

Exhibit H

Emerald Bay Community Association
Architectural Committee Meeting

Final Committee Recommendations
August 25, 2022
Board Approved – September 8, 2022

APPLICANT: GIEM
ADDRESS: #193
PROJECT: 3017 TRACT: 1104 LOT: 23
SCOPE OF WORK: 25% - 50% REMODEL WITH MAJOR LANDSCAPE/HARDSCAPE (Reclassified from 10-25% REMODEL due to scope of work, not percentage of area added)
SUBMITTAL ARCHITECT: PRELIMINARY RESUBMITTAL 2
Christian Light
Phone: 949-851-8345 Lic. # C22334
LANDSCAPE ARCHITECT: Adam Kober
Phone: 310-902-3947

Architectural review by Ken Wilkins

Landscape review by James Dockstader

FINAL COMMITTEE RECOMMENDATION: APPROVAL

HISTORY OF SUBMITTALS:

- | | | |
|----------------|-------------------------|--------------|
| • October 2021 | CONCEPT | ACKNOWLEDGED |
| • March 2022 | PRELIMINARY | DISAPPROVAL |
| • June 2022 | PRELIMINARY RESUBMITTAL | DISAPPROVAL |

SUMMARY OF PROPOSED ARCHITECTURAL IMPROVEMENTS:

The scope of work indicated in the Submittal Application is a remodel of an existing residence of approximately 8,934 SF, which includes a 4-car garage. **Overlays were provided. Some inaccuracies, including omission of the raised deck level West of the pool.**

The submittal proposes the addition of 1,072 SF / 8,934 = 12% (was 13%) mostly in Garage area with the removal of an existing pull-thru driveway. The existing terrace is being converted to a deck with a pool. Roof material is being changed to zinc metal standing seam.

Revisions with this submittal include: Correction of a datum point used which dropped the stated levels by 5', removal of one Garage parking space and door at the East elevation adding landscaping, reconfiguring parking at the West elevation for two extra spaces.

The areas indicated on the submittal are: **EBCA calculation ****

	Existing	Proposed	Change
• Upper Level	2,974 SF	2,931 SF	- 43 SF
• Middle Level	3,260 SF	3,216 SF**	-44 SF
• Lower Level	1,588 SF	1,397 SF	-191 SF
• Garage	1,112 SF	2,462 SF**	+1,350 SF
• Deck	1,448 SF	1,909 SF**	+426 SF

SUMMARY OF PROPOSED LANDSCAPE IMPROVEMENTS:

Proposed landscape improvements include: water features, spa, walls, paving, planting, irrigation.

STAFF ARCHITECTURAL FINDINGS:

1. ARCHITECT STAMP (Section B.2): The plans are stamped and signed. **This will be verified at each submittal. OK**
2. ARCHITECTURAL REVIEW - SUBMITTAL COMPLETENESS (Section B.5): Submittal is generally complete enough for review. **OK**
3. **LOT COVERAGE (Section C.1):** A structure shall not exceed 40% coverage of the lot. Lot coverage shall be calculated as the total area of the roof less the overhang including anchored decks. Elevated surfaces (patios, pools, planters) greater than 5'-0" above finished grade are included in lot coverage. Cantilevered decks and covered below grade structures less than 6'-6" in height are not included.

A signed copy of the 1960 topo plan was submitted.

The lot coverage is stated on the Submittal Application as **(4,876/ 7,762) = 62.8% (was 62.9%)**
See Section 12, existing non-conforming. Application notes per previous variance (see OTHER COMMENTS - No Variance seen).

4. SETBACKS (Section C.2): **Existing encroachments occur at multiple locations at both side and rear yard setbacks. The North setback line vs structure remains unclear comparing all levels. Deck elements and roof overhangs were previously pulled back. See Section 12, existing non-conforming. OK.**

The Committee may require greater setbacks.

5. **UTILITY EASEMENTS (Section C.3):** Portions of retaining walls, stairs and planters are allowed within the Utility Easements. **These will be reviewed by the Emerald Bay Service District prior to Final approval. OK**
6. PARKING (Section C.4): The parking requirement shown on the Submittal Application is 8,660 SF. **No overlay was provided specific to parking.** The garage area used for required parking (430 SF + 624 SF + 272 = 1,326 SF) is not included in the parking calculations. EBCA calculation is 10,006 – 1,326 = 8,680 SF. This requires a two-car garage plus six (6) additional off-street parking spaces with a maximum of two compact. A 2-car Garage and 4 regular off-street parking spaces and 2 compact spaces within the Garage are provided. **Two additional compact "Guest" were added at the front yard, West elevation. OK.**
7. SERVICE YARD (Section C.5): Noted at the North side yard. **OK.**
8. **BACKFLOW PREVENTION DEVICES (Section C.8):** New residences and renovations/remodels/additions which include the addition of 2 or more plumbing fixtures require a backflow prevention device. **The Committee will review at the Final review.**
9. NUMBER OF STORIES (Section D.1): No structure shall exceed two stories. First Basement Rule: If the elevation of the finished floor level directly above a basement is more than 6 feet above Natural Grade for more than 50% of the perimeter or is more than 12 feet at any point then it shall be considered a story. The Submittal Application indicates an existing structure

with 2 stories plus a basement. **Noted as 2 stories plus Basement. No change is proposed. OK**

