

**THE HEADLANDS  
HOMEOWNERS ASSOCIATION**

**ARCHITECTURAL  
RULES & STANDARDS**

**Adopted: November 1998  
All amendments as of  
November 2010 are included.**

# THE HEADLANDS ASSOCIATION

## RULES & REGULATIONS

**ADOPTION:** These Guidelines were adopted by The Headlands Association Board of Directors on February 2, 1998.

**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 Headlands Association** (Association.)

**The Headlands Association**, through its Board of Directors, will strictly enforce the Covenants, Conditions and Restrictions (CC&Rs) to enhance the appearance of the property within the Association.

**Basketball Standards:** Permanent standards are not permitted on private property or in public streets. Please refer to the Community Architectural Guidelines regarding "Temporary Basketball Standards."

**Curb Street Address Painting** is not permitted without the express written approval of the **Headlands** Board of Directors.

**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 be kept out of neighboring views as much as possible.

**Flagpoles and Flags** are permitted for **temporary** display in the ground in front yards, or may be mounted on the house in a wall bracket. Permanently displayed flags or permanently installed flags poles are prohibited.

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

**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. Residents are responsible for removing litter from their property.

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

**Lights (Seasonal)** are allowed only during holiday season and may be installed each year after November 20th and must be removed by January 31st.

**The Headlands Association Rules & Regulations Continued**

**Mailboxes:** Owners are responsible for the repair and replacement of their mailboxes and the supporting posts which shall match the original developer installation in size, design,

and materials. Newspaper tubes are not permitted.

**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 5 inches in height.

**Signs:** All signs must comply with the Community Rules and Standards and Community Board. Sign Resolution #91-03. **Posting of contractor signs is not permitted.** Homeowners are responsible for complying with the prohibition against posting contractor's signs within private property of Association common areas. In-home business signs are prohibited.

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

**Vehicle Storage:** Storage of boats, trailers, campers, and large trucks is not permitted outside of the owner's garage on private property.

**Windchimes** are discouraged. They are permitted only if the sound level is not offensive to neighbors.

### **IMPORTANT NOTE FOR OFF-SITE OWNERS**

If you are an off-site owner, you should copy this information to your tenant. It is your responsibility to verify that they are aware of all the policies of the Headlands Association.

**ARCHITECTURAL AND LANDSCAPE**  
**RULES AND STANDARDS**  
**November 2006**

**ADOPTED MAY 14, 1998 & AMENDED NOVEMBER 12, 1998**

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## THE HEADLANDS HOMEOWNERS' ASSOCIATION ARCHITECTURAL RULES AND STANDARDS

**ADOPTION:** These Rules and Standards were adopted by **The Headlands Owners' Association** Board of Directors on May 14, 1998 and further amended November 12, 1998. The Rules and Standards were developed to maintain **The Headlands's** harmonious design and to preserve the original concepts of the development.

These Rules and Standards were developed by the **Headlands** Project Architectural Committee (PAC) based on standard rules adopted by the Community Architectural Committee (CAC) and other Harbor Bay Isle Project Association rules and standards. They are additionally based on the more restrictive and unique requirements of the **City-mandated Planned Development Agreement (PD) between the City of Alameda and the Developer, Shea Homes**, and the **Headlands** Covenants, Conditions and Restrictions (CC&Rs). Some requirements and restrictions in the **PD** apply only to certain lots as noted in each subject section. **Contact the Community Architectural Administrator for information regarding any specific restrictions or requirements for your lot.**

**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 Headlands Owners' Association** (Association.)

The **Headlands Owners' Association**, through its Board of Directors, will strictly enforce the Covenants, Conditions and Restrictions (CC&Rs) and these Architectural Rules and Standards to preserve the value and enhance the appearance of the property within the Association.

