

**ARCHITECTURAL  
AND  
LANDSCAPE GUIDELINES**

**Adopted December 4, 1992**

**LANTERN BAY HOMEOWNERS ASSOCIATION**  
**ARCHITECTURAL AND LANDSCAPE GUIDELINES**

**ADOPTED DECEMBER 4,1992**

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## **LANTERN BAY OWNERS' ASSOCIATION ARCHITECTURAL AND LANDSCAPE GUIDELINES**

The Lantern Bay Board of Directors adopted these revised Guidelines on December 4, 1992. The Guidelines were developed to maintain Lantern Bay's harmonious design and to preserve the original concepts of the development.

### **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 Lantern Bay Homeowner's Association (Association).

The Lantern Bay Homeowner's 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 AND LANDSCAPE STANDARDS GUIDELINES**

Owners should review the Community Architectural Committee's Rules and Standards for the specific requirements that apply to proposed property improvements. The Lantern Bay Association has created these more specific Guidelines for use by Lantern Bay homeowners.

### **ARCHITECTURAL MODIFICATIONS AND PROPERTY IMPROVEMENTS**

**PRIOR APPROVAL REQUIRED: Do not commence any work on improvements or modifications to buildings or landscape until you have submitted an application and plans and received written approval from the CAC.**

The Lantern Bay and Community Association 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.

**Final Inspection 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 work before the application approval expires.

## **PROCEDURES FOR BUILDING OR LANDSCAPE MODIFICATION**

Gaining approval to modify your home requires the approval of two review bodies, the Community Architectural Committee (CAC) and the Lantern Bay Association Architectural Committee (PAC). All proposed building and landscape modifications require the submission and approval of a Harbor Bay Isle architectural application and plans prior to the commencement of work.

As a Planned Development (PD), the City of Alameda Planning Board approved all homes in Harbor Bay Isle. Building modifications may also require a PD Amendment from the City unless the proposed modification is determined to be a minor amendment by the zoning administrator. The City of Alameda Planning Board requires the CAC's review and approval process to be completed before owners submit applications for City building permits. A copy of the CAC's application and plans Conditions of Approval letter, if required, must accompany the owner's application for a building permit.

### **BUILDING MODIFICATIONS:**

**Additions to Existing Dwellings; Definition:** The term "addition" as used in this Subsection is defined as any permanent construction enclosing habitable space that is built on a site with an existing dwelling. Decks and patios are not considered additions in the context of this Subsection.

**Spirit of these Guidelines:** Consistent with the spirit expressed above for the application of all of these Guidelines, the limitations and requirements for additions to existing dwellings shall aid, but shall not dictate the action of the Lantern Bay Architectural Committee (PAC) and the Community Architectural Committee (CAC) on such a proposal. Action to approve or deny an application shall consider these requirements and shall ultimately be based on the PAC/CAC's judgment of the appropriateness of the proposal in its specific circumstances.

Regardless of the limitations and requirements set forth below, an addition to an existing dwelling shall not be permitted when, in the judgment of the PAC/CAC, the addition will result in excessive building bulk, insufficient back or front yard open space, insufficient setbacks or other negative impact on neighboring properties such as significant obstruction to views, infringement on privacy, or blockage of sunlight, etc. Special attention shall be given to setback conditions on zero lot line properties.

Furthermore, an addition shall not be permitted when, in the judgment of the PAC/CAC, the proposed addition is not aesthetically compatible with the architecture of the existing dwelling.

Conversely, if a proposed addition does not conform with all of the limitations and requirements set forth below, it may be approved if, in the judgment of the PAC/CAC, the proposed addition will result in acceptable building bulk, sufficient open space and sufficient setbacks, will not result in other negative impacts on neighboring properties and will be aesthetically compatible with the architecture of the existing dwelling.

**Limitations and Requirements:** Unless more generous limits are specifically provided for individual lots in the original PD Amendment establishing the Lantern Bay Association, the following limitations to additional building coverage, requirements for outdoor open space and back yard setback shall apply:

**Ground Level Additions:** An addition to a dwelling on a lot with an area less than 5,000 square feet shall not be permitted when such addition:

1. Results in total building coverage, including the proposed addition, that exceeds 48% of the total lot area,
2. Results in a back yard without a private, usable, outdoor open space at ground level of at least 200 contiguous square feet with a minimum dimension of 10 feet,
3. Results in a back yard setback of less than 10 feet or in side yard set backs of less than the side yard setbacks of the existing dwelling.

