

COSTA BRAVA
HOMEOWNERS
ASSOCIATION

ARCHITECTURAL
GUIDELINES

ADOPTED
JANUARY 29, 1996

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**COSTA BRAVA
HOMEOWNERS'
ASSOCIATION**

**ARCHITECTURAL
AND LANDSCAPE
GUIDELINES**

**ADOPTED BY THE BOARD OF DIRECTORS OF THE
COSTA BRAVA HOMEOWNERS' ASSOCIATION ON
JANUARY 29, 1996**

PURPOSE AND SCOPE OF THESE GUIDELINES

When you purchased your home, you took title to your Lot subject to all of the provisions set forth in the Covenants, Conditions and Restrictions (CC&Rs) recorded on your property as set forth both by the Community of Harbor Bay Isle (the "Community") and the Costa Brava Homeowners' Association (the "Association"). The Costa Brava Homeowners' Association, through its Architectural Committee and Board of Directors, strictly enforces the CC&Rs to manage the appearance of our development in order to preserve and enhance your, and your neighbor's property values.

This set of Guidelines is a primary tool for establishing this management. It was developed to maintain Costa Brava's harmonious design and to preserve the original concepts of the development. These Guidelines have grown out of several years of experience in Costa Brava with numerous applications for landscape installations and architectural modifications.

This document covers in detail those subjects *not included* in the Community's Architectural Rules and Standards (ARS'), or requirements where the Costa Brava Association wishes to be *more restrictive* than those of the Community. Costa Brava

Owners with Tenant/Renter Occupants: Owners are accountable and responsible for the consequences of their tenants' activities. Owners shall provide copies of the Costa Brava 1) CC&Rs, 2) Rules and Regulations, and 3) Architectural and Landscape Guidelines to tenants. Lease and rental agreements shall include a requirement that tenants must comply with all Association regulatory documents.

ARCHITECTURAL APPLICATION

Any modification to your home or yard involving any item covered in these guidelines requires the filing of an **architectural application**. This application will be reviewed by the Community and Costa Brava Architectural Committees and will allow for notification of your neighbors of proposed modifications that may affect them. The Costa Brava Board of Directors can require that **unapproved modifications be removed** and may impose monetary charges and penalties for failure to do so (Costa Brava Board Resolution #94.02). In addition, upon sale of the house the seller is responsible for disclosing all noncompliance with architectural standards to the buyer. Your safeguard against the possibility of future disputes is an approved application.

Application & Plans Review: Architectural applications and plans must be submitted to and approved by the Community of Harbor Bay Isle Community Architectural Committee (CAC) prior to commencing any modification work, including all improvements to the exterior surfaces of the house, repainting, any building modifications, and all improvements to the land, landscape or hardscape, and any structural additions to the land. *Please do not begin work on any improvements or modifications until you have submitted an application and plans and have received written approval from the CAC.*

Architectural application forms are available from the Community of Harbor Bay Isle's offices. Check the CAC's bimonthly meeting schedule on the back page of the application form to avoid delays in processing your applications. The Architectural Administrator is available to help you complete the application and plans review process as quickly as possible.

Certain architectural and landscape items can be approved more rapidly through the Fast Track process. These items include trim repainting, emergency garage door replacement and emergency tree removal. Contact the Community office for details.

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.

Obtaining Applications & Reviews: Architectural applications can be obtained from the Community of Harbor Bay Isle Architectural Administrator, at the Community office (3195 Mecartney Drive) or by calling 510-865-3363.

Requests for reviews and any other questions should be directed to the Costa Brava's Association Manager, also at the Community office (3195 Mecartney Drive, 510-865-3363).

COMMUNITY BOARD APPEAL PROCESS

Right of Appeal: If an architectural applicant, the Costa Brava Board or Architectural Committee (PAC) affected Owner, or any Member is dissatisfied with a decision of 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 Coast Brava 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, the Costa Brava Board or PAC, affected Owner, or any Member is dissatisfied with the subsequent ruling of a Costa Brava 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 ten (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 Costa Brava Association Board or Community Standing Committee.

