior to the meeting. Sec IV-B1.
  - 9) City of Rancho Palos Verdes approval, permit and inspection process must be adhered to by the owner and his agents. All contractors and sub-contractors of the owner must be currently licensed and insured.
  - 10) One set of approved plans shall be retained in the Association files and may be released only to responsible blueprint companies for duplication and must be returned to Association files.

**B) TIME PROVISIONS**

- 1) The sequence of filing procedure is:
  - 1<sup>st</sup> Conceptual drawing at least one week prior to a regularly scheduled Architectural Committee meeting. This can be a quick, hand drawn sketch to encourage early coordination with the Architectural Committee.
  - 2<sup>nd</sup> Architectural Committee renders decision on conceptual drawing within seven (7) Days.
  - 3<sup>rd</sup> Applicant files actual plans (same as plans used for LME or RPV Planning Application drawings) fourteen (14) days prior to a regularly scheduled Architectural Committee meeting.
  - 4<sup>th</sup> Architectural Committee renders preliminary decision on actual plans within fourteen (14) days of meeting at which plans are reviewed. Architectural Committee will work with due diligence on all projects submitted for review. Applicant will be notified if a delay is anticipated.
  - 5<sup>th</sup> Poles and flags for silhouette shall be erected by applicant (or his agent) within two weeks of applicant receiving preliminary approval.
    - a) Opportunity for neighbor input.
  - 6<sup>th</sup> Final decision of the Architectural Committee within four weeks of erection of flags and poles.
  - 7<sup>th</sup> Final Plans (concurrent with RPV Building and Safety Review) shall be submitted to the Architectural Committee for final recommendation made to Board of Directors at next regularly scheduled Board of Directors Monthly Meeting.

8<sup>th</sup> Board of Directors votes on applicant's plans. Plans will be stamped and returned to the applicant with a cover letter to the applicant and a copy to the City of Rancho Palos Verdes.

- 2) Applicant must copy Architectural Committee on all changes made by City of Rancho Palos Verdes upon notification by the City.
- 3) Final plans of new residences shall be submitted to the Committee within one year after approval by the Committee of the preliminary plans.
- 4) If the proposed building, structure or work is not commenced within one year from the approval of the final plans, then the plans shall be null and void and new plans must be resubmitted.

**C) INSPECTION**

- 1) A set of plans, which shall have affixed stamp of approval of the Association, shall be on the job site at all times.

**D) CONSTRUCTION**

- 1) All work shall proceed with diligence and it shall be the obligation of the owner or his agent to provide portable chemical toilets placed inconspicuously on location.
- 2) During construction, the premises shall be kept free from scraps, rubbish, paper or other debris and there shall be no burning on the premises. Entire construction site shall be fenced to stop trespassing.
- 3) Building Hours for any construction and maintenance trades shall be allowed only between the hours of 7:30 AM to 5:30PM Monday through Friday, and 9 AM to 1 PM on Saturday. No construction or maintenance trades shall be allowed to work on Sunday and/or holidays.
- 4) Construction parking for construction sites to be limited to "on-site" parking, with street parking limited to loading/un-loading only. Limited Variances will be granted on a case by case basis.
- 5) Large truck deliveries should enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks.
- 6) Concrete Deliveries: Only one truck on site at a time. Second and third trucks can stay on Narcissa or Sweetbay. Nor more than three trucks in PBCA at a time. All trucks must enter and exit through the Peppertree Gate.
- 7) Noise from radios or other amplified sound devices shall not be audible beyond the property.

## **E) REAL ESTATE SIGNAGE AND OPEN HOUSE TIMES AND PROCEDURES**

- 1) No Real Estate “For Sale” signs are permitted.
- 2) Public Open House:
  - a. Permitted only on the first Sunday of each month from 1pm to 4pm unless it falls on a holiday, then the Open House allowed on the preceding Sunday.
  - b. Brokers Open House permitted on the Tuesday preceding the Public Open House from 11am to 2pm.
  - c. A Gate Guard must be posted at the gate for both Public and Brokers Open Houses. Agents must not post or publicize the gate code.
  - d. “Open House” sign in front of house and a maximum of (3) directional signs at key roadside intersections allowed during the day of the Open House
  - e. Parking is not allowed on streets and traffic laws will be enforced.

