

OCEANA MARIN ASSOCIATION DESIGN RULES

P.O. Box 65, Dillon Beach, California 94929

1. INTRODUCTION

The COVENANTS, CONDITIONS, and RESTRICTIONS (hereinafter referred to as the **CCRs**) of the OCEANA MARIN ASSOCIATION (**OMA**), an amended version of the Bodega Bay Preserve Restrictions, which apply to all owners of property in Oceana Marin, and the related Oceana Marin Association By-Laws, provide for a Design Committee *CCR Article XIII and By-Laws Article VII(3)*. The Design Committee is appointed by the Board of Directors of the OMA. It shall direct owners in the designing of homes complying with the CCRs of the Oceana Marin Association.

All improvements to property, including all new construction, all major landscaping and all exterior modifications to existing construction (except for minor maintenance items which do not change the exterior appearance, as specifically noted in the rules) require Design Committee approval both prior to their initiation and prior to their completion. Interior modifications that do not change the appearance of the property are exempt.

A copy of these Design Rules and of the CCRs of the Oceana Marin Association in the current approved form shall be obtained and read by every prospective home builder, remodeler or renovator. Attention is particularly called to *Article II, "Property Rights."*

One of the principal reasons for building at Oceana Marin is to be able to enjoy the views of the ocean and surrounding environment. However, since many lots and buildings are involved, each lot owner must expect that these views will be shared rather than being the exclusive property of any single property. This expectation applies to existing homes, proposed homes, and future homes. This concept is the primary focus of the Design Review Committee. The consideration of this requirement will be evaluated during the preliminary design review process. The standards established for heights/massing are maximums and are not entitlements or guaranteed. Each project will be reviewed and evaluated on its own merits.

The **PROCEDURES** and the **GUIDELINES AND DESIGN RULES** under which the Design Committee operates are set forth below.

2. PROCEDURES

General: Lot owners shall retain a **licensed architect** to prepare all of the necessary plans and drawings for new construction. Topographic data and soils analysis/foundation design must be developed by a licensed civil/soils engineer.

All plans and drawings for all new and revised construction (except for minor maintenance as noted) require the approval of the Design Committee prior to the initiation of construction.

It is the owner's responsibility to build the facilities in accordance with the plans and schedule as submitted and approved, and to coordinate the efforts of others he or she may employ, in order to meet the requirements of the Oceana Marin Association CCRs, the OMA Design Committee, and the County of Marin.

The Design Committee reserves the right to inspect construction from time to time to assure compliance with the plans as submitted and approved. Non-compliance will be cause for a special review with the owner, requesting compliance. Failure to comply with such requests will be cause for the Design Committee to initiate corrective action as authorized in the CCRs.

Approval Steps: Prior to the acceptance of any design for review and approval, the Design

Committee will check to determine the applicant's membership status in the OMA. Only current owners of lots may apply.

All assessments currently payable must be paid in full prior to Design Committee action, regardless of the nature of the application. A check will be made to determine whether all fees and assessments have been paid.

The approval process for new construction and major revisions requires the owner to submit an application, a signed Performance Agreement and appropriate fees. Plans will be submitted in three stages: (1) conceptual drawings; (2) preliminary drawings; and (3) final drawings.

Conceptual and preliminary drawings are not required for minor revisions to existing structures.

Application Format: All applications shall be submitted by the current lot Owner in the format of the draft application shown in **Appendix A**.

Fees: No fee is required for minor revisions to existing construction. Fees for new construction and major improvements to existing construction (remodels) are as follows:

1. Plans Inspection Fee of \$500. This fee will be included with the Preliminary Review application to cover the cost of mailings and architectural consulting. If review costs for subject plans exceed \$500, the applicant will be billed for the excess costs. In the event preliminary plans require revisions and resubmittal, additional fees will be collected to cover the costs of reviews prior to resubmittal being reviewed.