An addition to a dwelling on a lot with an area **5,000 square feet or more** shall not be permitted when such addition:

1. Results in total building coverage, including the proposed addition, that exceeds 35% of the total lot area,
2. Results in a back yard without a private, usable, outdoor open space at ground level of at least 400 contiguous square feet with a minimum dimension of 15 feet,
3. Results in a back yard setback of less than 10 feet or in side yard set backs of less than the side yard setbacks of the existing dwelling.

**Second Story Additions:** On lots of any size, the addition to a dwelling of a full or partial second story may be permitted if it complies with the Lantern Bay Board of Director's Resolution #91-04. If approved, the full or partial second story addition shall be compatible with the architecture of the existing dwelling in style, materials and details of construction, and shall also conform with all applicable architectural controls of the Lantern Bay and Community Associations.

**Third Story Additions:** Full or partial third story additions are not permitted.

**Application Submittal Requirements:** An application for an addition of any kind to an existing dwelling shall include at a minimum, with accurate scale drawings, the following:

1. A site plan at a scale no smaller than 1/16" = 1'-0" showing property lines with dimensions, the footprint of the existing dwelling, the proposed addition and dimensions of the existing and proposed setbacks.
2. Floor plans at a scale no smaller than 1/4" = 4'-0" of the proposed addition and the existing rooms it will adjoin.
3. Exterior elevations at a scale no smaller than 1/4" = 1'-0" showing all walls and roof lines of the proposed addition and the existing dwelling with notes describing all existing and proposed materials.
4. Typical details illustrating the glazing system of any proposed solarium. An application for a pre-manufactured solarium shall also include a color photo of the overall solarium construction.
5. Calculations of the total lot area, lot coverage of the existing dwelling including the garage and any ancillary structures, and lot coverage of the proposed addition.
6. If an addition is being proposed based on the more generous coverage limits or other superceding allowances of the Development's PD Amendment, then the application also shall include a copy of that PD Amendment highlighting the more generous limits and shall include calculations of any change to overall limits in the development, such as the change to average lot coverage for the development, that would result if the proposed addition is approved.

Applicants should contact the Community's Architectural Administrator before preparing their applications for proposed additions to request information about any additional submittal requirements.

## **OTHER MODIFICATIONS**

**Air Conditioners** 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:** The exterior construction of ancillary structures, such as storage sheds, shall match the exterior materials, details and colors of the main dwelling. The height of such structures shall be minimized. The average height of a sloped roof of any such structure shall not exceed nine (9) feet in height from the grade. The structure shall be located and or/constructed to minimize its visibility from public ways. Ancillary structures shall be subject to the same limitations of lot coverage and building bulk as specified in Additions to Existing Dwellings.

**Animal Shelters** shall be designed for the humane containment of the animal and shall be constructed of natural wood or of materials and colors matching the house or the fence. Wire mesh windows, fiberglass or plastic materials are prohibited, except for small birdhouses. Shelters that shall not be visible from a public way and shall be at least six (6) inches lower than the top of the back or side yard fence. Shelters shall not be in contact with common fences or a neighboring house and must be located to avoid causing a nuisance to neighbors. Dog runs are discouraged, but will be considered on a case-by-case basis.

**Antennas:** Visible, exterior antennas are not permitted without the written approval of the Community Board of Directors.

**Arbors, Gazebos And Overhead Trellises** are defined as an overhead garden structure that is freestanding or attached to a house for the usual purpose of providing shade. Such structures shall be constructed of redwood, which shall be left in its natural state or treated with a clear sealer. Red-colored stain or paint is prohibited. On a case-by-case basis, consideration will be given to painting the structure in a color matching the house. Gazebo roof coverings (e.g. canvas or plastic) are not permitted. The structures must be set back from the fence as determined on a case-by-case basis, depending on the proximity of neighboring houses. Structure height shall not exceed 8 feet 6 inches over the grade unless structure attachment to the house requires greater height consideration on a case-by-case basis.