## **F) HEAVY TRUCK RULES AND LIMITATIONS**

- 1) Large truck deliveries must enter and exit from the Peppertree Gate.
- 2) Semi-trucks allowed for heavy equipment delivery only with a maximum length of 48 feet. All other deliveries limited to 3 axle or smaller trucks. All delivery trucks must be less than 12'6" in height and 48 feet in length.
  - a. For all Cul-de-Sacs or “No Exit” roads that do not allow trucks to turn around: Trucks must unload on Narcissa or Sweetbay and use forklift to access lots, or
  - b. Provide a flagman for all backing trucks
- 3) Contractor must post a guard at Narcissa gate during scheduled deliveries to ensure that all large trucks access through the Peppertree gate.
- 4) Concrete Deliveries: Only one truck on site at a time. Second and third trucks may stage on Upper Narcissa or Sweetbay. No more than three concrete trucks in PBCA at a time.
- 5) Residents responsible for any damages to PBCA roads or gates from trucks delivering to their addresses.

## V

### **DEFINITIONS**

Words used in the present tense include the future tense; the singular includes the plural; work "person" includes a corporation, partnership, Association as well as individuals; the term "shall" is mandatory and "may" is permissive.

#### **A) BUILDINGS**

- A) A structure having a roof supported by columns or walls including underground fallout and bomb shelters.
- B) Main Building: A building in which is conducted the principal use of the lot or building site on which it is located.
- C) Accessory Building: A subordinate building on the same lot or building site, the use of which is incidental to that of the main building, and which is used exclusively by the occupants of the main building, and shall not include a business, rental unit, or kitchen.
- D) ADU: a subordinate habitable building with bath and kitchen. Rentals are a 30-day minimum.
- E) Garage: A building for the housing of not more than three (3) motor vehicles with a roof and enclosed on four (4) sides.
- F) Single Family Dwelling: A residence or dwelling for one family alone having but one kitchen.
- G) Story: That portion of a building or structure included between the surface of any floor and the finished ceiling above it. Applicant is referred to the City of Rancho Palos Verdes for study of City's ordinances relating to height and elevation requirements with respect to residence design.
- H) Structure: Anything built, constructed or erected, of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground.
- I) Abandonment: Shall mean the failure of the holder of a building permit for the construction or erection of an improvement, to show month to month progress toward completion or the halting or cessation of improvement within one year after the start or commencement of said work; or the halting or cessation of said work for a continuous period of four weeks, or the failure to have an active, working force of more than one person present and actively engaged in the work of completing said improvement for a period of more than four weeks.
  - a) Stable: A corral and three-sided covered area of 400 square feet per horse. In addition to the stable area, one single structure of 200 square feet total shall be attached to the stable area for storage of tack and hay. "Q" District requirements will always constitute a minimum.
  - b) Grandfathered: All structures and improvements approved or existing as of the date of issuance of these standards shall be deemed permissible. Should any of these planned or

existing structures be entirely destroyed the new replacement construction must adhere to these Architectural Standards.

- c) Cellars: Cellars are defined as those portions of a building below the living area floor and which are wholly or partially below grade.
  
- J) New Home and Building Construction: Buildings constructed on new foundations.
  
- K) Minor Remodels: change of interior or exterior finish, replacement of doors and/or windows in existing openings, replacement of roof material with existing framing to remain, and the movement of interior partition walls.
  
- L) Extensive Remodels: changes that include adjustment or removal of a structural wall, when both exterior and interior finish and fixtures are removed, when the project requires a change of roof framing, structural concrete, major grading or any other items that may impact the community and the community roadways.

## **B) LOTS**

- 1) Any legal parcel of land, the description of which is recorded in the office of the County Recorder. No improvement to be made on other than a legal parcel.
  
- 2) Lot Lines: The boundary lines of lots are:
  - a) Front Lot Line: The line identified as the center of the road, or in a corner lot, only one street line shall be considered as a front lot line, and such front lot line shall be determined by the Architectural Committee of the Portuguese Bend Community Association.
  