**COMMUNITY ARCHITECTURAL REVIEW:** Owners are strongly encouraged to review the *Community Rules and Standards* for the specific requirements that apply to proposed property improvements. These more specific Guidelines were developed for use by **The Headlands** homeowners in addition to the Community Architectural Rules and Standards. **This document covers those subjects not included in the Community's document, or requirements that the Headlands Owners Association has resolved to be more restrictive than the Community's rules and standards, and reflecting the unique City-mandated PD Agreement between the City and the Developer.**

## **SECTION 1 - RULES AND STANDARDS**

**Prior Approval Required:** An architectural application with applicable plans must be submitted and approved prior to commencing any architectural or landscape installation or modification. Owners are strongly encouraged to review these and the Community's Architectural Rules and Standards for specific requirements that apply to proposed property improvements.

Property modifications 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 be compatible with the architectural and landscape characteristics of the **Headlands** Association. The Architectural Administrator is available to assist you with completing the application process.

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

## **ADDITIONS TO EXISTING DWELLINGS**

Refer to the Community Rules and Standards, Section 2 - Architectural Rules and Standards: Additions to Existing Dwellings.

**The Headlands Building Coverage:** The Planned Development document between the City and the Developer restricts building coverage, including all ancillary structures, as follows: Lots under 6,413 sq. ft. - 55%. Lots over 6,413 sq. ft. - 48%.

**Additions to Dwellings:** Additions to second stories, including balconies, decks and window dormers, will be considered on a case-by-case basis and must comply with City of Alameda codes and the PD document between the City and the Developer. The proposed addition must be compatible in scale, material and color with the owner's house and adjacent properties. The addition shall not impair the views, sunlight or natural ventilation of adjacent properties. Pitched roofs must match the slope of the existing roof. Contact the Architectural Administrator for more information. ***Third story additions are not permitted.***



**OTHER MODIFICATIONS:** Refer to the Community Rules and Standards, Section 2, Architectural Rules and Standards: Other Modifications. In addition, the following rules and standards apply:

**Air Conditioners:** Window and roof-top models are not permitted. Rear yard at-grade models that do not unreasonably impact neighboring property or create noise that interferes with concentration or sleep of neighbors will be considered. Applications, including those based upon bona fide medical necessity, will be considered on a case-by-case basis.

**ANCILLARY STRUCTURES:** The following types of one story ancillary structures with vertical mass may be permitted within the required rear yard setbacks, but not the City Code required 5 foot sideyard setbacks: gazebo, garden sheds and play houses, art studio, or similar structures. **Contact the Community Architectural Administrator for more specific restrictions mandated in the PD.**

**Lagoon and Bay-front Lots:** Such structures whose mass may block water views shall be set-back at least 5 feet from the lagoon curb on lagoon lots as appropriate for the size of the lot area and in compliance with the View Protection Guidelines as determined on a case-by-case basis by the Architectural Committee. Such structures that are "see-through" (e.g. open gazebos or arbors with no sidewalls or view-obstructing plant material) shall be considered for a 3-foot setback from the lagoon curb on a case-by-case basis as appropriate for the size of the rear yard area. Such structures shall not cover more than 20% of the rear yard, and shall not exceed a height of 10 feet at the eave line or parapet, or 15 feet at the ridge, and shall not impede Bay and Lagoon views of neighboring properties. No more than 2 ancillary structures are permitted. The exterior finish/color shall be determined on a case-by-case basis by the Architectural Committee. Gazebo roof coverings, such as canvas or plastic, are not permitted. ***For Bay-front and Lagoon Lots, a City-mandated Planned Development Amendment is required from the City Planning Department.***

**Arbors, Overhangs, and Decks:** These structures, including at-grade decks which connect to docks, are permitted in rear or sideyards, but they shall not exceed 50% of the rear yard. Arbors and Overhangs may be attached to or detached from the dwelling, and their height above the grade shall not exceed 10 feet. The painting of arbors or overhangs to match the house base or trim color will be considered on a case-by-case basis. Free-standing arbors installed away from the house shall not exceed a height of 8 feet 6 inches above the grade. ***Arbor and overhangs shall comply with the same set-back requirements as in "Lagoon and Bay-front Lots." For Bay-front and Lagoon Lots, a City-mandated Planned Development Amendment may be required from the City Planning Department.***

**Animal Shelters:** Refer to the Community's Architectural Rules and Standards.

**Antennae:** Refer to the Community's Architectural Rules and Standards.

**Arbors/Overhangs:** Refer to "Ancillary Structures"

**Attic Ventilation:** Ventilation 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 installations shall be located on the least visible side of the ridge pole.