10. **BUILDING HEIGHT (Section D.2):** The maximum height envelope for this lot is “(15) feet above the highest level of the Lot or Parcel upon which it is built and shall not exceed (20) feet above Natural Grade” as defined by the 1960 Topo Plan. “The Architectural Committee may permit a structure which shall not exceed (30) feet above Natural Grade...when said Architectural Committee, by its written approval, deems same to be to the best advantage to the tract as a whole”.

A corner of the railing and deck surface at the existing roof terrace may be overheight pending surveyor validation of 1960s topo. See Section 12, existing non-conforming.

11. **COMPATIBILITY (Section D.3):** Elevations note metal zinc roofing, medium plaster, stone, metal windows, wood/metal trellis screen and glass railings. **Materials will be verified at Final review.**
12. **NON-CONFORMING STRUCTURES (Section D.4):** A pre-existing, non-conforming Structure or portions of a Structure may be retained where the proposed alteration does not increase the square footage by 25% or more, increase the height of the Structure such that it is above the height envelope for the Tract and there is no change to the existing broad style of architecture.

All new elements must conform to the current Architectural Regulations or a Variance Request must be submitted.

Existing non-conforming elements:

- **Lot Coverage**
- **Setbacks on 3 sides**
- **Roof Terrace/ railings**
- **Flat Roof (Roof Terrace)**

New non-conforming elements:

- **Flat Roof / Roof Terrace alterations**

13. **ROOFS (Section D.5):** The intent of the roof requirements includes that design is consistent with prevailing appearances within the Community.

Roof pitch: 3:12. Some roofing lowered; overhangs cut back. **OK**

Flat roof: Roof slopes less than 3:12 are considered flat. The maximum area of flat roofs is 15% of the total aggregate roof area. An existing Roof Terrace is shown. **Overlay was provided. Appears to be existing and substantially non-conforming. See Section 12, existing non-conforming. The overlay indicates a non-conforming flat roof at 37% where numerous changes are proposed.**

Roof materials: Noted to replace existing with Class “A” metal zinc standing seam. **Roof Terrace (flat roof) not noted.**

Roof Equipment: None shown. **OK**

Parapet: None noted. **OK**

14. **ROOF DECKS** (Section D.6): A roof deck is considered to be a covered or uncovered exterior space constructed over any part of the residence Structure or garage. Roof decks are not allowed except when the deck is directly accessible from an interior living space on the same level and the area of the deck is equal to or less than the area of the living space from which access is taken. **No overlay was provided. No apparent direct access to interior living space at the Roof Terrace level was found, therefore it is considered a flat roof.**
15. **MATERIALS AND COLORS** (Section D.7): Actual materials samples and exterior colors are required to be submitted on a board no smaller than 11 x 17 and no larger than 18 x 24. A color rendering must be included on the board to clearly identify the location of all proposed materials and colors. **The Committee will review the color and materials at the Final review. Glazing sample to be included with materials.**
16. **WINDOWS AND DOORS** (Section D.8): **Metal framed windows, wood Entry door. Garage doors were revised. Clarify East elevation where 1 Garage door was removed, notation/graphics appear conflicting with plan.**
17. **ANTENNAS** (Section D.9): None shown. **OK**
18. **SOLAR PANELS** (Section D.10). None shown. **OK**
19. **SKYLIGHTS** (Section D.11): One existing shown to be being enlarged/ replaced, noted as non-reflective. **OK**
20. **ARCHITECTURAL EXTERIOR LIGHTING** (Section D.12): Light fixtures must be down lit or shielded to prevent glare or be a nuisance to neighbors. Light fixtures must be complementary to the architectural style of the residence.
Light fixture locations were provided, noted as recessed cans, shielded, directional and low wattage. Linear lighting to require dimming system. Recessed can lighting that is visible from street will require dimming system.
21. **GUTTERS AND DOWNSPOUTS** (Section D.13): **Noted as concealed. OK**
22. **OTHER COMMENTS:**
 - **Given the proposed alteration does not increase the square footage by greater than 25% all existing non-conforming elements may remain if they are not removed during the course of construction. Any non-conforming portions of the structure that are removed or replaced must conform to the current Architectural Regulations. No new non-conforming elements can be added.**

