

COMMUNITY OF HARBOR BAY ISLE  
Community Architectural Committee

# ARCHITECTURAL RULES AND STANDARDS

&

# PLANT GUIDELINES

REVISED JANUARY 2011



COMMUNITY OF HARBOR BAY ISLE  
OWNERS' ASSOCIATION  
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Bay Colony ▪ Bay Isle Pointe ▪ Bayview Harbor ▪ Baywood Village  
Brittany Landing Bay ▪ Brittany Landing Harbor ▪ Cantamar  
Centre Court ▪ Clipper Cove ▪ Columbia ▪ Costa Brava ▪ Freeport  
Harbor Pointe ▪ Headlands ▪ Lantern Bay ▪ Pelican Bay ▪ Promontory  
Sandpiper Cove ▪ Seastrand ▪ Woodbridge



**COMMUNITY OF HARBOR BAY ISLE OWNERS' ASSOCIATION  
COMMUNITY ARCHITECTURAL COMMITTEE  
ARCHITECTURAL RULES AND STANDARDS**

**REVISED JANUARY 2011**

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**COMMUNITY OF HARBOR BAY ISLE OWNERS' ASSOCIATION  
COMMUNITY ARCHITECTURAL COMMITTEE  
ARCHITECTURAL RULES AND STANDARDS**

**REVISED JANUARY 2011**

**SECTION 1. ADMINISTRATIVE**

This Section is intended to highlight certain requirements of the Community's Covenants, Conditions and Restrictions (CC&Rs) that specify the process of community architectural control. In case of any conflict between the text in this Section and the CC&Rs, the CC&Rs shall prevail.

**Architectural Review Authority:** The Community of Harbor Bay Isle Owners Association CC&Rs directs the Community Board of Directors to establish a Community Architectural Committee (CAC). The CAC from time to time shall adopt, amend and repeal, by unanimous vote, rules, regulations and standards to be known as "Community Architectural Committee Rules and Standards." These actions shall not lessen the minimum standards required by the CC&Rs. Property owners may refer to other sections of the CC&Rs to review the Community Architectural Committee's authority, which is derived from Article V, Article VI, and Article VIII. Additional authority may derive from certain Resolutions adopted by the Community Board of Directors under the authority of the CC&Rs.

The following Architectural Rules and Standards and Plant Guidelines were developed to maintain the Community of Harbor Bay Isle's environmental design quality and to preserve the primary design concepts of the development. In addition to these architectural and plant guidelines, there are design guidelines for each Project Association, which may be more restrictive and which may cover additional subjects. The CAC encourages Project Associations to update their Architectural Rules and Standards from time to time to reflect the availability of appropriate improved materials, designs and finishes for home improvement products that have been approved by the CAC for use in Harbor Bay Isle.

**Rules and Standards:** The following CAC Architectural Rules and Standards and Plant Guidelines interpret and implement the provisions of the CC&Rs. These may be revised when necessary. Property owners should consult the most recent issue of the CAC Rules and Standards, which can be obtained from the Community offices. The term "Guidelines" shall have the same force and effect as the term "Rules and Standards."

When you purchased your home, you took title to your lot subject to all restrictions, easements, etc. that had been recorded on your lot as set forth in your Policy of Title Insurance and all of the provisions set forth in the CC&Rs recorded on your property as set forth by the Community of Harbor Bay Isle Owners Association. The Community, through its Board of Directors, will strictly enforce the CC&Rs to control the appearance of its neighborhoods.

**PRIOR APPROVAL REQUIRED:**

Do not commence work on improvements or modifications to buildings or landscape until you have submitted a completed application, with plans, and received written approval from the CAC. →

Section 6.3D of the Community's CC&Rs specifies: "No improvement, repair, excavation or other work which in any way alters the exterior appearance of any lot or the improvement located thereon from its natural or improved state existing on the date such lot was first conveyed by Declarant or the Merchant Builder thereof to an owner shall be made or done without the prior approval of the Community Architectural Committee given pursuant to the terms of Article VIII hereof."

Property Improvements Include:

1. Improvements to the exterior surfaces of the house, such as re-painting and re-roofing;
2. Building modifications, including replacement of doors and windows; and/ or;
3. Improvements to front, rear and side landscaping, including planting, paving, removal and/or replacement of trees and miscellaneous yard structures, such as arbors, trellises, gazebos, fountains, pools, etc.

Applications for architectural and landscape improvements are available through the Community's office or the Community website ([www.harborbay.org](http://www.harborbay.org)). Consult the CAC's meeting schedule in your application to avoid delays having your application reviewed by the CAC. The Architectural staff is available to help you complete the application review process as quickly as possible.

**Fast Track Applications:** In the event of an emergency situation, a property owner may request that their Architectural Application be expedited or *Fast Tracked*. To be considered, applicants should write "Fast Track" prominently on the top of their application at the time of submission. The application should include all necessary backup, and will be limited to the following situations:

1. Urgent tree removal; (Arborist report may be required)
2. Urgent roof replacement;
3. Urgent garage door replacement;
4. Urgent fence replacement;
5. Urgent dock pier replacement;
6. Utility installation; or,
7. Mailbox or mailbox post replacement.

Urgent status will be determined for the CAC by the Architectural Standards Manager, and may include: damage due to recent storms, a leaking roof, inoperable garage doors, tree failure, or other situations that may affect the safety of the residents or security of the property. Proof of the offending incident may be required.

Any Fast Track replacement must use pre-approved materials and/or like-for-like design. Applications will be evaluated within three working days and, if eligible, will be approved as quickly as time permits by the Architectural Standards Manager. Following Fast Track approval, an application must still go through the regular CAC review process.

**Final Inspection Required:** Applications approved by the CAC have a one-year life. Property owners must complete the work then contact the Architectural Standards Manager to request a final inspection of their work before the application approval expires. Requests for Final Inspections may be submitted by calling, writing, e-mailing, or submitting a request to the website, [www.harborbay.org](http://www.harborbay.org).

## **RE-SUBMITTED APPLICATIONS:**

If a Homeowner submits an application which the CAC approves, then subsequently changes the plan or design of the approved project, the Homeowner is required to notify the CAC of such change in writing (i.e.: Notice of Change”).

The Architectural Standards Manager shall review the Homeowner’s Notice of Change and determine if a subsequent application is required. The Architectural Standards Manager is empowered to evaluate changes and rule that changes in color, finish, materials, etc. do NOT constitute a “Material Change” and no further action is required. If, at the discretion of the Architectural Standards Manager, the proposed change involves a significant modification in the design, appearance, and quantity of materials or involves a substitution of components, the Architectural Standards Manager may rule it constitutes a “Material Change.” In this case, the Homeowner is required to re-submit the application for standard architectural review.

## **ARCHITECTURAL APPEAL HEARING PROCESS:**

Community Board House Rule #HR-04

**Right of Appeal:** If a Project Association Board or Project Architectural Committee (PAC), or Property Owner is dissatisfied with a decision by the CAC, 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 the CAC'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 Association Board.

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

## **ENFORCEMENT:**

**Scope of Enforcement:** Any architectural improvements undertaken without prior approval or otherwise in violation of the CC&Rs will subject the violator to the Community CC&R Violation enforcement procedures contained in Articles III, V, VI and VIII, or under the CC&Rs Articles of the appropriate Project Association.

Under Community CC&Rs Article VIII, Section 8.9(D), if the property owner or Project Association does not comply with the Board of Director's ruling within the specified post-enforcement hearing 45 day period or within any extension granted by the Board, the Board at its option may either remove or remedy the non-complying improvement at the property owner’s expense.

Specific procedures for enforcement such as notification of violations, enforcement hearings, and ultimate Association Board of Directors’ action may be found in Community Board House Rule HR-07 “Enforcement Assessment.”

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

Gaining approval to modify your property or make improvements to your yard requires the review and approval of your architectural application and plans by the CAC. Refer to the Community's CC&Rs Sections 3.6, 3.7(C), 9(G), (K), 3.8, 3.9, 6.2(B), 6.2(F), 6.3(D), Section 8 (Please note the last paragraph of Section 8.13.) Your Project Association Board of Directors and/or Architectural Committee (PAC) may also make recommendations regarding your application and plans to the CAC. **All proposed building and landscape modifications on your property require the submission and approval of a Harbor Bay Isle architectural application and plans prior to the commencement of work.**

## **Planned Development Resolutions (PDRs), Planned Development Amendments (PDAs), and Property Use Restrictions:**

As a Planned Unit Development (PUD), all properties in the Community of Harbor Bay Isle were approved by the City of Alameda Planning Board with a Planned Development Resolution (PDR) prior to being built. Building modifications must meet the guidelines listed in the PDR and those listed in any Planned Development Amendments (PDAs) that pertain to the specific Project Association. Property owners can review these documents at the City of Alameda Planning Department.

The City of Alameda Planning Board requires the CAC's review and approval process be completed before property owners submit applications for City building permits. The property owner's application for a building permit, if required, must be accompanied by a copy of the CAC's application "Conditions of Approval" letter. CAC-Stamped plans may also be required for some property improvements.

**Property Title Report Restrictions:** Property owners are solely responsible for knowing and complying with any property restrictions (property lines, easements, etc.) that may impact their architectural application plan proposals. Sources for this type of information may include your Preliminary Title Report, Title Insurance Policy, or the City of Alameda Building Department.

## **SECTION 2. ARCHITECTURAL RULES AND STANDARDS**

**Application of These Rules and Standards:** The following Architectural Rules, Standards and Plant Guidelines shall be interpreted by the CAC as it deems appropriate to each case without creating or being affected by precedent. The goal of the CAC is to insure property values for all property owners are maximized and maintained.

Consistent with this policy, the limitations and requirements for changes to existing dwellings shall aid, but shall not dictate the action of the CAC on such a proposal. Action to approve or deny an application shall consider these requirements and shall ultimately be based on the CAC's judgment of the appropriateness of the proposal in its specific circumstances.

The CAC works to balance the right a property owner has to develop his/her property with the concerns of the immediate neighbors. Issues such as views, blockage of sunlight, nuisance and privacy can be subjective, and an open discussion of the issues typically leads to satisfactory solutions.

Communication between the property owner and the immediate or affected neighbors about the proposed plans prior to filing the applications significantly increases the likelihood of a successful outcome for all the involved parties. The CAC strongly recommends this step be taken by the property owner prior to filing an Architectural Application.

**Limitations and Requirements:** The Community of Harbor Bay Isle was developed under a Planned Unit Development Resolution (PDR) approved by the City of Alameda Planning Board. The PDR established the various building requirements that pertain to all properties in the development, primarily as a guideline to the developer and builder to follow the building rules established by the City. Upon completion of the development, and with the establishment of the various Project Associations, Planned Development Amendments (PDAs) were adopted by the City of Alameda and the Community of Harbor Bay Isle. PDAs generally apply to specific Project Associations and include: guidelines for required minimum setbacks, maximum lot coverage percentages, height limits, etc.

**Clearance Requirements:** No improvements or plant materials shall bear against or be attached to common fences or walls or structures on neighboring properties. Improvements or plant materials near fences or walls or structures on neighboring properties shall have adequate clearance of at least 6 (six) inches. Property owners are responsible to know all required setback and easement requirements.

**Property owners interested in pursuing major building modifications, such as additions, are urged to follow the steps listed below:**

1. Contact the City of Alameda Planning Department for an initial review to determine the limitations to your specific property/lot. **Specifically: required setbacks, lot coverage maximums and encroachment requirements.**
2. Contact the Architectural Standards Manager to review plans prior to submission to the CAC and to ask any questions you may have pertaining to the approval process.
3. Prior to submittal, assure your application is complete and meets all Application Submittal Requirements.
4. Contact your neighbors during the planning process and keep them informed of your intentions. →

5. Plan ahead. Planning an addition or remodel of your home can be a lengthy process-expect delays! Obtaining initial approval from the CAC, negotiating with neighbors, inclement weather, and delays at the City Planning Department can all add to the expected length of your project.
6. Attend your review meetings to provide additional details and answer any questions that reviewers may have.
7. Take time to interact with your **VOLUNTEER** inspectors – they can be a great help during the architectural approval process!