**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, wicker, or metal awnings are prohibited.

**Barbecues or Firepits:** Permanent installations 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. **A large built-in barbecue may require a City-mandated Planned Development Amendment for lagoon and bay-front lots.**

**Basketball Standards** are permitted provided they and their use comply with the Community's Basketball Standards Use Rules. Refer to the Community Architectural Rules and Standards.

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

**Clearance for Maintenance:** Refer to the Community's Architectural Rules and Standards.

**Clothes Drying Facilities:** Refer to the Community's Architectural Rules and Standards.

**Curb Street Address Painting** is not permitted unless authorized and approved in advance by the Headlands Board of Directors.

**Decks:** Refer to the Community's Architectural Rules and Standards: "Maximum Building Envelope for Lagoon Decks."

In addition to the requirements of the Community Rules and Standards, 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. Deck surfaces shall be a minimum of five feet below the top of surrounding fences, except for lagoon and bay-front lots with step-down fences, which shall be considered on a case-by-case basis. Adequate drainage and weed control must be maintained beneath above-ground decks. Moisture and insect barriers are recommended for deck installations abutting the house wall. Painting or staining decks is not permitted; only clear sealers may be applied. **A City-mandated Planned Unit Development Amendment may be required from the City Planning Department for lagoon and bay-front lots.**

## **Decks Cont'd:**

**For Lagoon Lots,** please refer to the Community's document *Exhibit "A" Maximum Building Envelope for Lagoon Decks, and Exhibit "B" Lagoon System and Water Quality Maintenance; lagoon dock rules; board storage on docks and boat use in the lagoons.*

**The Headlands Second Story Decks and Bay Porches:** Permitted only for lots abutting Shoreline Park (Bay-front) and the lagoon---except for lot 52 (307 Creedon Circle.) The maximum encroachment into the rear yard is 7 feet for no more than 25 feet in width. The area below second story decks and bay porches may be enclosed with removable glass panels, *but may not be converted to habitable space without a Planned Development Amendment. Contact the Community Architectural Administrator for more specific restrictions mandated in the PD.*

**Docks:** See the Community Architectural Rules and Standards for the Dock Rules, Exhibit "B", as noted above. Dock are not allowed to be installed abutting the side property line. In addition to the Community's document, **Headlands** docks shall be set back at least 5 feet from the sideyard property line fence or, on a case-by-case basis as determined by the Architectural Committee, the same set-back as required for lagoon-decks. Only one dock is permitted on a lot. Staining or painting of docks is not permitted; only clear sealers may be applied.

**Dog Runs:** Refer to "Animal Shelters" and "Dog Runs" in the Community's Architectural Rules and Standards.

**Doors and Windows:** Refer to the Community's Architectural Rules and Standards.

**Drainage:** Refer to the Community's Architectural Rules and Standards.

**Driveways:** Extension of existing driveways into landscape areas for additional parking is 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:** Refer to the Community's Architectural Rules and Standards.

**Fences:** New fences or replacements must be constructed of materials (redwood or cedar) matching or compatible with the existing developer-installed fence. Metal (e.g. wrought iron) or other compatible masonry materials will be considered on a case/by-case basis. Fiberglass or plastic materials are prohibited. Wood fences shall be allowed to weather naturally or may be treated with clear penetrating sealer.

## **Fences Cont'd:**

**Fence extensions** are discouraged on inland lots, and may be prohibited on lagoon and bay-front lots. On **Bayfront Lots**, a fence extension will not be permitted on either the rear of step-down sections of the sideyard fences. (Refer to "Lagoon-Edge Lot Fences" for the fence extension rules for those lots.)

