

BAYWOOD VILLAGE HOMEOWNERS ASSOCIATION

ARCHITECTURAL & LANDSCAPE RULES & STANDARDS

ADOPTED 1/20/93 - REVISED NOVEMBER 1,1996

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**BAYWOOD VILLAGE HOMEOWNERS' ASSOCIATION
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ADOPTED 1/20/93 - REVISED AUGUST 17,1995 AND NOVEMBER 1,1996**

These Rules and Standards were developed to maintain Baywood Village's design and to preserve the original concept of the development. The Baywood Village Association Board of Directors will enforce the CC&Rs to preserve and enhance the appearance of our neighborhood.

1. DEFINITIONS (CC&R Article I, Sections 1-11, pages 2 and 3)

Common Areas are intended for ownership, use and maintenance by the Baywood Village Homeowners Association (*hereafter referred to as the "Association"*). or the Community of Harbor Bay Isle Owners Association (*hereafter referred to as the "Community"*) Parcels shown on the Tract map as lagoons or private streets are Common Areas, such as land not covered by the footprint of the homeowner's house or the exterior patio.

Commonly Maintained Improvements are improvements located on residential lots that are maintained by the Baywood Village Association on behalf of all of the Association homeowners as a common benefit and expense, or by the Community as a common benefit and expense.

**2. HARDSCAPE MODIFICATIONS AND PROPERTY IMPROVEMENTS
(CC&Rs Article VI, Section 1, Page 22)**

Prior Approval Required: The Association's governing documents, the Covenants, Conditions and Restrictions (CC&Rs) provide that no addition to homes are allowed, nor may any alterations or improvements of any kind be made until approved in writing by the Community and Association Architectural Committees. An architectural application and plans must be submitted and approved **prior** to commencing property improvements. For additional information, please refer to the Community's architectural application and the Community Architectural Committee's (hereafter referred to as the "CAC") Architectural Rules and Standards.

Architectural Review and Landscape Standards Guidelines: Owners should review the CAC's architectural rules and standards for the specific requirements that apply to proposed property improvements. These Baywood Guidelines were created for use in the CAC's approval process. The Baywood Association created these more specific rules and standards for use by Baywood homeowners.

Maintenance Agreements: Improvements modifying the exterior of the house walls or roof may require the owner to sign a maintenance agreement with the Baywood Village Association.

Air Conditioners: Window and roof models are not permitted. At-grade models that do not impact on neighbors or common areas will be considered. Applications based on bona fide medical necessity will be considered on a case-by-case basis.

Animal Shelters: Shelters or dog-runs shall be constructed of materials and colors matching the house, or of natural redwood. Wire mesh door windows, fiberglass or plastic materials are prohibited, except for small birdhouses. The structures must be at least 36 inches below the top of the fence. Shelters or dog runs may not be attached to fences or house walls and must be located only in enclosed back patios to avoid noise, odor and other nuisances to neighbors. Refer to the Community's rules for additional restrictions.

Antennas: See the Community Architectural Committee's Rules and Standards.

Arbors (horizontal free-standing~ shall be constructed of redwood, which may be treated with a clear sealer or left natural. A second story arbor (overhang) may weather naturally or be sealed with a clear sealer. On a case-by-case basis, second story arbors may be painted "Baywood Brown". Ground-level arbors shall not exceed a maximum height of 8 feet 6 inches above the grade nor closer to a fence, stucco wall or house wall than six inches. Arbor roofs of metal, plastic, fiberglass or straw-type materials are not permitted.

Attic Ventilation: Turbine models are not permitted. Ventilation device trim and molding shall be painted with the approved color in the Baywood Paint Palette.

Barbecues, Grills and Firepits must be stored inside private patios or garages. The height of any temporarily or permanently installed cooking facility must be lower than the top of the fence or stucco wall and must be located in an area that will not permit smoke to unreasonably intrude into neighboring property.

Basketball Standards: Permanently installed basketball standards are prohibited. Non-permanent basketball standards are permitted provided their use complies with the rules contained in the Community's Rules and Standards document.

Benches (built-in) must be constructed of redwood, brick or concrete. Those constructed of redwood may be treated with a clear sealer or left to weather naturally.