2. Performance Agreement and Security Deposit. A refundable security deposit is required for a new residence or major improvements to an existing residence in the amount of \$1,000 (one thousand dollars). For other additions and alterations requiring Design Committee approval, the security deposit shall be \$500 (five hundred dollars). The applicant/property owner must sign the Performance Agreement (**Appendix B.1** or **B.2**) at time of final drawing submittal. This deposit and Performance Agreement is to guarantee that the applicant will conform to the CCRs, and Design Committee requirements, and that the construction site will be kept neat and orderly during all phases of the construction. It also ensures that the streets adjacent to the construction site will be kept clean, unobstructed, and undamaged, and that the property will be kept cleared of all debris during construction.

After construction is complete, money from the security deposit may be used to defray the Oceana Marin Association costs to take care of any construction site cleanup, or street cleanup and repairs, not attended to by the owner. Any funds not expended or held for non-compliance will be returned to the owner within sixty (60) days of final construction inspection and approval.

3. As-Built Survey & Certification Deposit. An as-built survey will be performed by the Design Committee at completion of construction to certify that the building dimensions and elevations are as shown on the approved plans. The deposit for this survey is \$500 and shall be submitted with the Performance Agreement. Roof access (by ladder) must be provided by the builder/lot owner. If an interim survey is performed as specified elsewhere in this document, this deposit will be refunded with any remaining portion of the security deposit.

4. Road Reserves Fund. The sum of \$800 will be collected to cover the cost of increased road maintenance due to construction traffic. This is not refundable.

Conceptual Drawing Submittal: Prior to beginning design, the owner shall submit sketches showing the basic house layout on the site, overall height and roof lines, as well as demonstrate approaches to minimize apparent mass and to blend the proposed structure into the surrounding area. This review is to assist the owner and architect provide a design that incorporates as much as possible the view-sharing philosophy of the community.

Preliminary Drawing Submittal: Preliminary drawings are to show all aspects of the design and shall indicate what provisions have been made for view-sharing. Three (3) copies A/D@ size (24" x 32") of these plans are required with each Preliminary Application. Include the following:

- ! **1. Application Form** of the type shown in **Appendix A**, together with plans inspection fees as described above;
- ! **2. Site Plan(s)**, drawn to either 1/8" or 1/10" = 1' scale, which must show the following:
 - (a). The four (4) corners of the lot, showing dimensions, and location of the street curb;
 - (b). Topographic information showing elevations of the lot, cut/fill, and proposed drainage. New contours shall be differentiated from existing contours with heavy solid or dotted lines;
 - (c). Location of bench mark identified for use in checking elevations and building height. For lots with special height limits, identify bench mark on street (paint marked spot on street) and protect it during construction;
 - (d). **Outline** of location of adjacent dwellings;
 - (e). All building setback lines in dashed or dotted lines. Setbacks are to be at minimum 6 ft. at side property lines and 25 ft. at front and rear property lines. Structural construction is not permitted in the lot setbacks, specifically including supports for decks and/or windscreens higher than 1'-6" above grade, fences higher than 6'-0" and retaining walls greater than 4'-0". Include all other easements;
 - (f). Siting of dwelling, including finished floor elevations as related to bench mark or other datum; extent of roof overhang;
 - (g). Material staging area showing placement of temporary construction activities;
 - (h). Driveways, garage, decks, fences, walkways, patios, propane tanks (if any), preliminary landscaping (if any), plus any other structures. Also include any retaining walls, storage areas, outdoor lighting, and planned screening around above-ground storage tanks. Curb-cuts and/or driveway approaches must be constructed with an approved detail.
 - (i). A statement evaluating impact on adjacent properties= views. Closest adjacent neighboring residences (if any) must be indicated with floor elevations of neighboring properties= shown on drawings. Principal view corridors of affected adjacent properties must be identified and addressed by placement of direction mark showing directions to primary landmarks, i.e., ocean views, Pt. Reyes Peninsula, Bodega Head, etc.
- ! **3. Exterior Elevations** showing the exterior elevations, drawn to 1/4" = 1' scale:
 - (a). Show chimneys, skylights, and any other appurtenances,
 - (b). Show existing and finished grade elevations at building,
 - (c). Show maximum height of structure with line drawn parallel to natural grade. See Rules section for specific height restrictions.
- ! **4. Floor Plans and Representative Sections**, drawn to 1/4" scale, and;
- ! **5. Specifications** describing the building exterior materials and colors. Construction details are not required, nor desired, for this preliminary review.

