

**REMODELING? REPLACING DRAFTY WINDOWS?  
REMOVING a TREE?  
MAJOR LANDSCAPING PROJECT?  
UPGRADING the IVY-COVERED FENCE in the BACKYARD?**

*Yes?* Your project likely needs prior approval by LHA. To help you get your application through the process quickly and easily, we have created this guide “*Neighborhood Preservation Working Definitions & Explanations*.” If you have questions on your project, please contact LHA’s Administrator at 510-451-7160 or [office@lakeshorehomes.net](mailto:office@lakeshorehomes.net).

Since 1917 our neighborhood has maintained our desired aesthetic quality and architectural integrity, due largely to following our governing documents. In part, they guide homeowners toward using their property in ways that likely enhance the desirability and character of adjacent properties and our neighborhood. The Declaration of Restrictions (CC&Rs) have given life to an organization designed and intended to serve the whole neighborhood in a very positive manner. The CC&Rs (found on our website and given to you when you purchased your home) are legally binding on all homeowners in LHA’s area.

***All of these require prior written approval from LHA.***

Some examples that **need prior LHA approval** are the following. This is not the exhaustive list.

- Any and all windows being replaced or added, regardless of where located on the exterior, or if putting in the same size and style
- Replacing or changing a front door, garage door
- Modifying a structure's openings, e.g., size or location of any window or door
- Changing a roof line; installing solar panels
- Removing a tree
- Adding / remodeling a deck or balcony, addition
- Removing a carport; tearing down a garage
- Modifying a structure's footprint
- Repairing or remodeling an existing illegal structure (one not previously approved by LHA)
- Repairing, changing, moving, installing a fence
- Landscape work that includes any hardscape over 3' high, such as decorative walls, retaining walls, wall/fence hedge-like plantings on top

We work with you so you can achieve your desire and LHA does not have to levy fines on unapproved work. Please refer to your copies of the CC&Rs, this guide, Tree and Change to Property Applications, and the fine policy for more details. See Forms, Fines & Documents on the last page here for how to find copies.

# **NEIGHBORHOOD PRESERVATION COMMITTEE**

## **WORKING DEFINITIONS & EXPLANATIONS**

This document is intended to provide guidance for LHA's members, Neighborhood Preservation Committee, and its Board of Directors, in understanding our governing documents. It is provided to improve understanding of the intent of these governing documents and to help committee members and homeowners with consistency of use and to speed application processing.

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## **WHAT is the NEIGHBORHOOD PRESERVATION COMMITTEE?**

The Neighborhood Preservation Committee advises the Board on matters affecting the quality and character of the neighborhood and enforcement of standards. Neighborhood Preservation (NP) consists of volunteers from the LHA membership and meets monthly on the first Wednesday at 7:30 p.m. in the LHA office (907 Underhills). The intent of NP is to work with homeowners to ensure that the uniqueness and desirability of the neighborhood that attracted all of us to reside here are well maintained for the benefit of all of us.

NP is one of several committees that work with the members of LHA to achieve the goals of the Association, specifically:

“Among the general functions of the Association are: ...to enhance the quality and character of the neighborhood; and to ensure compliance and adherence to the Declaration of Restrictions, created for the benefit of the property, the residents, and the neighborhood as a whole.”

This really means the neighborhood trees (public and private), all structures and lots, and the parks and open spaces. The intent is to keep our houses and other structures in the same style as originally built. Doors, windows, decks, facades, roofs, balconies, garages and other structures should all be in keeping with the original design of the house. Windows with divided lights (small panes inside the bigger window frame) is the most common example and question. For example, all divided light window replacements/additions must have exterior dividers that protrude from the glass surface.