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

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

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

**Ground Level Additions:** All additions shall match or be compatible with the architecture of the existing dwelling in style, materials and details of construction, and shall conform to all applicable architectural controls of the Community and Project Associations. Lot coverage percentages, setbacks, and contiguous open space requirements/encroachments shall be determined by referencing the original City of Alameda Planned Development Resolutions and Planned Development Amendments, specific to each Project Association.

**Second Story Additions:** The full or partial second story addition shall match or be compatible with the architecture of the existing dwelling in style, materials and details of construction, and shall also conform to all applicable architectural controls of the Community and Project Associations.

**Third Story Additions:** Full or partial third story additions shall not be permitted in the Community of Harbor Bay Isle except in Project Associations in which three story dwellings were constructed by the original developer (Baywood Village, Harbor Pointe, and Promontory). If permitted, the full or partial third story addition shall match or be compatible with the architectural character of the Project Association and with the architecture of the existing dwelling in style, materials and details of construction. The addition shall conform to all applicable architectural controls of the Community and Project Associations.

***(For Solariums, See Pg. 17)***

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

1. A site plan at a scale no smaller than 1/16" = 1'-0" showing property lines with dimensions, the footprint of the existing dwelling, a separate drawing of the proposed addition and dimensions of the existing setbacks;
2. Floor plans at a scale no smaller than 1/4"=1'-0" of the proposed addition and the existing rooms it will adjoin;
3. Exterior elevations at a scale no smaller than 1/4"=1'-0" showing all walls and roof lines of the proposed addition and the existing dwelling with annotations describing all existing and proposed materials;
4. Calculations of the total lot area, lot coverage of the existing dwelling including the garage and any ancillary structures, and lot coverage including the proposed addition;
5. Typical details illustrating the glazing system of any proposed solarium. An application for a pre-manufactured solarium shall also include a color photo of the overall solarium construction;
6. Product specification/cut-sheets for windows, skylights/solar tube skylights, doors, exterior light fixtures and the like must be included with applications.
7. For the purpose of distinguishing "Repair" as opposed to "Replacement," Repair is defined as replacing no more than 10% of a given project or item. (e.g. Replacing more than 10% of an existing dock is defined as Replacement, and not a Repair). If in doubt, please call the Architectural Department for clarification.

#### **OTHER MODIFICATIONS:**

**Ancillary (Freestanding) Structures:** The exterior materials of ancillary structures, such as storage sheds, shall match the exterior materials, details and colors of the main dwelling. The structure shall be located and or/constructed to minimize its visibility from public ways. Ancillary structures shall be subject to the same limitations of lot coverage and building bulk as specified in Additions to Existing Dwellings. Prefabricated sheds of wood or low maintenance resin (e.g. Rubbermaid), may be submitted for approval. Sheds/roof color shall be compatible with the house color. Sheds may not be higher than the fence. Sheds must be installed at a minimum of 6 (six) inches from the fence. Metal sheds are prohibited.

**Animal Shelters:** Shall be designed for the humane containment of the animal and shall be constructed of natural wood or of materials and colors matching the house or the fence. Shelters shall not be visible from a public way, shall be at least 36 (thirty-six) inches lower than the top of the back or side yard fence, and must be located to avoid causing a nuisance to neighbors. Shelters shall not be in contact with common fences nor a neighboring house; a barrier to prevent animal contact with a commonly-owned fence may be required.

**Antennae/Cable/Satellite Dish Installations:** Property owners are required to submit the Community's Antenna/Cable TV/Satellite Dish Installation Form for any antenna, satellite dish or Cable TV installation prior to starting work. The form shall provide specific requirements for the installation and will detail approved installation procedures.

These rules apply to all antennae covered by the FCC's Regulations, including Direct Broadcast Service (DBS) satellite dish antennae equal to or less than one meter (39.37 inches) in diameter or diagonal measurement, and Television Broadcast Service (TVBS) antennae; and "wireless cable" antennae used to receive, for example, Multipoint Distribution Services →

(MDS), Multi-Channel Multipoint Distribution Services (MMDS), and Local Multipoint Distribution Services (LMDS). Also included are Instructional Television Fixed Services (ITFS). These receivers may be rounded disks with metal screens or covers; parabolic (curved rectangle) sheets with either solid or open grillwork; "Yagi" antennae---straight, branch-like devices of varying length. All wiring must be painted to match the surface to which it is attached.

**NOTE:** Satellite dish receiver antennae over one meter (39.37 inches) in diameter or diagonal measurement are not permitted.

Antennae and masts shall not be larger than necessary nor installed higher than 12 (twelve) feet from the surface to which it is attached. A mast shall not be installed closer to the property line than the total height of the antenna plus the mast.

This applies to other forms of evolving technology antennae. When the antenna design permits interior installation, property owners are encouraged to install antennae inside the house attic. Property owners are also encouraged to consider installing devices to camouflage ground-installed antennae such as artificial boulders, landscape screening material, etc. Property owners may also be required to paint the antenna and its mast a color to minimize its visual impact in its installation location. These antenna rules apply differently to the two groups of Project Associations in the Community of Harbor Bay Isle:

**Group #1. Single Family (free-standing) home properties (direct ownership and/or exclusive use common areas not maintained by the Association):**

To preserve the appearance of our neighborhoods, property owners in Group #1 are required, to the extent feasible, to install exterior antennae such as satellite dishes, microwave transmitters, radio or television aerials, etc., on the owner's property in the least obtrusive location, preferably not visible from public ways and neighboring property, that will not impair receipt of the transmission signal nor require unreasonable installation costs, and where safety is not a reasonable concern, (e.g. City of Alameda fire safety & electrical grounding codes).

**For single family homes, the recommended priority order of installation sites are:**

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| (1) In the rear yard, screened;   | (4) On the roof, below the roof line; |
| (2) In the rear yard, unscreened; | (5) In the side yard.                 |
| (3) On the chimney;               |                                       |

**Group #2. Townhouse and/or Condominium Project Associations (building exteriors are commonly owned and maintained by the association):**

Until such time as the Federal Communications Commission publishes its regulations for Group #2 associations, property owners are required to follow the antenna location approved by their Project Association's Boards of Directors. Property owners in these Project Associations will be required to enter into a recorded irrevocable Maintenance Indemnification Agreement with the Association, which shall be recorded and run with the property. The Agreement will require the property owner to agree to reimburse the Project Association for loss or damage caused by the installation, maintenance, or use of an antenna, due to its installation on any portion of the dwelling or lot for which maintenance, repair, and replacement is the responsibility of the Project Association. The owner also shall be fully responsible for restoring the area to which an antenna was attached and then removed, and any costs thereof.

**For condominiums and townhome properties, the recommended priority order of installation sites are:**

- |                                         |                                            |
|-----------------------------------------|--------------------------------------------|
| (1) On the chimney;                     | (3) In the rear yard, screened/unscreened. |
| (2) On the fascia, below the roof line; |                                            |

- **Tenants** Antenna installations in all Project Associations require the prior written approval of the property owner as demonstrated by the property owner's signature on the Antenna/Cable TV/Satellite Dish Installation Form and on a maintenance agreement, as required by the Project Association. It is understood that the owner has full responsibility for the antenna installation.

**Arbors:** An arbor is defined herein as an overhead garden structure that is free-standing or attached to a house for the usual purpose of providing shade. An arbor is further defined as an open framework of dimensional lumber. Roofing panels of any material are prohibited on arbors. Arbors shall be constructed of wood (redwood, cedar, or ipe) or similarly colored material (e.g. Trex). Arbors may be left to weather naturally, finished with a clear penetrating sealer, or painted to match the trim color of the house. The height of an arbor shall not exceed 8 (eight) feet 6 (six) inches above the finished grade, except for arbors/overhangs attached to the house above a door/window higher than 8 (eight) ft. 6 (six) inches from grade.

**Arches:** An arch is defined herein as a curved or squared overhead structure that is free-standing or can be attached to a fence above a swinging fence gate. Arches may be constructed of wood (redwood, cedar, or ipe) or a similarly colored composite material (e.g. Trex) or wrought iron. Wood arches may be left to weather naturally or finished with a clear penetrating sealer, unless the Project Association allows painting to match house trim or an existing wrought iron fence. Arches shall not exceed 8 (eight) feet 6 (six) inches in height from grade.

**Awnings:** Awnings are prohibited unless installed by the original developer.

**Basketball Standards:** Permanent basketball standards are not permitted on private lots. Project Associations may apply to the CAC for basketball courts in common areas with the condition that the courts not be lighted, or larger than standard high school half size courts. Before making application to the CAC for such a court, Project Associations must obtain the written approval of a majority of the property owners within a three hundred (300) foot radius of any part of the proposed court.

Unless stricter conditions are established by Project Associations, or unless basketball standards are prohibited by Project Associations, temporary basketball standards shall be permitted on private property when they comply with all of the following conditions:

1. Free-standing from any residential building, fence or other permanent structure;
2. Stored out of view from public ways or neighboring properties;
3. Used only during daylight hours;
4. Used only in driveways, auto courts, or on the auto side of the house;
5. Used without any additional artificial lights;
6. Used so as not to create a nuisance for any neighbor or other resident; and,
7. Standards no higher than 5 (five) feet may be used in backyards.

**Clothes Drying Facilities:** Outside clotheslines or other clothes drying structures are permitted only if they are not visible from the first story of neighboring properties or public ways, and are appropriately screened with landscape or other approved screening structures. Clotheslines shall not be attached to fences or commonly maintained structures.

**Decks:** Ground level decks shall be constructed as low as practicable to the grade. Decks shall not be constructed so that the elevation of the deck surface and/or the position of the deck relative to back or side yard fences significantly diminish privacy between neighboring properties.

Decks shall be constructed of redwood, cedar, ipe wood or similarly colored composite material (e.g. Trex), or other products approved by the CAC, all of which shall be left to weather naturally, finished with a clear penetrating sealer or, if approved by the individual Project Association, one of the following: PreservaWood in Pacific Redwood; Behr Deck Semi-Transparent Stain colors in California Rustic #DP-351, Cedar Naturaltone #DP-533, Redwood Naturaltone #DP-534, or Cape Cod Gray #DP-365. Only where consistent with standards in the neighborhood or where decidedly more appropriate to the proposed installations, such as a second story deck or balcony, may the deck/balcony be painted to match the siding or trim color.

On lagoon lots, the deck must be constructed within the limits shown in "Exhibit A: Maximum Building Envelope for Lagoon Decks," (pg. 32) or the building envelope as approved by a Project Association. However, decks originally approved and constructed prior to the 1989 adoption of the maximum building guideline, may be reconstructed as originally approved and built provided the rear yard meets current hardscape/landscape ratio guidelines.

**Docks:** Docks shall be built in accordance with the drawing titled "Community of Harbor Bay Isle Dock Plans, 12/93" These plans, details and specifications for four standard dock configurations (9' X 10'; 10' X 10'; 13' X 14'; and 14' X 15') have been prepared and approved by the City of Alameda. This drawing is available to property owners from the Community's Architectural Standards Manager. The dock design plans are intended to be used as a guideline. Dock setbacks from the side property lines may be required on a case-by-case basis. Docks shall be constructed of redwood, cedar, ipe wood or similarly colored composite material (e.g. Trex), or other products approved by the CAC, all of which shall be left to weather naturally, finished with a clear penetrating sealer or, if approved by the individual Project Association, one of the following: PreservaWood in Pacific Redwood; Behr Deck Semi-Transparent Stain colors in California Rustic #DP-351, Cedar Naturaltone #DP-533, Redwood Naturaltone #DP-534, or Cape Cod Gray #DP-365. **Private docks must be used and maintained in accordance with Community and Project Association CC&Rs and Private Dock Agreements with the City of Alameda. (See Exhibit "B" - Pg. 33)**

**Dog Runs:** Enclosed dog runs are discouraged. Dog runs will be approved on a case by case basis. If allowed, dog runs shall be designed for the humane containment of the animal and shall not be located to create a nuisance for neighboring properties. Dog run design shall not allow the contained animal to come into direct contact with a common fence or a neighboring dwelling. **(See Animal Shelters - Pg. 7)**

**Doors, Front Entry:** Replacement front entry doors must match or be compatible with the details of the dwelling's existing installations. Door upgrading is encouraged. Alternative door design and material will be considered on a case-by-case basis as appropriate to the dwelling's architecture and compatibility with the overall appearance of the neighborhood. Proposed door design specifications must be included with the application.