Story-poles are to be placed at all corners of the building and at all ridge or high points of the roof, indicating roof elevations. There will be no exceptions. These poles must be placed at the same time the preliminary plans are submitted, identified properly on the plans, and are to remain in place during the preliminary review. Story-poles are to be removed within thirty (30) days after approval is granted.

Final Drawing Submittal: Applications for review and approval of final working drawings and plans shall include the following:

- ! **1. Performance Agreement** of the type shown in **Appendix B** together with security deposit

and as-built survey deposit as described above;

- ! **2. Site-specific Soils Engineering Studies and Foundation Design.** Each lot will require an original, signed Soils Report be submitted to the Design Committee along with the final plans and each lot owner must comply with recommendations contained therein, particularly with respect to drainage and/or erosion control.
- ! **3. Complete Set of Plans (AD@ size prints):** These are to be identical to those that will be submitted to the County of Marin, wet-signed by both architect and property owner, and include the site plans and architectural plans showing all items previously identified with the preliminary submittal, as well as structural and foundation plans.
- ! **4. Samples of all exterior materials** identified on the preliminary plans shall be submitted for approval.
- ! **5. Construction Schedule** noting completion of exterior elements and final grading.

Committee Review and Approval Actions: The Design Committee may set and/or change its review procedures from time to time, but will normally review plans in sessions held approximately once a month. The Design Committee will attempt to provide prompt response, subject to the normal monthly review meetings and the volunteer nature of the committee membership. For more detailed scheduling, contact the Design Committee Chair.

After reviewing the application, the Design Committee will send a notice of pending hearing to all adjacent OMA property owners to give these property owners an opportunity to review the plans and comment on them. The term **adjacent** will be defined as the lots on either side of, and across the street from, the subject property within a 300 ft. radius; as currently defined by Marin County standards. A meeting with the owner and the adjacent property owners will be scheduled to present the committee findings and to discuss any concerns regarding the basic design. The owner and/or the owners= architect is to attend all required design meetings.

Variances: Requests for variances to the Design Rules are discouraged and will be considered only for serious and compelling reasons. All requests for variance must be approved by the Design Review Committee and the OMA Board of Directors. Comments of the neighbors affected by the proposed variance will have considerable impact on any decision made.

Appeal Process: The Applicant or any OMA member may apply to the Board of Directors to review the action of the Design Committee in rejecting or approving any plans. Any such appeal by an OMA member must be made during the Preliminary Plan review step, and must be submitted in writing with specific items of concern listed.

Acceptance and Approvals. Design Committee acceptance of Final Drawings is contingent on the Committee's prior review and approval of preliminary drawings. Deviations from previously approved exterior elements will not be approved.

After completion of the review of the final plans the Design Committee Chair, or designee, will prepare a letter to the applicant, approving or rejecting the plans. Marin County requires this approval prior to accepting plans for the Building Department.

In no case will an approval letter be issued until the applicant has paid all current dues and assessments, paid all Design Review Fees, deposited the refundable Security Deposit, and submitted the signed Performance Agreement. Should there be contingent items listed in the Approval Letter, they must be addressed prior to construction.

Approvals are granted for one (1) year while a building permit is obtained; extensions may be granted after written request. Delays in submitting to Marin County for a Building Permit exceeding one year from the approval of final plans and specifications shall require a new application subject to Design Rules in effect at date of new submittal.