Clothes Drying Facilities: No outside clotheslines or other drying structures are permitted.

Decks (ground-level): Decks shall be constructed of redwood. On a case-by-case basis, deck surfaces may be constructed with direct pressure treated or composite wood. The wood shall weather naturally or be treated with a clear sealer. Decks shall be a maximum of 12 inches from the finished ground floor level and shall be no closer than 6 inches to a commonly maintained fence or stucco patio wall. Refer to the Community's rules for additional restrictions.

Docks: No boat docks or floats shall be permitted other than as initially installed by the Developer.

Doors and Windows – Screen Doors: Modifications are limited to the front or rear doors, windows and sliding doors. Proposed changes will be considered, but homeowners are urged to maintain the original developer-installed design, color and materials used in the Baywood Association. Refer to the Community’s Rules: Doors and Windows, Door and Window Grates, and Window Tinting for additional restrictions.

Front entrance screen or storm doors may be wood and stained to match the color of the entry door, or may be painted the approved color in the Baywood Paint Palette. The door’s design shall be compatible with the overall appearance of the house,

On a case-by-case basis, metal (e.g. bronze anodized aluminum) screen doors will be considered provided that the screen door design and its hardware match or are aesthetically compatible with the wood front door. If painted, the metal screen doorframe color shall match the color of the wood front door, or may be painted the approved color in the Baywood Paint Palette. Metal mesh (perforated) panels in screen doors are discouraged, but on a case-by-case basis will be considered.

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 and driveway maintenance is the responsibility of the Association. Owners are responsible for prompt cleaning of front porches of models with enclosed front yards. Clay pots, concrete or natural wood planter boxes may be displayed on front porches if they contain live, thriving plants. Dead or dying plants must be removed immediately.

Exterior Sound-System Speakers are permitted only where the sound level is maintained at a reasonable level with respect to neighbors.

Fences: Only Association-installed fences are allowed in any common area. Fences to be installed within enclosed front yards must receive architectural review approval.

Fence/Wall Extensions: The maximum combined height of an extension to a ground-level wood fence or stucco patio wall shall not exceed 8 feet. Fence/stucco wall extensions shall be freestanding and not attached to wall cap-rails. Fence/stucco patio wall extensions shall be constructed of redwood, which may be treated with a clear sealer or left to naturally weather. The extension’s design shall be compatible with the dwelling and neighborhood architectural. Vines or other plants may not be attached to fences, stucco walls, or houses.

Firewood storage is limited to rear patios and garages and shall be stacked in an orderly manner. If stored outdoors, firewood shall be stacked no closer than six inches to fences, stucco patio or house walls and shall be kept out of neighboring view to the extent possible.

Flagpoles and Flags: Only wall-mounted flagpoles are permitted. Flags must be maintained in an appropriate condition and hung to avoid obstructing walkways in common areas or commonly maintained areas. Base attachments (into wood, not stucco) must be of an approved, water-tight design.

Garages shall not be remodeled or used for purposes that will interfere with the accommodation of two family vehicles. Owners are urged to keep their garage doors closed to maintain the attractive appearance of the neighborhood and to reduce the possibility of unlawful entry and theft.

Garage doors: Owners may replace their garage doors with wood or wood-grained metal doors (lift-up or roll-up) that match the design of the original developer-installed door. The Baywood Association will, at the owner's request, provide the appropriate color paint to the owner so the owner can paint the garage door.

Garbage and Recycling Containers: may be left outside near the garage door for pickup on the day schedule in the area by the City. At all other times, containers must be stored inside a resident's garage or rear patio. Containers may not be stored in the Association's landscaped common area. Garbage containers must cover at all times to avoid odor and loose trash. The recycling container size, type and use shall be dictated by the agencies collecting recycled materials.

Gutters and Downspouts are maintained by the Associations. Owners shall not alter their dwelling's installation in any way that will adversely affect the drainage of the adjacent or owner's property.

Insect traps may not create a nuisance to neighboring properties.

Lights: Refer to the Community's rules for restrictions. Christmas-type lights are permitted only during the holiday season beginning November 20 and must be removed by January 31st each year.