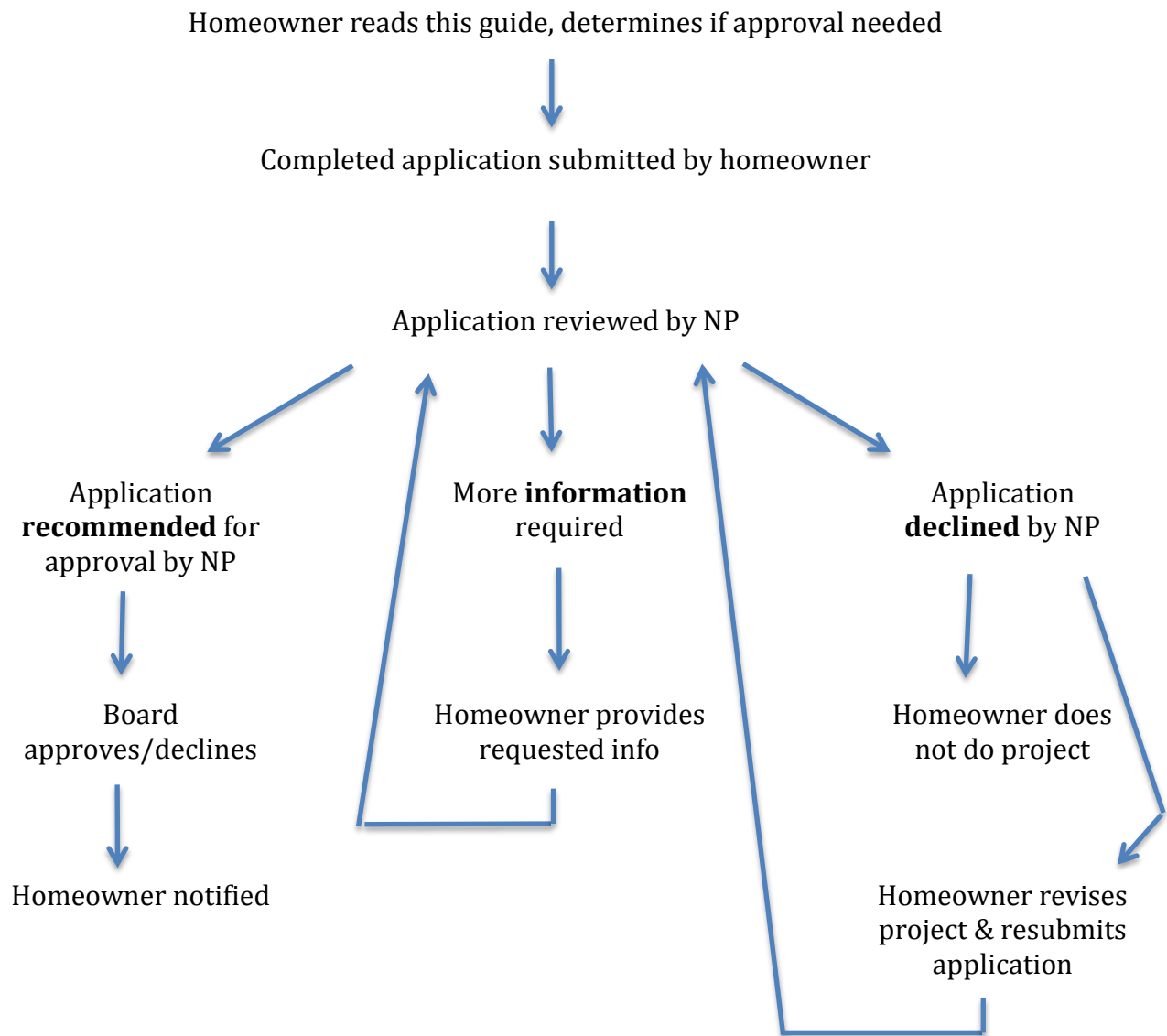
NP mainly concerns itself with these tree and building restrictions (written in lay terms here):

- Each Lot can have only one residential structure which can only be single family plus detached garage and usual outbuildings.
- Prior written approval of plans (building, landscaping, tree removal, new or remodeling) required before any work commences.
- Quality of construction, new or a modification, shall be substantially the same quality or better. Exterior surfaces will use materials and texture having a visual impact compatible with existing improvements or with the original building style.
- Fences and boundary walls can be no higher than 4 feet tall in front of the front plane of the house and 6 feet anywhere else on the Lot.
- Trees with a diameter of 12” at 4’ high cannot be removed without prior LHA approval.