Construction Requirements: The Owner shall complete construction, reconstruction, refinishing or alteration of the foundation and all exterior surfaces of any improvement on the property within one year after commencing construction. Extensions to this one-year period require approval of Design Committee; requests must be submitted by letter.

It is the applicant's responsibility to assure a neat and orderly job and to provide for immediate cleanup of any excavation or construction debris that inadvertently spills onto streets or adjoining properties. A storm-water mitigation plan shall be submitted demonstrating provisions to prevent mud from draining onto OMA streets and into OMA storm drains. Excess dirt and construction materials cannot be stored on neighboring lots unless permission has been obtained from the owner of such lot. If such permission is obtained, the Design Committee must be notified. Permission must be obtained from the Design Committee if OMA open space is to be used for storage of dirt or construction materials.

Each job site shall provide temporary toilet facilities located off OMA streets. In no case shall any temporary construction structures, construction equipment or construction material be placed on the OMA streets. Indicate on the site plan the staging area for temporary construction facilities, material staging, etc. All temporary structures, construction debris, excess dirt, and leftover construction materials must be removed from the lot at completion of project.

The owner shall notify the Design Committee upon completion of construction or any other work for which plans or approval has been required. The Design Committee has sixty (60) days to inspect the project for compliance with the approved plans. After inspection, the owner will be notified in writing of any items requiring attention. The owner shall then have sixty (60) days to remedy these items of non-compliance.

3. GUIDELINES AND DESIGN RULES

Residential Use: Each lot shall be used for residential purposes only. Only one (1) single family residence shall be built on each lot. A single family residence is identified as a dwelling for a one-family unit, and having only one kitchen. Remodeling of residential structures must also conform with this provision. Residential second units are not permitted.

County Codes and Requirements: Marin County Codes and requirements shall prevail except as otherwise specified in this document.

Size and Height Limits: Maximum size is determined by Marin County and is based on a percentage of lot area, typically thirty percent (30%). Overall height of any structure may not exceed 25'-0" above natural grade, using the "envelope" method; using "average height" will not be permitted. To reduce mass, bulk and height of structures, the under-story areas shall be minimized to the greatest extent possible. Any under-story area over 5 ft. in height shall be included in the floor area calculations. For steep lots, the use of retaining walls is encouraged to reduce overall height whenever possible. In general, structures are to be kept as low as possible to the surrounding terrain. The following lots have specific height restrictions:

Lots 147 - 201: No portion of any house shall be constructed on these lots whereby the highest point is more than 18 feet above the elevation of the ridge of the adjacent street. The elevation of the ridge as it pertains to any particular construction element shall be that ridge area perpendicular to the street at the point said construction element is measured.

- ! Cul-de-sac lots: The elevation of a line drawn across Kona or Maui Lane at the point the parallel sides of the street become a circle (cul-de-sac).

Lots 202 - 215: No house shall be constructed or placed on any of said lots whereby the highest elevation of the roof line will exceed the elevation of the ridge of Waikiki Lane. The elevation of the ridge as it pertains to any particular lot shall be that ridge area contained within a projection of the east and west boundary lines of any of said lots across Waikiki Lane.

- ! Cul-de-sac lots: the elevation of the street is the center of the cul-de-sac

Additional height restrictions may be applied to any lot, including and in addition to those specified above, depending on size of house, type of design, adjacent properties= current views, and future properties= future views. Applicants are encouraged to discuss any additional potential restrictions with the Design Committee prior to beginning design.

Certification of construction dimensions/elevations by a licensed land surveyor will be performed by the Design Committee at the completion of the project. A deposit to cover cost of same will be made by lot owner during application. For the convenience of the builder/lot owner, an interim survey may be performed by the OMA-approved licensed surveyor at completion of all framing/sheathing activities to confirm that as-built construction meets approved elevations and dimensions. Payment for this interim survey will be made by the owner/builder and the deposit specified will be refunded at completion of construction. Any deviation from approved height limits and size will be cause for remedial mitigation, regardless of state of completion, and demand for correction may be made at any time by the Design Committee up to and including sixty (60) days after notification of completion of the project.