ARCHITECTURAL MODIFICATIONS

Additions to Existing Dwellings: This topic is covered in detail in the Community's Architectural Rules and Standards (ARS). An "addition" is defined as any permanent construction enclosing habitable space built on site with an existing dwelling. In general, ground level additions are limited to a total building coverage of 48% of the total square footage of the lot, retention of a backyard of at least 200 square feet and side- and backyard setbacks of no less than ten (10) feet. The Community and Costa Brava Architectural Committees will consider variations from these limits on a case-by-case basis. Second story additions are permitted, but third story additions are prohibited.

Any addition to an existing house or garage shall not be permitted which will result in excessive building bulk, insufficient back or front yard open space, insufficient set backs, inadequate privacy, sight lines, light and open space or other negative impacts on neighboring properties.

Approval for any proposed addition must first be obtained from both the Costa Brava Architectural Committee and the Community of Harbor Bay Isle Architectural Committee. Following approval by these Committees, approval by the City of Alameda, pursuant to zoning codes under the Planned Development Agreement between the City and the Developer, and any other applicable City Codes and Ordinances, including all building design and setback requirements, must be obtained.

In addition to those in the Community's ARS, the following requirements shall apply to Costa Brava Association properties:

Design: The design of the proposed addition(s) must be consistent and aesthetically compatible with the existing architectural design and scale, and match the material and color of the existing house and surrounding Costa Brava properties.

Views, Sight-Lines & Privacy: Proposed exterior alterations which will potentially impact the view of a common area amenity or the Costa Brava Architectural Committee will closely review the view from a neighboring property. The privacy, sightlines and open space of neighbors will be carefully considered. The Community Architectural Administrator will notify neighboring property owners, and any objections they may have will be given weight in the Committee's decision.

Applications will be considered on a case-by-case basis, without creating or being affected by precedent, on the applicant's clearly demonstrated need for privacy, adequate use of property, or other substantial need.

Addition of Rooms/Bedrooms: No additions shall be approved that could result in occupancy greater than two persons per bedroom **based on the number of bedrooms in the house as originally constructed by the Developer.** In determining the number of originally constituted bedrooms in a house, rooms with a dual purpose, such as dens or playrooms that could be used as bedrooms, will be counted as bedrooms. No part of any garage may be converted to living space. Limiting the increase in the number of bedrooms of a house is necessary to prevent any adverse impact upon the parking and use of the common amenities of the Costa Brava Association.

See also: Balconies, Solariums.

Air Conditioners (central) are permitted only in rear, non-window locations and must be concealed from neighboring property. The sound level shall not create a noise nuisance for neighboring properties. Through-wall or window air conditioners are not permitted.

Alarm Boxes: *See Security Systems.*

Ancillary Structures (permanent) such as sheds shall be constructed of materials and colors compatible with the house and neighborhood. Shed or windows construction with metal, fiberglass, or plastic is prohibited. Roofing materials shall be compatible in appearance and color with that of main dwelling. Roofing materials matching the color of adjacent stucco walls may also be approved. Sheds shall not be higher than the fence unless on a case-by-case basis, a shed's roof matching that of the house roof slope creates a more compatible appearance and does not interfere with a neighbor's view. Sheds shall be set back from the fence at least 6 inches. Approval for shed sites on lagoon-side lots will be considered on a case-by-case basis.

Animal Shelters are covered by the Community's ARS. Such shelters shall not be visible from public areas and must be located to avoid causing a nuisance to neighbors.

Antennas: Exterior antennas, such as satellite dishes, or radio antennas or television aerials, are covered by the Community ARS which restricts the location and height of such installations, and provides setback and screening requirements. Approvals, determined on a case-by-case basis, must be obtained before proceeding with installation.