Other important restrictions with which NP is concerned are that each Lot is free and clear of rubbish and litter and that weeds and grass are well mowed. (During droughts, mowed brown lawns are okay.) Also, trucks, RVs, trailers, and nonoperational vehicles cannot be parked on the street or driveway more than 24 hours. (These are City codes as well.)

LHA also has the right to stop any work that is in violation of its governing documents.

## How does a Homeowner Work with NP? What is the Process?



- In general, any project that impacts the outside of your home or lot will need prior approval by LHA before you begin. In addition to this guide, you can read the official CC&Rs and Fine Schedule Policy and talk to the helpful LHA Administrator.
- Completed applications are due the day before the Committee meets to be on the agenda.
- You are not required to come to the NP meeting, but it can be helpful as you can answer questions on the spot and alleviate concerns. Architects and/or landscapers are welcome to join you. Applications are reviewed on a first come, first serve basis.
- At the end of the NP meeting, the Committee makes its determination for each application.

- Applications recommended by NP are then forwarded to the LHA Board for decision at their next normal meeting (usually 2 weeks later). The day after that Board meeting, the homeowner is notified of the decision. Only then can your project commence (if approved). **DO NOT PROCEED UNTIL FINAL APPROVAL IS RECEIVED.**

### **Special Circumstances**

We realize that special circumstances may require the process to run faster. LHA will try to accommodate requests that can't wait due to health and safety issues such as wheelchair ramps or fallen and dangerous trees.

## **IN WHAT STYLE CAN IMPROVEMENTS BE MADE?**

Match as closely as possible to original house style or to later LHA-approved remodel.

“4.2.....Association will not approve the plans for any improvement which is not in compliance with the applicable provisions of this Declaration and which is not of an architectural type compatible with existing improvements within the Property.”

### **Materials to use**

If existing improvements were approved by LHA previously,

“4.3 .... Exterior surfaces shall consist of materials and texture having a visual impact compatible with existing improvements within the Property.”

If improvements were not previously approved, you may have to upgrade or change new improvements to meet the CC&Rs:

“All new construction, or modification of existing structures, shall be substantially the same quality, or better; and exterior surfaces shall consist of materials and texture having a visual impact compatible with existing improvements.”

If in doubt whether one's house improvements were previously approved by LHA, call or email the office – in advance of planning. The Administrator will help you.

## **SETBACKS**

A setback is defined as “...is the distance by which a building or part of a building is away from the property line.”

Buildings shall be located a minimum of 15 feet from the front Lot line; 10 feet from any side street Lot line; and 5 feet from any interior Lot line, except from the rear Lot line which must be a minimum of 15 feet. (CC&Rs Section 4.4)

Fences or boundary walls or hedges shall be no higher four (4) feet within this front setback area and no higher than six (6) feet elsewhere on any Lot.

Fences, boundary/retaining/decorative walls, and hedges shall be set back at least 18” from interior edge of sidewalk. (also City Code 17.102 and 17.108)

Like the City of Oakland, Neighborhood Preservation will always review your project's setbacks to ensure compliance.

## WHAT is ‘RESIDENTIAL STRUCTURE’ or ‘AUXILIARY STRUCTURE’?

Residential and Auxiliary Structures require advance LHA approval. Below are examples. Please note that this is not limited to the list below. If in doubt, contact the LHA office for clarification of residential vs. auxiliary structure.