If the fence extension is allowed on an **Inland Lot**, the extension may be limited to the sideyard fence area between the owner's house and the neighboring house and not beyond the rear wall of either house. If a fence extension is approved, the Community of Harbor Bay Isle **Standard Details for Community Fence Extensions** shall be followed precisely (copies available from the Architectural Administrator.) **Contact the Community Architectural Administrator for more specific restrictions mandated in the PD for lagoon and bay-front lots.**

**Bay-front Lot Fences:** Rear fences installed along the Shoreline Park shall not exceed the City of Alameda approved height originally installed by the developer above the Shoreline Park grade, and shall not exceed the height above the grade of the sideyard fences, including any "step-down" sections of the sideyard fences. In no case shall a fence height exceed four feet above the grade within the Owner's lot.

**Lagoon-Edge Lots Fences:** Lagoon-edge fences are discouraged, and wrought iron fences are specifically discouraged. On a case-by-case basis, lagoon-edge fences will be considered provided the fence's height shall not exceed the height above the grade of the sideyard fences on the same plane as the proposed fence, including any "step-down" sections of the fences. (For example, lagoon-edge fences shall not exceed the sideyard fence heights of 3 feet or 6 feet above the grade, depending on the setback of the proposed fence, which shall include the height of any terrace retaining wall on top of which the fence is to be installed.) If approved, lagoon-edge fences shall be set back at least 3 feet from the lagoon curb (or the number of feet required by the City for each property) to comply with the City/Community Maintenance Easement agreed to by the Developer and the City of Alameda for each Lot. **A City-mandated Planned Unit Development Amendment may be required from the City Planning Department for lagoon and bay-front lots.**

**Fence Restrictions:** *No driveways, gates, passageways, pet chutes, or opening of any kind is permitted through Developer-installed boundary fences along the Shoreline Park.*

**Firewood** storage is permitted in rear yards or where not visible from public way or from entry walkways. Firewood shall be stacked in an orderly manner. Firewood shall be stored at least 6 inches away from fences or within 2 feet of the wall of the house to avoid infestation of fences and house.

**Flagpoles and Flags** are permitted for temporary display in the ground in front yards. Flagpoles may be mounted on the house in a wall bracket. Permanently displayed flags or permanently installed flag poles are prohibited in front yards. Rear yard flagpoles may be mounted on the house in a wall bracket.

### **FOUNTAINS AND GARDEN STATUARY:**

**Fountains:** Rear yard fountains not visible from public ways and not exceeding the height of the adjacent fence are permitted if they do not create noise which interferes with concentration or sleep of neighbors. Rear yard fountains of reasonable size on lagoon lots and bay-front lots and front yard fountains visible from a public way will be considered on a case-by-case basis if the fountain's design, material and size is an integral part of an overall landscape plan and is appropriate and compatible with the architecture and the overall appearance of the neighborhood.

**Garden Statuary:** Rear yard statuary is permitted if its height does not exceed the height of the adjacent fence. Front yard statuary of reasonable size will be considered on a case-by-case basis if it is appropriate to and compatible with the house architecture, front yard landscape plan, and the overall appearance of the neighborhood.

**Front Entry Door:** The door's design, color finish and replacement hardware shall be similar or compatible in design to the original developer-installed door. An alternative design will be considered on a case-by-case basis. Painting entry doors an appropriate color shall comply with the color scheme chosen from the **Headlands** Paint Palette.

**Front Entry Screen/Storm Doors:** Front entrance screen or storm doors are permitted provided they are of solid wood construction. The screen material shall match the existing window screening. The door color shall match the color of the installed front door and the screen/storm door's design and hardware must be compatible with the overall appearance of the house. Animal protection grill inserts are not permitted.