**Doors, Sliding Glass/French; and Windows:** Additions or replacements of sliding glass/French doors and/or windows must match or be compatible with the details of the dwelling's existing installations. Window panes must be glass only. Window and door upgrading (e.g., including but not limited to, single to double paned glass, and replacement of aluminum frames with vinyl, fiberglass, or other materials approved from time-to-time by the CAC) are encouraged. →

Alternative window and sliding glass/French door designs and materials (excluding awning style windows) will be considered on a case-by-case basis as appropriate to the dwelling's architecture and compatibility with the overall appearance of the neighborhood. As a condition of approval, the property owner may be required to replace all of the dwelling's windows and sliding glass/French doors on a dwelling's side elevation to create consistency with the new window's design and materials. Product specification sheets of specific windows and doors must be included with the application; changes to window size or function must also be included.

Window installations shall comply with the Community of Harbor Bay Isle – Window Replacement Installation Requirements (*see Exhibit "C" – Pg. 35*). Reflective-type window film is not permitted. Awnings or exterior sun shields are not permitted unless they are part of the architecture created by the original developer of the Project Association. Screens should match the original developer installation. Alternatives will be considered on a case-by-case basis. Neighbor privacy will be considered in any application for a new window or sliding glass door. (*See Window Tinting, and Window Screens – Pg. 19*)

**Door and Window Grates:** Movable or fixed barriers on doors or windows of a dwelling that are visible from the exterior, (e.g. metal grating, security bars, metal mesh, security doors, etc.) are prohibited. The installation of deadbolts on doors, window locks, alarm systems, and motion detection lights are options for property owners desiring to enhance the security of their dwellings.

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

**Driveways:** Cracked or damaged driveways may be repaired or replaced. Replacement may be "like-for-like" (for associations in which driveways are replaced by property owners), or replaced with pre-cast concrete pavers. Pre-cast pavers must be square or rectangular interlocking concrete pavers (with 90° angled corners). Pavers must be installed with an approved perimeter edge, which may be a metal edge restraint system or a concrete "bond beam." The paver color shall match or be compatible with existing walkways on the property. The following shades of colors for interlocking concrete pavers are approved:

Single colors – brown, charcoal, gray

Blended colors – brown/charcoal, gray/charcoal

Painting or applied staining of concrete driveways is prohibited. New concrete may be colored provided the colorant is added to the concrete during the mixing process and is not added after the concrete is placed on the ground.

Stamped concrete driveways are permitted as replacement for existing stamped concrete, or where approved on a case-by-case basis.

Concrete colors shall be earth-tone; e.g.: brown, charcoal, or gray. Physical samples of the proposed colored concrete must be submitted for approval. Physical samples of the proposed stamping pattern and/or concrete color must be submitted for approval.

**Expansion or extension of driveways is prohibited.**

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

**Fences:** Wood fence repairs, replacements or new construction shall match the approved existing redwood or cedar fence, other wood material approved by the Community Architectural Committee, or other fence construction in the immediate neighborhood. Alternative fence designs that are appropriate to the dwelling and the surrounding neighborhood will be considered on a case-by-case basis. Fences shall be allowed to weather naturally or may be treated with a clear sealer. Metal (e.g. wrought iron and aluminum) fences must be painted a color approved by each Project Association's Board of Directors. The goal of the fence standard is to maintain or to improve the appearance of fences within the Community of Harbor Bay Isle. All fences shall be maintained in good condition and repair.

**Fence Extensions (Addition of Lattice on Top of the Fence):** If the extension complies with section 30-5.14 of the City of Alameda's Building code as amended and is approved by the CAC, the extension shall be consistent with the plans approved by the CAC and existing fence construction or in harmony with other fence details in the immediate neighborhood.

Fence extensions are limited up to a height of 2 (two) feet above the existing fence and shall be in the appropriate proportion to the existing fence. The extension shall be a diagonal pattern lattice with at least 50% open area (referred to as "two-layer lattice") in accordance with the drawing entitled "CHBI Specifications for Lattice Fence Extension on Top of the Community's Perimeter Fences" dated March 2000. "Three-layer Lattice" is prohibited. Fence extensions shall match the weathered or clear sealer finish of the existing fence.

In no case shall the total fence height (original fence and extension) exceed 8 (eight) feet above the grade or the height limit set forth in the PDA between the Developer and the City of Alameda for a particular Project Association. Fences that exceed 6 (six) foot in total height require a City of Alameda Building Permit. When a fence extension is warranted on a fence bordering Community property, the "Community of Harbor Bay Isle Specifications for Lattice Fence Extension on Top of the Community's Perimeter Fences" shall be followed precisely.

**Garage Doors:** Doors installed by the original developer may be replaced provided the new garage door is compatible in design and aesthetic to the Project Association and the individual property. Garage doors may be lift-up or roll-up (articulated), may have short or long panels, and are to be made of wood or metal. Metal doors must have a wood-grained texture. All doors must be painted with house paint in accordance with the dwelling's approved color scheme. Metal garage doors with factory applied paint finishes must be re-painted with the appropriate colored house paint in order to maintain the approved paint scheme. In condominium developments where a specific garage door manufacturer is used, and the factory finish color is consistent with the development's overall paint scheme, factory painted doors may be considered on a case by case basis. Windows will only be allowed in doors with the long paneled design. A standard two car garage will have four panels across; a single car garage will have two panels across. All windows will have opaque/obscure glass, and are limited to one specific window design to be determined by the individual Project Association. For security purposes, windows must be in the topmost section/row of the garage door, with one window in the place of each panel. Project Associations may also choose to forgo any windows in garage doors.

Property owners are responsible for assuring garage door replacements meet the safety requirements mandated by applicable federal, state or city codes. In cases of houses with two garage doors (for a three-car garage), both doors must match and replacement of both doors may be required.

**Gazebos:** Shall be constructed of redwood, cedar, ipe wood or similarly colored composite material (e.g. Trex), which shall be allowed to weather naturally or may be treated with a clear penetrating sealer. Redwood colored stain or paint is prohibited. Consideration will be given to painting a gazebo in a color matching the house if permitted by the Project Association's Architectural Rules. Gazebos must be set back a minimum distance of 3 (three) feet from the fence, depending on the proximity of neighboring houses. The generally acceptable gazebo height is 8 (eight) feet 6 (six) inches from grade unless the Project Association's PDA between the City and the Developer permits a greater height. However, the CAC may approve a height that is appropriate to the design of the gazebo, its location, and visible impact on neighboring properties. Canvas, metal, fiberglass or plastic roof coverings are not permitted. **(See *Shade Structures, Temporary - Pg. 16*)**

**Gutters and Downspouts:** Gutter and downspout replacements must match or be compatible with the original developer installation in material, design and dimension, and shall be painted with house paint to match the house color to which they are attached. Gutters and downspouts with factory applied paint finishes must be re-painted with the appropriate colored house paint. Alternative material, design, and downspout design and location to improve maintenance and drainage functions 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 or "chain" downspouts are not permitted. Gutter screens shall be unobtrusive, and shall be maintained by the property owner. Gutter and downspout drainage shall not adversely impact neighboring property.

**Light Fixtures and Lighting:** All exterior lighting on residential properties, including security & low voltage lighting shall be: shielded (defined as: the light source/bulb is not visible except from directly beneath the fixture), uncolored not excessively bright and shall not create excessive glare. Colored lights are prohibited, including yellow sodium, red, blue, or green lamps. Neon lighting is also prohibited. High wattage spot/flood lights are discouraged on all lots. Spot or flood lights may be approved if sufficiently shielded so the light source (i.e.: lamp or bulb) is not visible while standing or sitting at the property line, and can only be seen from directly beneath the fixture.

Light fixtures mounted on the exterior of a dwelling or other structure shall be shielded and shall be compatible in style with the dwelling's existing fixtures, the dwelling's architecture and the overall appearance of the neighborhood. Ground landscape shielded light fixtures in yards/landscaping shall not exceed 18 (eighteen) inches in height above the ground unless approved by the CAC on a case-by-case basis. Exterior light fixtures may include shielded electronic motion detectors. All lighting on rear lagoon lots shall be of low intensity and appropriately shielded to protect neighboring lagoon views. **Cut sheets or product specification sheets that include a picture and description of the proposed light fixture must be attached to the application.**

- **Pole Lights:** Pole mounted light fixtures are discouraged, but on a case-by-case basis will be considered to provide safety or security lighting in the immediate area of front entry walks as an alternative to wall-mounted shielded spotlights on dwellings with side yard entrances or recessed front entrances on certain common-driveway lots. Pole lights, if approved, shall be shielded and positioned so that the source of light is not directly visible from off of the property and shall be of an acceptable design compatible with the dwelling's architecture and neighborhood appearance, appropriate height, material and color finish. The pole light's bulb and wattage shall not permit excessive light into neighboring properties or public ways.

- **Fence Lights:** Top-shielded wedge-type light fixtures installed in an appropriate location below the top of fences (wood or stucco) on the property line will be considered on a case-by-case basis. →

- **Stair Lights:** Top-shielded wedge-type light fixtures of an appropriate height also will be considered on a case-by-case basis for installation at stairs and steps or adjacent to retaining walls along the lagoon edge.

**Paint and Color:** Exterior finish and color schemes created by the Developer for the properties in each of the Project Associations and new color scheme Paint Palettes that are compatible with the architecture and character of each neighborhood, which are approved by the Project Association's Boards of Directors, will be considered. Property owners may propose new color schemes to Project Association's Boards of Directors for consideration of additions to Paint Palettes. In addition to these Guidelines, property owners must adhere to individual Project Association Architectural Rules.

**Exterior paint consists of 6 main finish categories.\* The following exterior paint finishes are permitted under each category:**

- Flat (<3% Sheen):** Siding
- Low Sheen (5-10% Sheen):** Siding, or Trim
- Eggshell (10-15% Sheen):** Siding, Trim, Accent, or Front Door\*\*
- Satin (30-35% Sheen):** Trim, Accent, or Front Door\*\*
- Semi-gloss (50-55% Sheen):** Front Doors\*\*\*
- Gloss (over 75% Sheen):** No Exterior Use

\* Based on Kelly Moore Brand paint finishes – other paint brands may vary.

\*\* Refer to your Project Association's Architectural Rules under "Painting" to determine if painting of front doors is permitted in your Project Association.

\*\*\* When painted front doors are permitted by a Project Association, semi-gloss paint will be considered on a case-by-case-basis if specifically requested on the owner's Architectural Application.

Pipes and sheet metal vents that protrude through the roof and other miscellaneous metal elements on the roof, (e.g.: ridge-vents, flues, vents, skylights, solar-tubes, flashing and rainwater diverters) shall be painted to match the roofing material color. Roof-edge corner trim or exposed metal "nosing", if any, shall be painted to match the adjacent color, usually the fascia/gutter or trim color. Other exterior miscellaneous metals, such as wrought iron fences, guardrails and handrails shall have a dark colored finish, unless otherwise required by a Project Association's Architectural Rules.

All applications for repainting shall specify the proposed colors with the paint manufacturer's color name and number as well as the Paint Palette scheme number (or letter). When proposing a paint brand different from the brand used in the Project Association's Paint Palette book, the applicant shall include three samples of each color. An applicant may be requested to brush out a 4' by 4' sample of the proposed house body color on the house prior to approval of the proposed color scheme. The final inspection must conclude that the finished work matches the approved colors.

**Patios:** A patio is defined as a hard impervious walking surface in a yard that is within 6 (six) inches of the ground surface. Patio size shall be in reasonable proportion to the landscaped yard area. Acceptable surfaces generally include concrete, stone pavers, brick pavers, pre-cast concrete pavers or decomposed granite. Acceptable surfaces shall be determined by the Project Association. A clearance of at least 6 (six) inches must be maintained between patios, fences, and neighboring structures. Lagoon patios must comply with specifications shown in ***"Exhibit A: Maximum Building Envelope for Lagoon Decks."*, pg. 32 →**

A patio is by definition “Hardscape” and is limited by the rules and regulations in each Project Association. No less than 20% of the rear yard or 60% of the front yard (excluding the driveway) shall be landscaped with plant material. Project Associations may require larger areas of front and rear yards to be landscaped with plant material.