Arbors are defined as structures, either freestanding or attached to a house for the usual purpose of providing shade. The Community's ARS require that the height of freestanding arbors not exceed 8 feet 6 inches from the finished grade while attached arbors above a door or window may exceed this limit if necessary to clear the top of the door or window. The Community document requires that arbors must be constructed from redwood or heartwood cedar that may be left natural finished with a clear penetrating sealer or painted to match the trim color of the house. Costa Brava further restricts the finish of attached arbors to paint matching the house trim. A stucco finish matching the house color may also be permitted on vertical members of the arbor.

Attic Ventilation devices shall be compatible in design and color with the existing structure. Roof installations shall be located to provide minimum visibility from neighboring properties. Ventilators must be painted to match the house siding or trim color if mounted on a gable end. If mounted on the roof, ventilators must be painted to match the roof color. Turbine ventilators are prohibited.

Awnings *See Doors and Windows*

Balconies will be reviewed on a case-by-case basis and, if approved, must comply with City of Alameda ordinances. Full depths, walk-on balconies, as opposed to shallow balconies simply providing a railing for windows or doors, are discouraged.

Barbecues & Firepits (permanent): The height of proposed permanent barbecues must be no greater than the fence height (except that a greater height for a chimney section will be considered on a case-by-case basis) and shall be set back from the fence or property line to avoid creating a nuisance to neighboring properties due to smoke and fumes.

Basketball Standards: Permanent basketball standards are prohibited by the Community ARS. Temporary basketball standards are permitted providing they are freestanding, used only during daylight hours, and stored out of sight after each use and overnight in compliance with the Community's Architectural Rules and Standards.

Chimneys, Stove Pipes, Metal Flues, Vents & Exhausts must be compatible in material and color with the existing structure. If interior stoves are installed, the stovepipe protruding above the roof must be painted to match the roof or enclosed with material matching the house stucco.

Clearance for Maintenance: The Community's ARS require that plants and structures have clearance of six inches from neighboring properties or be easily movable.

Clothes Drying Facilities (exterior) are not permitted.

Decks: In addition to the requirements of the Community's ARS, ground level decks shall not exceed a height of twelve (12) inches from the grade and shall be no closer than six (6) inches to a fence. Adequate drainage and weed control must be maintained beneath aboveground decks. Second story decks are not permitted.

Dog Runs are discouraged and placement is restricted by the Community's Architectural Rules and Standards.

Doors & Windows: are covered in the Community's ARS and must be compatible with the original developer installation. Alternative designs and materials will be considered on a case-by-case basis. Awnings and exterior sun shields are not permitted. Screens or storm doors are permitted provided they are similar in material and finish to developer-installed doors and must be compatible with the overall appearance of the house.

Neighbor privacy will be considered in any application for a new window or sliding glass door.

See also: Windows.

Door & Window Grates: Movable or fixed barriers over doors or windows that are visible from the exterior (such as "security" doors) are prohibited by the Community's ARS.

Drainage: The Community's ARS prohibit any degradation of the developer's original drainage scheme.

Driveway: Extensions of existing driveways, or extensions into landscape areas for additional parking are prohibited. Colored coatings or painting of driveways is prohibited. Use of clear concrete sealers, however, is allowed.

Earth-Wood Contact: The Community document specifies that no construction or landscaping shall bring earth into contact with the bottom rail of a fence or within 6 inches of any wooden portion of a dwelling or other structure.

Fence/Wall Replacement & Fence Extensions must meet the Community of Harbor Bay Isle Fence Extension Guidelines in the Community's ARS (as appropriate to Costa Brava's fences or stucco walls), and shall be constructed of materials matching the existing fence/wall. Fiberglass or plastic materials are prohibited. Replacement fences/walls must match the original developer-installed fence/wall. Fence wood shall be left natural or sealed with a clear sealer. Redwood color paint or stain is prohibited. Wrought iron stucco wall extensions (using galvanized bolts) shall not be attached to the house, and shall not exceed a height of two feet and shall be painted to match the stucco wall color. The combined vertical height of the fence and fence extension shall not exceed 6 feet from the grade.