### **Garages:**

**Garage attic storage areas** may be constructed without prior approval, except for any necessary City of Alameda permits, if structural members are not altered. Installation of windows or vents in garages require application and plan submission and approval by the Community and **Headlands** Architectural Committees.

**Garages shall not be converted into habitable space, or remodeled** or used for purposes that will interfere with the accommodation of the family vehicles. Residents shall keep their garage doors closed except during entering and leaving the garage and while washing vehicles or performing landscape maintenance, to maintain the attractive appearance of the neighborhood and to reduce the possibility of unlawful entry and theft.

**Garage Doors:** In addition to the Community's document, garage doors, including roll-up doors, shall match or be compatible with the developer-installed doors in all design and finish details. Plastic, vinyl or fiberglass doors are not permitted. Metal doors are permitted provided that they have a wood-grain embossed surface and are painted the appropriate garage door color. Windows in garage doors are not permitted. Garage doors shall be painted with only **one** color as designated in the **Headlands** paint palette.

**Gates** shall match or be compatible with the developer installed fence in design, material and finish, unless an alternative design and material is approved by the Architectural Committee. Appropriate and compatible metal (e.g. wrought iron) gates will be considered on a case-by-case basis.

**Gazebos:** Refer to "Ancillary Structures."

**Gutter and Downspout** design and size must match the developer-installation in materials, size and design, and shall be painted to match the appropriate house color to which they are attached. Alternative material, design, and downspout design and location will be considered on a case-by-case basis as appropriate to the overall architecture of the dwelling and of the neighborhood. Plastic-type snap-together gutters and downspouts are not permitted. Drainage shall not adversely impact neighboring property.

**House-Mounted Street Numbers:** The City of Alameda ordinance requires that street numbers be clearly visible from the street during both day and night for the assistance to emergency vehicles (police, fire, ambulance, and Harbor Bay Security when responding to an owner's call.) Replacement street numbers require approval by the Architectural Committee if they are significantly different from those originally installed by the developer.

**Lights:** Refer to the Community's Architectural Rules and Standards.

**Landscape and House Light Fixtures:** Garden accent lighting is permitted if low voltage (12v), non-glare, low height (not exceeding 18" from grade) and shielded. House light fixtures shall be compatible with the material and design of the developer installed fixtures.

**Pole lights** are restricted. Please refer to the Community Architectural Rules and Standards (Light Fixtures and Lighting - Pole Lights) for the case-by-case criteria for their use.

**Flood and spotlights** must be shielded so that the source of light is not directly visible off the property. Colored bulbs are not allowed in light fixtures, or landscape lighting.

**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.

**Mail Box** changes require the approval of the Community Architectural Committee.

**Painting:** Refer to the Community's Architectural Rules and Standards.

The **Headlands** Board of Directors encourages owners to repaint with the existing house colors. Color changes will be considered on a case-by-case basis for suitability and architectural compatibility with the immediate neighborhood and the **Headlands** Association. Color(s) selected must be compatible with and different from that of neighboring house(s) (side-to-side). The **Headlands** Paint palette information is available from the Community's Architectural Administrator. **Owners must submit architectural applications for all exterior house repainting, including repainting with the existing colors.**

**Patio:** Patios and other hardscape areas shall not exceed 65% of the total rear and sideyard area. In addition to the Community's document, acceptable patio surfaces are brushed neutral or earth-tone concrete (aggregate mix is acceptable), brick, flagstone and slate. Painted or colored coatings are prohibited, except for a clear sealer. A clearance of at least 6 inches is required between the patio and the fence posts.

**Planter and Window Boxes** shall be compatible with the house and overall neighborhood appearance. They shall be constructed of redwood or cedar, stucco, brick or other masonry material to match the existing exterior house masonry. The wood or stucco shall be painted to match the appropriate house color.

