

**BRITTANY LANDING
THE HARBOR
HOMEOWNERS ASSOCIATION**

**ARCHITECTURAL & LANDSCAPING
RULES & STANDARDS**

October 2009

**BRITTANY LANDING THE HARBOR
HOMEOWNERS' ASSOCIATION
ARCHITECTURAL AND LANDSCAPE GUIDELINES
Adopted January 14, 1997
Revised October 2009**

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SECTION 1 - ADMINISTRATIVE

Definitions:

Association - Brittany Landing the Harbor Homeowners' Association.

Community - Community of Harbor Bay Isle Owners' Association.

Board - Brittany Landing the Harbor Homeowners' Association Board of Directors.

CAC - Community Architectural Committee.

PAC - Brittany Landing the 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 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 Brittany Landing the Harbor Homeowners' Association (Association).

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

Common Areas are intended for ownership, use, and maintenance by the Brittany Landing the 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 the 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 tenants' 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 guidelines.

COMMUNITY ARCHITECTURAL REVIEW

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 the Harbor homeowners.

These guidelines cover those subjects not included in the Community's guidelines, or requirements the Brittany Landing the 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 the 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 PAC and the CAC 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 of the architectural application to avoid delays in processing your applications. The Architectural Standards Manager is available to help you with the application and plan review process.

Property improvements include ***all*** improvements to the exterior surfaces of the house, ***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 the Harbor Association. Please refer to Landscape installation and/or Construction Exceptions in the Brittany Landing Harbor Rules and Regulations.

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

Fast Track: Should the need arise, the Architectural Standards Manager shall have the Board's approval to fast track (quicker turnaround) the following architectural items:

- Urgent tree removal
- Satellite TV
- Urgent replacement of dock pier(s)
- Urgent garage door replacement
- Utility wires or lines following the CAC and Project guidelines for installation
- Urgent fence replacement, following CAC and Project guidelines for installation
- Urgent roof replacement
- Urgent window replacement

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 guidelines, Section 2 - Architectural Rules and Standards - Additions to Existing Dwellings.

In addition to the Community's guidelines, 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: Arbors, overhangs, gazebos, etc., 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 guidelines. 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 guidelines. Please also refer to Sports Apparatus in this document and both Basketball Standards and Sports Apparatus in the Brittany Landing Harbor Rules and Regulations.

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 the Harbor Board of Directors. The Architectural Committee shall approve house-mounted street number replacements.

Decks: In addition to the requirements of the Community's guidelines, 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 Standards Manager.

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, plans are included in the Community's guidelines. Private Dock use is governed by Brittany Landing the Harbor's Lagoon Dock Usage Rules. Private docks must be maintained in a condition meeting the standards of the Brittany Landing the 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.

All requests for front door alteration or replacement must be submitted to the Architectural Committee through established channels.

Replacement doors must be made of wood or a wood substitute, such as fiberglass, subject to approval of the Board and Architectural Committee.

Doors must fit into the existing "envelope" and must be wood-framed.

Colored glass is not acceptable.

Doors must be either stained, or if painted, must be the same color as the house trim.

Owner assumes complete maintenance /replacement responsibility for the door.

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 are 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 guidelines, 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.

Fence Modifications: Front Fences: Any replacement or changes to the existing fences, both the jointly owned rear sideyard lot-line fences, or separately-owned front fences between houses, requires the submission of an architectural application and plan. The application and plans require the approval of the Community Architectural Committee (CAC) and the Project Architectural Committee (PAC). The owners will decide which owner (not both) will submit an application for replacing the commonly owned rear sideyard fences.

A proposal for relocation of the separately owned front fence/gate between two houses must have the signatures of both homeowners on a letter accompanying the application.

If portions of the adjoining front fence or gate proposed for relocation are within the neighboring property owner's Lot, that owner must also submit a separate architectural application and plan to the CAC for relocating the portion of the front fence on that owner's lot. For example, two neighboring owners may NOT submit ONE application for replacing or relocating separately owned front fences on their adjoining lots.

A relocated fence between two properties may not be moved forward (toward the street) beyond a reasonable distance behind the front entry doors of both neighboring properties.

All Brittany Landing Harbor Association costs of relocating, restoring or renovating the landscape or irrigation resulting from homeowner relocation of fences shall be borne solely by the applying homeowner(s). The homeowner(s) shall reimburse the Association prior to the Association's Contractor starting the work.

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 and may choose between a roll-up or swing-up type door. Door pattern must be either the same as the original door or raised panels: four across and four or five high, depending upon availability. Garage doors may be of wood or galvanized steel. If the door is galvanized steel, it must be of the same quality and meet the specifications of the Amarr Weatherguard model, triple layer construction consisting of two layers of 27 gauge steel with 1-3/8" polystyrene insulation. The door must be white so it can be painted with the same paint as the siding so that it matches exactly; paint color information is available through the Association office. If the steel door is damaged, the owner must replace the damaged section within 30 days or the Association will make the

necessary arrangements at the owner's expense plus an administrative handling fee. Windows are not permitted. An architectural application must be submitted and approved prior to installation.

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.

Gutters and Downspouts maintenance is the responsibility of the Association.

Light Fixtures:

Front Exterior Lights: The front exterior light fixtures approved by the Board are Kichler Lighting, Item #K 9702 – Tannery Bronze, and a larger matching light fixture, Kichler Lighting, Item #K 9440TZ – Tannery Bronze. When replacing the front exterior light fixtures, both must be replaced at the same time. Owners may install the smaller fixture near the front door and the larger fixture on the longer wall surfaces.

