

BRITTANY LANDING HARBOR
HOMEOWNERS' ASSOCIATION
ARCHITECTURAL
AND
LANDSCAPE GUIDELINES
REVISED NOVEMBER 1999

**BRITTANY LANDING HARBOR ASSOCIATION
ARCHITECTURAL LANDSCAPE GUIDELINES
Adopted January 14,1997
Revised November 1999**

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SECTION 1 - ADMINISTRATIVE

Definitions:

Association means the Brittany Landing Harbor Association.

Community means the Community of Harbor Bay Isle Owner's Association.

Board means the Brittany Landing Harbor Association Board of Directors.

CAC means the Community Architectural Committee.

PAC means the Brittany Landing Harbor Project Architectural Committee.

The term "Guidelines" shall have the same force and effect as the term "Rules and Regulations."

CC&R Compliance: When you purchased your home, you took title to your Lot subject to all restrictions, easements, etc. that was 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 **Brittany Landing Harbor** Homeowners' Association (Association.).

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

Common Areas are intended for ownership, use, and maintenance by the **Brittany Landing Harbor** Association or the Community of Harbor Bay Isle Association. Lagoons, private streets and non-private lot parcels are Common Areas.

Commonly Maintained Improvements are improvements located on residential lots that are maintained by the **Brittany Landing Harbor** 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 their tenants. Lease and rental agreements shall include a requirement that tenants must comply with all Association regulatory documents.

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 **Brittany Landing Harbor** homeowners.

This document covers those subjects not included in the Community's document, or requirements the Brittany Landing Harbor Association wishes to be more restrictive than the Community's rules and standards.

SECTION 2 - ARCHITECTURAL RULES AND STANDARDS

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

Any interior modification that includes partial or total removal of any walls, must have engineered plans submitted for approval prior to construction to insure that the structural integrity of the home is not being compromised.

Architectural applications and plans must be submitted to and approved by the CAC and the PAC prior to commencing property improvement work. Architectural applications are available through the Community of Arbor Bay Isle's offices. Please check the Community Architectural Committee's annual meeting schedule on we back page of the architectural application 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, excluding Common Areas.

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

Final Inspections Required: Applications approved by the CAC 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.

ARCHITECTURAL MODIFICATIONS AND PROPERTY IMPROVEMENTS

Additions to Existing Dwellings: All proposed building modifications require the submission of an architectural application and plans *prior* to the commencement of property improvement work. Refer to the Community's document, Section 2 - Architectural Rules and Standards - Additions to Existing Dwellings.

In addition to the Community's document, all additions to existing dwellings that will increase the Association's exterior maintenance costs must have the written approval of the Board of Directors.

OTHER MODIFICATIONS

Air Conditioners will be considered on a case-by-case basis and, if approved by the Board, are permitted only in rear, non-window locations and must be concealed from neighboring property. The sound level shall not unreasonably intrude into neighboring property.

Ancillary structures. such as arbors, overhangs, and gazebos, shall not be enclosed in any manner, except in the case where a wall of a main dwelling forms a natural enclosure to some or all portions of the structure.

Antennae Installations must comply with the Community's document. In addition, antennae (such as satellite dishes, etc.) may only be installed in locations preapproved by the Board on a case-by-case basis. The Association may require a Maintenance Agreement be signed by the owner for some installation locations.

Attic Ventilation must have the approval of the Board. Such devices shall be compatible in design and color to the existing structure. Turbines are prohibited. If mounted on a gable end, the ventilator must be painted to match the house siding or trim color. If mounted on the roof, the ventilator must be painted to match the roof color. Roof ventilation installations shall be located in the least visible from the street side of the ridgepole.

Awnings: Sun-control devices shall be compatible with the architectural character of the house, and shall not adversely affect views, light, winter sun or natural ventilation of adjacent properties. Only solid color awnings are permitted. Plastic, fiberglass or metal awnings are prohibited.

Balconies require the approval of the Board. If the proposed balcony will encroach on the privacy of neighboring property, the written approval of the neighboring property owners is required.

Barbecues or Firepits for permanent installation must be lower than the fence height and must be located in an area that will not permit smoke to unreasonably intrude into neighboring property.

Basketball standards are permitted provided they are portable and comply with all of the conditions specific in the Community's document.