  - b) Rear Lot Line: The line opposite the front lot line.
  
  - c) Side Lot Line: Any lot lines other than the front line or the rear lot line.
  
- 3) Easements: The area along the exterior boundary lines of any lot or building site reserved by a Declaration of Restriction, Reservation or Conveyance to be used for roads, streets, bridle trails, parkways, park areas, and for any public or quasi-public utility service or function beneath or above the surface of the ground.
  
- 4) Yard: An open space other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in these Regulations.
  - a) Front Yard: A yard extending across the full width of the lot or building site between the side lot lines and measured between the front street or road easement and either the nearest line of the main building or the nearest line of any enclosed or covered porch or covered terrace attached thereto.

- b) Rear Yard: A yard extending across the full width of the lot or building site between the side lot lines and measured between the rear lot line and the nearest line of any enclosed or covered porch or covered terrace. Where an easement traverses the rear portion of any lot and the owner of the servant tenement does not have the right to use the surface for building, then the rear lot line shall be considered to be the rear line of that portion of the lot to which the easement does not apply.
- 5) Gross Lot Area: Total square footage of lot as determined by either professional survey or Los Angeles County Tax Assessor (inclusive of road easement).
- 6) Net Lot Area: Gross Lot Area excluding the roadway easement, and the perimeter easements to a maximum of ten feet, and any private drive or driveway which provides ingress or egress to another lot or parcel of land, and any access strip portion of a flag lot.

## VI

### **BUILDING APPROVAL FEES AND PENALTIES**

No person shall paint, landscape, erect, construct, enlarge, alter or move any building, fence, or structure in the area under control of the Association without first obtaining approval from the Association. Such approval fee proceeds are to be used to maintain and/or repair road network due to possible stress from heavy vehicle usage during construction period and other related costs. The legal parcel owner shall be liable for any actual damage caused by heavy equipment to the roadway or any other improvement within the Portuguese Bend Community Association area.

City of Rancho Palos Verdes approval, permit and inspection process must be adhered to by the owner and his agents. All contractors and sub-contractors of the owner must be currently licensed and insured.

#### **A) FEES**

##### 1) New Home Construction and ADUs

- a) Conceptual Design Approval Fees
  - i. \$1,500 for Architectural Review, or \$2000 for Home plus ADU.
- b) Final Design Approval and Construction Fees
  - ii. \$5.00 per square foot of residence, out-buildings, garages, etc.

##### 2) Addition to Existing Structure or detached buildings

- a) Filing Fees
  - i. \$500 for Architectural Review
- b) Construction Fees
  - i. \$5.00 per square foot for added structures

##### 3) Minor Remodels, Fences, and/or Home Improvement and JADUs (no additional square feet)

- a) Filing Fees
  - i. NONE
- b) Construction Fees
  - i. NONE

##### 4) Extensive Remodels

- c) Filing Fees
  - i. \$500 for Architectural Review
- d) Construction Fees
  - ii. The fee for some or all of the scope of work will be reviewed by the Architecture Committee by way of site visit. A recommendation of a fee per total residence square footage price will be recommended to the Board for review and vote. The proposed fee not to exceed \$4.00 per foot and not to be less than \$1.00 per foot.

- 5) For new construction and extensive remodels: A refundable \$10,000 deposit shall be paid to PBCA for violations of the Conditions of Approval to be refunded at completion of the project (including landscaping) per the approved plans.

All fees and penalties subject to a 4% escalation to be calculated at Jan 1st each year after January 1st, 2019.

PLEASE NOTE: Your fees help support road and gate maintenance. Fees are due prior to Conceptual and Final Approval to: Portuguese Bend Community Association, PO Box 2908, Rolling Hills Estates, CA 90274. No construction work may be performed prior to final approval.

## **B) PENALTIES**

- 1) The Association has the right to liens on properties on which there exist violations of these regulations, which are not corrected in a timely manner. The amount of liens shall be commensurate with the expense the Association incurs to correct the violation. Those structures or other items in existence on the original date of issuance of this document and covered by the terms of this document shall be "grandfathered".