**Recreational Equipment:** (e.g. Permanent installation of swing sets, trampolines, jungle gyms, skate ramps, etc.) Must not exceed a height of 8 (eight) feet 6 (six) inches and must be a minimum of 3 (three) feet from any property line. Privacy of neighbors is tantamount for approval to be obtained.

**Retaining Walls:** The retaining wall design shall consist of one of the following four options, which shall be evaluated on a case-by-case basis for approval:

- **Redwood:** Uniformity of materials using construction heart-grade redwood for posts and horizontal boards. Posts shall be a minimum of 4" X 4". Boards shall be a minimum of 2" X 12" material. Posts shall be set in concrete or, if not more than 3 (three) feet high, can be bolted to a steel bracket made of 1/4" plate with three 5/8" galvanized bolts. Retaining walls shall be a maximum height of 3 (three) feet from the wall bottom to its top. The area of retention shall be level. A moisture barrier of at least one layer of 30 lb. saturated tar paper shall be placed between the soil and the wall.
- **Direct Contact Pressure-Treated Douglas Fir:** **Green pressure treated lumber is not permitted.** Uniformity in materials using direct contact pressure treated Douglas fir for posts and horizontal boards. Posts shall be a minimum of 4" X 4". Boards shall be 2" X 12" or shall match the existing retaining wall. Posts shall be set in concrete or, if not more than 3 (three) feet high, can be bolted to a steel bracket made of 1/4" plate with three 5/8" galvanized bolts. The retaining wall shall be constructed to be level at the top with any required grade change adjustment made at the bottom of the wall. A moisture barrier of at least one layer of 30 lb. saturated tar paper shall be placed between the soil and the wall.
- **Wood/Metal Combination:** An enhanced design for longer life and ease of maintenance shall consist of: Steel I-beam post, with a minimum of 3" X 3", of 1/4" steel set in concrete. Such posts shall be galvanized or painted with a rust resistant coating. Posts shall be covered on the exposed side with a 1" X 6" fascia or other acceptable material, which shall be evaluated on a case-by-case basis. A moisture barrier of at least one layer of 30 lb. saturated tar paper shall be placed between the soil and the wood.
- **Concrete or Masonry:** The use of concrete or masonry shall be reviewed on a case-by-case basis. Primary consideration shall be the intersection between dissimilar materials (concrete, masonry or wood) used on adjacent properties. For example, if an adjacent retaining wall is wood, the concrete shall replicate the wood finish by the use of wood forms to match the dimension and design of the wood. Color or pigment shall be added to the concrete mix to achieve a color similar to wood. If the wall is independent of other walls on the property, the concrete texture and color shall be appropriate to the site. The exposed edges of the concrete shall be rounded or chamfered edges. Smooth-face concrete masonry units are not permitted unless covered by brick, stone or architectural block. Acceptable architectural block includes split-face or fractured-face concrete masonry units in earth-tone colors. “Stackable” or modular structural concrete blocks or panels are acceptable if fabricated in split-face or fractured-face units in earth-tone colors.

All retaining walls where the top of the wall is more than 3'-0" above the grade at the foot of the wall must include foundation drainage (e.g.: back-of-wall drain). The foundation drain shall consist of 4" diameter perforated PVC pipe which shall collect water behind the wall and drain by gravity to the adjacent grade at the foot of the wall. The perforated pipe must be wrapped →

in engineered filter fabric or embedded in gravel placed above the foundation and behind the wall prior to backfill. If gravel is selected, the gravel bed must be at least 2'-0" wide and 6" below the top of the wall and surrounded with engineered filter fabric prior to backfill.

Retaining walls shall be designed and constructed in compliance with current City of Alameda Building Code requirements, and shall include drainage appropriate to the design and site. Property owners should contact the City of Alameda Building Department to learn if a building permit is required for retaining wall installation.

**Roofing and Re-roofing:** The City of Alameda's Roofing Ordinance #2575 requires Class A, fire resistant roofing material, including chimney and stove pipe spark arrestors of not greater than 1/2 inch mesh. Contact the Community's Architectural Standards Manager to learn which roofing material is approved for your dwelling by your Project Association. All roof metal (pipes and flashing) shall be painted to match the roof color. Exposed metal "nosing" along the roof edge, if any, shall be painted to match the adjacent color, usually the fascia/gutter or trim color. Roof repair consists of no more than 10% of the entire roof pursuant to the City of Alameda; if more than 10% then it is considered a replacement.

Roofing material appearing on each Project Association's approved list, covers only the design and appearance criteria for a shake roof substitute to comply with the City of Alameda's ordinance requiring Class A-rated roofing material. Each property owner, and a Project Association if it is responsible for re-roofing, is responsible for ascertaining from a roofing professional (e.g. structural engineer) that the house structure(s) will support the weight, ***both dry and wet***, of a particular roofing material.

**Shade Structures, Temporary:** Are defined as accessory structures without permanent foundations and are assembled with non-permanent fasteners. They do not require an Architectural Application, but they must adhere to the following: Structure can only be maintained on a property for maximum of 180 consecutive days in a 12 month period and may not be used for storage of any kind. Only one temporary Shade Structure is allowed in the rear yard only for each lot and is not allowed on docks. Structure shall not exceed 8 (eight) feet 6 (six) inches in height and must be a minimum of 3 (three) feet from any fence or structure. The frame of the structure must be adequately braced and anchored to prevent weather related instability and collapse. Roof/shade material must be made of earth-toned fabric and must be composed of flame resistant materials or treated with flame retardant in a manner consistent with the CA Fire Code. Fabric shall be securely attached to frame and maintained in good condition and comply with all applicable Building and Fire Safety Regulations at all times.

**Sheds:** (See *Ancillary Structures - Pg. 7*)

**Siding:** Siding and trim damaged by water, dry-rot, etc. may be replaced in sections or the entire side of a house may be replaced. Replacement siding and trim must match the existing siding and trim exactly when only a section is being repaired. If an exact match of the existing siding and trim is not available, replacement of all siding on a given elevation may be required for consistency.

If new siding and trim is required, the siding and trim must be compatible with the existing. Fiber cement board siding and shingles (e.g.: CertainTeed, Hardie-plank) is acceptable provided the embossed grain is compatible with the existing and will be painted to match the existing. Siding and trim manufactured from metal, fiberglass, extruded plastic or vinyl is prohibited. Pre-finished, fiber cement siding and trim may be used if approved by the individual Project Association. To be approved for use, the finish must be consistent with the Project Association's current paint palette, in color and sheen.

**Signs (Contractor):** Contractor signs are not permitted on private property or on Association Common Areas. Property owners are responsible for their contractors' compliance with this rule. Refer to Community Board House Rule HR-01 for all other sign questions.

**Skylights/Solar Tube Lights:** Skylights/solar tube lights are permitted if they are flush mounted (skylights) and follow the slope of the roof (solar tube lights), provide thermal insulation, and have non-reflective clear, gray or bronze colored glazing. Skylights shall have dark bronze colored anodized aluminum frames, or vinyl-clad frames, matching or compatible with the dwelling's window frame material unless another material or color is more consistent with other skylights in the neighborhood or more appropriate to the proposed installation. All flashing around the skylight/solar tube light shall be painted to match the existing roof surface color.

**Solariums:** A solarium is defined as a glass-enclosed room attached to a house. Solariums that include siding must comply with the Community Architectural Rule regarding siding and must match the existing house siding exactly. Applications for solariums shall be considered as applications for additions to existing dwellings and shall include, at a minimum, the submittal requirements set forth under ***Additions to Existing Dwellings – Pg. 6.***

Solarium framing may be wood, aluminum, or painted steel. Vinyl or extruded plastic framing is not permitted. Colors of solarium framing and mullions shall be compatible with color of house window frames. Unfinished aluminum (i.e.: "mill finish") or clear finish anodized aluminum is not permitted. Vinyl-clad wood frames will be considered on a case-by-case basis when appropriate to the dwelling and the neighborhood architecture.

Solarium glazing must be glass; polycarbonate or plastic is not permitted. Glass must be clear; no tinted glass, reflective glass or films are permitted. Insulated glass panels may have low-e coating for energy efficiency.

**Solar Panel Installations:** Solar energy equipment includes all panels, collectors, plumbing, attachments, bracing, flashing, mechanical hardware, supporting structure, and any other related elements. The installation must comply with all state laws and City ordinances regarding the efficient placement, installation and operation of collector units. Exposed equipment shall be painted to match the adjacent surface color.

**Spas and Hot Tubs:** Spas and hot tubs shall not be located to diminish privacy between neighboring properties and shall not create a nuisance to adjoining properties when in use or through the operation of related mechanical equipment. All spas/hot tubs shall comply with City of Alameda Building Code regarding a locking top. Spas and hot tubs shall be drained only into the sanitary sewer system. The operating mechanical and electrical equipment of spas and hot tubs shall be enclosed and not visible to neighboring properties. The CAC will consider the possible negative impact on neighbors and may impose restrictions to mitigate such negative impact; these restrictions may include, but are not limited to, increased setbacks, hours of operation, and noise attenuation.

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

**Trees:** (See *Plant Guidelines, Trees - Pg. 21*)

**Trellises (Vertical):** Trellises shall be constructed of natural redwood, cedar, ipe wood, or similarly colored composite material (e.g. Trex). They may be left to weather naturally or treated with a clear penetrating sealer. They shall not be attached to common fences or dwellings, but shall be installed a minimum of six (6) inches away from fence or dwelling. Vines or other plants on trellises shall not become attached to common fences or dwellings. Plastic or vinyl trellises are prohibited.

**Utilities (Wires, Cable, Conduit and Plumbing):** Utility wires or lines such as telephone, electrical or cable TV lines and their conduit that are visible are prohibited, unless there is no other practical way to bring the service into the dwelling. All wires and cables are required to be concealed on the dwelling's siding to the extent possible. Telephone lines shall be underground into the house wall, if possible. Such installations require the prior approval of the CAC.

- **For Wood-sided/Wood-shingled Houses:** 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. When moving to the second floor, the line shall extend to a corner of the house and shall be concealed in the corner molding to the second floor.

- **For Stucco-siding Houses:** The line shall be attached snugly to the house, preferably to the concrete base of the stucco, and concealed to the extent possible by painting it the house siding color wherever the line is attached to the stucco.

**Ventilation Devices:** Stove pipes and metal flues, vents, and exhaust fans must be compatible in material and color with the existing dwelling. Pipes and sheet metal vents that protrude through the roof and other miscellaneous metal elements on the roof, such as rainwater diverters, shall be painted to match the roofing material color. Roof vents shall be low-profile, follow the slope of the roof and shall not exceed 10 inches in height. **Exterior roof-mounted turbine vents are not permitted.**

If an interior stove is installed, the stove pipe protruding from the roof must comply with all applicable Building Codes. The stove pipe must be painted to match the dwelling's roof color or, if required by the Project Association's Architectural Rules, a color matching the dwelling's siding or trim color. If the Project Association's rules require the stove pipe to be enclosed, the enclosure shall match the dwelling's siding material and must be painted to match the dwelling's siding color or a color specified by the Project Association.

Ventilation devices for tank-less water heaters, gas fireplace flues and direct vent ovens, installed in the walls of dwellings, must meet all applicable Building Codes for placement. The vent's operating sound shall not unreasonably intrude into neighboring property. The vent must be of material and design compatible with the dwelling. The vent's finished color shall match the color of the siding to which it is attached.

**Views:** The Community Architectural Committee recognizes the need for the preservation of views of the lagoon and/or of other common area amenities from residential lots and from public ways. However, the 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.

**Walks:** must maintain a 6 (six) inch clearance from fences and neighboring dwellings.

**Windows:** (*See Doors, Sliding Glass/French; and Windows - Pg. 10*)

**Window Screens:** Window Screens must match or be compatible with the developer installed screens. Exterior mounted "Solar Screens" are not permitted.

**Window Tinting:** Reflective material window covering is prohibited. Non-reflective dark charcoal color tinting will be considered on a case-by-case basis. If approved, all windows on the same elevation (side of structure) must be tinted. The window tint application and maintenance must not result in any imperfections (air bubbles, torn or peeling film, etc.) visible from the house exterior. (*See Doors, Sliding Glass/French; and Windows - Pg. 10*)

**Wood:** When used in landscaping, such as for the construction of planters, retaining walls, header boards, decks, docks, handrails, etc., wood shall be redwood, cedar, ipe wood or similarly colored composite material (e.g. Trex), or other products approved by the CAC. These shall be left to weather naturally, finished with a clear penetrating sealer or, if approved by the individual Project Association, one of the following: PreservaWood in Pacific Redwood; Behr Deck Semi-Transparent Stain colors in California Rustic #DP-351, Cedar Naturaltone #DP-533, Redwood Naturaltone #DP-534, or Cape Cod Gray #DP-365.

