



Niguel Shores Community Association

33654 Niguel Shores Drive
Dana Point, California 92629-4221

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November 2023

APPROVED CHANGES TO THE RULES & REGULATIONS

Dear Niguel Shores Homeowner:

As required by the provisions of the Davis-Stirling Common Interest Development Act, Section 4360, attached are the changes to the *Rules & Regulations* adopted by the NSCA Board of Directors on October 11, 2023 and effective on January 1, 2024.

This mailing contains the adopted rule changes. The complete set of Niguel Shores *Rules & Regulations* is available online at www.niguelshores.org and printed sets are available in the NSCA Management Office upon request.

On behalf of the NSCA Board of Directors, we would like to thank the Rules Committee for their hard work. Additionally, we would like to thank those homeowners whose comments and participation assisted in the rule change process.

Notice to Members:

Owners can submit their suggested rule changes for consideration in 2024. Suggested changes should include the existing rule name, proposed wording change, and rationale for the request. A form has been included for your convenience. The deadline to submit changes to the office is May 1, 2024. Forms can be submitted in person, mailed, or emailed to kdecker@niguelshores.org.

If you should have any questions regarding this notice, please contact the NSCA Management Office for assistance.

Sincerely,
On Behalf of Niguel Shores Community Association

Karen Decker
Architectural Manager

Approval and Completion Date Limitations

3) 18-month completion projects:

Improvements that will alter the building envelope or footprint must be commenced within one (1) year of the date the AC issues conditional approval of the project. Projects not commenced within one (1) year may request a one-time extension of the commencement date from the NSCA Board of Directors of up to six (6) months. Requests must be received in writing prior to the commencement date in order to be considered.

The project must be completed within eighteen (18) months of the date final approval is issued. Payment of a construction deposit and processing fee is collected following AC review of the City approved plan set. An applicant may request a one-time extension from the NSCA Board of Directors of up to 6 months for projects commenced but not completed prior to the designated completion date. Requests must be received in writing prior to the completion date in order to be considered. Requests for extensions longer than six (6) months must be approved by the NSCA Board of Directors and will be considered on a case-by-case basis.

Modification Restrictions

Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's)

a) General Requirements

- These structures are only allowed to the extent required by law
- No more than one (1) ADU and one (1) JADU are permitted per lot
- Entry (walkway or pathway) must be located on the subject street (the same street as the primary dwelling). Side street entry, rear street entry, entry through easements or slope access are not permitted.
- The structure must match the primary dwelling in architectural character, color, and materials.
- The structure must be located to minimize the impact to adjacent lots.
- The structure may not interfere with or affect the drainage of or be placed on or over easements and Association maintained slopes.

b) ADU Specific Requirements

- May be attached or detached from the primary dwelling.
- Limited to twelve hundred (1,200) square feet
- Limited to a height not to exceed that allowed by the City of Dana Point zoning ordinances
- Must be fully enclosed, have sanitary facilities, cooking facilities, and a separate entry from the primary dwelling
- When a garage is converted, the garage door must be removed and replaced with materials, windows, and doors to match the primary dwelling
- When a garage is converted, the Association may require removal of part or all of the driveway to allow landscape to screen and soften the appearance of the structure
- In no event will a driveway remain in place that will result in a parked vehicle blocking a community sidewalk or drive apron

c) JADU Specific Requirements

- Must be contained within the walls of the existing primary dwelling and garage
- Limited to five hundred (500) square feet
- Must be fully enclosed, have an efficiency kitchen, access to sanitary facilities in the primary dwelling, and a separate entry from the primary dwelling
- When a garage is converted, the garage door must be removed and replaced with materials, windows, and doors to match the primary dwelling

- When a garage is converted, the Association may require removal of part or all of the driveway to allow landscape to screen and soften the appearance of the structure
- In no event will a driveway remain in place that will result in a parked vehicle blocking a community sidewalk or drive apron

Basements/Subterranean Levels:

Regrading or changes in ground surface elevation, including but not limited to basements and other subterranean levels, are not permitted except for Breakers Isle (Tract 6988)

Drains:

- a) All lots shall have a drainage system in place and continually maintained to prevent watershed onto neighboring lots, Common Areas, or easement areas maintained by the Association.
- b) Structures, plantings or other materials shall not be placed or permitted to remain, nor may other activities be undertaken, including re-grading or changes in ground surface elevation, which might interfere with established slope ratios, create erosion or sliding problems, or interfere with established drainage functions or facilities.
- c) Draining down a slope is not permitted except for Developer installed slope drains
- d) New drains from private property to the street must be cored through the curb and under the sidewalk (if present). The cored section shall be lined with ABS drainpipe.
- e) Gutter downspouts must be connected to a proper drainage system. Run-off drainage is not permitted.