In addition to any other remedies at law or equity that the Association or the Architectural Committee may have, any violation of the rules and regulations may be enjoined by a superior court having jurisdiction over the project. The prevailing party in any such litigation shall be entitled to reasonable attorney's fees and costs.

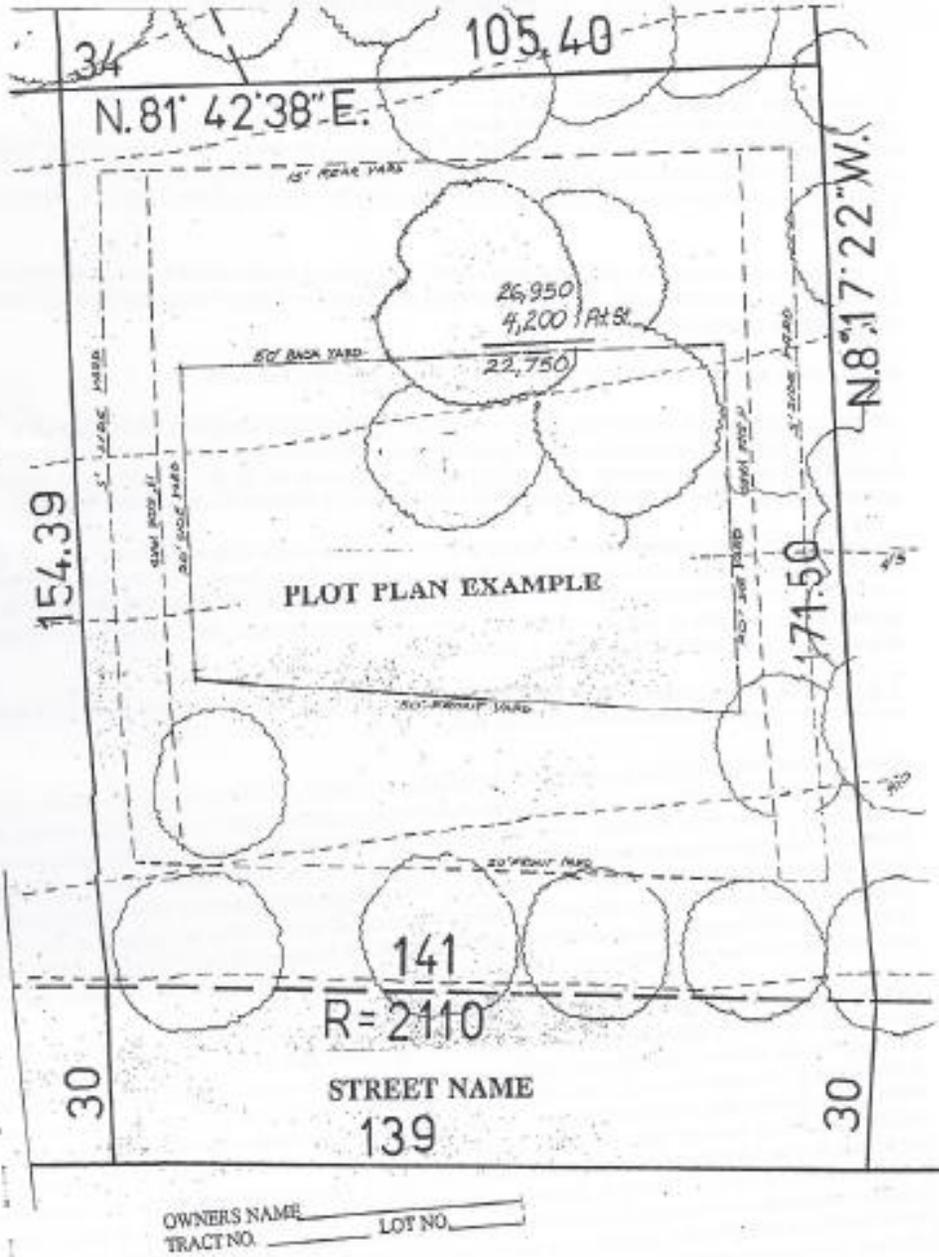
- 2) Fines for violations of the Conditions of Approval:
  - a) First Complaint: \$500
  - b) Second Complaint: \$1000
  - c) Third Complaint: \$2500
  - d) Fourth Complaint: \$3000
  - e) Fifth Complaint: \$3000
- 3) Appeals of the decisions of the Architectural Committee to the Association may be made at the next regularly scheduled Board of Directors meeting following notification to the owner or his agent by the Architectural Committee of its decision.