## **SECTION 3. PLANT GUIDELINES**

### **GENERAL:**

**Minimum Area of Plant Material:** Plant material (also referred to as 'softscape') shall consist of living plants, including ground covers, shrubs and trees of any species approved by the Community and Project Architectural Committees and not prohibited below. No less than 60%, of the front yard area, excluding driveways, shall be landscaped with plant material. No less than 20% of the rear yard shall be landscaped with plant material. Project Associations may require larger areas of front and rear yards to be landscaped with plant material.

**Rock Gardens:** Are discouraged in front yards, 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, brown, buff or earth-tone mixtures of rocks are permitted. White (i.e. white quartz), black or red (i.e. lava-type) rocks, are prohibited. Mixtures of high contrasting, colored rocks (e.g.: "salt and pepper") are not permitted.

**Mulch:** Mulch is defined as a natural, organic material spread around the base of plants to reduce water evaporation and serve as a barrier to weed growth. Bark, shredded wood, and chipped wood are examples of approved materials; other natural materials will be considered on a case by case basis. Materials such as recycled rubber, decomposed granite, gravel, glass, rocks, etc. will be considered on a case by case basis for use in landscaping, but will be considered as hardscape, not mulch.

**Owner's Responsibility:** It is the owner's responsibility to research plant choices carefully before submitting plans to the CAC. If property owners do not perform their own landscape design and installation work, their landscape consultant and contractor must comply with these Rules, Standards and Guidelines and all other applicable requirements of the Project Association, the Community of Harbor Bay Isle, and the City of Alameda. The property owner is ultimately responsible for compliance with these requirements.

CAC approval of the plant materials proposed by property owners does not constitute or imply an endorsement of their use by the Community. Property owners take full responsibility for the performance and consequences of any plant material installed on their property.

**Information Resources:** Information regarding drought-tolerant landscape materials and irrigation systems is available from the Community's Architectural Standards Manager. Other excellent resources are the East Bay Municipal Water District's book *Water-Conserving Plants and Landscape for the Bay Area*, the *Sunset Western Garden Book*, and *Bayfriendly.org*. Information about poisonous plants may be obtained from the Department of Public Health, from the U.C. Agricultural Extension, and from the American Medical Association. A report by Barrie D. Coate and Associates, Horticulturist, that discusses the details of plant materials in Harbor Bay Isle, including specific site and maintenance requirements and measures that can mitigate potential problems, may be reviewed at the Community offices during regular office hours.

### **HARBOR BAY ISLE'S UNIQUE CONDITIONS:**

**Weather:** Harbor Bay Isle is a unique site in the Bay Area from the standpoint of its climate and total ecological system. The climate is dominated by the ocean about 98% of the time. →

The climate features cool, wet winters, cool summers and frequent wind and fog. The high fog imposes a cooling and humidifying blanket between the sun and the earth, reducing the intensity of light and sunshine.

The result is a climate that favors more shade-loving plant material and at the same time discourages many heat-loving plants. Unless local architectural features offer shelter from prevailing winds, the shoreline itself and the areas immediately adjacent to it, are too gusty and subject to salt spray for anything except the most tolerant plants. Leeward of the shoreline, localized areas protected from the wind and salt spray form micro-climate areas that can support a broader range of species given correct cultivation.

**Soil:** Along with its climate, Harbor Bay Isle is also unique in its soil makeup. Harbor Bay Isle was created by sand fill over underlying bay mud. Unlike inland soils, sand does not retain moisture or readily hold nutrients. The result is the necessity to use either special cultivation for ornamental plants or horticultural-adaptable plant material. Special cultivation includes specialized irrigation, soil amendments and fertilizers, as well as proper orientation to insure healthy plant growth. (**Note:** One local source of information about a top soil product blended especially for Harbor Bay Isle soil conditions is available from American Soil and Stone, Inc., 2121 San Joaquin Street, Richmond, CA 94804. Tel: 510-292-3000.)

**Trees:** Trees are our most precious resource and they should not unconcernedly be removed. Some trees known to create root problems may be tamed by professional root pruning and the installation of root barriers. Proper professional pruning of its branches can turn your tree into a good neighbor. Malicious (radical/severe) pruning may result in required tree replacement at the property owner's expense.

**Trees shall not be planted closer than 3 (three) feet from fences/walls. Appropriate types of root guards are recommended in some circumstances for species of trees with aggressive roots.**

Trees must be removed if a tree is dead, diseased, or materially damaged (by weather or man-made damage and the tree is in danger of falling) and pose an imminent risk to the public or adjacent property. All trees, whether they or not they pose an imminent danger shall be removed according to these rules and regulations.

**Property owners shall not remove trees without first submitting an application and receiving approval from the CAC.**

An application for tree removal must include a clear description of the damage or disease, pictures of the tree, and if the damage is not obvious to a lay person, the application shall include a certified arborist's report evaluating the tree and recommending its removal.

If a tree removal is approved, a replacement tree is required and must meet minimum size requirements of 15 (fifteen) gallon, 24 (twenty four) inch box or, or minimum caliper size of 50% of the existing tree, as determined by the CAC. Specie(s) of tree(s) must be approved by the CAC. Trees shall be maintained in a healthy condition. If a diseased tree does not respond to treatment or if it dies, the property owner should promptly apply to the CAC for approval to remove/replace the tree.

Trees with the potential to exceed 40 feet in height at maturity are discouraged on lots too small to accommodate them. Approval of such tall trees, and trees with excessive spreading habits, will be considered on a case-by-case basis with regard to the appropriateness of their proposed setting and to prevent intrusion into neighboring property. Most fruit bearing trees, except dwarf citrus, are not permitted in front yards. However, fruit-bearing trees are permitted in backyards.

## **Removing Tree Stump and Roots:**

- **Private Property:** If an application for removal of a tree in a front yard or an unfenced side yard is approved, the stump of the tree shall be removed (ground out at a minimum depth of 8 (eight) inches) and the area restored. Property owners are strongly advised to remove tree stumps and roots, if possible, from rear yards and fenced side yards and restore the area. On a case-by-case basis, for aesthetic reasons, the removal of a tree stump, and roots if possible, may be required as a condition of tree removal approval.
- **Association Common Areas:** If an application for removal of a tree in a Project Association's common area is approved, the tree stump, and roots if possible, shall be removed and the area appropriately restored.

## **HARBOR BAY ISLE'S ORIGINAL LANDSCAPE DESIGN INTENT:**

In the mid-1970s, when Doric Development conceived the master development plan for the Community of Harbor Bay Isle, a number of design decisions were made which are vital to the aesthetic appeal and property values in our unique surroundings.

The overall landscape design concept was determined to be an urban forest. Sketches, blueprints and plant lists were drawn which represented the landscape architect's ideal vision of pedestrian and bike trails looping around a centralized lagoon system and houses built of natural wood or stucco, which harmonized with the natural environment. At the same time, each Project Association was allowed certain unique differences in individual design, which enabled them to have a separate & distinct appearance, yet blend with the overall look of the community.

Because of the urban forest concept, and a water conservation strategy, which Doric Development and the City of Alameda envisioned, trees became the major focus to which other plant materials would become secondary.

Pines, Alders, Sycamores and Poplars comprised a core group of trees that would grow to majestic heights in a relatively short period of time. Trees were planted in a natural, somewhat irregular arrangement consisting of coniferous, deciduous, evergreen and accent species. Similar species of trees were planted together with accent trees intermixed in the groves. The trees in some groves were intended to eventually touch at the canopy and in places, span across streets.

As the original design intent was for trees to dominate the landscape, it was planned that some tree groves forming dense canopies would eventually shade out some lawn. The removal of weak lawn areas was incorporated into the ongoing maintenance program with an expected savings of water and labor no longer needed for the lawns. At the same time, as trees matured, it was expected that certain trees would be carefully designated and removed. Presently, the ratio of ground level planting of a variety of shrubs and flowering plants adds color and rich texture to the overall community.

Specific horticultural guidelines for maintenance were drawn up for the Community and it was determined that wherever possible, trees and plants would be trained to grow into their natural shape in keeping with the plant's specific natural habits rather than boxed or balled into more formal shapes. Ongoing maintenance of the Community's landscaping should always consider this original intent. →

Much time and consideration of potential suitability to Harbor Bay Isle’s climate was given to the selection of the predominant species of trees and plants. Due to the proximity of the shoreline, which generates considerable winds, the shoreline itself and the areas immediately adjacent are subject to salt spray and are too windy for anything but the most tolerant coastal plants.

**PLANTING FOR THE FUTURE**

Our land is forever in a state of inadequate precipitation for local needs. Water must be imported from considerable distance to serve our needs. Water is a limited and fragile natural resource, and that’s why living in California (and Harbor Bay) means we must conserve water and use plants that don’t require lots of water. Appropriate plant selection keeps the landscape more in tune with the natural environment.

The best practice when deciding which plants to use in your landscape is to attempt to conserve water and protect the environment. We all need to be respectful of our climate conditions and rely on plants that live comfortably in our locale and soil conditions. Plants selected should be either native to our area or from similar climates.

**PLANT MATERIALS – ENCOURAGED, DISCOURAGED AND PROHIBITED:**

The species of plant materials in the various categories listed below are identified as ‘encouraged’, ‘discouraged’, or ‘prohibited’, based on the recommendations of various consultants. Plants that are not listed should be researched with care by the homeowner as to their appropriateness. Additional information on the proposed plant material may be required as part of the application process.



**THE FOLLOWING PLANTS ARE ENCOURAGED, PROVIDED ALL SPECIFIC SITE AND MAINTENANCE REQUIREMENTS ARE MET.**

These plants have a proven track record of success in our unique climate. They thrive in the unique area of Harbor Bay and add to the established landscape intent. The first section is a new addition of drought tolerant plants – mostly from the *Alameda County Outstanding Plant List*. Throughout the list, plants marked with an asterisk (\*) are also drought tolerant or from the drought tolerant list.

**ENCOURAGED DROUGHT TOLERANT PLANTS FOR HARBOR BAY ISLE:**

**Common Name**

- \*Aeonium
- \*Agave
- \*Aloe
- \*Alstroemeria
- \*Beard tongue
- \*Berkeley Sedge
- \*Bougainvillea
- \*Buckthorn
- \*Buckwheat
- \*California Fescue
- \*California Fuchsia
- \*California Holly

**Botanical Name**

- Aeonium spp.*
- Agave americana*
- Aloe Spp.*
- Alstroemeria spp.*
- Penstemon spp.*
- Carex tumulicola (also Carex divulsa)*
- Bougainvillea spp.*
- Rhamnus*
- Eriogonum spp.*
- Festuca californica*
- Epilobium spp. (formerly Zauschneria spp.)*
- (see Toyon)

## ENCOURAGED DROUGHT TOLERANT PLANTS FOR HARBOR BAY ISLE (con't):

### Common Name

\*California Holly Grape  
\*Cape Fuchsia  
\*Christmas Berry  
\*Coast Rosemary  
\*Coffeeberry  
\*Coral Bells  
\*Coreopsis  
\*Coyote Mint  
\*Creeping Mahonia  
\*Crepe Myrtle  
\*Euphorbia  
\*Fescue  
\*Flannel Bush  
\*Foothill Sedge  
\*Golden Current  
\*Gooseberry  
\*Grama Grass  
\*Grevillea  
\*Heavenly Bamboo  
\*Hopseed  
\*Hummingbird Sage  
\*Jade Plant  
\*Lavender  
\*Manzanita  
\*Matilija Poppy  
\*Mexican Hat  
\*Mexican Sage  
\*Mountain Flax  
\*Naked Lady  
\*New Zealand Flax  
\*Oregon Grape  
\*Pineapple Sage  
\*Pink Winter Currant  
\*Red Flowering Currant  
\*Rosemary  
\*Scarlet Monkey Flower  
\*Sedge  
\*Sticky (or Shrubby) Monkey Flower  
\*Thyme  
\*Toyon  
\*Tree Mallow  
\*Western Redbud  
\*Wild Lilac  
\*Yarrow  
\*Yerba Buena