Exterior Lighting:

- a) Atlantic Garden Homes/Shores Garden Homes Tracts: The Association installed and maintained lanterns cannot be removed or replaced.
- b) Must be directed to only illuminate the ground. Wall washer lights and up lighting is not permitted.
- c) Lighting is to be low lumen (150 lumens or less per fixture) and low kelvin (3000 or less).
- d) Café lights must be installed below a fence/wall line or under a solid cover and cannot be left on past 10:00 pm if they create excessive illumination for any adjacent or neighboring property.

Roof Material:

- c) Flat Roofs – Gravel or synthetic material may be used. White and light grey colors are not permitted. Silicone, commercial grade material, and/or highly reflective materials are not permitted.

Signs and Flags:

- g) Commercial signs and signs other than non-commercial, occupant identification, private security company information, or street number are not permitted except for real estate signs, as follows:
 - A member may display one (1) sign advertising the residence for sale, lease or rent. The sign shall be no larger than four (4) square feet, including any informational riders and shall be done in a professional manner. Signs may not be placed upon the NSCA's common areas or slope easement areas. Signs placed in these areas will be immediately removed by the NSCA and taken to the NSCA office for storage. Signs not claimed by their owners within five (5) days of removal will be disposed of by the maintenance staff.
 - The sign may be placed inside the home, facing out through a front window. The

- sign may also be affixed to a metal stake that is less than one (1) inch in diameter and placed in the front yard. Signs may not be affixed to wooden 2x2 or 4x4 posts, affixed to fences, or affixed to the home's exterior building surface.
- Realty signs shall be removed after close of escrow.
 - Lease or rental signs may only be displayed during the time the property is unleased and/or unoccupied.

Note Regarding Lease or Rental Signs: The Association will permit an owner to display a lease or rental sign once their tenant has provided an intent to vacate or a non-renewal of their lease. Proof of this notice must be provided to the Association upon request.

SHORES GARDEN HOMES-Modification Restrictions

Heights:

- a) A single story cannot exceed the existing roof ridge.
- b) A second story cannot exceed twenty-two (22) feet in height.
- c) A roofline may not be modified if it imposes an unreasonable view blockage.

VILLAS-Modification Restrictions

Painting:

- 1) The exterior stucco surfaces of a home, garage, garage door, and the interior property wall (facing toward the house) are to be painted using the following Dunn-Edwards (or equivalent) colors:

Droplets (DEW381)	Fine Grain (DE6213)	Bone White (DEC741)
Raindrops (DE6057)	White Picket Fence (DET648)	Igloo (DEW379)
Trade Winds (DET647)	Riverbed (DEC767)	Whisper (DEW340)

- 2) The trim is to be painted using the following Dunn-Edwards (or equivalent) colors:

Big Stone Beach (DE6132)	Cocoa (DEC755)	Weathered Brown (DEC756)
Black Walnut (DE6063)	Burns Cave (DE6098)	Espresso Macchiato (DET680)

- 3) Accent colors may be used on front doors, wood window/door trim, and under eaves:

Palm Springs Splash (DET536)	Clean Slate (DE5880)	Montego Bay (DE5739)
Lemon Macaron (DEFD27)	Blue Velvet (DET559)	Little Boy Blue (DET549)

- 4) Garage doors and entry gates may be painted to match the color of the house walls, the color of the trim, or a natural wood stain.
- 5) The surfaces of the property line walls facing toward Garibaldi, Via Del Cielo, or Selva Road, or any common area greenbelts must be painted at the same time using Dunn-Edwards Bone White (DEC 741), or equivalent.
- 6) Before repainting, all clinging vines and their tendrils must be removed from all exterior surfaces of houses and border walls. All walls and garage doors must be painted at the same time.



Niguel Shores Community Association Rule Change Request Form

Date: _____ Tract: _____ / Lot: _____

Name: _____

NS Address: _____

Requirements and Criteria for Submitting a Rule Change Request

- Requirements:
1. List the name of the rule you are addressing
 2. Provide the proposed wording change for the rule
 3. Provide the reason you are requesting the rule change

Criteria:

Only owners (individuals listed on the property deed) may submit a rule change request.
Rules cannot conflict with an existing law (state or federal).
Parking rules must be enforceable within all neighborhoods.
Architectural rules for specific neighborhoods must be enforceable against all properties within that neighborhood.
Rules must be enforceable against the membership.
Operating policies (the way a rule is applied) are not rules and cannot be included in the rule set.

Rule Name: _____

Suggested Wording: _____

Reason for Request: _____