Residential Structure		Auxiliary Structure	
Primary house	Attached garage	Guest house	Sport court
Deck	Unattached garage	Outdoor kitchen	Swimming pool
Balcony	Attached carport	Gazebo	Greenhouse
Sun room / conservatory	Unattached carport	Additions	Pergola
Additions	Increases to existing structure's footprint	Treehouse	Increases to existing structure's footprint
Platform 30"+ above grade	Platform if attached or abutting house	Embedded/bolted play structure	Storage shed more than 50 sf and/or bolted to a pad
Awnings	Enclosed porch		

The following do not require advance LHA approval and are not considered residential or auxiliary structure:

- Play structure not attached to the ground on/in concrete pad or similar, or to another residential or auxiliary structure
- Platform less than 30" above grade and not within 6' of any other structure which required building permit or LHA approval
- Doghouse less than 50 square feet
- Patio

*FYI – City of Oakland code says single story detached buildings no more than 12' high, less than 120 sf, without plumbing or electricity, and used as shed or playhouse do not need permit*



# WINDOWS

## Types of Windows commonly seen in our neighborhood

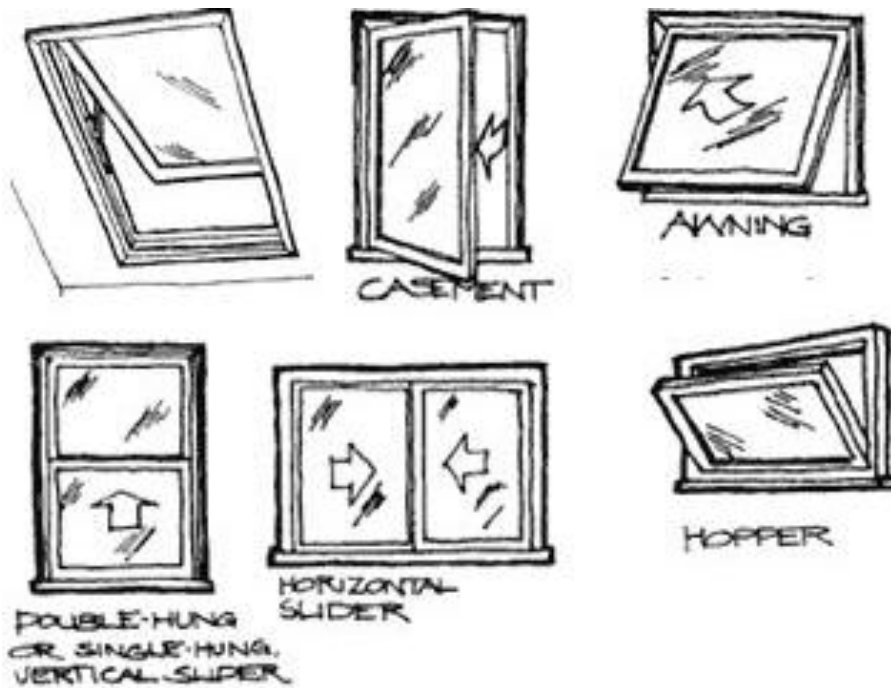
Double hung window:



Casement:



And more:

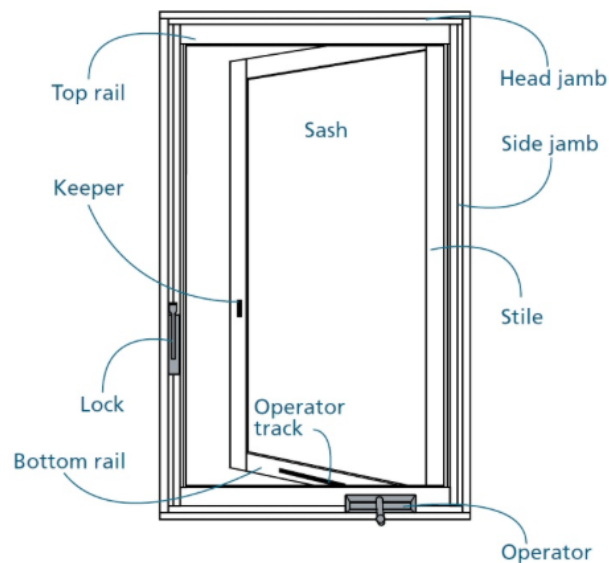


## Parts of a Window



Double-hung:

Note: “muntin” = “mullion”



Parts of a Casement window:

### More terminology: Divided lights, glazing, mullions, muntins

Glass is called glazing in windows.