Mail Boxes: The homeowner is responsible for the lock mechanism. The mailboxes are considered to be the private property of the homeowner.

Mail Box Kiosks are only for Association use. Personal notices, want ads, service available, flyers, etc., are not permitted. The Association is responsible for the maintenance of the kiosk structure and the gang box enclosure, which surrounds the individual mailboxes.

Painting - exterior: The Association is responsible for all exterior painting including walls, window and door trim. Upon request, the Baywood Association will provide the appropriate color from the Baywood Paint Palette for the owner to paint a newly installed garage door.

Patio size shall be in reasonable proportion to the landscaped yard area. Acceptable surfaces are brushed neutral or earth-tone concrete, aggregate mix, brick or slate. Painted or colored-coatings are not permitted, except for a clear sealer. Patios may not be installed closer than six inches to a fence, stucco patio or house wall.

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

Room Additions: Room additions are prohibited except as may be accomplished without changing the existing shape of the house: e.g. enclosing a roofed second-story deck or balcony. Refer to the Community's rules for additional restrictions.

Security Alarm Systems shall be operated to comply with City of Alameda Codes. The raw metal security box (except for the telephone number) shall be painted to match the adjacent wall color.

Signs: A maximum of one sign per home is permitted to be installed in windows. "For Rent/For Sale" signs shall be a maximum of 18" by 24", displaying the words "For Rent" or "For Sale", with the agent's name and telephone number.

Political signs are permitted on private property, but must be removed within 5 days following the election date.

Contractor signs are not permitted within the Baywood Association. Homeowners are responsible for their contractor's compliance with this rule.

Posting any other type of sign is not permitted in Baywood Association common areas.

Skylights and Solar Collectors: Additional skylights and solar collectors are permitted only as approved by the Baywood Board and the CAC. Refer to the Community's rules for restrictions.

Solariums: Prefabricated solarium installations are discouraged, but will be considered on a case-by-case basis.

Spas and Hot Tubs shall not be installed 'less than six inches away from fences or other commonly maintained structures. Refer to the Community's rules for additional restrictions.

Sports/Recreational Apparatus - Permanent Installations, which may be viewed at ground level of the developer-installed boundary fences are prohibited and are not permitted in front yards and require the prior application approval of the Baywood and Community architectural committees.

Trellises: Ground-level vertical plant support trellises shall not exceed the height of the adjacent fence/stucco patio wall, and shall not be attached to fences, stucco walls or houses. Trellises shall be constructed of redwood, which may leave natural or treated with a clear sealer. Refer to the Community's rules for further restrictions.

Wind chimes are discouraged, but are permitted only if the sound level does not intrude into neighboring property.

Window Coverings are defined as any covering of a window or glass door that may be seen from outside of the house. The prior written approval of the Baywood Board may permit window tinting of non-reflective, dark charcoal color film.

Wires and Cable Lines shall be installed in an unobtrusive and shielded manner. Any invasion through the exterior house wall must be watertight.

3. LANDSCAPE INSTALLATION OR MODIFICATIONS (CC&Rs Article III, Section 3.30 -page 20.)

Prior Approval of the Baywood and Community Architectural Committees is required **prior** to installation of or modifications to any existing landscape. An architectural application and three sets of plans must be submitted for approval **prior** to commencing installations.

Architectural Review and Landscape Rules and Standards: Owners should review the Community's Rules and Standards for the specific requirements that apply to proposed property improvements. The following more specific rules were created for Baywood homeowners.

Common Area Front Yards landscaping was installed by the Developer and is maintained by the Association. Homeowners shall not alter the common area front yard landscape by adding to or removing developer or association-installed landscape. The Association and its landscape maintenance contractor are not responsible for damage to homeowner planters, pots, or plant materials placed in commonly maintained front yards. Homeowners shall not perform any planting or maintenance beyond weeding and watering.

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 Baywood Board's prior approval.