**Attic Ventilation** devices shall be compatible in design and color to the existing structure. Turbines are prohibited.

**Balconies - Second Story** must be compatible with the existing structure. On a case-by-case basis, second story balconies will be considered by evaluating the impact on the overall appearance of the neighborhood and the retention of neighboring property privacy. Only where consistent with standards in the neighborhood or where decidedly more appropriate to the proposed installations, as may be the case of a second story deck or balcony, such deck or balcony may be painted a color matching the house body or trim.

**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:** Permanent basketball standards are not permitted on private lots. Temporary basketball standards shall be permitted when they comply with all of the following conditions. Temporary basketball standards shall be:

1. Free-standing from any residential building, fence, or other permanent structure;
2. Temporary in their location and removed after each day of use;
3. Stored out of view from public ways or neighboring properties;

4. Used only during daylight hours;
5. Used only in driveways, auto courts, or on the auto side of the house; except standards no higher than five feet may be used in backyards;
6. Used without any additional artificial lights;
7. Used so as not to create a nuisance for any neighbor or other resident.

**Chimneys, Stove Pipes and Metal Flues** must 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 house or boxed in with material matching the house siding. Spark arrestors of not more than 1/2-inch mesh are required on chimneys and stovepipes.

**Clearance for Maintenance:** No improvements or plant materials shall bear against or be attached to common fences or walls or structures on neighboring properties. Improvements or plant materials near fences or walls or structures on neighboring properties shall have adequate clearance of at least six (6) inches or shall be easily removable for maintenance.

**Clothes Drying Facilities:** Outside clotheslines or other clothes drying structures are permitted only if they are not visible from neighboring properties or public ways. Clotheslines shall not be attached to fences or commonly maintained structures.

**Decks:** Ground-level decks shall be a maximum of 12 inches from the grade and shall be no closer than 6 inches to a fence. Decks shall not be constructed so that the elevation of the deck surface and/or the position of the deck relative to back or side yard fences significantly diminish privacy between neighboring properties.

Wood decks shall be constructed of redwood, which shall be left to weather naturally or finished with a clear sealer. Red colored stain is prohibited.

**Doors and Windows:** Door design, color or stain, and replacement hardware must match the existing developer-installed door or alternate design approved by the Architectural Committee on a case-by-case basis.

Front entrance screen doors may be approved on a case-by-case basis provided the screen door shall match the house's existing window framing and screen materials. Wood screen doors are not permitted.

Window additions or replacements and dormer additions must match or be compatible with the existing installation. Neighbor privacy must be considered. Window screens must match the developer installation.

Reflective-type window film is not permitted. The prior written approval of the Lantern Bay Board of Directors may permit window tinting of non-reflective, dark charcoal color material.

Awnings or sun shields of wicker, cloth, metal, fiberglass or plastic are prohibited except for matching replacement of the canvas awnings installed by the developer on some houses.

Movable or fixed barriers over the doors or windows of a dwelling that are visible from the exterior, such as metal grating, bars, expanded metal mesh, etc. for the purpose of preventing persons from entering that dwelling or for any other purpose are prohibited. The installation of deadbolts on doors, window locks, security alarm systems, and motion detecting light switches are encouraged alternatives for owners desiring to enhance the security of their dwellings.

**Drainage:** Each homeowner shall maintain and, if necessary, improve the drainage scheme for the property that was originally approved by the City of Alameda and constructed by the original developer. Minor alterations to the drainage scheme can be made if the original overall drainage pattern is maintained and no adverse impact results to neighboring property or association common areas. City of Alameda drainage requirements including, but not limited to foundations, sidewalks, curbs and gutters/downspouts, shall be met.

**Driveways:** Extensions to driveways, or extensions into landscaped 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.

**Earth - Wood Contact:** No construction or landscaping shall bring earth into contact with fences above the bottom rail, or less than 6 (six) inches from any wooden portion of a dwelling or other structure.

**Fence Extensions, Relocation and Replacement:** Any fence repair, replacement or new construction must match the existing fence or other fence construction in the immediate neighborhood. Fence wood shall be left natural or treated with a clear sealer. Redwood color paint or stain is prohibited.

