

# ARCHITECTURAL AND LANDSCAPE GUIDELINES

- Revisions adopted May 1994 and amended October 1999.

**IMPORTANT NOTE FOR OFF-SITE OWNERS** - If you are an off-site owner, you should copy this information to your tenant. It is your responsibility to verify that they are aware of all the Rules & Regulations of the Bay Colony Association.

**BAY COLONY ASSOCIATION  
ARCHITECTURAL AND LANDSCAPE GUIDELINES  
REVISIONS ADOPTED MAY 1994**

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**BAY COLONY ASSOCIATION  
ARCHITECTURAL AND LANDSCAPE GUIDELINES  
REVISIONS ADOPTED MAY 1994**

These Guidelines were developed to maintain Bay Colony's design and to preserve the original concept of the development. The Bay Colony Association Board of Directors will enforce the CC&Rs to preserve and enhance the appearance of your neighborhood. **Please also refer to the Bay Colony Rules & Regulations.**

**DEFINITIONS (Article IV, Sections 4.9.2 and 4.9.3., pages 25-27):**

**Common Areas** are intended for ownership, use, and maintenance by the Bay Colony Association or the Community of Harbor Bay Isle Association. Parcels shown on the map as lagoons or private streets or areas identified by alphabetical letters are Common Areas.

**Commonly-Maintained Improvements** are improvements located on residential lots that are maintained by the Bay Colony Association on behalf of all of the Association homeowners as a common benefit and expense, or by the Community of Harbor Bay Isle Association on behalf of all members of the Community Association as a common benefit and expense.

Owners are accountable and responsible for the consequences of their tenant's activities. Owners shall provide copies of the Association's CC&Rs, Rules and Regulations, and Architectural and Landscape Guidelines to tenants. Lease and rental agreements shall include a requirement that tenants must comply with all Association regulatory documents.

The **Bay Colony** Homeowners' Association, through its Board of Directors, will strictly enforce the Covenants, Conditions and Restrictions (CC&Rs) to control the appearance of its neighborhoods.

**COMMUNITY ARCHITECTURAL REVIEW**

**CC&R Compliance:** When you purchased your home, you took title to your Lot subject to all restrictions, easements, etc. that were recorded on your Lot as set forth in your Policy of Title Insurance. You also took title to your Lot subject to all of the provisions set forth in the CC&Rs recorded on your property as set forth by the Community of Harbor Bay Isle (Community) and the **Bay Colony** Homeowners' Association (Association.)

Owners should review the Community's Architectural Rules and Standards and Landscape Guidelines for the specific requirements that apply to proposed property improvements. The Association has created these more specific Guidelines for use by **Bay Colony** homeowners. The term "Guidelines" shall have the same force and effect as the term "Rules and Regulations." **This document covers those subjects not included in the Community's document, or requirements the Bay Colony Association wishes to be more restrictive than the Community's rules and standards**

**SECTION 1 - RULES AND STANDARDS**

**Prior Approval Required:** The Association and Community CC&Rs require that no additions to homes or property are allowed, nor may any alterations or improvements of any kind be made until approved in writing by the Architectural Committee or Board of Directors.

Architectural applications and plans must be submitted and approved by the Architectural Committee prior to commencing property improvement work. Architectural applications are available through the Community of Harbor Bay Isle's offices. Please check the Community Architectural Committee's annual meeting schedule on the back page to avoid delays in processing your applications. The Architectural Administrator is available to help you complete the application and plans review process as quickly as possible.

Property improvements include all improvements to the exterior surfaces of the house, including repainting, any building modifications, and all improvements to the land, including landscape, hardscape, or any structural additions to the land.

Proposed improvements must be appropriate to their immediate surroundings, compatible with the architectural and landscape characteristics of the **Bay Colony** Association.

**Final Inspections Required:** Applications approved by the Architectural Committee have a one-year life. Owners must complete the work and call or write the Architectural Administrator to request a final inspection of their installations before the application approval expires.

**ADDITIONS TO EXISTING DWELLINGS:** Except solariums, exterior additions to existing dwellings are prohibited. An application for a solarium will be considered on a case-by-case basis. Refer to the Community's document, Section 2 - Architectural Rules and Standards - Additions to Existing Dwellings. Owners may be required to sign a Maintenance Agreement with the Bay Colony Association for solarium additions.

**SECTION 2 - OTHER MODIFICATIONS AND PROPERTY IMPROVEMENTS (Article X, page 62):**

**Air Conditioners:** Window and roof models are not permitted. At-grade models that do not unreasonably impact neighboring property or create noise of any kind that is discernible on other property that interferes with concentration or sleep of neighbors will be considered. Applications based on bona fide medical necessity will be considered on a case-by-case basis. Owners may be required to screen at-grade air conditioners and sign a maintenance agreement with the **Bay Colony** Association.