Mullions (a.k.a muntins) are the horizontal and vertical bars separating small panes of glazing within one sash.

Panes of glazing separated by horizontal and vertical bars (mullions) within one sash are divided lights. A single light has no mullions.

Mullions must protrude/stick out of exterior for LHA approval. They cannot be only on the interior side of the window nor only between panes of a double- or triple-paned window. You may use simulated divided lights (one large pane of glass for one sash and mullions stuck on outside).

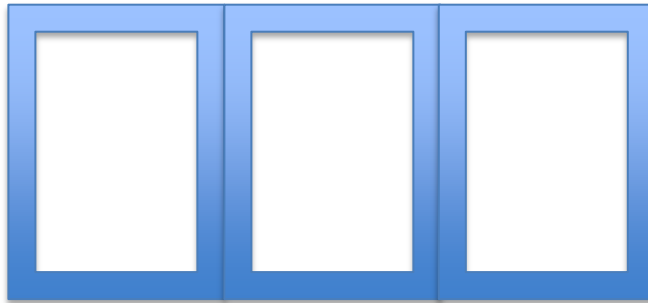
Technically, “muntin” is the name of the vertical and horizontal bars between panes of glass within a single window frame. Often also called “mullions.” Here we will refer to them as mullions, the common usage in the Bay Area.

### **Trim around windows**

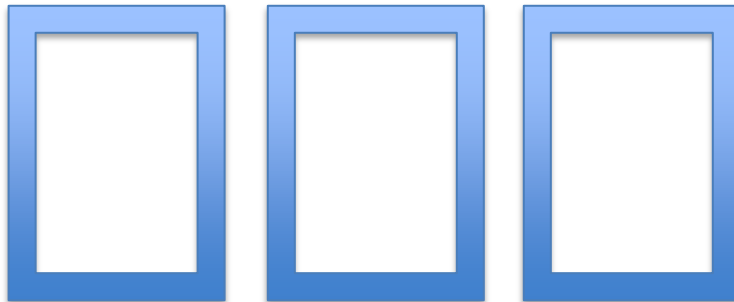
Brick molding / stucco molding / exterior trim needed around window if in original design of house or in a later LHA-approved remodel.

### **Definition of what is ONE window**

**ONE** window opening



**THREE** windows in 3 openings (wall space (a.k.a. ‘field’) in between)



One window (inset in one opening):



This window also has illegal interior-only mullions. It needs exterior mullions to comply with LHA standards.



These are 2 windows since there is field between them:



The windows on either side of the chimney are considered one window so there are 4 windows on the side of the house.

For more window information, visit the web or go to this link [window construction and styles](#).

## **DECKS, BALCONIES, PLATFORMS, and PATIOS**

### **Definitions of a deck, balcony, platform, patio:**

Deck – an open, unroofed, floored area adjoining or extending from a house or other building. Will have railing if more than 30” above grade.

Balcony – a raised platform that is connected to or projects from the side of a building and surrounded by a low wall, parapet, or railing.

Platform – a structure usually raised slightly above ground that has a flat surface. LHA follows the City’s guidelines.

Patio – flat area of ground that is covered with a hard material (such as bricks, stones, or concrete), is usually behind a house, and often used for sitting and relaxing.

## **OUTDOOR KITCHENS**

An outdoor kitchen requires advance LHA approval due to impact on neighbors (smoke) and engineering needs. All applicable CC&Rs apply, such as wall height.

Examples of an outdoor kitchen are fire pits, built-in stoves, permanent pizza ovens, encased BBQ, refrigerators, sinks, dishwashers. Portable BBQ, solar oven or dehydrator do not need approval.

## **FENCES, WALLS and HEDGES**

### **Definitions of fence, boundary wall, retaining wall, decorative wall, hedge**

Fence is upright barrier enclosing all or part of a Lot or bordering a Lot, typically made of posts and wire or wood, used to prevent entrance/exit, to confine, or to mark a boundary. A barrier, railing, or other upright structure, enclosing an area of ground to describe a boundary, control access (people or animals), or prevent escape.