Fence extensions are discouraged and may require a City PD Amendment. If approved, the extension shall be consistent with the existing fence construction or in harmony with other fence details in the immediate neighborhood. Where a fence extension is warranted on a fence bordering Community property, the “Community of Harbor Bay Isle Standard Details for Community Fence Extension” shall be followed precisely.

**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.

**Flagpoles and Flags** are permitted if wall-mounted. Flags should be maintained in an appropriate condition. On appropriate national or state-designated occasions, temporary flagpole installations are permitted.

**Fountains and Ornamental Statuary in Front and Rear Yards:** Fountains, garden statuary, and portable planters in front yards are discouraged, but will be considered on a case-by-case basis provided their installation location, number, height and mass are not excessive in relationship to the size of the front yard and the number design and material are compatible with the design of the front yard landscape and the overall landscape design of the neighborhood. For example, small-scale fountains, statuary, and portable planters normally included in Oriental Gardens will be considered on a case-by-case basis. In all cases, fountain water sound shall not unduly intrude into neighboring property.

The height of fountains in rear yards shall be at least 12 inches lower than the height above the grade of the nearest fence. Fountain operating noise shall not disturb adjoining neighbors.

**Furniture:** Outdoor furniture shall be designed specifically for exterior gardens and patios and should harmonize or coordinate with the appearance and finish of the residence.

**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.

**Garage Doors** must match the developer-installed door in design. The door color shall match the house siding or trim color. Two-color doors are not permitted. Roll-up, solid form or wood-grain metal doors are permitted. Windows in garage doors are not permitted. Property owners are responsible for assuring garage door replacements meet the safety requirements mandated by State of California statutes.

**Garbage and 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 the garage or side yard. Garbage containers must be covered at all times to avoid odor and loose trash.

**Gates** must match the existing fence in design, material and finish. Hinges must not be visible from the outside.

**Gutter and Downspout** design must match the developer-installation in design and materials, and must match the house trim color. Drainage shall not adversely impact on the adjacent property.

**Insect Traps (electronic)** shall not create a nuisance to neighboring properties.

**Light Fixtures and Lighting:** Light fixtures mounted on the exterior of a dwelling or other structure in front and rear yards shall be compatible in style with the dwelling's existing fixtures, the dwelling's architecture, and the overall appearance of the neighborhood. Exterior, shielded wall mounted house light fixtures may include electronic motion detectors.

Low voltage landscape light fixtures in front and rear yards shall be properly shielded and shall not exceed 18 inches in height above the grade unless approved by the Project Architectural Committee on a case-by-case basis due to the circumstances of a particular lot. The number of ground light fixtures in front yards shall be appropriate for the size of the front yard and the landscape design of the property and of the overall design of the neighborhood.

Refer to the Community's Architectural Rules and Standards "Light Fixtures and Lighting" and "Pole Lights" for other lighting rules.

*(Note: The CAC rules cover the prohibition of colored lights, and the misuse of lighting that is not properly shielded or excessive.)*

**Seasonal Lights** are allowed only during the holiday season. They may be installed each year after November 20th and must be removed by January 31st. No colored bulbs are allowed in light fixtures, including landscape lighting, with the exception of holiday season lights during the time specified for seasonal lights.

**Mailboxes** shall be maintained to match the original developer installation. Newspaper tubes are not permitted.

**Paint and Color:** Two sets of color samples must be submitted with the house repaint architectural application. A house must be painted with two colors: one for the base and one for the trim. A third accent color for the house, not the garage door, may be approved on a case-by-case basis. House colors used must be selected from the paint palette created by the developer or as modified and other approved by the Lantern Bay Association Board of Directors. The colors selected must be compatible with and different from that of the neighboring house(s). Owners are encouraged to repaint their homes with the original developer-applied colors; however, applications for a color change will be considered. The final inspection must conclude that the finished work matches the approved colors.

Pipes and sheet metal vents that protrude through the roof and other miscellaneous metal elements on the roof, such as rainwater diverters, shall be painted to match the weathered roofing material.

Other exterior miscellaneous metals, such as wrought iron fences, shall have a dark colored finish, unless otherwise approved by the Lantern Bay and Community Architectural Committees.

Once the painting of the house has begun, the homeowner must complete the work in 90 days from the start of work.