**Alarm Systems:** An application must be submitted and approved before the installation of any alarm system in a Bay Colony home.

**Ancillary Structures:** In addition to the Community's document, roofing material is limited to fire-resistant Class A roofing material compatible with the house roof. Metal, fiberglass, or plastic materials are prohibited.

Storage structures shall not be attached to the fence or house. They must be installed no closer than a minimum of twelve inches from the fence. Their height shall not exceed the height of the fence

unless, on a case-by-case basis, a roof line matching the house roof line creates a more compatible appearance and does not interfere with a neighbor's view. Storage structures shall be maintained by the owner in good condition at all times.

**Antennas:** Exterior antennas, including microwave satellite dishes, are not permitted without the written permission of the Community and **Bay Colony** Association Boards of Directors - **1996 legislation has negated this rule, however, there continues to be pending legislation which will further amend the 1996 legislation. An owner wishing to install a satellite dish or antenna must submit an Architectural Application for a dish no larger than 36" in diameter. Each application will be reviewed under the current law for compliance. A Maintenance Agreement with the Association may be required.**

**Attic Ventilation:** Turbine models are not permitted. Trim and molding colors are to match the house.

**Barbecues, Grills or Firepits:** Permanently installed cooking facilities heights must be lower than the top of the fence and must be located in an area that will not permit smoke to unreasonably intrude into neighboring property.

**Basketball Standards** In compliance with the Community of Harbor Bay Guidelines, no permanent basketball standards are permitted on private lots.

Temporary standards may be permitted and approved by the PAC, on private property, when they comply with all of the following conditions: free-standing from any residential building, fence or other permanent structure; temporary in their location and removed after each day of use; stored out of view from public ways or neighboring properties; used only during daylight hours; used only in driveways (upon condition that a safety hazard is not created), except standards no higher than five feet may be used in backyards; used without any additional artificial lights; used so as not to create a nuisance for any neighbor or other resident.

**Benches (built-in)** shall be constructed of redwood left natural or treated with a clear sealer or other compatible material. Benches shall not be installed closer than 6 inches to a fence.

**Clothes Drying Facilities:** Temporary, not permanent, outside clotheslines or other drying structures are permitted only if they are adequately concealed from neighboring properties, streets, sidewalks, or pathways. Clotheslines shall not be attached to fences or commonly maintained structures.

**Curb Street Address Number Painting** is not permitted unless approved by the **Bay Colony** Association Board of Directors.

**Decks:** Decks shall be constructed of redwood left natural or treated with a clear sealer. First floor decks shall be a maximum of twelve inches from the finished ground floor level and shall be no closer than six inches to a commonly maintained fence. Refer to the Community's document for additional requirements.

**Dock Construction Guidelines:** In addition to the Community's document, compliance with the Community of Harbor Bay Isle's Private Dock Installation Guidelines, including the Maximum Building Envelope for Lagoon Decks, is required for the construction of private docks on the lagoon lots. Private docks must be maintained in a condition meeting the standards of the **Bay Colony** Association. Contact the Community Architectural Administrator for copies of the dock plan size appropriate for **Bay Colony**. Private Dock use is governed by the Community's Lagoon Dock Usage Rules, which are available from the Community Architectural Administrator.

**Dog-runs** are not permitted.

**Doors and Windows:** Proposed changes will be considered, but homeowners are urged to maintain the original developer-installed design, color and materials used in the Bay Colony Association. Replacement hardware must match the existing Developer-installed hardware. Entrance screen or storm doors must match color of existing Developer-installed entry door and be compatible with the overall appearance of the house. Screen/storm doors will be evaluated on a case by case basis by the PAC.

**Driveways, Entry Walks and Front Porches:** Painting or coating driveways, entry walks or front porches is prohibited. Personal property storage, such as bicycles, is prohibited in these areas. Entry walk maintenance is the responsibility of the **Bay Colony** Association. Owners are responsible for prompt cleaning of front porches and driveways. Clay pots, concrete or natural wood planter boxes or pots may be displayed on front porches if they contain live, thriving plants. Dead or dying plants must be removed immediately.

**Exterior Sound-System Speakers:** Exterior speakers are prohibited.

**Fences:** The redwood fences shall be maintained in a natural state or sealed with a clear, non-pigmented sealer.

**Fence Extensions:** In addition to the Community's document, when a fence extension is desired at the rear of an owner's lot which is adjacent to the ferry terminal or another project, written permission from the neighbors on either side must be obtained. Fence Extensions above a total fence height of six feet are not permitted. If approved, fence extensions shall comply with the Community of Harbor Bay Isle Standard Detail for Community Fence Extension, available from the Community Architectural Administrator.