Garages: No part of any garage may be converted to living space. No alteration shall be made which results in a reduction in the number of parking spaces in any garage to less than two (2) full spaces. Garage attic areas may be constructed without prior Community approval (except for any necessary City of Alameda permits) if structural members are not altered and there is no conversion to habitable living space (see "Additions of Rooms/Bedrooms"). Installation of windows or vents in garages require application and plan submission (and may include an interior garage inspection) and approval by the Community and Costa Brava Architectural Committees.

Garage Doors are covered in the Community's ARS and must match the developer-installed door in design. The door color shall match the house siding or trim color. Two-color doors are not permitted. Roll-up wood or wood-grained metal doors that match or are compatible the developer-installed doors in design and finish are permitted. Windows in garage doors are not permitted.

Gates & 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. Gates in front courtyards, except those installed by the developer are prohibited. Gates through Common Area stucco walls are prohibited.

Gazebos: The Community's Architectural Rules and Standards specify the material (redwood or heartwood cedar) maximum height (8 feet 6 inches), finish (natural or clear sealer) and set back requirements for such structures. In addition, Costa Brava may permit the use of paint matching the house wall or trim color.

Gutters & Downspouts are covered in the Community's ARS and must be compatible with the original developer installation in design, material, and dimension. Alternative designs will be considered on a case-by-case basis. Plastic-type snap-together gutters and downspouts are not permitted. Gutters and downspouts must be properly installed and maintained in good condition so that drainage does not adversely affect adjacent property.

Light Fixtures & Lighting: The Community's Architectural Rules and Standards cover Lighting restrictions. Excessively bright lights and glare are prohibited. Yard light fixtures are limited to 18 inches in height. Pole-mounted yard lamps are discouraged but will be considered on a case-by-case basis for safety or security reasons for dwellings with side yard or recessed front yard entrances.

Restrictions on temporary seasonal celebratory lights are covered in the Costa Brava Rules and Regulations.

Painting (trim, metal fences/gates): Homeowners are requested to maintain their homes' trim and metal fences and gates with the existing colors. The original paint color used on the trim was Sinclair color -1300 (White) and on the fences/gates Ameritone color #1021B (Caruso). The Coast Brava Architectural Committee may also approve acceptable substitutes for these colors. Other substitutes may be proposed by homeowners and will be considered by the Committee on a case-by-case basis for suitability and compatibility.

Owners must submit architectural applications for all trim and fence/gate repainting, including repainting with the existing colors. Two sets of color samples (for other than approved colors) must be included with the architectural application. The final inspection must demonstrate the finished work matches the colors proposed in the application. *See also: Stucco*

Patio (and other hardscape) areas shall be in reasonable and appropriate proportion to the landscaped yard area, in general not more than 75% of the total rear yard area. In addition to the Community's requirements, acceptable patio surfaces are brushed neutral, earth tone, or aggregate mix concrete, brick, flagstone, slate and tile. Paint or colored coatings are prohibited, except for a clear sealer.

Planter Boxes shall be compatible with the house and overall Costa Brava design. They shall be constructed of redwood or masonry matching any exterior house masonry. The redwood shall have a clear finish, be unfinished, or painted to match the appropriate house color. Window boxes are not allowed.

Roofing & Reroofing: In addition to the Community's document, roof materials are limited to the tiles and colors originally installed by the developer. Replacement roofs must be installed and maintained in good condition, meeting all applicable City of Alameda Codes and requirements. The homeowner is responsible for all architectural and/or engineering necessary to assure structural and functional integrity of the house and new roof.