Chimneys, Stove Pipes and Metal Flues Vents and Exhaust must be approved by the Board and be compatible in material and color with the existing structure. If interior stoves are installed, the stovepipe protruding above the roof must be painted to match the roof or boxed in with material matching the house siding.

Curb street address painting is not permitted unless approved by the **Brittany Landing Harbor Board** of Directors. The Architectural Committee shall approve house-mounted street number replacements.

Decks: In addition to the requirements of the Community's document, ground level decks shall not exceed a height of 12 inches from the grade and shall be no closer than 6 inches to a fence. The deck surface shall be a minimum of five feet below the top of surrounding fences. Adequate drainage and weed control must be maintained beneath above-ground decks. An appropriate flashing shield against moisture and insects shall be installed between a deck and the house structure.

Before preparing deck plans, owners of lagoon lots should request a copy of the Community's ***Maximum Building Envelope for Lagoon Decks*** (Attachment "A") from the Architectural Administrator.

Dock Construction Guidelines: 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, (blueprints are available from the Architectural

Administrator). Private Dock use is governed by **Brittany Landing Harbor's** Lagoon Dock Usage Rules. Private docks must be maintained in a condition meeting the standards of the **Brittany Landing Harbor** Association.

Doors (entry) exterior surface maintenance and door replacement is the responsibility of the owner. The exterior refinishing is the responsibility of the Association. The replacement door and hardware must match the existing developer installed door or alternate design approved by the Board and the Architectural Committee on a case-by-case basis.

Doors (screen/storm) require the approval of the Board and are permitted if they are not visible from the street. They must have bronze anodized aluminum frames and may contain glass storm door inserts.

Driveway and entry walk maintenance is the responsibility of the Association. Extensions of existing driveways, or into landscape areas for additional parking, are prohibited. Colored coatings or painting of driveways is prohibited except for clear sealers. Excessive oil or rust stains must be promptly removed.

Personal property storage, such as bicycles, autos or other vehicles, is prohibited in these areas.

Fence replacements: In addition to the Community's document, new party fences or replacements must be constructed of materials matching the existing fence. Metal, fiberglass or plastic materials are prohibited.

Fence extensions must comply with the Community's *Fence Extension Standard*.

The Board 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 one day after the installation completion.

Garage door exterior surface maintenance is the responsibility of the homeowner. Owners may replace garage doors at their own expense. Garage doors must be made of wood. Owners may choose between roll up or swing up door types. Patterns must be either the same as the original door or raised panels, four across and five high. An application for replacing the garage door must be filed with the Community Architectural Committee, which will then be referred to the Project Architectural Committee. Owners are responsible for painting the garage door after installation. Paint color information may be obtained from the Association office. Garage door must be painted the siding color only.

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

Gates And Gate Replacements shall be constructed of either wrought iron or fence material matching the existing developer-installed fence in design, material and finish. Hinges must not be visible from the outside.

Gutter and Downspouts maintenance is the responsibility of the Association.

House Light Fixtures: The exterior light fixture approved by the Board is Kichler Lighting, Item #K 9702 - Olde Bronze. When replacing the front exterior light fixtures, both must be replaced at the same time.

Mailboxes and posts maintenance is the responsibility of the Association, and shall be black standard rural post office certified style to match the original developer installed mailboxes. Newspaper tubes are not permitted.

Painting: The Association is responsible for exterior painting.

Patios: In addition to the Community's document, acceptable patio surfaces are brushed neutral or earth tone concrete (aggregate mix is acceptable), brick and slate. Paint or colored coatings are prohibited, except for a clear sealer.

Pest Control is the responsibility of the Owner.

Planter and Window Boxes shall be compatible with the house and overall neighborhood design. They shall be constructed of redwood or brick to match any exterior house masonry. The redwood shall have a clear finish, be unfinished. or painted to match the house color. Window boxes attached to an exterior surface of the house must have the approval of the Board.

Roofs: The Association is responsible for roof maintenance.

Second Story Room Additions, Including Balconies: Second story additions are not permitted. Main floor additions to the exterior are limited to the rear of the house, may not extend more than five feet and must adhere to the regulations of the CC&R's, of the City of Alameda and the Community of Harbor Bay Isle regarding lot coverage. The addition shall not impair the views or sunlight or natural ventilation of adjacent properties.