Exterior Walls, Colors & Materials of Construction: Exterior wall finishes must be of natural wood materials of cedar or redwood except for reinforced concrete walls which are an extension of the foundation and are used for both structural and aesthetic purposes in conjunction with wood walls. Non-corrosive fasteners must be used. Grooved Douglas fir plywood (e.g. APA T1-11) siding will not be approved. Maintenance involving replacement of wood surface or installation of new siding will require prior approval.

Exterior building colors shall be of wood left to weather naturally or stained with clear finishes or a neutral grey. The exterior material, color and finish must be specified on the plans and a sample 12" x 12" of the desired finish for siding, and 4" x 12" sample for trim, must be prepared and submitted for approval prior to the original application of any coating. Subsequent maintenance of approved coating does not require approval as long as it does not change the color or appearance of the surface.

Painting of new construction is not permitted. Painting is allowed only on previously-painted buildings for maintenance reasons. When a previously-painted building is repainted, color shall be either a medium neutral grey or grey-beige color resembling weathered wood, and must be of a matte finish. A sample of the proposed product must be applied to the existing building approximately 24'@ x 24" for evaluation purposes by the Design Committee. Reflective or shiny finishes will not be approved.

Roofs and Roof Forms: Roof design is critical to the implementation of view sharing. Roofs are to be designed such that they do not create long ridges that significantly block the shared ocean views of adjacent owners, and are to be kept to a low profile to preserve adjacent views to the greatest extent possible. In general, roof slopes will be confined to 4:12 unless it can be demonstrated that a greater slope will not affect neighboring views. Roofs utilizing "hip" construction vs. gable ends are required whenever possible to minimize view-blocking. Excessive floor-to-ceiling heights with subsequent high roofs which impact views will not be approved. Ornamental appurtenances, such as cupolas, on top of roofs are not allowed.

Roofing Materials: Only Class A Fire Resistant, non-reflective materials shall be used and must be of natural earth-tone colors; samples must be submitted and approved.

Roof Gutters: Copper or dark colored plastic are acceptable, white plastic will not be approved.

Chimneys: The chimney box form must be minimized to avoid obstructing neighbors' views. Height may not exceed the minimum required by code. A spark arrester is required.

Window and Window Frames: Reflective coatings on glass are not allowed; aluminum frames may not be "clear mill finish," submit color sample for approval. White vinyl or fiberglass frames are permitted.

Grading and Landscaping: It is recommended that great care be taken to leave existing terrain undisturbed to minimize erosion potential. In general, open spaces of individual lots shall remain visually indistinguishable from adjacent common areas. Particular care should be taken to preserve natural ground cover. All necessary cut and fill surfaces shall be contoured to blend with natural and undisturbed terrain, and must be seeded or planted with natural cover by October to avoid erosion in winter rains.

Trees/Plant Materials: Approval will be given for planting only those trees and plants indigenous to the coastal area. Shrubs and trees must not be permitted to block the view from other lots; pruning and thinning are mandatory for those trees that impact neighbors' views. Pampas or jubata grass (*CORTADERIA selloana* or *CORTADERIA jubata*) is considered a noxious weed and is specifically prohibited: any volunteer plants must be removed to prevent spreading.

Driveways, Utility Access and Parking: At least two off-street (other than garage) parking spaces shall be provided and maintained for each residential lot. Interference of surface drainage caused by driveways must be avoided and appropriate provisions for this drainage must be made. Driveways, turnarounds, and off-street parking must be of concrete or asphalt, with appropriate edge treatment where said construction abuts OMA streets. Concrete driveways will have lamp-black added to reduce glare. All trenched utility crossings of the OMA streets shall be repaired in an approved manner. After placement of utilities, all backfill material is to be installed with at least 95% compaction. A recommended method is to backfill with either crushed rock or cement-sand slurry. The last four (4) inches of backfill is to be of asphaltic concrete. All damaged striping is to be replaced.