Satellite Dishes: *See Antennas.*

Security Systems must comply with City of Alameda ordinances. This includes automatic shutoff of alarms after a specified period. The following restrictions are placed by Costa Brava on the installation of alarm boxes and alarm company signs:

- Interior mounting locations (attic, garage, etc.) for alarm boxes are strongly encouraged. The advantages include reduced risk of tampering by a potential intruder, protection from weather and improved aesthetics. Exterior mounting locations hidden from public view (on a side wall) are also permissible. Exterior mounting on the front of the house is discouraged. (Contact the Harbor Bay Isle Community Director of Security for further guidance on alarm box locations.)
- Exterior alarm boxes cannot carry company identification except for a telephone number to be called if the alarm goes off.
- Exterior alarm boxes must be painted to match the house's exterior stucco color.
- Three window signs, each no larger than 6" x 6" with company identification are permitted per house.
- Freestanding "pole signs" in yards are not permitted.

Security lights must be shielded and used only for emergencies. Motion detector light fixtures are permitted provided they are properly shielded and compatible with existing house fixtures. "Security" doors are not permitted.

Sheds: *See Ancillary structures.*

Skylights are not permitted.

Solar Collectors are covered in the Community Architectural Rules and Standards. In addition to the Community's requirements the Costa Brava Architectural Committee will consider the color to be used on exposed equipment on a case-by-case basis.

Solariums are defined as a glass-enclosed room attached to a house and are not permitted.

Spas & Hot-Tubs are covered by the Community's Architectural Rules and Standards with restrictions involving drainage, screening of electrical and mechanical equipment and effects on neighbors' privacy. Applications for spa and hot tub installations will be reviewed on a case-by-case basis by the Costa Brava Board of Directors.

Sports Apparatus (permanent) are permitted in back or side yards provided they do not exceed the height of the developer-installed fence. Equipment exceeding this height will be considered on a case-by-case basis, but under not circumstances shall the height above grade be greater than 8 feet 6 inches. No such structures are permitted in front yards.

Street Numbers: Replacement of house-mounted Street numbers require approval by the Architectural Committee if they differ from the developer-installed numbers in size, color, or actual number. Curb Street address painting is not permitted.

Stucco: [Also, please refer to **Resolution #2001-01** for additional information on **Stucco Fog Coat Colors**; and, refer to **Guidelines for Exterior Repainting and Stucco Refurbishment for additional information.**] If repair or refurbishment of a dwelling's stucco wall surface or of a stucco fence surface is required, it shall be accomplished by application of a stucco color coat matching that originally used on the house. The color coats originally used on Costa Brava houses were the following LaHabra tints:

X-34	San Simeon	X-53	Pure Ivory
X-71	Miami Peach	X-72	Adobe
X-82	Hacienda		

A list identifying the color on each house in Costa Brava is available from the Architectural Administrator.

Color changes within the above color choices will be considered on a case-by-case basis for suitability and compatibility with the immediate neighborhood and the remainder of the Association. Owners must submit architectural applications for all trim repainting or stucco refurbishing, including work with the existing colors. Two sets of color samples must be submitted with the architectural application.

Matching of stucco texture, color and appearance following modifications to exterior stucco walls shall be accomplished by an application of a stucco color coat matching the original color to the entire wall or section of wall where a natural architectural division occurs.

Trellises (vertical plant support): In addition to the Community's ARS such structures shall be reviewed on a case-by-case basis for design, maximum height (generally the height of the nearest fence or slightly higher), material and finish. In addition to the finishes specified by the ARS such structures may be painted to match the appropriate house or trim color.

Utility Wires that are visible from public ways or neighboring property are prohibited. Low voltage garden light cable shall be properly installed underground.

Walks: In addition to the Community's requirements, materials for paving of walkways on private lots 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. Walkway borders, if they are not landscaped, must be compatible with the existing house and overall neighborhood design.

The boundary between the private lot walkway and the common area walkway is generally at the front courtyard gate of each lot. Addition of paving materials to the front common area walkways as the extension of the homeowner's walkway, is not allowed.

Weather Vanes will be considered on a case-by-case basis by the Architectural Committee.

Windows: Window modifications and new windows shall not result in a decrease in neighbor privacy. Window screens must match or be compatible the developer installation. Reflective-type window film is not permitted except for film installed by developer (e.g. model homes) prior to sale. Window tinting of non-reflective, dark charcoal color material may be permitted with the prior written approval of the Costa Brava Architectural Committee.