### **Penalty Procedures:**

- The Architectural Committee reacts only to neighbor complaints and will not be pro-active in enforcing the conditions of approval.
- Owners must send an email with "Violation" in the subject line to the PBCA Board and the Architectural Committee stating the violation of Conditions of Approval. The complaint should include: The violation, the time and date and a date stamped picture would also be beneficial.
- Owners are given a 3 violation grace period before PBCA assesses any penalties.
- Each complaint will be followed up with a timely communication with the owner so that he/she can rectify the situation.

- After 3 violations, any repeat violation will be forwarded to the board for assessing a fine per our Conditions of Approval. ( i.e. if a condition other than the first 3 is violated, then the owner will get a warning and not a fine) The board may assess a penalty by majority vote.
- The PBCA Secretary will send a letter stating the amount that has been deducted from the Owner/Applicants deposit.

# Example Plot Plan



## EQUINE CRITERIA

June 1, 1991

All persons now keeping or intending to keep horses on their property must submit to the Architectural Committee plans in duplicate for the stables, fences, and related planning together with a plot plan or sketch indicating the size and location of all property lines, streets, houses, and activity areas necessary for the application of the criteria. All applicants shall sign a statement, indicating acceptance of these criteria in lieu of the CC&R's. Failure to sign such a statement will necessitate invocation of the CC&R's and the City of Rancho Palos Verdes "Q" District regulations.

All approvals shall be made conditional and revocable at any time on written notice by the Architectural Committee to the property owner, explaining the reason for such cancellation. Non-compliance with these criteria shall constitute reason for cancellation.

Permits will expire and be subject to review and re-issue at the end of two years.

When it is requested of the Committee that a stable permit be granted, all contiguous (including all road center boundaries) property owners will be consulted and advised of the intention to keep horses and of the number intended to be kept on the property. The notified property owners may notify the Committee of their position, or appear at a regular monthly Board meeting, when a decision on the issuance of a permit will be made.

Regardless of acreage, residents shall be limited to three horses per membership in the Association; all animals kept shall be for the personal use of the members of the family of the owner or lessee of the property. Where a bona fide need exists for extra animals for the use of family members, a variance may be sought and obtained. The minimum square footage per horse of stall and corral space is 400 square feet per horse. As of the printing of these criteria this minimum is reflective of the City's "Q" District requirements.

A grace period of three months will be given to come into compliance with these criteria; foals of up to a year in age will not be counted in the number of horses kept.

Property owners will accept, as a condition of the issuance of a permit, the Committee's right to make spot checks of the premises to determine compliance. Stables shall not be located less than 35 feet from the owner's house, and not less than 100 feet from the nearest other house or activity area, such as swimming pool or barbeque area. Stables shall be constructed with a minimum of three sides and roof. The materials used for such construction shall be the same as used for the property owner's house, i.e. wood siding painted the same color as the owner's house if located on the same lot as the property owner's house. If the stables are located on an adjacent lot, the stables can be painted a complimentary natural color or white. The roof of the stables shall be of the same style as that of the property owner's house and in any case, be of a fire retardant type to prevent, if possible, the spread of fire.

Fences confining the animals shall not be located less than 50 feet from the nearest other house or activity area, less than 25 feet from the neighboring property line; all fences and gates shall be of a construction sufficient to prevent the escape of the enclosed animals, and shall be maintained in good condition. By the term "good condition", the Architectural Committee intends to mean the fencing shall be painted white at all times and any sections showing deterioration from weather or

the chewing of the horses or other causes that render the fencing unsightly shall be repaired in a timely manner, that is within a month of the observance of the condition by the property owner or notification by the Architectural Committee. Electrically charged wires may be used only as a supplement to other fencing, and must meet U.L. Standards. Barbed wire fences are prohibited. A minimum of 400 square feet per horse is required within the fenced area. All wood fencing shall be three rail painted white and shall be not less than four feet in height and of equivalent strength of a wood fence with four-by-four inch posts, no more than ten feet apart, with three two-by-six inch rails.