Drainage: Drainage water from roofs and paving shall be distributed over large areas of ground or routed in graveled trenches capped with natural sod. Because of the possibility of soil erosion, concentrations of surface water must be avoided. Drainage shall be directed away from natural slopes, with berms used at edges of slopes to control erosion. Drainage details must be shown on the plot plan submittal discussed under "Working Drawing Approval" mentioned elsewhere in this document. Special care must be taken in drainage of beach front and other steeply sloping lots to prevent destructive erosion.

Garages: A fully-enclosed, two-vehicle garage is required and must be included in each plan. Garages must be part of the main building or connected to the house by a roof or fence and be constructed of the same material and design as the main house. Garages may not be converted to living space.

House Trailers or Accessory Buildings: No accessory building, trailer of any kind, mobile home, truck camper, RV, permanent tent, or similar facility shall be permitted for living purposes. In no case will temporary, construction facilities be permitted to remain on a lot in excess of one year's time

unless special permission is obtained from the Design Committee.

Fences: All areas used for such purposes as storage of trash containers, outdoor clotheslines, and other miscellaneous storage, if required, must be enclosed in a fenced service yard which is to be an extension of the main structure and constructed of the same materials and style as the main structure, with the area so enclosed not to exceed 600 square feet, no side longer than thirty (30) feet, and height not to exceed six (6) feet. Fences may not be placed on property lot lines or along street frontages.

Fences for purposes other than described above require a special application. These fences are subject to the following criteria: (a) the purpose of the fence must be clearly stated and must be of a reasonable area with all dimensions shown on plot plan; (b) height cannot exceed six (6) feet and may be required to be less; (c) fence may not be placed on property lot lines or along street frontages; (d) materials are to be compatible with land forms and surrounding areas; (e) views from adjacent lots cannot be obstructed; and, if applicable, (f) comments of neighbors will be considered during Design Review.

Propane Tanks: All fuel tanks or similar facilities shall be installed in accordance with applicable codes and ordinances, concealed by materials and methods approved by the Marin Fire Department, and placed so as to not be visible from the street or neighboring property. Approvals must be obtained by Marin Fire Department.

Exterior Lighting: Exterior lighting is permitted for safety and security purposes only. It must be unobtrusive and maintain privacy through the uses of hooded fixtures using low-level, low-wattage bulbs and cast light in a down-ward direction. Exterior lighting or fixtures must not, in daytime or night, intrude upon the view from neighboring properties or the street. Light sources (bulbs) must be screened so as to not be visible. Approval will not be given for high intensity outdoor lighting such as neon, sodium or mercury vapor types: such are not permitted in Oceana Marin.

Television Antennas and Satellite Dishes: Television antennas are permitted. Approval for satellite dishes one meter or less in diameter is not required. All satellite dishes are to be mounted in an inconspicuous manner consistent with obtaining a satisfactory signal. Satellite dishes may not be mounted on roofs in such a manner as to protrude above ridge lines of structures in sight lines of ocean views from neighboring properties. All satellite dishes mounted on roofs are to be painted a dark color similar to the roof covering.

Enforcement: The goal of the Oceana Marin Association is to enforce the CCRs and Design Rules uniformly. Violations ***must be brought to the attention of the CCRs Enforcement Committee*** so corrective measures may be taken (note **Appendix "C"**). Compliance with the Design Rules applies to original construction, alterations, or normal maintenance. If violations are such, in the opinion of the Board of Directors, as to require corrective action such corrective action will be taken at the expense of the homeowner/member, as per the CCRs.