### Botanical Name

*Mahonia pinnata*  
*Phygelius capensis*  
(see Toyon)  
*Westringia fruticosa*  
*Rhamnus californica*  
*Heuchera spp.*  
*Coreopsis grandiflora*  
*Monardella villosa*  
*Mahonia repens*  
*Lagerstroemia indica*  
*Euphorbia chariacias*  
*Festuca idahoensis*  
*Fremontodendron spp.*  
(see Berkeley Sedge)  
*Ribes aureum*  
(see Red Flowering Currant)  
*Bouteloua gracilis*  
*Grevillea spp.*  
*Nandina domestica*  
*Dodonaea viscosa*  
*Salvia spathacea*  
*Crassula ovata*  
*Lavandula spp.*  
*Arctostaphylos spp.*  
*Romneya coulteri*  
*Ratibida columnifera*  
*Salvia leucantha*  
*Phormium cookianum*  
*Amaryllis belladonna*  
*Phormium tenax*  
*Mahonia aquifolium*  
*Salvia elegans*  
(see Red Flowering Currant)  
*Ribes sanguineum*  
*Rosemarinus officinalis*  
*Mimulus cardinalis*  
*Carex spp.*  
*Mimulus aurantiacus*  
*Thymus spp.*  
*Heteromeles arbutifolia*  
*Lavatera spp.*  
*Cercis occidentalis*  
*Ceanothus spp.*  
*Achillea spp.*  
*Satureja douglasii*



## **ENCOURAGED GROUND COVERS & VINES:**

**(All vines (v) must be pruned annually)**

### **Common Name**

Beach Strawberry  
Bear Grass  
Bear's Foot Hellebore  
Bergenia (also Winter Saxifrage)  
\*Bougainvillea (v)  
Bush Germander  
California Dutchman's Pipe (v)  
\*California Fuchsia  
Cat's Claw (v)  
Catalina Perfume (also Evergreen Currant)  
Clematis (v)  
Coast Purple Sage  
\*Coral Bells  
Corsican Hellebore  
Creeping Snowberry  
Evergreen Currant  
Freeway Daisy  
Germander  
Guinea Gold Vine (v)  
Hardy Ice Plant  
Jerusalem Sage  
Kangaroo Treebine (v)  
Lenten Rose  
Lilac Vine (v)  
\*Manzanita  
Orange Clock Vine (v)  
Pachysandra  
'Powis Castle' Artemisia  
Serbian Bellflower  
Showy Dewflower  
St. Catherine's Lace  
Star Jasmine (v)  
Taiwan Raspberry  
Trumpet Vine (v)  
Virginia creeper (v)  
Wall Germander  
Wild Ginger  
Wild Grape (v)  
\*Wild Lilac  
Winter Saxifrage  
\*Yerba Buena

### **Botanical Name**

*Fragaria californica* or *Fragaria chiloensis*  
*Nolina parryi*, *Nolina bigelovii*  
*Helleborus foetidus*  
*Bergenia cordifolia*  
*Bougainvillea* spp.  
*Teucrium fruticans*  
*Aristolochia californica*  
*Epilobium* spp. (formerly *Zauschneria* spp.)  
*Macfadyena unguis-cati*  
*Ribes viburnifolium*  
*Clematis* spp.  
*Salvia leucophylla*  
*Heuchera maxima* and hybrids  
*Helleborus argutifolius*  
*Symphoricarpos mollis*  
*Ribes viburnifolium*  
*Osteospermum fruticosum*  
*Teucrium chamaedrys*  
*Hibbertia scandens*  
*Delosperma cooperi*  
*Phlomis fruticosa*  
*Cissus antarctica*  
*Helleborus orientalis*  
*Hardenbergia* spp.  
*Arctostaphylos* spp.  
*Thunbergia gregorii*  
*Pachysandra terminalis*  
*Artemisia* spp.  
*Campanula poscharskyana*  
*Drosanthemum floribundum*  
*Eriogonum giganteum*  
*Trachelospermum jasminoides*  
*Rubus pentalobus*  
*Campsis radicans*  
*Parthenocissus quinquefolia*  
*Teucrium x lucidrys*  
*Asarum caudatum*  
*Vitis californica*  
*Ceanothus* spp.  
*Bergenia cordifolia*  
*Satureja douglasii*

## **ENCOURAGED ORNAMENTAL GRASSES:**

Blue Oat Grass  
\*California Fescue  
Cape Thatching Reed  
Deer Grass  
\*Fescue (v. Idahoensis)  
Giant Wild Rye

*Helictotrichon sempervirens*  
*Festuca californica*  
*Chondropetalum tectorum*  
*Muhlenbergia rigens*  
*Festuca idahoensis*  
*Leymus condensatus*



## **ENCOURAGED ORNAMENTAL GRASSES (con't):**

### **Common Name**

\*Grama Grass  
\*Lavender  
Lindheimer's Muhly Grass  
New Zealand Flax  
Reedgrass  
San Diego Sedge

### **Botanical Name**

*Bouteloua gracilis*  
*Lavandula* spp.  
*Muhlenbergia lindheimeri*  
*Phormium tenax*  
*Calamagrostis foliosa*  
*Carex spissa*

## **ENCOURAGED SHRUBS:**

\*Aeonium  
\*Agave  
\*Aloe  
\*Alstroemeria  
Barberry  
\*Beard tongue  
Brazilian Flame Bush  
\*Buckthorn  
Bush Anemone  
Bush Marigold  
Bush Poppy  
Calamondin Orange  
Camellia  
\*Cape Fuchsia  
\*Century Plant  
Chrysanthemum  
Cleveland Sage  
Cliff-maids  
\*Coast Rosemary  
\*Coffeeberry  
\*Coreopsis  
\*Coyote Mint  
Cream Bush  
Creek Dogwood  
\*Creeping Mahonia  
\*Crepe Myrtle  
Currant (*also* Gooseberry)  
Desert Willow  
Dwarf Coyote Bush  
\*Euphorbia  
\*Flannel Bush  
Flowering Maple  
Flowering Quince  
Forsythia  
Giant Chain Fern  
Glossy Abelia  
\*Golden Currant  
\*Gooseberry (*also* Currant)  
\*Grevillea  
\*Heavenly Bamboo

*Aeonium* spp.  
*Agave americana*  
*Aloe* Spp.  
*Alstroemeria* spp.  
*Berberis* spp.  
*Penstemon* spp.  
*Calliandra tweedii*  
*Rhamnus*  
*Carpenteria californica*  
*Tagetes lemmonii*  
*Dendromecon rigida*  
*Citrus mitis* or *x Citrofortunella microcarpa*  
*Camellia* spp.  
*Phygelius capensis*  
(*see* Agave)  
*Chrysanthemum* spp.  
*Salvia clevelandii*  
*Lewisia cotyledon*  
*Westringia fruticosa*  
*Rhamnus californica*  
*Coreopsis grandiflora*  
*Monardella villosa*  
*Holodiscus discolor*  
*Cornus wericea*  
*Mahonia repens*  
*Lagerstroemia* spp.  
*Ribes* spp.  
*Chilopsis linearis*  
*Baccharis pilularis*  
*Euphorbia chariacias*  
*Fremontodendron* spp.  
*Abutilon* spp.  
*Chaenomeles* spp.  
*Forsythia x intermedia*  
*Woodwardia fimbriata*  
*Abelia x grandiflora*  
*Ribes aureum*  
*Ribes* spp.  
*Grevillea* spp.  
*Nandina domestica*



## ENCOURAGED SHRUBS (con't):

### Common Name

Huckleberry  
Hydrangea  
Island Bush Poppy  
\*Jade Plant  
Japanese Kerria  
Jerusalem Sage  
Lady Bank's Rose  
Lantana  
Leather Oak  
\*Lupine  
\*Manzanita  
\*Matilija Poppy  
\*Mexican Hat  
\*Mojave Yucca  
\*Mountain Flax  
Mountain Mahogany  
\*Naked Lady  
\*Oregon grape  
Pacific Wax Myrtle  
Pineapple Guava  
Red Twig Dogwood  
Redberry  
\*Salvia  
San Diego Sedge  
Sandankwa Viburnum  
\*Santa Cruz Island Buckwheat  
Sandhill Sage  
\*Scarlet Monkey Flower  
\*Sedge  
Showy Island Snapdragon  
Shrub Hypericum  
Snowberry (also Snowdrop Bush)  
Spice Bush  
\*Sticky (also Shrubby) Monkey Flower  
Strawberry Tree  
Summer Holly  
Sweet Box  
Sword Fern  
\*Thyme  
\*Toyon  
\*Tree Mallow  
Vine Maple  
Western Azalea  
\*Wild Lilac  
Wild Rose  
Winter Jasmine  
\*Yarrow  
Yesterday, Today & Tomorrow  
Yew Pine

### Botanical Name

*Vaccinium ovatum*  
*Hydrangea* spp.  
*Dendromecon harfordii*  
*Crassula ovata*  
*Kerria japonica*  
*Phlomis fruticosa*  
*Rosa banksiae*  
*Lantana camara*  
*Quercus duatra*  
*Lupinus arboreus*  
*Arctostaphylos* spp.  
*Romneya coulteri*  
*Ratibida columnifera*  
*Yucca schidigera*  
*Phormium* spp.  
*Cercocarpus* spp.  
*Amaryllis belladonna*  
*Mahonia aquifolium*  
*Myrica californica*  
*Feijoa sellowiana*  
*Cornus stolonifera*  
*Rhamnus crocea*  
*Salvia* spp.  
*Carex spissa*  
*Viburnum suspensum*  
*Eriogonum arborescens*  
*Artemisia pycnocephala*  
*Mimulus cardinalis*  
*Carex* spp.  
*Galvezia speciosa*  
*Hypericum 'Rowallane'*  
*Symphoricarpos* spp.  
*Calycanthus occidentalis*  
*Mimulus aurantiacus*  
*Arbutus unedo*  
*Comarostaphylis diversifolia*  
*Sarcococca* spp.  
*Polystichum munitum*  
*Thymus*  
*Heteromeles arbutifolia*  
*Lavatera* spp.  
*Acer circinatum*  
*Rhododendron occidentale*  
*Ceanothus* spp.  
*Rosa* spp.  
*Jasminum nudiflorum*  
*Achillea* spp.  
*Brunfelsia pauciflora*  
*Podocarpus macrophyllus*



## ENCOURAGED TREES:

### Common Name

Afganistani Pine  
Australian Tea Tree  
Australian Willow  
Bald Cypress  
Brazilian Flame Bush  
Brisbane Box  
Bronze Loquat  
Burr Oak  
Canary Island Pine  
Chinese Fringe Tree  
Chinese Pistache  
Coast Redwood  
Cornelian-Cherry Dogwood  
Dawn Redwood  
Fruitless Olive  
Gold Medallion Tree  
Holly Oak  
\*Hybrid Crepe Myrtle  
Incense Cedar  
Italian Stone Pine  
Jacaranda  
Japanese Black Pine  
Japanese Blueberry Tree  
Japanese Maple  
Japanese Snowdrop Tree  
Jelly Palm (also Pindo Palm)  
King Palm  
Mountain Mahogany  
New Zealand Christmas Tree  
New Zealand Tea Tree  
Nichol's Willow-Leafed Peppermint  
Peppermint Willow  
Pink Melaleuca  
Pittosporum  
Primrose Tree  
Princess Flower  
Purple Plum  
Saucer Magnolia  
Shore Pine  
Showy Island Snapdragon  
Southern Live Oak  
Star Magnolia  
Sweet Michelia  
Tupelo  
Water Gum  
Western Redbud  
Windmill Palm

### Botanical Name

*Pinus eldrica*  
*Leptospermum laevigatum*  
*Geijera parvifolia*  
*Taxodium distichum*  
*Calliandra tweedii*  
*Tristania conferta*  
*Eriobotrya deflexa*  
*Quercus macrocarpa*  
*Pinus canariensis*  
*Chionanthus retusus*  
*Pistacia chinensis*  
*Sequoia sempervirens*  
*Cornus mas*  
*Metasequoia glyptostroboides*  
*Olea europea 'Swan Hill'*  
*Cassia leptophylla*  
*Quercus ilex*  
*Lagerstromeia hybrids*  
*Calocedrus decurrens*  
*Pinus pinea*  
*Jacaranda mimosifolia*  
*Pinus thunbergiana*  
*Elaeocarpus decipiens*  
*Acer palmatum (Specific Variety Required on Application)*  
*Styrax japonicus*  
*Butia capitata*  
*Archontophoenix cunninghamiana*  
*Cercocarpus betuloides*  
*Metrosideros excelsus*  
*Leptospermum scoparium*  
*Eucalyptus nicholii*  
*Agonis flexuosa*  
*Melaleuca nesophila*  
*Pittosporum spp.*  
*Lagunaria patersonii*  
*Tibouchina urvilleana*  
*Prunus cerasifera*  
*Magnolia soulangiana*  
*Pinus contorta*  
*Galvezia speciosa*  
*Quercus virginiana*  
*Magnolia stellata*  
*Michelia doltsopa*  
*Nyssa sylvatica*  
*Tristaniopsis laurina*  
*Cercis occidentalis*  
*Trachycarpus fortunei*



\*Denotes Drought Tolerant Plant



**THE FOLLOWING PLANTS ARE DISCOURAGED:** These plants can do well in our unique climate, but there may be additional negative concerns that contradict their success or usefulness. These concerns may include: susceptibility to disease, adverse branch or root growth characteristics, the potential to excessively attract insects or pests, and excessive care/upkeep requirements. The purpose of discouraging these plant materials is to avoid maintenance problems that they are known to cause. A plant that is discouraged may be utilized in the landscape plan, but the property owner should be aware that additional care may be required, and they will be ultimately responsible for any problems caused by the plant.