The **Bay Colony** Association may approve temporary removal of fences for rear and side yard property improvement installations. The Owner must restore the fence to its original location and condition within two days after the installation is complete.

**Firewood:** Firewood storage is permitted in rear and side yards only, and shall be stacked in an orderly manner. Firewood shall not come in contact with fences or houses and shall be kept out of neighboring views as much as possible. Care should be taken to avoid and control the spread of insect pests on firewood brought on to the property.

**Flagpoles and Flags:** Only house wall or railing-mounted flagpoles are permitted. Flags must be maintained in an appropriate condition and hung so as not to obstruct views from walkways in common areas or from commonly maintained areas.

**Fountains** are permitted only in rear yards and their height shall be at least one foot lower than the nearest fence. Fountain operating noise shall not disturb the concentration or sleep of adjoining neighbors and must comply with the **Bay Colony** Association Rules and Regulations regarding noise.

**Garage door replacements** shall have the appearance of the original developer-installed raised panel garage door of steel construction with white polyester coating, without windows.

**Garbage and Recycling Containers:** Garbage or recycling containers may be left at the street curb for pickup on the day scheduled in the area by the City. At all other times, containers must be stored inside a resident's garage or side yard. Containers may not be stored in the Association's landscaped Common area. Garbage containers must be covered at all times to avoid odor and loose trash. The container shall be black, brown, dark green, pale blue or gray plastic or metal in sizes from 15 to 35 gallon capacity. If the City of Alameda offers an approved garbage container in the future, it will be acceptable. The recycling container size, type and use shall be dictated by the agencies collecting recycled materials.

**Gates (interior yard)** shall be constructed of either wrought iron or fence material matching the existing developer-installed fence in design, material and finish. Gate hardware, except for the hinge spine, shall not be visible from public ways.

**Gazebos:** In addition to the Community's document, gazebos shall not be installed closer than three feet from the fence or a neighboring structure.

**Gutters and Downspouts:** the Bay Colony Association maintains Gutters and downspouts. Owners shall not alter their installation in any way that will adversely affect the drainage of the adjacent owner's property.

**Insect Traps (Electronic):** Insect traps may not create noise of any kind that is discernible on other property that interferes with the concentration or sleep of neighbors.

**Mail Boxes:** The **Bay Colony** Association is responsible for mailbox maintenance.

**Painting (Exterior):** The **Bay Colony** Association is responsible for exterior painting of siding, window and door trim, and garage doors only. Homeowners are responsible for the painting of entry doors. Owners have four (4) options of colors to paint their front doors. The front door colors are available at the Community Office. The Sherwin Williams paint color palette is as follows:

<u>Scheme</u>	<u>Paint Color #1/side</u>	<u>Paint Color #2/trim</u>	<u>Roof Color</u>
3	Paris White 2088	Gateway Gray 2086	Driftwood
4	Cumulus 2277	Steely Gray 2120	Charcoal
5	Riverstone 2424	April Showers 2248	Driftwood
7	Bungalo Beige 2033	Alpine White 2427	Baja Brown
11	White Heron 2425	Renwick Beige 2805	Baja Brown
12	Jogging Path 2087	Paris White 2088	Driftwood

**Painting (Interior):** Owners are responsible for interior painting. The Developer-installed Kelly Moore #14, Frost White interior paint color palette was: Flat, living areas; semi-gloss, kitchen and bath; high-gloss, woodwork.

**Patios:** In addition to the Community's document, acceptable surfaces are brushed neutral or earth-tone concrete, aggregate mix, brick or slate. Painted or colored coatings are prohibited, except for a clear sealer. Patios may not be installed closer than six inches to a fence.

**Patio and Yard Furniture and Umbrellas:** Patio and yard furniture shall be maintained in a neat and attractive condition. Umbrellas may be white, off-white, beige, or a color matching the house exterior.

**Security System** boxes must be painted (except for the decal) to be compatible with the house siding and shall comply with the City of Alameda Ordinance 2123 N.S. Chapter 10. Security and motion detector light bulbs must be shielded. Owners are encouraged to install security motion sensors contained in traditional house light type fixtures whenever possible.

**Sports Apparatus - Permanent Installations:** Sports, play, or recreational structures (such as jungle gyms or swing sets) shall not exceed a height of 8 feet 6 inches from the grade. All such structures are not permitted in front yards. The Community Architectural Committee prior to installation must approve installation of such structures conforming to the requirements.