Rear Exterior Lights: Both ground floor level and balcony fixtures must be replaced at the same time if a style different from the dwelling's existing fixtures is chosen. Globes must be frosted or translucent; clear glass is not permitted. The finish for replacement fixtures must be bronze, similar to that of the fixtures approved for the front and side dwellings, or must be paintable and painted to match house trim color. Selection of energy efficient fixtures is encouraged. Motion sensor fixtures are permitted. Reminder: cut sheets or product specification sheets that include a picture and description of the light fixture must be attached to the application. All requirements of the Community Architectural Rules and Standards regarding light fixtures and lighting must be met.

N.B. Progress Lighting (www.progresslightingoutlet.com; also available through Home Depot) has a fixture similar to the existing globe lights. The finishes available are either black or white, and would then have to be painted to match the house trim.

Solar Walk Lights: Solar walk lights are considered on a case-by-case basis. If approved, they must meet the following guidelines:

They must have clear (uncolored) lighting, and low wattage. The fixtures must be unobtrusive, not exceed 18 (eighteen) inches in height above the ground and be compatible with the dwelling's architecture in material and color finish. The walk lights must not interfere with the landscaping and irrigation system. All lights on a walkway must be identical. The number of lights should be appropriate for the space. The requirements in the Community Architectural Rules and Standards regarding light fixtures and lighting must be met. As a reminder, cuts sheets or product specification sheets that include a picture and description of the light fixture must be attached to the application.

Note: Hard-wired walk lights are not permitted on front walkways.

Mailboxes and Posts Mailboxes and posts are the responsibility of the Association. Mailbox selection is at the discretion of the Association. Newspaper tubes are not permitted.

Painting: The Association is responsible for exterior painting.

Patios: In addition to the Community's guidelines, 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. Please also refer to Insect Traps in the Brittany Landing Harbor Rules and Regulations.

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.

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 the 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 sports apparatus 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. Please also refer to Basketball Standards in this document and to Sports Apparatus and Basketball Standards in the Brittany Landing Harbor Rules and Regulations.

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 the Harbor Architectural Committee and the Community Architectural Committee. Owners may request "Fast Track" approval by the Community Architectural Standards Manager.

View Protection Guidelines: The Brittany Landing the 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 judged on a case-by-case basis without creating or being affected by precedent.

Walkways: In addition to the Community's guidelines, 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.

Windows and Patio Door Replacement: As required by the Association rules, all requests for window/patio door replacements must be submitted through established architectural committee channels prior to replacement of windows/patio door. The application must be sufficiently detailed and must include two copies of product brochures and/or spec sheets that are clearly marked to identify the specific product, including color, that the homeowner proposes to install.

For the purpose of these guidelines, the definition of window/patio door frame is: All of the parts of the window/patio door that in the original Brittany Landing Harbor windows/patio doors are bronze anodized aluminum (including the bronze grids present in some of the windows). This includes the actual window and patio door finish frames (consisting of head and side jambs and sill), sashes and grids. Patio doors include doors and patios, backyards and balconies.

All requirements in the Community Architectural Rules and Standards and the more specific Brittany Landing Harbor Homeowners Association Architectural and Landscape Guidelines regarding windows and doors must be met.

Alternative materials, such as wood, wood clad in aluminum or vinyl, vinyl or fiberglass, as replacements for the anodized aluminum frames will be considered on a case-by-case basis.

Windows and Patio Door Replacement (cont):

The exterior color of the window and patio door frames must match the original bronze color of the developer-installed windows/patio doors and (except for installation of bare wood framed windows/patio doors) must be installed with factory-applied bronze color. Painting following installation is not permitted.

Bare wood framed windows/patio doors must be painted to match the original bronze color. A paint color sample is to be submitted for approval prior to installation.

All exterior components of the windows and patio doors that were bronze colored in the original windows and doors (i.e., frames, sashes and grids) must be bronze colored in replacement windows and doors.

Grids are optional. Only grids in the original developer style/pattern are permitted, if windows are to have grids.

Homeowners retain complete maintenance /replacement responsibility for the windows and patio doors.

Please note that failure to comply with these requirements may result in penalties up to and including the removal of the installation at the homeowner's expense.

Windows – Stained Glass

Window design and colors must be included with the application. Installation of stained glass windows is limited to bathrooms with existing half-moon windows. Colors must be earth tones. Representational figures are not permitted.

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 plant installation.

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 the Harbor Association has created more specific Architectural Guidelines for use by Brittany Landing the Harbor's homeowners. Please refer to Landscape Installation and/or Construction Exceptions in the Brittany Landing Harbor Rules and Regulations.

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 impact 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 the Harbor Association. A landscape contractor hired by the Board of Directors performs the work. Owners shall obtain the written approval of the Brittany Landing the 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.

Rear Yard Maintenance Standards: Owners shall not permit rear or side yard grass or weeds to grow beyond five (5) inches in height. Owners are responsible for maintaining their rear and side yard landscaping in a healthy and attractive condition by watering, fertilizing and trimming as necessary. 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.

Trees: Installation requires prior approval of the species and planting location. Additional Alder trees are not permitted. Fruit bearing trees are permitted only in back yards. Tree branches shall not touch or overhang roofs. Root guards must be installed for any tree planted within six feet of any structure, fence or walkway to minimize root invasion damage. Replacement of problem trees will be considered on a case-by-case basis provided a replacement tree or shrub is approved by the Community Architectural Committee. Tree and shrub installations shall not unduly interfere with neighboring property yards or views.

Trees shall be maintained in a healthy condition. If a tree's disease becomes untreatable, or it dies, the owner should promptly apply to the Architectural Committee for permission to remove the tree and an appropriate replacement tree if a replacement is contemplated.

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