A weatherproof sign listing the name and address of the person responsible for the animals must be posted for information in the event of escaped animals or a fire or other emergency. In addition, a halter and lead rope for each animal will be provided in an accessible location in case of emergency.

Each property owner or lessee is responsible for the continuous maintenance of sanitary conditions including but not limited to the cleaning of corrals, stables, barns, and other areas to which animals have access, and for the disposal of manure and other, refuse. Animal waste shall not be allowed to accumulate, since this is the prime cause of complaints from neighboring property owners, and must be disposed of by removal frequently enough to control insect and minimize offensive odors. Effectiveness of fly control will be determined by inspection upon complaints from neighboring residents.

Each lot and structure shall be maintained so that there is no standing surface water or ponding within areas in which large domestic animals are kept.

All buildings used for the keeping of large domestic animals and all corral or enclosure fences shall be constructed and maintained in a neat and orderly condition and kept in good repair. Landscaping or other screening as appropriate must be provided for stables, barns, corrals, and stored hay.

Small domestic animals, poultry, birds, etc. may not be kept in numbers sufficient to cause nuisance to neighboring residents. Validated complaints from neighboring residents as to noise and other nuisance factors shall determine when numbers are excessive.

I, we, do hereby accept the Revised Equine Criteria of the Portuguese Bend Community Association Architectural Committee, dated June 1, 1991 in lieu of the standards set forth in the CC&R's of said Association.

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

**Name:** \_\_\_\_\_

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

## PORTUGUESE BEND ARCHITECTURAL REVIEW APPLICATION

Applicant:		Date:	
Address :		Phone:	
Email:			
Property address (if different)			
Project Description:			
<p><u>Conceptual Approval:</u> Provide site plan and elevations</p> <p><u>Final Approval:</u> Provide construction plans including: Plot, drainage, elevations, landscaping, grading</p> <p><u>Fees:</u> listed in current revision of PBCA Architectural Standards. Note, Fees increase 4% per yr after 1/1/2019</p>			
<p>Please include information required for various approvals with a check to the Portuguese Bend Community Assoc. and mail to: Portuguese Bend Architectural Committee, Portuguese Bend Community Assoc, PO Box 2908, Palos Verdes Peninsula, Ca 90274, or hand deliver to member of Architectural Committee, or email to Gordon.Leon@gmail.com</p>			

**VARIANCE NOTIFICATION LETTER**

**Date**

**Applicant:**

**Address:**

**Re: Property address** \_\_\_\_\_

**To Whom It May Concern:**

**Please be advised that your current plans for the proposed new residence / new addition located at the property address indicated above does not comply with the current PBCA Building Regulations/ Architectural Standards for the following reasons:**

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**If you would like to pursue further action, please follow one of the following procedures:**

- 1. Make adjustments to your plans and resubmit for further review.**
- 2. Complete the Request for Variance Form provided below.**

**If you have any further questions, please contact me at:** \_\_\_\_\_

**Regards,**

**Gordon Leon**

**PBCA Architectural Committee**

**Portuguese Bend Community Association**  
**Request for Variance to Building Regulations/ Architectural Standards**

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

**Applicant:** \_\_\_\_\_

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

**Phone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Property address:** \_\_\_\_\_

**Please provide a detailed description of your variance request.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please state the exceptional or extraordinary circumstances or conditions applicable to your project which do not generally apply to other properties in Portuguese Bend.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please describe measures taken to mitigate variance conditions and meet the spirit of the Architectural Standard Requirements.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach drawings (with dimensions), worksheets, records, or other documentation that support your variance request. You may also be requested to gain approval from your adjacent neighbors.**

**ARCHITECTURAL COMMITTEE ACTION**

**Date & Description of restriction:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Your request has been:      APPROVED      DENIED**

Conditions of Approval to be included in Construction Drawings and provided to all contractors working on site.