Retaining wall holds earth behind it or supports another structure or takes on additional load. The finished grade behind is typically at the height of the wall. Often constructed of stacked rocks, bricks, concrete, railroad ties.

Decorative wall is one that sits on top of the finished grade, not supporting higher earth behind it. May also be in the form of planter box.

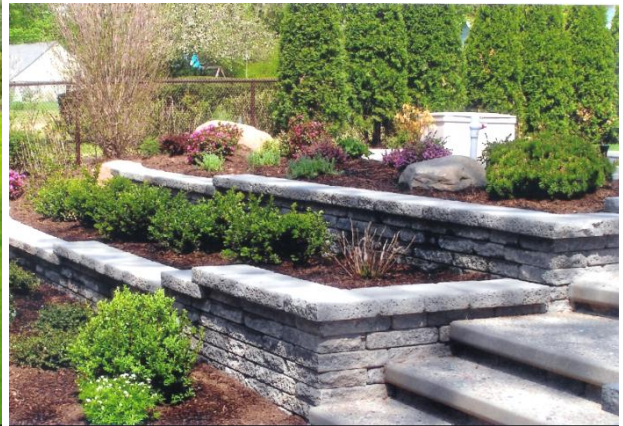


Boundary wall is at/on the property line. It is built on top of the finished grade and does not support earth behind it.

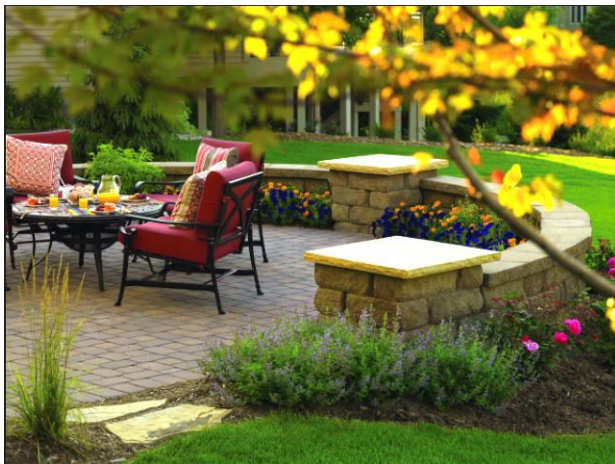
Hedge is a wall-like row of closely growing bushes or shrubs planted within the setback area. Height measured from level of finished grade to top of plantings.

## Examples

Retaining wall:



Decorative wall:





Outdoor kitchen:

Firepit (with fence, retaining walls, patio, and plantings):



## **HEIGHTS for FENCES, HEDGES, RETAINING / DECORATIVE / BOUNDARY WALLS, PLATFORM + RAILINGS**

### **Height Of Wall**

Height is measured from the level of the finished grade on which the fence/wall/hedge sits. The City of Oakland's measurement is from bottom of footing to top of wall.

Fence, boundary wall, hedge - must be built/maintained no taller than 4' in front of front plane of house and no more than 6' behind front plane.



Retaining / decorative wall - if less than 3' tall, no LHA approval required for new or replacement. If 3' or higher anywhere in Lot, approval is required. Engineering plans needed for LHA consideration.

Platform + its railings – no taller than 4' in front of front plane of house and no more than 6' behind front plane.

This applies to each item individually and to the sum of the heights of any combination thereof. For example, for a decorative wall with hedge-like plantings on top or within 2' behind or in front – the sum of the wall height + hedge cannot exceed than 4' in front of the front plane of the house or 6' behind the front plane.

### **Length of Wall**

A wall, fence or a building's wall longer than 40' must have a jog or relief from uninterrupted length. This applies to new walls and to additions/changes to existing structures. (City of Oakland code.)

### **Setback from Sidewalk for Fence, Hedge, Retaining / Decorative / Boundary Wall**

Any of these are to set back at least 12" from the interior edge of the sidewalk. This applies to all sidewalks surrounding a Lot, not just the front-of-the-house sidewalk. (City code is 18" minimum.)

