

# **Bay Colony Association**

## **Architectural and Landscape Guidelines**

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## 1. INTRODUCTION

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 Bay Colony Association Covenants, Conditions, and Restrictions (CC&Rs) to preserve and enhance the appearance of your neighborhood.

Owners are accountable and responsible for the consequences of their tenants' 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.

Please also refer to the Bay Colony Association Rules & Regulations.

## 2. DEFINITIONS (CC&Rs, Article 1)

Common Areas are intended for the ownership, use, and maintenance by the Bay Colony Association or the Community of Harbor Bay Isle Association. Parcels shown on the map as lagoons, 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.

## 3. COMMUNITY ARCHITECTURAL REVIEW

### Compliance with CC&Rs

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 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.**

## 4. ARCHITECTURAL GUIDELINES

### A. 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 to avoid delays in processing your application. The Architectural Administrator is available to help you complete the application and the 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 and compatible with the architecture and landscape characteristics of the Bay Colony Association.

#### Final Inspections Required

Applications approved by the Architectural Committee are valid for one year. 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

With the exception of 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.

### B. Modifications and Property Improvements (CC&Rs, Article 3)

#### 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 and 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 systems 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 peak condition at all times.

### Antennas

Exterior antennas and are not permitted without the written permission of the Community and the Association. The owner must sign a Maintenance Agreement with the Association.

### 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 Isle Guidelines, no permanent basketball standards are permitted on private lots. Temporary standards may be permitted by the Project Architectural Committee (PAC), on private property, if 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 not 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)

Benches 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, including siding, trim, and gutters.

### Curb Street Address Number Painting

Curb Street Address Number Painting is not permitted unless approved by the Association.

## 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 not closer than six inches to a commonly maintained fence. Decks shall not be closer than one inch to siding or trim. Refer to the Community's document for additional requirements.

## Docks

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 Docks, 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 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

Dog runs are not permitted.

## Doors and Windows

Proposed changes will be considered, but homeowners are urged to maintain the original design, color and materials used in the Bay Colony Association. Replacement hardware must match the existing hardware. Entrance screen or storm doors must match the color of existing 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 pending approval by the CAC.

## Driveways, Entryways, 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. Entryway maintenance is the responsibility of the 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. **Owners shall be responsible of any damage to siding and trim caused by planters or other items on the front porch.**

## 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 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 onto 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

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 Doors

Garage door replacements shall have the appearance of the original 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. 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, or as required by the City of Alameda or the collection agency.

#### Gates (Interior Yard)

Gates shall be constructed of either wrought iron or fence material matching the existing 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

Gutters and downspouts are maintained by the Association. Owners shall not alter their installation in any way that will adversely affect the drainage of an adjacent owner's property. Underground drainpipes are the responsibility of the owner.

Insect Traps (Electronic)

Insect traps may not create noise of any kind that is discernible on other property which interferes with the concentration or sleep of neighbors.

Mailboxes

The Association is responsible for mailbox maintenance.

Paint (Exterior)

The 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 six (6) options of colors to paint their front doors. Contact the Association Manager to find out which scheme applies to your home. The Dunn Edwards paint color palette is as follows:

<u>Scheme</u>	<u>Paint Color Siding</u>	<u>Paint Color Trim</u>	<u>Paint Color Front Door</u>
1	Cream Wave	Day Lily	Northgate Green
2	Lunar Landing	Droplets	Hickory Cliff
3	Cloud	Whisper Gray	Garnet Evening
4	Birchwood	Modern Ivory	Carved Wood
5	Wishing Well	Watermist	Pebble Walk
6	Rainy Season	Swiss Coffee	Cape Cod Blue

Paint (Interior)

Owners are responsible for interior painting. The original 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.

Satellite Dishes

**Prior** to any installation, an application must be filed with the Association and approved by the PAC.

Once the installation is complete, the owner will be required to enter into a recorded **Maintenance Indemnification Agreement** with the Association, which shall be recorded and run with the land. The Agreement will require the property owner to agree to reimburse the Association for loss or damage caused by the installation, maintenance, or use of an antenna, due to its installation on any portion of the dwelling or lot for which maintenance, repair, and replacement is the responsibility of the Association. The owner also shall b



fully responsible for restoring the area to which an antenna was attached and then removed, and any costs thereof. A copy of such agreement is available for review and will be sent upon request.

The following conditions apply to the installation of satellite dish antennas:

- Antennas shall be installed only in the following locations: rear yard (screened or unscreened, freestanding); attached to chimney trim; or on fascia below roofline. All satellite dishes installed other than in the yard shall be attached to a substructure member, such as a truss or stud, to ensure reinforcement and stability of the unit. **Antennas may not be attached to siding or roof.**
- A qualified person knowledgeable about the proper installation of antennas shall perform the installation.
- Installation shall be in accordance with all applicable building, fire, electrical and related codes and a building permit shall be obtained if required by ordinance.
- Installation shall be in accordance with the manufacturer's installation specifications. The installer shall have a copy of such specifications on site at all times during the installation.
- No antennas shall be placed in a location where it blocks fire exits, walkways; ingress or egress from an area, fire lanes, fire hoses, fire extinguishers, safety equipment, electrical panels, or other items or areas necessary for the safe operation of the Association or individual units or lots.

#### Security System Boxes

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 Municipal Code. 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. Installation of such structures conforming to the requirements must be approved by the Community Architectural Committee **prior** to installation.

#### Trellises, Horizontal

Horizontal overhead trellis regulations are the same as those for arbors (refer to the Community Architectural Rules and Standards). Special trellises which might be stained or painted will be approved on a case-by-case basis.

#### Trellises, Vertical

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.

### 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. All such matters shall be judged on a case-by-case basis by the Association Board of Directors and Architectural Committee 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 Association 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.

## 5. LANDSCAPE GUIDELINES

### A. Rules and Standards

#### Approval Required Prior to Modifications

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 more specific Guidelines were created for use in the Community Architectural Committee approval process.

### B. Landscape Installation and Modifications

#### 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 installations 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, other structure, or siding. Trellises, plant material or plant supports shall not be attached to common property fences or siding.

#### Front Yards

Front yard landscaping is maintained by the Association. Homeowners may **not** alter the front yard landscaping by adding, removing or altering developer or Association installed landscaping. The Association and its landscape maintenance contractor, if applicable, is 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 is permitted. Acceptable ground covers are fir bark and grey 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 rocks are 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 a 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 the Community of Harbor Bay Isle' 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 or siding. Root guards must be installed for any tree planted within six feet of any structure, fence or walkway to minimize root invasion damage.