### **PBCA Architectural Conditions of Approval**

1. Construction work may only be performed on Monday through Fridays between 7:30am and 5:30pm, and from 9:00am to 1:00pm on Saturdays
2. All construction vehicles must be parked on site and may not be parked on the streets within PBCA. The entrance gate parking area may be used if requested in advance and vehicles will be required to display parking passes.
3. Owner must post a sign at the site with contact information so that neighbors can call with any complaints regarding the operation of construction
4. All construction debris and trash must be contained on site and removed at regular intervals.
5. Large rammers, vibrators, or impactors, or any other vibration generating compaction method, may not be used for compaction associated with pad or driveway grading, due to the sensitivity of the land slide and risk to neighboring properties.
6. Storm water must be controlled to keep mud from draining on to the streets.
7. Contractor shall not track mud on to the streets from construction vehicles
8. Large truck deliveries must enter and exit from the Peppertree Gate. Semi-trucks allowed for heavy equipment delivery only. All other deliveries limited to 3 axle or smaller trucks. Contractor must post a guard at Narcissa gate to ensure that all trucks access Peppertree gate during large truck deliveries.
9. Concrete Deliveries: Only one truck on site at a time. Second and third trucks can stay on Narcissa or Sweetbay. No more than three trucks in PBCA at a time. All trucks must enter and exit through the Peppertree Gate. .
10. Noise from radios or other amplified sound devices shall not be audible beyond the property.
11. Owner is responsible for any damage to the PBCA streets, gates, or structures, caused by vehicles associated with this construction project.
12. Export of soil allowed with approval of the architectural committee and import of soil prohibited.
13. Landscaping plans must accompany architectural plans and be installed within two months of completion of improvement.
14. A refundable \$10,000 Deposit is required to ensure adherence to these conditions. The remaining balance of the deposit will be refunded at the completion of landscaping per approved plans.

#### Fine Schedule:

- First Complaint: \$500
  - Second Complaint: \$1000
  - Third Complaint: \$2500
  - Fourth Complaint: \$3000
  - Fifth Complaint: \$3000
15. A copy of these conditions must be included with the notes on the final drawings and provided to each of the contractors working on this project and posted on the job site.

**Penalty Procedure:**

1. The Architectural Committee reacts only to neighbor complaints and will not be pro-active in enforcing the conditions of approval.
2. Owners must send an email with “Complaint” in the subject line to PBCA and the Architectural Committee stating the violation of Conditions of Approval. The complaint should include: The violation, the time and date and a date stamped picture would also be beneficial.
3. Owners are given a 3 violation grace period before PBCA assesses any penalties.
4. Each complaint will be followed up with a timely communication with the owner so that he/she can rectify the situation.
5. After 3 violations, any repeat violation will be forwarded to the board for assessing a fine per our Conditions of Approval. ( i.e. if a condition other than the first 3 is violated, then the owner will get a warning and not a fine) The board may assess a penalty by majority vote.
6. The PBCA Secretary will send a letter stating the amount that has been deducted from the Owner/Applicants deposit.

Adopted May 2, 2016 by motion of PBCA Board of Directors

# WORK RULES

## General Contractor:

**Phone:**

**Email:**

### 1. CONSTRUCTION AND DELIVERY HOURS

**7:30-5:30 MONDAY – FRIDAY**

**9:00-1:00 SATURDAY**

**NO WORK ON SUNDAYS OR HOLIDAYS**

### 2. NO PARKING ON PBCA STREETS

### 3. ALL DELIVERIES THRU PEPPERTREE GATE

### 4. ONLY ONE CONCRETE TRUCK ON SITE AT A TIME, STAGING ADDITIONAL 2 TRUCKS ON NARCISSA OR SWEETBAY. LIMIT OF 3 TRUCKS IN PBCA AT A TIME

### 5. CLEAN UP MUD ON STREETS IMMEDIATELY

### 6. NO LOUD MUSIC AUDIBLE OFF SITE

### 7. OBEY ALL TRAFFIC RULES, STOP SIGNS, NO SPEEDING

**\$500 to \$6,000 FINES**

Laminate and Post on Jobsite Fence (24" x 36" Min)