The "interior" edge of sidewalk is the side closest to the house, farthest from the street.

### **Definition of wall/fence with hedge, railing, or planter on top**



Here when we say "wall" without an adjective, we are referring to retaining, decorative, and boundary wall.

The sum of fence or wall plus its plant height when mature must be less than 4 feet.

A fence or wall with a planter built-in, attached on top, or set on top measures its height to the top of its plantings.



**Approvals**

Regardless of the City of Oakland's codes, permits issued, or approval, prior written approval of LHA is always required and the CC&Rs will be followed.

Whether new, replacement, or major repairs to fences, walls, platforms, and decks, approval is required - regardless of height.

## ALL TREES

Trees are very important to preserving the beauty and health of our neighborhood. LHA's founders recognized this when writing our CC&Rs nine decades ago as the document precludes removing a tree more than 12 inches (12") in diameter at a height of 4 feet (4') or removing more than 25% of the tree. Further:

- Prior written permission is required from LHA to remove any tree that is more than 12" in diameter at 4' high.
- Prior written permission is required from LHA to remove more than 25% of a tree that is more than 12" in diameter at 4' high.
- A refundable \$100 tree removal deposit accompanies the tree removal application. If you plant another tree within 18 months, the money is refunded. If not, LHA plants a tree where needed, usually in one of our parks or in the sidewalk strip.
- A bifurcated tree trunk (a tree with more than one trunk) is measured by summing the diameter of all the trunks at 4 feet high. All trunks taken together as one must meet the 12" criterion.
- LHA's CC&Rs apply to **all** trees.
- City approval is required. The City of [Oakland tree code](#) is stricter than LHA's. Approval is required to remove an oak tree 4" in diameter at 4.5' above the ground and 9" for other trees.
- LHA prior approval is required regardless of the City's decision. LHA's decision may not mirror the City's. Approval by only one (LHA or City of Oakland) does not permit you to remove the tree.

For convenience of measuring, diameter is considered equal to these circumferences:

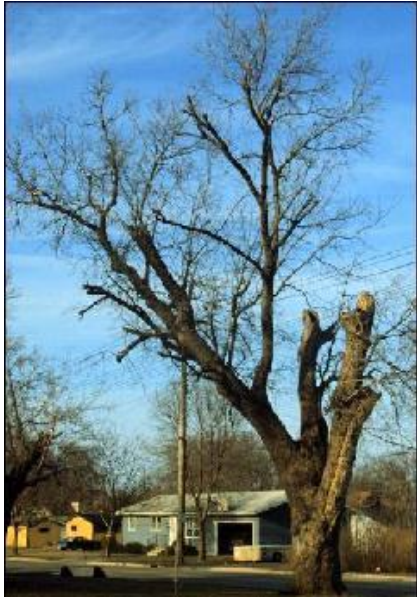
Diameter	Circumference
4"	12"
9"	28"
12"	38"

Whether removal or trimming of a tree is an emergency, posing imminent danger to person or property, is determined by LHA, a certified arborist's written report, or the City of Oakland.

**Tree Mutilation** is removing more than 25% of the canopy or otherwise damaging tree's ability to grow and thrive *naturally*. CC&R Section 3.4 reads "...in any way mutilated..." City code is the same.

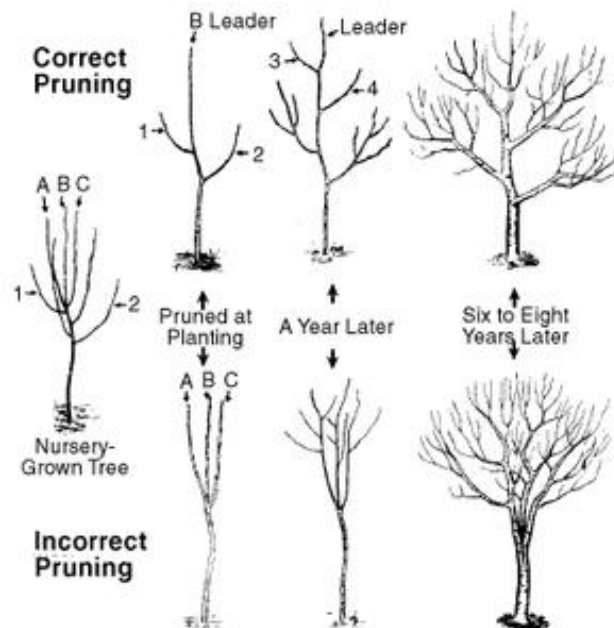
Mutilation is considered removal of the tree.