**Patio** size shall be in reasonable proportion to the landscaped yard area. Acceptable surfaces are brushed neutral or earth tone concrete (aggregate mix is acceptable), brick or slate. Paint or colored coatings are prohibited, except for a clear sealer.

**Porches** are not permitted in front yards. Screened-in rear yard porches are discouraged, but will be considered on a case-by-case basis provided they are compatible in design, material and color with the existing structure.

**Roofing and Reroofing:** The City of Alameda's Roofing Ordinance #2 575 requires Class A, fire resistant roofs, and spark arrestors of not greater than 1/2 inch mesh. Roofing policies are being developed by the Community and Lantern Bay Board, which will be incorporated into the Architectural Guidelines. Call the Architectural Administrator for assistance.

**Security Systems** must 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 materials must be compatible with the existing and/or developer installation. Siding manufactured from metal, fiberglass, or vinyl is prohibited.

**Signs:** Contractor signs are not permitted to be posted within Harbor Bay Isle. Owners are responsible for their contractor's compliance with the Community Board's Sign Regulations Resolution 91-03.

**Skylights** are permitted if they are appropriately located, provide thermal insulation, have non-reflective with clear, white, gray, or bronze colored glazing. Skylights shall have dark bronze colored frames unless another color is more consistent with other skylights in the neighborhood or more appropriate to the proposed installation. All flashing around the skylight shall be painted to match the existing, weathered roof surface.

**Solar Collectors** will be considered on a case-by-case basis if compatible with the house and roof design, are properly concealed, and comply with all State and City regulations.

**Solariums:** A solarium is defined as a glass-enclosed room attached to a house. Applications for solariums shall be considered as applications for additions to existing dwellings. An application for a solarium shall include at a minimum the Submittal Requirements set forth under Additions to Existing Dwellings. Solarium mullions (glass frames) shall be dark in color (such as dark bronze anodized aluminum) unless, in the judgment of the CAC, a lighter color is decidedly more appropriate.

**Spas And Hot Tubs** shall not be located to diminish privacy between neighboring properties and shall not create a nuisance to adjoining properties when in use or through the operation of related mechanical equipment. Spas and hot tubs shall be drained only into the sanitary sewer system. The operating mechanical and electrical equipment of spas and hot tubs shall be enclosed and not visible to neighboring properties.

**Speaker Systems:** Amplified outdoor installations are not permitted.

**Sports Apparatus:** Permanent installations, which may be viewed at ground level above the fence, are not permitted. All such structures are not permitted in front yards.

**Swimming Pools:** A swimming pool is defined as a container of water that exceeds 60 square feet in surface area. Aboveground swimming pools are not permitted. Due to the tendency of the high water table in Harbor Bay Isle to lift an in-ground pool out of the ground, an application for a City of Alameda building permit for an in-ground swimming pool may require engineering calculations or other documentation to show that this potential hydrostatic problem will be solved.

**Trellises:** Vertical trellises not attached to the house may not be higher than the top of the fence, or attached thereto, and must be a minimum of 6 inches from the fence. Trellis shall be constructed of natural redwood, which may be treated with a clear sealer. Vines or other plants may not be attached to fences.

**Utility Wires:** Utility wires or lines such as telephone, electrical or cable TV lines and their conduit that are visible are prohibited. Cable television or telephone lines shall be underground into the house wall.

**Vehicle storage** of motorized boats, trailers, campers and large trucks is not permitted outside of the owner's garage on private property or on Lantern Bay Association streets.

**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. Non-plant material borders must be compatible with the existing house and overall neighborhood design. Walks must maintain a six-inch clearance from fences and neighboring dwellings.

**Weather Vanes** will be considered on a case-by-case basis.

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

**Wood:** When used in landscaping, such as in the construction of planters, retaining walls, header boards, etc., wood shall be redwood left unfinished to weather naturally or treated with a clear sealer.

## **LANDSCAPE GUIDELINES**

**Prior Approval Required:** No landscaping may be installed nor any existing landscaping modified without the prior approval of the Architectural Committee. An architectural application and plans must be submitted for approval prior to commencing landscape installations. Owners should review the Community's Landscape Guidelines for the specific requirements that apply to proposed property improvements. The Association created these more specific Guidelines for use by Lantern Bay homeowners.