**Trellises:** Vertical trellis may not be higher than the top of the fence and must be a maximum of six inches from the fence. Vines or other plants may not be attached to fences or houses. Trellis shall be constructed of natural redwood, which may be treated with a clear sealer. Horizontal overhead trellis regulations are the same as those for arbors (refer to the Community Architectural Rules and Standards). Special trellises that might be stained or painted will be approved on a case-by-case basis.

**Views, Sight-Lines and Privacy:** Any proposed potential obstruction to the view of a neighboring private property or owner, or of a common area amenity, created by a property owner must be justified by a clearly demonstrated need for privacy, adequate use of property or other substantial need of the party creating the obstruction. The Bay Colony Board of Directors and Architectural Committee shall judge all such matters on a case-by-case basis without creating or being affected by precedent.

**Wind Chimes:** Wind chimes are discouraged.

**Window Coverings:** Window coverings are defined as any covering of a window or glass door that may be seen from outside of the house. The exterior appearance of window coverings shall be white, off-white or natural wood in color. Stained glass or other objects placed or hung within the window casing is prohibited.

**Window Tinting:** Reflective material window covering is prohibited. The prior written approval of the **Bay Colony** Board of Directors may permit window tinting of non-reflective, dark charcoal color material. All windows on the same elevation (side of structure) must be tinted. The window tint application must not result in any imperfections (air bubbles, etc.) visible from the house exterior.

### **SECTION 3 - LANDSCAPE INSTALLATION/MODIFICATIONS (Article III, Section 3.30 - page 20)**

**Landscape Completion Deadline:** Owners must landscape their rear and side yards and request a final inspection no later than six (6) months following the close of escrow.

**Prior Approval Required:** Architectural Committee or Board of Directors approval is required prior to installation of or modifications to any existing landscaping. An architectural application and three sets of plans must be submitted for approval prior to commencing installations.

**Architectural Review and Landscape Standards Guidelines:** Owners should review the Community of Harbor Bay Isle's guidelines for the specific requirements that apply to proposed property improvements. In addition to the Community's document, these Guidelines were created for use in the Community Architectural Committee approval process. The **Bay Colony** Association has created more specific Architectural Guidelines for use by Bay Colony's homeowners.

**Artificial Turf or Plant Materials:** Artificial turf or plant materials are prohibited.

**Drainage:** Drainage must be appropriately maintained to avoid impacting on neighboring property, including common areas or commonly maintained areas. Proposed changes to the Developer-installed drainage, grading or installation must have the prior approval of the Architectural Committee.

**Earth-wood contact:** No construction or landscaping shall bring earth into contact with fences above the bottom rail, or less than six inches from any wooden portion of a dwelling or other structure. Trellises, plant material or plant supports shall not be attached to common property fences.

**Front Yards:** Front yard landscaping was installed by the Developer and maintained by the **Bay Colony** Association. Homeowners may not alter the front yard landscaping by adding, removing or altering developer or association installed landscaping. The **Bay Colony** Association and its landscape maintenance contractor, if applicable, are not responsible for damage to homeowner planters, pots or plant materials placed in commonly maintained front yards.

**Ground Covers:** Installation of non-plant material ground covers in reasonable proportion to landscaped areas are permitted. Acceptable ground covers are fir bark and gray or beige colored rock.

Rock gardens will be considered on a case-by-case basis if they contain an acceptable balance of rock and live plant material, and are compatible with the overall neighborhood design. White and red rock is prohibited. Gray or beige rock ground cover is permitted, but should not cover more than 20% of the yard.

**Hardscape Limitations:** (Patios, decks, solariums, walks, including rock or other non-plant ground covers) shall not exceed 80% of the total rear yard area.

**Maintenance Standards:** Owners shall not permit rear or side yard grass or weeds to grow beyond five (5) inches in height. Trees or shrubs visible to neighboring property, common areas or commonly maintained areas or public areas shall be maintained in an appropriate and healthy condition.

**Landscape Materials:** Owners are responsible for maintaining their rear and side yard landscaping in an healthy and attractive condition. Owners shall remove all weeds, water and fertilize and trim as necessary. Lawns shall not be permitted to grow more than five inches in height.

Please refer to the Community of Harbor Bay Isle's Landscape Guidelines for landscape materials information. Owners are encouraged to install landscape that conserves water. Information about drought landscaping is available from the Community Architectural Administrator.

**Trees:** In addition to the Community's document, tree branches shall not touch or overhang roofs. Root guards must be installed for any tree planted within six feet of any structure, fence or walkway to minimize root invasion damage.