### **DISCOURAGED GROUND COVERS & VINES:**

#### **Common Name**

Black Wallow-Wort  
Cape Ivy  
Climbing Euonymus  
Fiveleaf Akebia  
Honeysuckle  
Horsenettle  
Japanese Honeysuckle  
Kudzu  
Mile-a-minute  
Oriental Bittersweet  
Porcelain Berry  
St. John's Wort  
Fruit-bearing Vines  
Any cane producing Vine

#### **Botanical Name**

*Cynanchum rossicum*  
*Delairea odorata*  
*Euonymus fortunei*  
*Akebia quinata*  
*Lonicera spp.*  
*Solanum spp.*  
*Lonicera japonica*  
*Pueraria mmontana lobata*  
*Polygonum perfoliatum*  
*Celastrus orbiculatus*  
*Ampelopsis brevipedunculata*  
*Hypericum spp.*

### **DISCOURAGED ORNAMENTAL GRASSES:**

Cheat Grass  
Cord Grass  
Giant Reed  
Green Fountain Grass  
Imperial Blood Grass  
Kikuyu Grass  
Natal Grass  
Purple Loosestrife

*Bromus spp.*  
*Spartina spp.*  
*Arundo donax*  
*Pennisetum setaceum*  
*Imperata cylindrica*  
*Pennisetum clandestinum*  
*Rynchelytrum repens*  
*Lythrum virgatum*

### **DISCOURAGED SHRUBS:**

Acacia  
Brush Cherry  
Firethorn  
Hebe  
Honeysuckle  
Japanese Spiraea  
Marlberry  
Multiflora Rose  
Oleander  
Rhododendron  
Taro  
Water Hyacinth

*Acacia spp.*  
*Eugenia spp.*  
*Pyracantha spp.*  
*Hebe spp.*  
*Lonicera spp.*  
*Spiraea japonica*  
*Ardisia spp.*  
*Rosa multiflora*  
*Nerium oleander*  
*Rhododendron spp.*  
*Colocasia esculenta*  
*Eichhornia crassipes*

## **DISCOURAGED TREES:**

### **Common Name**

Aleppo Pine  
Beech  
Birch  
Fremont Cottonwood  
Honey Locust  
Leyland Cypress  
Locust  
London Plane  
Mexican Fan Palm  
Modesto Ash  
Monterey Pine  
Ornamental Pear  
Sweet Gum  
Sycamore  
White Alder  
Any fruit-bearing trees

### **Botanical Name**

*Pinus halepensis*  
*Fagus spp.*  
*Betula spp.*  
*Populus fremontii*  
*Gleditsia triacanthos*  
*Cupressocyparis leylandii*  
*Robinia spp.*  
*Platanus x acerifolia*  
*Washingtonia robusta*  
*Fraxinus velutina glabra*  
*Pinus radiata*  
*Pyrus spp.*  
*Liquidamber stryaciflua*  
*Platanus spp.*  
*Alnus rhombifolia*





**THE FOLLOWING ARE PROHIBITED:** These plants have proven to be detrimental to the landscape intent and to surrounding properties; they are not allowed to be planted in the Community of Harbor Bay Isle.

**PROHIBITED GROUND COVERS & VINES:**

**Common Name**

Algerian Ivy  
English Ivy  
Ice Plant  
  
Licorice Plant  
Periwinkle  
Yellow Star Thistle

**Botanical Name**

*Hedera canariensis*  
*Hedera helix*  
*Aptenia, Carpobrotus, Cephalophyllum*  
*Delosperma, Drosanthemum, Dorotheanthus*  
*Lampranthus, & Malephora*  
*Helichrysum petiolare*  
*Vinca major*  
*Centaurea solstitialis*

**PROHIBITED GRASSES:**

Bamboo  
  
Blue Lyme Grass  
Fescue  
Pampas Grass

*Bambusa, Chimonobambusa, Chusquea, Fagesia,*  
*Drepanostachyum, Indocalamus, Sasa, Otatea,*  
*Phyllostachys, Pleioblastus, Pseudosasa,*  
*Semiarundinaria, & Shibataea*  
*Elymus arenarius*  
*Festuca amethesnina, F. cineria, F. glauca*  
*Cortaderia selloana, Cortaderia jubata*

**PROHIBITED SHRUBS:**

Bridal Broom  
Cotoneaster  
French Broom  
Horsetail  
Portuguese Broom  
Scotch Broom  
Spanish Broom

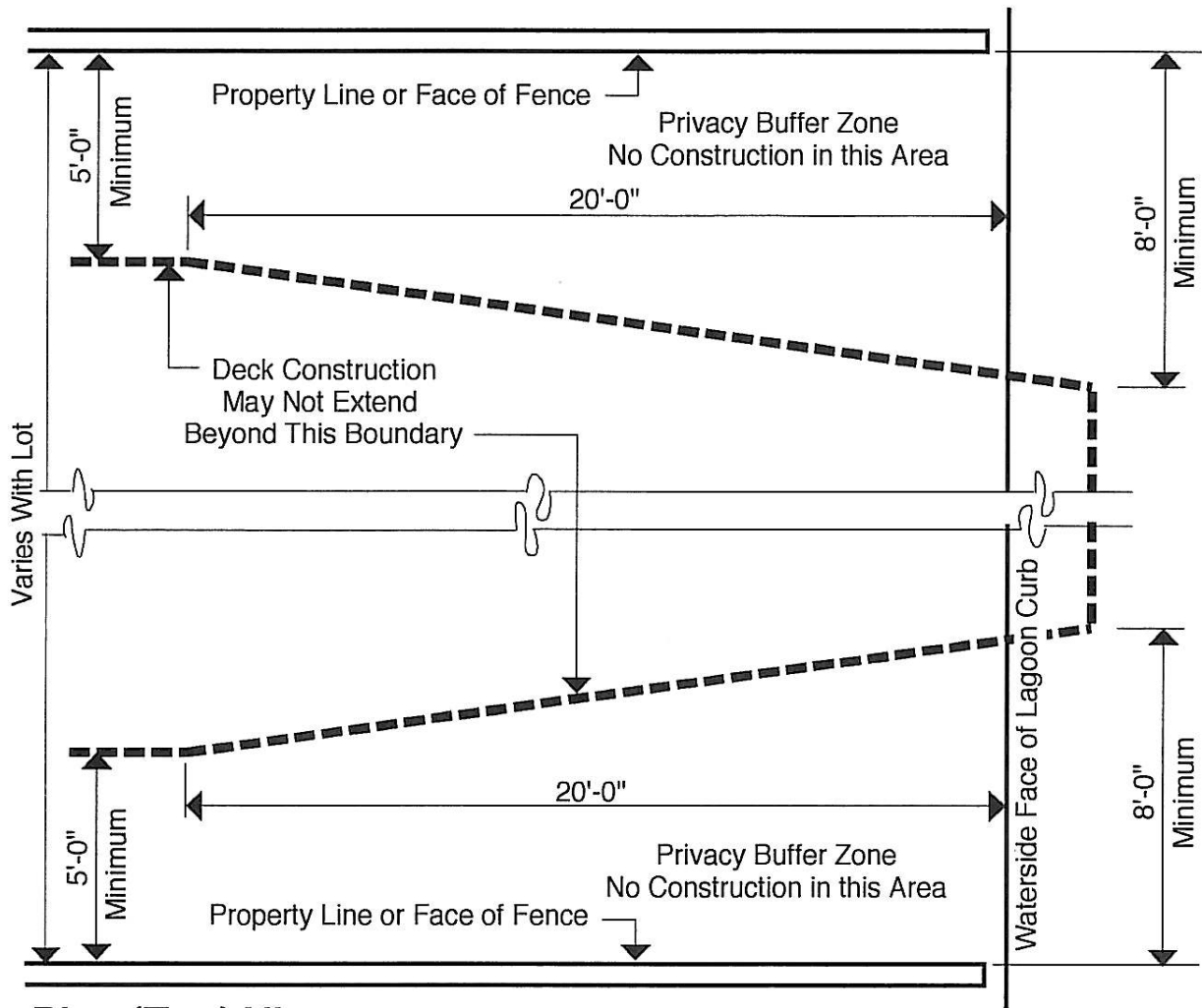
*Retama monosperma*  
*Cotoneaster spp.*  
*Genista monspessulana*  
*Equisetum spp.*  
*Cytisus striatus*  
*Cytisus scoparius*  
*Spartium junceum*

**PROHIBITED TREES:**

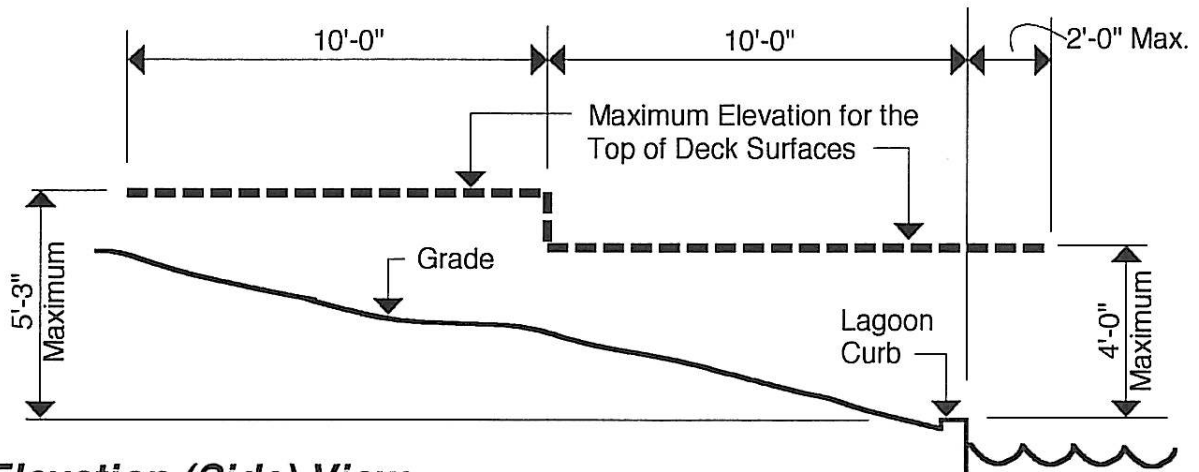
Blue Gum  
California Pepper Tree  
Chinese Elm  
Horsetail  
Myoporum  
Poplar  
Russian Olive  
Salt Cedar  
Scarlet Wisteria  
Single Seed Hawthorn  
Tree of Heaven

*Eucalyptus globulus*  
*Schinus molle*  
*Ulmus parvifolia*  
*Casuarina equisetifolia*  
*Myoporum laetum*  
*Populus spp.*  
*Eleagnus angustifolia*  
*Tamarix species*  
*Sesbania punicea*  
*Crataegus monogyna*  
*Ailanthus altissima*

**EXHIBIT "A"**  
**MAXIMUM BUILDING ENVELOPE FOR LAGOON DECKS**



**Plan (Top) View**



**Elevation (Side) View**

## **EXHIBIT "B" - LAGOON SYSTEM AND WATER QUALITY MAINTENANCE; LAGOON DOCK RULES; BOAT STORAGE ON DOCKS AND BOAT USE IN THE LAGOONS**

### **THE LAGOONS - TRANQUILITY IN AN URBAN SETTING:**

The intertwining lagoon system is one of the most sensational features of this unique community. It not only affords residents a lovely and serene setting for bike paths and walking trails, but serves as a comfortable and relatively safe area for the large duck population that has been an integral park of Harbor Bay Isle since the beginning.