**Landscape Completion Deadlines:** All lot areas not landscaped by the developer shall be landscaped by the owner within the time deadline specified in the Association's CC&Rs, which is one (1) year from the date of purchase of a lot from the developer.

**Owner's Responsibility:** If owners do not perform their landscape design and installation work, their landscape consultant and contractor must comply with these guidelines and all other applicable requirements of the Project Association, the Community of Harbor Bay Isle, and the City of Alameda. Nevertheless, the Community and the Project Association will ultimately hold the owner responsible for compliance with these requirements.

Approval of the plant materials owners propose does not constitute or imply an endorsement of their proposal. Owners take full responsibility for the performance and consequences of any plant material that is installed on their property.

**Information Resources:** The Community Architectural Committee's Rules and Standards - Landscape Guidelines contain lists of plant materials that are encouraged, discouraged or prohibited in Harbor Bay Isle. Additional information about drought-tolerant landscape materials and irrigation systems is available from the Community's Architectural Administrator. An excellent resource is the East Bay Municipal Water District's book: Water-Conserving Plants and Landscape for the Bay Area. The Sunset Garden book is another excellent landscape information resource. Information about poisonous plants may be obtained from the Department of Public Health, from the U.C. Agricultural Extension, and from the American Medical Association. A report by Barrie D. Coate and Associates, Horticulturist, that discusses the details of plant materials in Harbor Bay Isle, including specific site and maintenance requirements including measures that can mitigate potential problems, may be reviewed at the Community offices during regular office hours.

### **HARBOR BAY ISLE'S WATER CONSERVATION POLICY**

The Lantern Bay Board of Directors recognizes the importance of continuing to conserve water in light of the semi-arid condition of California topography and the imbalance of water demand to supply resulting from the continued growth in the State's population. The Lantern Bay Association Board also desires to continue supporting the East Bay Municipal District's water conservation policies, the City of Alameda's amended Ordinance 2574, Sections 11-822 through 11-823, and the Community Board's Resolution #92-04 Water Conservation Policy for all Community of Harbor Bay Isle residents and Project Associations.

### **Lantern Bay Private Property Requirements**

1. Homeowners are requested to reduce overall water consumption by not less than 20% of their 1986 usage levels.
2. The planting of new or replacement plant material shall be at least 90% drought tolerant vegetation, including drought tolerant turf, such as tall fescue-dwarf variety or Bermuda grass.

3. Turf in new irrigated areas shall not exceed 25% of the total irrigated area or 500 square feet, whichever is greater.
4. Turf is not permitted in median strips or in areas less than eight feet wide.
5. When replanting established landscape areas, homeowners are encouraged to limit turf to not more than 40% of the total area.
6. Homeowners are encouraged to install drip irrigation systems.
7. Sprinklers and sprays are not permitted in areas less than 8 feet wide.
8. Artificial slopes or berms shall not exceed a slope of 10%.
9. A minimum of 4 cubic yards of nitrified soil conditioner per 1,000 square feet shall be incorporated into the top 6 inches of soil.
10. A minimum of 2 inches of mulch shall be added in non-turf areas to the soil surface after planting. Non-porous material shall not be placed under the mulch.
11. Weeding and general maintenance must be continued to meet acceptable standards specified by the Lantern Bay and Community Associations.
12. Dead plant materials are to be removed immediately and replaced, preferably with drought tolerant plant materials.

A copy of the policy covering Lantern Bay Association common areas is available from the Architectural Administrator.

**Front Yard Landscape:** After a homeowner's application and plans for front yard planting or front yard replanting have been approved by the CAC, the owner must complete the planting or replanting installation within 60 days of starting work.

**Maintenance:** Owners shall maintain their landscape in good condition, removing all weeds, watering and fertilizing and trimming as necessary to maintain an attractive appearance. Lawns shall not exceed more than 5 inches in height.

**Minimum Area of Plant Material:** Plant material shall consist of living plants, including ground covers, shrubs, and trees of any species approved by the Community and Lantern Bay Architectural Committees. No less than 60% of the front yard area shall be landscaped with plant material. No less than 50% of the rear yard shall be landscaped with plant material. Groundcover installations shall be in reasonable proportion to other plantings. Artificial turf of any kind is not permitted.