Enclosed (private) Front Yards: Owners are responsible for maintaining their enclosed front yard or patio landscaping in a healthy and attractive condition. Owners shall removal all weeds, water, fertilize and patio landscaping in a healthy and attractive condition. Owners shall removal all weeds, water, fertilize and trim as necessary. Lawns shall not be permitted to grow more than five inches in height. Trees and shrubs visible to neighboring property, common areas or commonly maintained areas or public areas, shall be maintained in an appropriate and healthy condition.

Ground Covers: Installation in enclosed front yards of non-plant material ground covers in reasonable proportion to landscape areas is permitted.

Trees that will reach forty feet or more at maturity are prohibited. Homeowners are urged to avoid planting trees with invasive roots or that are disease-prone. Fruit-bearing trees are permitted only in rear patios. Replacement of problem trees will be considered, provided a replacement tree or shrub is approved by the architectural committees. Tree and shrub installations shall not unduly interfere with neighboring property yards or views. Trees shall be

maintained in a healthy condition. The Association maintains the right to appropriately address problems resulting from improper installations, including removals, as necessary.

Please refer to the Community's Rules for landscape material information and water conservation policies. Owners are encouraged to install water-conserving landscape. Information about water-conserving plants is available from the Community's Architectural Administrator.

4. CC&R PROCEDURES FOR ENFORCEMENT OF THE ARCHITECTURAL GUIDELINES AND RULES AND REGULATIONS

Scope of Enforcement: Violations of the Association's governing documents and these Architectural Guidelines will subject the violator to the CC&R Violation enforcement procedures contained in Article XIII.

First Step: When the Manager or Board receives information concerning a possible CC&R violation, an attempt will be made to resolve the matter by telephone. If not corrected, a First Notice letter will be sent to the resident requesting correction of the violation. If the resident is a tenant, the owner of the property will receive the letter.

Second Step: Failure to comply will result in a Final Notice that if the violation is not corrected, the violator will be requested to appear before the Board of Directors for a CC&R enforcement hearing. The Notice will be personally delivered to the Owner or Owner's agent or sent Return Receipt U.S. Mail. The Notice shall include the date, time and location of the Hearing; the specifics of the violations or complaint; and the range of possible penalties if not corrected. Owners are responsible for their tenant's CC&R violations.

Third Step: The Board of Directors shall hear the violations according to the provisions of **CC&R Article XIII - Enforcement Remedies**. Following the hearing, the Board shall convene an Executive Session, shall take all facts into consideration and determine whether the owner/tenant has:

- (1) Violated the CC&Rs;
- (2) Violated the deadline for correcting the violation; and
- (3) The penalty for failure to comply.

The owner or owner's agent shall be notified in writing of the Board's decision within three working days following the date of the hearing.

Rescheduled Hearing: If the owner or owner's agent can show acceptable good cause as to why he/she cannot attend the hearing, he/she must notify the Board at least 48 hours prior to the originally scheduled hearing. If the Board accepts cause, it will reschedule the hearing and deliver notice of the new date ten (10) days prior to the rescheduled hearing.

Hearing Default: If an owner or owner s agent called for any hearing fails to appear or to request a postponement of a hearing as prescribed in “Rescheduled Hearing” above, the Board shall proceed with the hearing in Absentia.

5. COMMUNITY BOARD APPEAL PROCESS

Right of Appeal: If a Baywood Board or Architectural Committee (PAC), or affected owner is dissatisfied with a decision of a Community Standing Committee (e.g. an architectural applicant to the Community architectural Committee), the affected Party may appeal the decision to the Community Board of Directors by submitting a written request for a hearing with the Board within 10 days of receiving written notice of the Committee’s decision. The Community Board President and the appropriate Village Representative shall determine within seven days whether the appeal shall be heard by the Community Board or the Baywood Board, or whether the decision should be referred to the Standing Committee for reconsideration of its decision.

Appeal to the Community Board: If an architectural applicant, Baywood Board or PAC, or affected owner is dissatisfied with the subsequent ruling of a Baywood Board or a Community Standing Committee, the dissatisfied Party may appeal the action to the Community Board of Directors by submitting a written request for a hearing with the Board within 10 days of the date of the contested action.

Final Decision of the Community Board: If the Community Board grants a request for an appeal hearing, the Board may uphold, reverse or modify the decision of the Baywood Association Board or the Community Standing Committee.