STAFF LANDSCAPE FINDINGS:

1. **SUBMITTAL COMPLETENESS** (Section B.5): Submittal must be generally complete enough for review. **OK, except for items described below.**
2. **LANDSCAPE STRUCTURES ARE SET BACK 5' FROM LOT BOUNDARIES** (Tract Schedule A Exhibits): Except for fences and walls, structures are 5' from PL. **OK**

UTILITY ELEMENTS / EBSD SUBMITTAL: Evidence of EBSD review and approval will be required at the time of final submittal. **Submit at time of final**

3. LOT COVERAGE (Sec C.1): Landscape features such as raised patios and/or freestanding structures must not create a lot coverage overage. **Looks OK.**
4. SITE DRAINAGE (Sec C.6): A conceptual grading and drainage plan must be included, generally showing adequate site drainage. **OK.**
5. CURBS AND GUTTERS (Sec C.7): For new residences and major remodels, plans must show complete replacement of curb and gutter along entire street frontage with reference to EBSD requirements. **NA, since not a major remodel. However, information about curb modifications or preservation on upper and lower streets is missing.**
6. BACKFLOW PREVENTION (Sec C.8): A backflow prevention device must be installed for proposed irrigation systems and must not be located on Association Property. **Show at time of final submittal.**
7. EXTERIOR MECHANICAL EQUIPMENT (Sec E.1): Mechanical equipment shall not be located in easement areas. **Location of spa equipment and water features is in lower level room; AC units are shown in front area light well.**

Mechanical spa equipment appears to be screened from view. **OK**

Noise impacts on adjacent neighbors must be avoided and/or minimized. **Reviewed at time of acoustical report submittal.**

An acoustical report prepared by a qualified expert is submitted showing that anticipated noise impacts are less than the County maximum at the nearby property lines. **Submit at time of final submittal**

Acoustical report assumptions and recommendations are consistent with submittal drawings. **Reviewed at time of final**

8. EXTERIOR LIGHTING (Sec E.2): Landscape lighting proposals must be shown and must appear to limit glare and annoyance. **OK**
9. FENCES, WALLS, AND HEDGES (Sec E.3):

In front yard setback areas fences, hedges, and walls are to be 4' high or less as compared to adjacent top of curb elevations. For corner lots, the maximum height is 3'. **OK**

Between the front yard setback and the house structure fences, walls, hedges, railings or other features are to be 4' high or less compared to finished grade. **OK**

Front yard improvements address issues of visual impact, compatibility, and contributions to common visual streetscape. **Proposed improvements are similar to existing in terms of balance of landscape and hardscape**

In side yard and rear yard setback areas fences and/or walls and hedges must be 6' high or less as compared to existing grade along neighbor's side of property line. **OK, except that raising south sideyard grade may result in overheight railings and walls compared to 191 pre-existing and new grades. Not enough topo information is provided to verify.**

Property line fences, walls, and footings must be constructed completely on the subject property. **OK**

Block walls are finished on all sides. **OK**

At the street fences, walls, and railings must be held back a minimum of 18 inches from face of curb. **OK**

10. PLAY EQUIPMENT AND PLAY HOUSES (Sec E.5): Issues of noise and visual impact have been adequately addressed. **None proposed. NA**

11. MAILBOXES (Sec E.6): Design and location must be shown. **Shown at SW corner. Design not shown.**

12. OUTDOOR FIREPLACES, FIREPITS, COOKING ELEMENTS (Sec E.7): Outdoor fireplaces, BBQs, and ovens shall be a minimum of 5' clear of any property line and must be gas only. **OK**

The minimum setback for any open firepit shall be a minimum of 10'. **None proposed**

13. WATER FEATURES, SWIMMING POOLS, SPAS (Sec E.8): Pool and spa structures are located entirely outside the 5' utility easement area. **OK**

Issues of noise and visual impact must be adequately addressed **OK**

Security/pool fencing is shown. **OK**

14. PARKWAY ACCESS (Sec E.12): Planting and paving within 18-24" of face of curb shall allow for convenience of on-street parking **OK**

15. IMPROVEMENTS ON EBCA PROPERTY Section C, Part 21): Trees, hedges, and structures are not proposed on EBCA property. **OK**

16. POTENTIAL OBSTRUCTION OF VIEW (Sec A.5): Trees and shrubs must not unreasonably block a neighbor's view. **At the upper street, a potentially tall Pine is shown, 20' or more, slow growing...and a full sized Olive is proposed. At the lower street three full sized Olive are proposed within the 5' setback approx 8' from the curb.**

17. PREPARATION BY LANDSCAPE ARCHITECT (Sec B.2): **OK**

18. FUEL MODIFICATION (Sec E.14): Highly flammable target species shall not be proposed. **OK**

Perimeter properties appear to be consistent with Orange County requirements for Zone A.
NA