Some examples of mutilated trees:

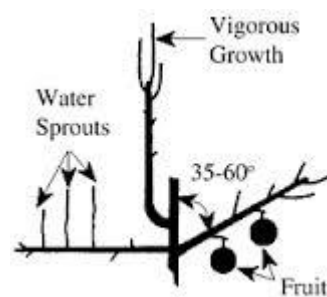
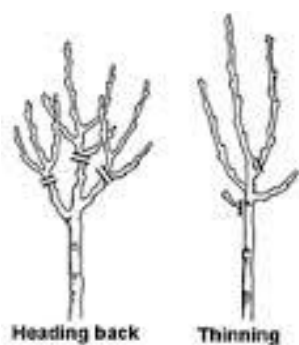


LHA assesses fines for any unapproved tree removal or mutilation. The current list of fines can be found here: <http://lakeshorehomes.net/administration/documents-forms>

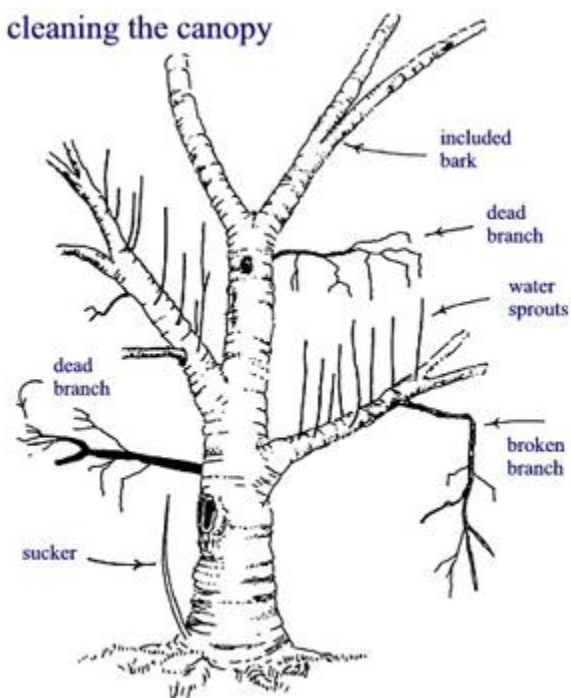
For more information on how to correctly prune a tree, check the web. Here's a quick guide from Clemson University on correct vs. incorrect pruning guide:



Pruning types (Clemson University):



University of Arizona's drawing of water sprouts vs. healthy growth:



Pruning by cleaning the canopy – removing dead branches, water sprouts, broken branches, and suckers (drawing by ettertreecare.com).

## FORMS, FINES & DOCUMENTS

These are other forms you will need, and also the current fine schedule. You can find them all on LHA's website. We (LHA) would much rather work with you to get your project approved than to have to assess fines later for unapproved work. The LHA administrators are happy to help you with the process. Call the office at 510-451-7160.

**CC&Rs** Please refer to your copy of the Declaration of Restrictions (CC&Rs) for more information. This is also posted on our website under Administration > Governing Documents ([click here](#)).

**Application for Changes to Property** on the website at Administration > Forms & Procedures  
<http://lakeshorehomes.net/administration/forms-procedures>

**Tree Removal Application** on the website at Administration > Forms & Procedures  
<http://lakeshorehomes.net/administration/forms-procedures>

**Fine Schedule for Unapproved Projects** on the website at Administration > Governing Documents  
<http://lakeshorehomes.net/administration/documents-forms>