Reclaiming the fill lands and construction and operation of the lagoons was accomplished by creation of the Bay Farm Island Reclamation District #2105. The District issued bonds to pay for the work. Liens were placed against each of the Community of Harbor Bay Isle properties as security for the bonds. Property owners made payments on these bonds each year until November 1991, and the City of Alameda assumed responsibility for storm drain and gate control operations in 1993. The Community of Harbor Bay Isle remains responsible for the water quality in the lagoons.

### **THE UPS AND DOWNS OF THE LAGOON SYSTEM:**

The lagoon system winds around three miles of picturesque landscape and pedestrian/bike paths. It is actually an ingeniously contrived storm drain with regulated gates so that the water level remains about the same regardless of the tide level in the outer bay. The lagoons may overflow their banks at times during heavy rain periods, high tides or high winds. They deliberately are lowered at other times to permit cleaning or construction.

The system is designed to cycle fresh bay water at a rate of 9 million gallons per day. At low tide, the north sluice gate of the lagoon, near Packet Landing, is programmed to open, release 4-1/2 million gallons of water, and close. This lowers the lagoon level approximately four inches. At high tide, the lagoon level rises again as the west sluice gate at the end of Mecartney Rd. opens to let in 4-1/2 million gallons of water, and then closes.

The original sluice gates, made of cast iron weighing nearly six tons, and were installed in 1980. Two of the eight original gates were replaced with stainless steel gates in 1998 and 1999. All gates operate despite salt water, salt air and strong winds. In 1997, the City completed its centralized automated control and monitoring system so that the gates are now operated via radio signal from the City's Maintenance Shop at 1616 Fortmann Wy. Both lagoon gates also are equipped with an automatic alarm system that is monitored by the Alameda Police Department. In the event of a lagoon gate malfunction, the proper staff are notified within five minutes and can manually open or close the gates, if necessary.

The State's flood control engineers required the lagoon be designed with the ability to hold the "100 year flood" water volume. This design requirement also determined the design for all docks installed in the lagoon. For example, the large wood or cement dock piers are not intended solely to hold up the dock, but rather to keep the dock from popping up when flood waters rise above it.

▪ Lagoon System Maintenance: The lagoon system is patrolled regularly by staff to clean out debris that collects in the backwater eddies. Treatment of undesirable algae and water plants is performed in accordance with environmental requirements. The shorelines and beach areas of the lagoon also are cleaned twice a week by Harbor Bay Isle's maintenance staff. Staff also relies on information provided by the Aquatic Plan Research Department of U. C. Davis to better understand the ecosystem of the lagoon.

▪ Protecting Water Quality in the Lagoons: To also preserve the beauty and water quality of the lagoons, and to protect the wild life we all enjoy, the Agreement between the City and Developer also specifies that the dumping (by property owners or their contractors) of trash or other materials, such as paint, oil, lubricants or other petroleum products, insecticides, cleaning solvents, or other potentially toxic materials are strictly prohibited. In addition, excessive use of fertilizers by property owners and their landscape contractors seriously aggravates water quality because these materials end up in the lagoon via soil leaching providing nutrients to unwanted algae and water weeds.

These regulations were imposed by the State's Water Quality Control Board, the City of Alameda and the Community of Harbor Bay Isle to preserve the beauty of our lagoons. They help to maintain water quality, reduce soil erosion, preserve the landscape, and protect the lagoon curbs, water gates and dikes from damage caused by objects washed off of the docks in the event of a high tide. They also protect maintenance staff, the public, and wildlife from electrical and toxic hazards in the water.

▪ Lagoon Dock Installation: Dock installation or repair requires draining the lagoon. The Maintenance Department schedules and publishes three lagoon lowering dates during the year to coordinate water treatment and dock installation and repairs. **Property owners must submit an architectural application and be granted approval for such work.**

### **LAGOON DOCK RULES:**

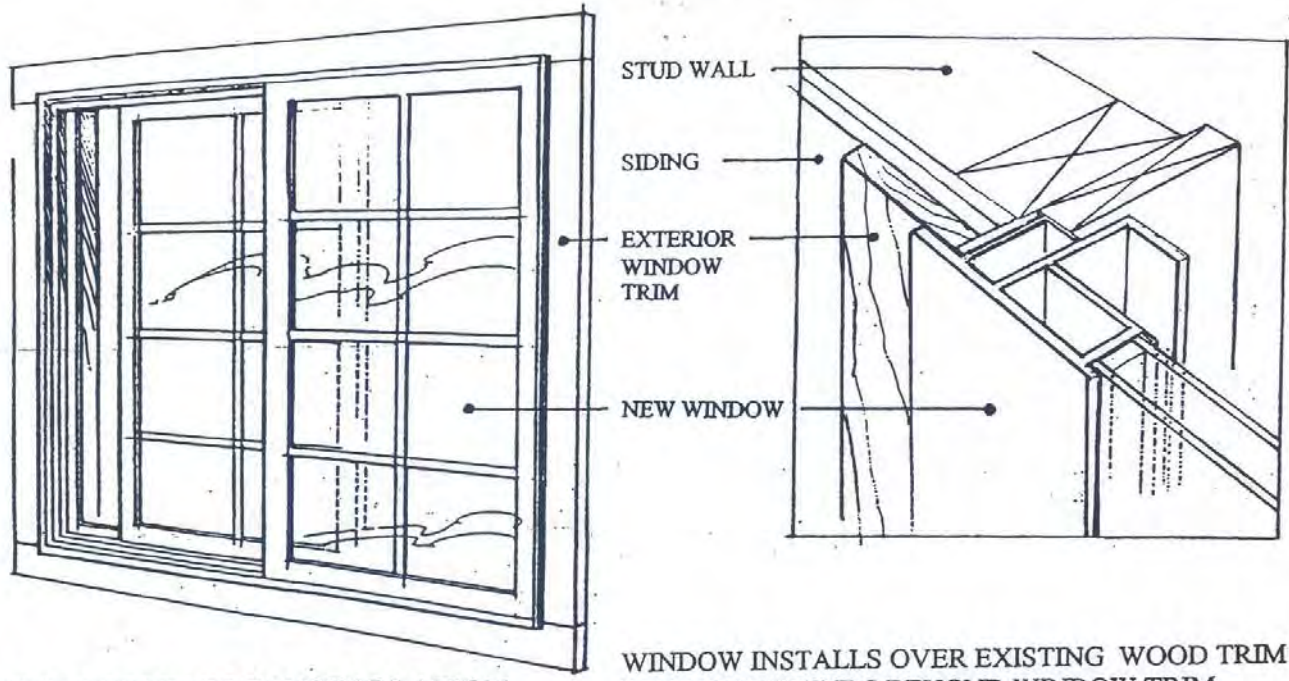
Those of us who live on the lagoons are privileged to enjoy them, but also have a special responsibility to preserve and enhance them. The Community's Architectural Committee reminds all dock owners that the dock easements into the lagoon common area were granted solely for the use of boats and boating.

The Private Dock Agreements between the City of Alameda and the Community of Harbor Bay Isle prohibit the use of docks for any of the following, but not limited to: outdoor furniture, storage lockers, lighting of any type (including candles), electrical wires, engines, flammable goods, hardware, sails, plant materials/planters, chairs, and barbecues. No food or beverage preparation, or pets are permitted on docks. No boat repair or maintenance is permitted on docks. Docks cannot be used as an extension of decks or patios and their use.

### **BOAT STORAGE ON LAGOON DOCKS AND BOATS:**

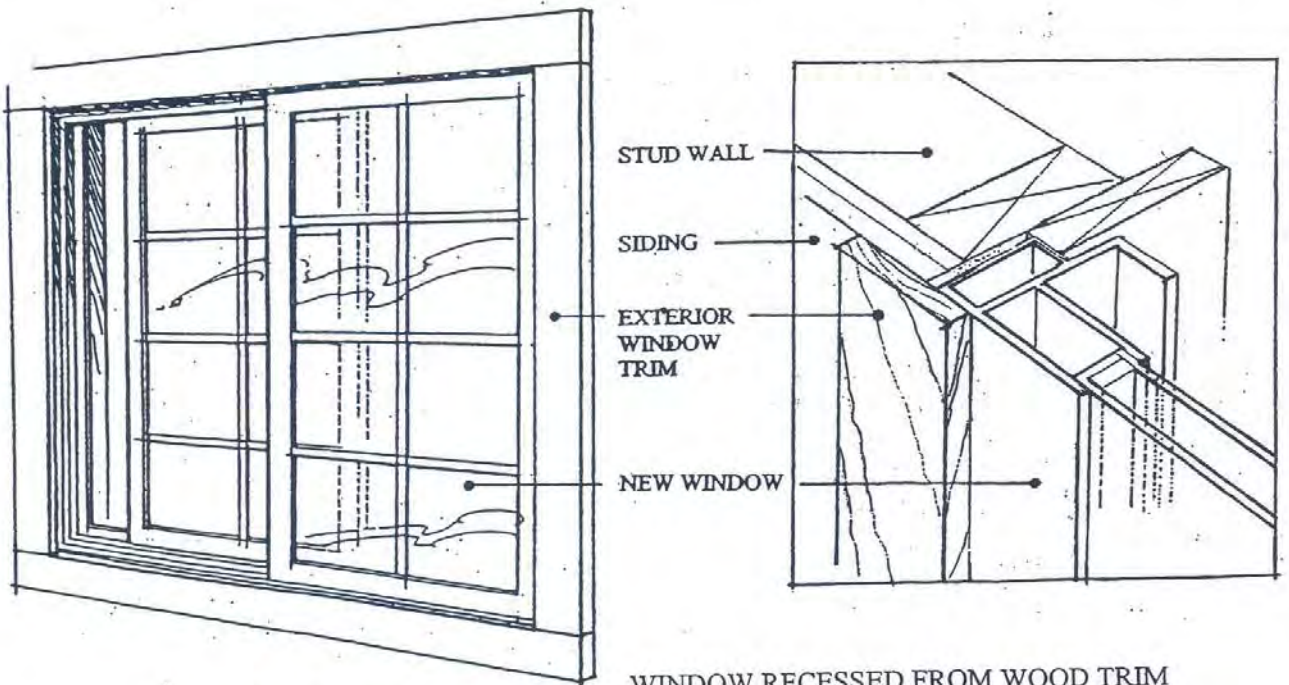
**Summarized Excerpts from the Community CC&Rs - Section 5.5:** No boat, except those powered by natural wind, human or electricity, shall be operated on any waterway or lagoon within the Community (except as required for the Community's maintenance of the lagoons.) No boat shall be unreasonably operated on any waterway or lagoon within the Community at any time in such a manner as to constitute an annoyance or nuisance to other Community members. No more than two boats may be stored at a dock site; such boats shall not extend more than two feet from the end of the dock. Flammable goods, hardware, sails, plant materials, food or beverage preparation, and pet enclosures are also not permitted on docks. No boat repair or maintenance is permitted on docks. Docks cannot be used as an extension of decks or patios and their use.

**EXHIBIT "C"**  
**COMMUNITY WINDOW REPLACEMENT INSTALLATION REQUIREMENTS**



**UNACCEPTABLE INSTALLATION**

WINDOW INSTALLS OVER EXISTING WOOD TRIM  
WINDOW EXTENDS BEYOND WINDOW TRIM



**ACCEPTABLE INSTALLATION**

WINDOW RECESSED FROM WOOD TRIM  
WINDOW FLUSH WITH WOOD TRIM

**PROPER WINDOW REPLACEMENT INSTALLATION DETAILS**