19. OTHER:

- **Applicant may wish to consider OCFA guidelines for defensible space and fire safety, including vegetation close to structure, vertical and horizontal separation, etc.**
- **Raising grade in the south sideyard is still proposed. Photos of existing conditions, even photos of conditions prior to 191 construction might be useful in determining how much out of grade proposed hardscape might be acceptable.**
- **Two Parking spots at the primary entry area are shown at 8'-6" wide.**
- **Proposed Star Jasmine near curbs will require frequent pruning to stay behind curb**
- **Note both two-car garage scale at different lengths**

FINAL COMMITTEE RECOMMENDATIONS:

1. The Committee initially recommended disapproval of the plans submitted. The following items were adequately addressed; therefore, the Committee voted to **Approve** the project as revised.
 - i. As a part of the Preliminary submittal the proposed structure must be staked and certified by a California State licensed civil engineer or land surveyor. Stake proposed changes at all decks, deck rails, eave corners and ridges with connecting string lines. The Committee reserves the right to request increased setbacks after review of the stakes and Community input. Correct overlays and add deck areas. Site is staked and a certified staking plan was received.
 - a. Provide enough topographical information (pre and post 191 construction) for adjacent property to the south to verify that raising grade will not result in lot coverage contributions and/or overheight walls/railings. **Committee takes no exception. Architect to address over height southeast railing before Board meeting. Info Provided.**
 - b. Provide areas for all decks on overlays. See OV6, planters counted and not counted, areas omitted. **Done**
 - c. Clarify existing vs proposed elements within North Setback (wall pulled back). **Done**
 - d. On east elevation, show new single car garage door (dashed) behind lattice screening. Show removed garage doors (dashed). Lattice will be attached to glass garage door. Glass to be obscured and tinted from behind. **OK - Architect to provide glazing sample at Final.**
 - e. Flat roof + Altered / added elements at lower 'terrace' need to be removed: New bench, planter, pot ledge and steps. Existing flat roof must remain as a flat roof and not as a potential second roof terrace / deck. **Added elements were removed. "New bench" to remain to provide head clearance at dining room and lounge transition**
 - f. Show curb modifications on civil drawings, if any. If changed, indicate curb and gutter are to be installed per EBSD standards. **Provided** Call out curbs to remain if no changes proposed. **On Final drawings**

- g. Limit uprights to one per tree (several per tree are shown in front). Delete uprights which are directed toward perimeter. Wall wash lighting is considered nuisance lighting. **Done**
 - i. Pull Star Jasmine back from curb to avoid frequent pruning (30" minimum). **Now showing Dymondia. OK**
 - j. Finish floor elevation on architectural plans do not match civil plans. **Updated**
 - k. In writing, we need surveyor to validate the topo heights for this 5' foot +/- differential from the 2 surveys. **Letter and map provided**
 - l. Committee is requesting updated language for Landscape/Hardscape Easement Agreement with 195 Emerald Bay.
2. At time of FINAL submittal:
- a. **An executed Easement Agreement recorded with the County of Orange for improvements on EBCA property will be required. An Encroachment Permit application and exhibits prepared by a licensed civil engineer describing the area of the Easement and legal descriptions are required for EBCA to prepare the Agreement. This is required to be approved by the EBCA Board of Directors prior to the approval of the project. Due to lengthy civil and County procedures the Applicant may wish to begin the process of creating an easement agreement, to be submitted at time of final review.**
 - b. For review of proposed changes to the existing color and materials, a board must be submitted of actual color and material samples, not photographs.
 - c. An acoustical report prepared by a qualified expert must be submitted showing that anticipated noise impacts are less than the County maximum at the closest property line. Submitted plans must be consistent with the recommendations of the report.
3. Note:
- a. If a Member would like to appeal the recommendation of the Architectural Committee or determination of the Board, please to the CC&Rs, ARTICLE VIII, Section 5 – Notice and Hearing Requirements.
 - b. All future submittals must be accompanied by a detailed scope of work and highlighting revisions to previously scope of work if any.
 - c. Approvals are valid for one year. See extension request requirements in the Architectural Regulations for additional information.
 - d. Any changes to the final approved plans must be submitted for Architectural Committee's review prior to construction.
 - e. If it becomes necessary or desirable for the Association to utilize its easements within private property boundaries, it is the responsibility of the owner of such property to remove improvements (whether previously approved by the Association or not) to provide access and to replace or repair improvements subsequent to Association access at no cost to the Association.
 - f. The Committee reserves the right to reclassify a project at any time before or after construction begins.

Chris Light (Architect) and Victor Rogel (CJ Light's Office) were in attendance to discuss the submittal.

At their meeting on September 8, 2022, the Board voted to approve the recommendation of the Architectural Committee.