Pitched roofs must match the slope of the existing roof

Security System boxes must be installed and operated to comply with City of Alameda codes. Security lights must be shielded and used for emergencies only. Motion detectors are permitted provided they are shielded from public view.

Siding replacement is the responsibility of the Association. Materials must be compatible with the existing and/or developer installation. Siding manufactured from metal, fiberglass, or vinyl is prohibited.

Skylights: Prior written approval by the **Brittany Landing Harbor** Board of Directors is required for the installation of skylights to determine whether any additional costs to the association will be involved. A separate maintenance agreement will be required.

Solar Collectors require the approval of the Board and are permitted only if compatible with the house and roof design and are properly concealed and do not create an additional maintenance expense for the Association.

Sports apparatus permanent installations, which may be viewed at ground level above the fence, are not permitted. All such structures are not permitted on the garage side of front yards.

Utility Wires: The installation of utility wires or lines such as telephone, electrical or cable TV lines and their conduits shall be underground into the house wall, if possible. If there is no other practical way to bring the service into the dwelling at a reasonable cost, all wires and cables must be concealed on the dwelling's siding to the extent possible. Utility wires, lines, conduit, etc., shall be concealed in the grooves of the wood siding or under the shingles and painted to match the house siding color, if necessary. For second floor installations, the line shall be concealed in the grooves of the wood siding and when moving to the second floor, the line shall extend to a corner of the house and be concealed in the corner molding to the second floor.

Such installations require the prior approval of the **Brittany Landing Harbor** Architectural Committee and the Community Architectural Committee. Owners may request "Fast Track" approval by the Community Architectural Administrator.

View Protection Guidelines: The **Brittany Landing Harbor** Board of Directors recognizes the need for the preservation of views of common area amenities from residential lots and from public ways. However, this need to preserve such views must be balanced with other needs of property owners. Any obstruction to the view of a common area amenity created by a property owner must be justifiable by a clearly demonstrated need for privacy, adequate use of property or other substantial need of the party creating the obstruction. All such matters shall be judge on a case-by-case basis without creating or being affected by precedent.

Walkways: In addition to the Community's document, walkway materials are limited to brushed cement or aggregate finish compatible with the house and overall neighborhood design. On a case-by-case basis, the Architectural Committee will consider other surfaces. Painted surfaces or colored coatings are prohibited, except for a clear sealer. Nonplant material borders must be compatible with the existing house and overall neighborhood design.

Weather vanes will be considered on a case-by-case basis.

SECTION 3 - LANDSCAPE INSTALLATION OR MODIFICATIONS of private property areas, excluding Association Common Areas.

Prior Approval Required: The Community Architectural Committee's approval is required prior to installation of or modifications to any existing landscaping, excluding Association Common Areas. An architectural application and three sets of plans must be submitted for approval *prior* to commencing lawn talons.

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. These Guidelines were created for use in the Community Architectural Committee approval process. The Brittany Landing Harbor Association has created more specific Architectural Guidelines for use by Brittany Landing Harbor's homeowners.

Artificial Turf or Plant Materials: Artificial turf or plant materials are prohibited in rear and front yards.

Drainage: Drainage patterns 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. Owners shall comply with City of Alameda requirements for drainage details at or near sidewalks, curbs and gutters.

Association Common Area front yard landscape was installed by the Developer and is maintained by the Association. The Association is not responsible for damage to homeowner planters, pots or plant materials placed in commonly maintained area front yards.

Association Common Area front yard landscape maintenance is the responsibility of the **Brittany Landing Harbor** Association. A landscape contractor hired by the Board of Directors performs the work. Owners shall obtain the written approval of the **Brittany Landing Harbor** Landscape Committee prior to submitting an application and plans to the CAC for proposed changes, at their own expense, to their front yard landscape. However, the approval of the Board is required if it is determined that the landscape plan proposed will increase maintenance costs to the Association.

Ground Covers: Installation of nonplant material ground covers in reasonable proportion to landscaped areas is permitted. Acceptable ground covers are tree bark and gray or beige colored rock. White and red rock is prohibited.

Landscape Materials: Owners are responsible for the consequences of any landscape material they install in their yards. Refer to the Community of Harbor Bay Isle's Architectural Rules and Standards Section 3, Plant Guidelines, for landscaping information. Owners are encouraged to install landscaping that conserves water.