**Rock Gardens** in front yards are discouraged, but 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. Information about drought-tolerant landscape materials is available from the Community Architectural Administrator.

**Trees:** Trees are our most precious resource and they should not casually be removed. Professional root pruning and the installation of root barriers may tame some trees known to create root problems. Proper professional pruning of its branches can turn your tree into a good neighbor.

Homeowners shall not remove trees without first submitting an application and receiving approval from the CAC. Trees shall be maintained in a healthy condition. If a diseased tree does not respond to treatment or if it dies, the owner should promptly apply to the CAC for approval to remove and replace the tree.

Trees with the potential to exceed 40 feet in height at maturity are discouraged on lots too small to accommodate them. Approval of such tall trees, and trees with excessive spreading habits will be considered on a case-by-case basis with regard to the appropriateness of their proposed setting and to prevent intrusion into neighboring property.

Most fruit bearing trees, except dwarf lemon trees, for example, are not permitted in front yards. However, fruit-bearing trees may be permitted in backyards.

**Vegetable gardens** are permitted only in rear yards and in reasonable proportion to other landscape.

### **CC&R ARCHITECTURAL APPLICATION APPEAL HEARING PROCESS**

**Right of Appeal:** If a Lantern Bay Association 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 (7) days whether the Community Board or the Lantern Bay Association Board shall hear the appeal, 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, Lantern Bay Association Board or PAC, or affected Owner is dissatisfied with the subsequent ruling of the Lantern Bay Association 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 Lantern Bay Association Board or Community Standing Committee.

## **PROCEDURES FOR ENFORCEMENT**

**Scope of Enforcement:** Any architectural improvements undertaken without prior approval or otherwise in violation of the CC&Rs will subject the violator to the CC&R Violation enforcement procedures contained in Articles XIII.

**Preliminary Action by the Architectural Administrator:** When the architectural administrator learns of an alleged CC&R violation, the Lantern Bay Association Board of Directors and/or Association Manager may authorize a compliance due-process letter be sent to the homeowner. If the homeowner does not correct the alleged violation to bring the property into compliance with the CC&Rs, the violation will be referred for enforcement action to the Lantern Bay Association or Community Board of Directors, whichever is appropriate.

**First Step:** When the Community or Lantern Bay Association Board of Directors receives information concerning an alleged CC&R violation, an informal attempt will be made to resolve the matter. If not corrected, a formal Notice will be sent to the owner requesting correction of the violation. If a tenant occupies the house, the owner will receive the notice.

**Second Step:** Failure to correct the violation by the deadline specified will cause a Final Notice to the owner. The owner, or an absentee owner's representative, will be requested to appear before the Lantern Bay Association Board of Directors for a CC&R enforcement hearing. The Notice will be delivered to the Owner or sent Return Receipt U.S. Mail within the Continental United States.

This Notice will advise the owner that failure to correct the alleged violation will result in an enforcement hearing before the Lantern Bay Association Board of Directors. The Notice also shall include the date, time and location of the Hearing; the specifics of the violation or complaint; and the range of possible penalties if not corrected. Owners are responsible for their tenant's alleged CC&R violations.

**Third Step:** The Lantern Bay Association Board of Directors shall hear the violation according to the provisions of CC&R Article XIII - Enforcement Remedies. Following the hearing, the Board shall take all facts into consideration and determine whether the owner and/or owner's tenant has violated the CC&Rs; shall set a deadline for correcting the violation, and shall determine the penalty for failure to comply.

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

**Rescheduled Hearing:** If the owner and/or owner's representative has a valid reason for being unable to attend the hearing, he/she may notify the Board at least 48 hours in advance of the hearing and request another hearing date. Upon acceptance by the Board of a new date, the hearing will be rescheduled and the owner notified ten (10) days prior to the rescheduled hearing.

**Hearing Default:** Owners are advised that the Board of Directors may proceed with the hearing In Absentia if the owner or owner's representative fails to appear and/or fails to notify the Board.

**Enforcement:** CC&R enforcement may proceed according to Section 8.1 of the Lantern Bay Association's CC&Rs and/or the appropriate section of the Community Association's CC&Rs.