The homeowner must replace fogged windows visible from the exterior of the house.

See also: Doors and Windows.

LANDSCAPE

Prior Approval Required: No landscaping may be installed, nor any existing landscaping modified, without the prior approval of the Community and Costa Brava Architectural Committees.

A Community Architectural Application and homeowner landscape plan must be submitted, **and must be approved**, prior to commencing landscape installations. Owners should review the Community's Landscape Guidelines for the specific requirements that apply to proposed property improvements.

The Costa Brava Architectural Committee created these more specific Guidelines for use specifically by Costa Brava homeowners.

Common Areas: Homeowners shall not place objects or plant trees, shrubs or other plant materials in the Costa Brava common areas. Any object or plant materials planted without the prior written consent of the Costa Brava Homeowners Association are subject to removal at the homeowner's expense.

Drainage must be appropriately maintained to avoid impacting on neighboring property, including common areas. Drain outlets and the grade of concrete and/or soil shall not drain or slope into neighboring properties.

Earth-wood/stucco clearance of at least six (6) inches shall be maintained. Construction or landscape shall not bring earth or other materials into contact with fences above the bottom rail or stucco.

Fountains & Ornamental Statues: are permitted in backyards. They will be considered on a case-by-case basis in front courtyards and are prohibited in front yards outside the courtyards. Their height shall be at least one foot lower than the nearest fence. Fountain operating noise shall not disturb adjoining neighbors

Groundcover installations shall be in reasonable proportion to other plantings. Artificial plants or turf of any kind are not permitted.

Hardscape Area: As a general rule, hardscape (house additions, patios, decks or other non-live materials) should not exceed 75% of the total rear yard area.

Ponds are permitted provided they are totally within the homeowner's yard and a means of maintaining water quality, such as a water circulation pump, is implemented.

Prohibited, Discouraged & Encouraged Plants: The Community's ARS contains lists of prohibited and discouraged plants known to cause problems in Harbor Bay Isle and encouraged plants that are known to perform well. Each homeowner should review these lists to ensure that undue delays in landscape approvals are not encountered due to poor plant selection.

Rock Gardens in front yards are discouraged, but will be considered on a case-by-case basis if they contain an acceptable balance of rock and live plant material, and are compatible with the overall neighborhood design.

Rock in both front and rear yards shall not cover more than 30% of the yard or 30% of any border-enclosed portion of front yards. Gray, beige, or aggregate rock ground cover is permitted. White or red rock is prohibited.

Tree installation requires prior approval of the species and planting location. Trees should be planted no closer than three feet from the fence or property line and tree branches should 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.

Fruit-bearing trees are permitted only in back yards. An exception to permit dwarf citrus trees in front yards will be considered on a case-by-case basis.

Tree Removal: Replacement of problem trees will be considered on a case-by-case basis provided a replacement tree or shrub is approved by the Architectural Committee. 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 approval of an appropriate replacement tree. Tree stumps shall be removed, when practicable, and the removal area appropriately restored.

Vegetable Gardens are permitted only in rear yards and must account for no more than 30% of the total yard area.

Views: The Community Board of Directors or the Costa Brava Board of Directors shall have the right, but not the obligation to require any owner to remove, trim, top, or prune any shrub, tree, bush, plant or hedge which the Community or Costa Brava Board reasonably believes impedes the view of any residence lot or is detrimental to enjoyment of the Common Area, including the view there from.

Water Conservation: The Community's ARS document contains a list of requirements for water conserving measures.

Obtaining Applications & Reviews: Landscape applications can be obtained from the Community of Harbor Bay Isle Architectural Administrator, at the Community office (3195 Mecartney Drive) or by calling 510-865-3363.

Requests for reviews and any other questions should be directed to Costa Brava's Association Manager, also at the Community office (3195 Mecartney Drive or by phone at 510-865-3363).