**Play, Sports and Recreational Equipment:** Sports, play or recreational structures shall not exceed a height of 8 feet 6 inches from the grade. Such structures are not permitted in front yards. **A City-mandated Planned Unit Development Amendment may be required from the City Planning Department for lagoon and bay-front lots.**

**Porches:** Screened-in porches in front yards are not permitted.

**Retaining Walls:** Refer to the Community's Architectural Rules and Standards.

**Roofs** on house additions/modifications shall match the original roofing material installed by the Developer.

**Security Systems Boxes** must be installed and operated in compliance with City of Alameda codes. Security motion detector lights must be shielded so that the source of light is not directly visible off the property. The raw metal of exterior security alarm boxes shall be painted to match the house color to which it is attached (except for the decal area.)

**Sheds:** Contact the Community Architectural Administrator for more information about City-Mandated PD restrictions on your lot. Refer to "Ancillary Structures" and the Community's Architectural Rules and Standards.

**Storage Sheds** shall be constructed of materials and colors that are compatible with the house, or shall be left natural, except for a clear sealer, and shall be maintained to meet the same standards as for house maintenance. Redwood paint or stain is prohibited. Shed construction with windows, or roofs with metal, fiberglass, or plastic is prohibited. Sheds may be roofed with materials compatible with the house roof and City of Alameda roofing codes. Sheds may not be higher than the fence unless, on a case-by-case basis, a shed roof line matching the house roof line creates a more compatible appearance and does not interfere with a neighbor's view. Large sheds with a height above the adjacent fence height above grade must be set back from the fence at least five feet from the fence. Small sheds with a height lower than the adjacent fence height above the grade must be set back at least 6 inches from the fence post to allow for maintenance and replacement. **A City-mandated Planned Unit Development Amendment may be required from the City Planning Department for lagoon and bay-front lots.**

**Play Houses:** Children's play houses shall comply with the Storage Shed rules, except that windows may be allowed on a case-by-case basis. **A City-mandated Planned Unit Development Amendment may be required from the City Planning Department for lagoon and bay-front lots.**

**Siding:** Wood, stucco and masonry replacement materials must be compatible with the developer installation in material, size and design. Metal, fiberglass, or vinyl siding is not permitted.

**Signs:** Refer to the Community's Architectural Rules and Standards.

**Skylights:** Refer to the Community's Architectural Rules and Standards.

**Solar Panel Installations:** Refer to the Community's Architectural Rules and Standards.



**Solariums/Pre-Manufactured Additions:** All new room additions to existing dwellings shall be of wood frame construction to match the existing construction and be harmonious with the architectural character of the existing dwelling. Exterior finish materials, colors and details, such as doors and windows sash, roof eave, and architectural trim details of the proposed addition shall match similar details of the existing dwelling. **A City-mandated Planned Unit Development Amendment may be required from the City Planning Department for lagoon and bay-front lots.**

In addition to the application submittal requirements of the Community Architectural Committee, applications for room additions reviewed by the **Headlands** Architectural Committee shall include accurately drawn to scale, typical architectural details to show clearly that the proposed exterior conditions will match existing design.

**Solariums or other room additions constructed primarily of pre-manufactured metal and glass components, such as aluminum windows sash with glass and metal fill-in panels are specifically prohibited.**

**Spas and Hot Tubs:** Refer to the Community's Architectural Rules and Standards.

**Swimming Pools:** Refer to the Community's Architectural Rules and Standards. In addition to the Community Rules and Standards, in-the-ground rear yard swimming pools will be considered on a case-by-case basis. In addition to detailed drawings, the proposal must provide details of all ancillary and landscape installations, including water supply system, water disposal systems and yard drainage.

**Trellises (vertical):** Refer to the Community's Architectural Rules and Standards.

**Utility Wires:** Refer to the Community's Architectural Rules and Standards.

**Ventilation Devices:** Refer to the Community's Architectural Rules and Standards.

**View Protection Guidelines:** The Community Architectural Committee recognizes the need for the preservation of view of the bay, the lagoon, or of other 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. **A City-mandated Planned Unit Development Amendment may be required from the City Planning Department for lagoon and bay-front lots.**

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.

No rear yard improvements shall be installed, modified or maintained in a manner that will obstruct the established views to and over San Francisco Bay from dwellings on adjacent lots, **including views from ground floor windows originally installed by the Developer.** Fences shall not be modified in a manner that obstructs views. Landscaping, including hedges or trees, and shall be maintained to avoid obstructing the views from adjacent lots."

**Walkways:** In addition to the Community Rules and Standards, walkway materials may be concrete with brushed or aggregate finish, brick or flagstone and be compatible with the house and overall neighborhood design. On a case-by-case basis, other surfaces will be considered by the Architectural Committee. 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.

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

**Windows:** Refer to the Community's Architectural Rules and Standards. New or replacement windows and screens, including dormers, must match or be compatible with the dwelling's existing architectural details, exterior colors, and the overall appearance of the neighborhood. Neighbor privacy will be considered in any application for a new window.

**Window Tinting:** Reflective-type window film is not permitted. Window tinting of non-reflective, dark charcoal color materials will be considered on a case-by-case basis.

**Wood:** Refer to the Community's Architectural Rules and Standards.

**SECTION 2 - LANDSCAPE GUIDELINES - Refer to the Community's Architectural Rules and Standards for a full-range of information regarding:**

Owners Responsibility  
Information Resources  
Harbor Bay Isle's Unique Conditions  
Harbor Bay Isle's Original Landscape Intent  
Bay Isle's Water Conservation Policy  
Plant Materials - Prohibited, Discouraged & Encouraged

What Plants are we in Danger of Losing and Why?  
The Lagoon System  
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**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 Landscape Guidelines for specific requirements that apply to proposed property improvements. The **Headlands** Association has created more specific Guidelines for use by its **Headlands** homeowners.

**Drainage:** The existing developer-installed grading and additional homeowner drainage installations must be appropriately maintained to avoid impacting on neighboring property, including **Headlands and Community** common areas.

**Front Yards:** The front yard lawn, **installed by the developer, at the street sidewalk edge shall not be significantly reduced in size or in location and any changes shall harmonize with adjacent properties.**

**Groundcovers:** Installations shall be in proportion to other plantings. Artificial turf of any kind is not permitted. Gray, beige or aggregate mix rock ground cover is permitted. **Use of white or red rock is prohibited anywhere on the property.**

**Hardscape:** House additions, patios, decks or other non-live materials shall not exceed 65% of the total rear yard area or as specified for specific lots in the PD. **Contact the Community Architectural Administrator for information about City-Mandated PD restrictions.**

**Rock Gardens:** Front yard rock gardens 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, provided they comply with "Front Yards", above. Gray, beige or aggregate mix rock ground cover is permitted, but should not cover more than 30% of a front yard or 30% of any border enclosed portion of front yard. **Use of white or red rock is prohibited anywhere on the property.**

**Trees:** *All trees are protected by the City of Alameda and may not be removed without application submission and Architectural Committee approval.* Installation requires prior approval of the species and planting location. **The stumps of removed trees must be ground out and the area restored.** Most fruit-bearing trees are permitted only in back yards. Tree branches shall not touch or overhang roofs. Trees shall not be planted closer than 3 feet from fences. Root guards must be installed for any tree planted within six feet of any structure, fence or walkway to minimize root invasion damage. Removal of trees or shrubs without replacement will be considered on a case-by-case basis. Normally a replacement tree or shrub is required.

Trees shall be maintained in a healthy condition. If the disease becomes untreatable, or the tree dies, the owner shall promptly apply to the architectural committee for approval of an appropriate replacement tree.

**Vegetable gardens:** Permitted only in rear yards and shall not exceed 30% of landscaped portion of the rear yard.

## **CC&R ENFORCEMENT PROCEDURES**

### **Pursuant to Article 5.6 of the CC&Rs**

**Urgent Reports:** To expedite the correction of urgent matters regarding unlawful conduct or health and safety issues, or an association, management, maintenance or subcontractor performance problem, residents should immediately call the Association Manager. After hours, Security must be called.

**Resident CC&R Violation Reports:** Residents may report non-compliance with the Association's CC&Rs by calling or writing to the Association Manager along with the address or location of the alleged violation.

Some violations (ie. alleged noise nuisance violations, parking violations, etc.) may require detailed, written, information from the accuser prior to the issuing of a 1st Violation Notice to the accused.

**By law, the accused is entitled to know who their accuser is in the event that a hearing is scheduled.**

**Scope of Enforcement:** Violations of the Association's governing documents, Rules & Regulations, and Architectural & Landscape Guidelines, will subject the violator to the CC&R Violation enforcement procedures contained in Article 5.6 (iv).

**1. First Step:** When the Manager or Board receives information concerning a possible CC&R violation, an attempt will be made to resolve the matter by telephone or Courtesy Non-Violation Letter. If not corrected within 15 days;

**2. Second Step:** A First Violation Notice will be sent to the owner (courtesy copy to the resident if the home is tenant occupied) requesting correction of the violation within 30 days. First Notice will include the details of the violation and the possible assessment of monetary fines or any other penalties.

**3. Third Step:** Failure to comply as requested in the First Violation Notice will result in a Second Violation Notice requesting the violator appear before the Board of Directors for a CC&R enforcement hearing or correct the violation prior to the scheduled hearing and inform the Board, in writing, of the correction.

The Notice will be mailed to the owner via 1st Class Mail and sent Return Receipt U.S. Mail. The Notice shall include the date, time, and location of the Hearing; the specifics of the violation or complaint; the range of possible penalties if not corrected; and the assessment of any fines.

**4. Fourth Step:** The Board of Directors shall hear the charges according to the provisions of CC&R Article 5.6. Following the hearing, the Board, in Executive Session or Open Session, as appropriate, shall take all facts into consideration and determine whether the owner has violated the CC&Rs; the deadline for correcting the violation; and the penalty for failure to comply (ie. adding of monetary assessments to the owners account, etc.). The owner shall be notified, in writing, of the Board's decision within seven working days following the date of the hearing.

**RESCHEDULED HEARING:** If the owner can show acceptable good cause as to why he/she cannot attend the scheduled hearing, he/she must notify the Board at least 48 hours prior to the originally scheduled hearing. If cause is accepted by the Board, it will reschedule the hearing and deliver notice of the new date ten (10) days prior to the rescheduled hearing.

**HEARING DEFAULT:** If an owner, called for any hearing, fails to appear or to request a postponement of a hearing as prescribed in "Rescheduled Hearing" above, the Board shall proceed with the hearing in Absentia. The owner shall be notified, in writing, of the Board's decision within seven working days following the date of the hearing.

**ALTERNATIVE DISPUTE RESOLUTION AND FURTHER ENFORCEMENT ON OWNERS FAILING TO RESPOND TO CC&R ENFORCEMENT PROCEEDINGS:**

If an owner fails to respond to the above CC&R violation proceedings, the Board may serve Alternative Dispute Resolution papers on the owner in violation. Please refer to the Alternative Dispute Resolution guidelines distributed annually with the Budget Packet.

The Board may also, in compliance with the approved Fining Procedures, continue to assess fines to the owners account in a reasonable manner.

Outstanding violations and/or liens shall also be disclosed to possible purchasers of an owner's home if the owner decides to sell or refinance.

**PLEASE ALSO REFER TO THE FINE SCHEDULE RESOLUTION**

**ARCHITECTURAL APPEAL HEARING PROCESS:** Community Board Resolution #92-02

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

**Appeal to the Community Board:** If an architectural applicant, Project Board or PAC, or affected owner is dissatisfied with the subsequent ruling of a Project 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 Project Association Board or Community Standing Committee.

**IN REGARDS TO THE APPEAL PROCESS, PLEASE REVIEW THE COMMUNITY OF HARBOR BAY ISLE OWNERS' ASSOCIATION RULES AND STANDARDS.**