



ARCHITECTURAL REVIEW GUIDELINES

(Adopted as amended July 10, 2024)

Architectural Review Purpose | CC&Rs Article II; Article XII (1-3)

The general purposes of architectural review include to:

- I. Protect the desirability of the neighborhood and property values;
- II. Preserve, so far as practicable, the natural beauty of said property;
- III. Guard against the erection of poorly designed or proportioned structures, and structures built of improper or unsuitable or flammable materials;
- IV. Prevent haphazard and inharmonious improvements; and
- V. Secure streets, easements and right-of-ways for their intended public uses by maintaining proper and safe setbacks and adequate free spaces between structures.

The review of projects shall promote consultation between neighbors; pursue the goals of safety, privacy, and community security; and shall not be conducted for the purposes of imposing a particular style, aesthetic judgment or tastes.

IMPROVEMENTS SUBJECT TO FULL REVIEW

- **New fences, walls, accessory buildings, or other structures** which front on a public street or are visible from the public right of way.
- **Exterior alterations, additions, and expansions which increase the building footprint** including but not limited to room additions or expansions, garage expansions, second story additions, and accessory dwelling units.
- **New driveways and walkways** adjacent to or connecting with the public right of way.
- **Exterior lighting in the front yard** which is attached to structure at a level greater than six feet high visible from the public right of way or is directed, oriented, or extends into the public right of way.
- **Any other new exterior change not explicitly mentioned** in this document which would, by law, require a building permit, regardless of the homeowners' intention to secure such permit.

IMPROVEMENTS SUBJECT TO EXPEDITED REVIEW

- **New window and door installations** where the windows or doors face adjacent habitable structures.
- **New sideyard and backyard fences** no greater than six feet high.



- **Replacement fences** which front on a public street and encroach on the public right of way to the detriment of pedestrian and traffic safety.
- **Accessory structures located in the side or backyards** that are no greater than 120 square feet.
- **Exterior lighting in the side or backyards** which is attached to structure at a level greater than six feet high and may produce light trespass or glare onto adjacent properties.
- **Pools and hot tubs.**

IMPROVEMENTS NOT SUBJECT TO ANY REVIEW

- **Routine maintenance and home upkeep** such as gutter cleaning, window washing, minor patching, roof repairs, etc.
- **Interior remodeling or modification** including plumbing and electrical work that does not alter the current building footprint.
- **Exterior improvements such as reroofing, painting, or replacement of siding**, so long as the materials and repairs meet or exceed the building fire safety standards for the [City of Berkeley's Fire Zone 2](#).
- **New patio or deck structures or other landscaping improvements** located in the side or backyards, so long as the structures meet or exceed setback requirements of the association and recommended best practices for defensible space and fire safety building standards for the City of Berkeley's Fire Zone 2. [Defensible Space — Fire Safe Berkeley](#)
- **Non-structural garden additions and minor landscaping improvements** that do not increase impervious lot coverage and that follow applicable fire safety recommendations with respect to plant selection and location.
- **Installation of skylights or new rooftop solar panels** below the structure's ridgeline.
- **Foundation repair and other structural seismic improvements.**
- **Alterations and repairs to chimneys** for seismic safety purposes.
- **Window and door repairs** including removal or replacement of existing openings, or increasing the size of fenestration in existing locations up to 120% of the existing opening size.
- **Replacement of any architectural element which is identical to the original element** in terms of location, size, and shape; and is made of materials that outwardly have the same dimensions, proportions, details, and textures of the original element and that outwardly appear unchanged.
- **Temporary holiday decorations**, lighting or other displays.



- **Exterior lighting** which is primarily for landscaping, decorative purposes, or ground fixtures used to illuminate walkways or patios.
 - **Changes to the locations or sizes of existing utility meters, electrical distribution equipment, interconnects or outlets, or communications equipment interfaces** provided that they are attached to the main structure below the roofline and do not involve the addition of aerial cables or wires.
 - **Electric car chargers** that meet Berkeley building code.
-

ARCHITECTURAL REVIEW PROCEDURE

PROCESS FOR FULL REVIEW

1. Before beginning construction, the applicant shall complete all aspects of the online application for full review and include specific and accurate plans and drawings of the structure, its location, materials, and dimensions; relevant property line setbacks, utility easements and public rights-of-way; construction documents if requested, and elevations, as defined in submittal requirements.
2. The application will be reviewed for completeness by the Architectural Review Committee (ARC). Owner will be contacted if additional information is required.
3. Once the applicant has provided all information requested by the ARC, the Association recording secretary will provide a copy of application to neighbors located within 300 feet of the proposed project who will have 10 calendar days to review and comment.
4. The ARC will advise the applicant of any revisions, if necessary, to incorporate neighbor feedback. The application is considered complete once neighbor feedback has been incorporated into the original submittal.
5. The ARC will submit its recommendation to the Board of Directors within 30 days after receipt of the neighbor feedback, and the Board of Directors shall act on that recommendation at its next regularly scheduled monthly meeting.

PROCESS FOR EXPEDITED REVIEW

1. Before beginning construction, the applicant shall complete all aspects of the online application for expedited review and include a sufficiently detailed description and illustrative drawings of the structure,



its location and dimensions, relevant property line setbacks, and materials as defined in submittal requirements.

2. The applicant shall provide evidence of written approval of the project from the adjacent neighbor or neighbors, who share a property line with the applicant and are visually impacted by the structure. In the event that a project raises concerns about traffic and pedestrian safety, the board may require broader member input from properties sharing a common right-of-way.
3. The application will be reviewed for completeness by the Architectural Review Committee (ARC). Owner will be contacted if additional information is required.
4. Once the submission is deemed complete, the ARC will have 30 days to complete its review and render a decision. If necessary, the ARC may request additional feedback from adjacent neighbors, who share a property line with the application.

OTHER ADMINISTRATIVE MATTERS

- ARC representative(s) may visit the site to determine if work is in general accordance with an approved application.
- The Board of Directors may establish appropriate architectural review fees to cover associated costs of processing applications. Applicants must pay fees for an application to be considered complete.
- The Board of Directors may also levy fines for violations of these rules provided it has given notice of the violation to the owner, provided the owner with an opportunity to dispute the violation in a hearing before the board, and offered additional remedies of informal dispute resolution and arbitration. Fines shall not exceed ten times the violator's annual assessment and shall be prorated and accumulate monthly until paid.
- An architectural violation follows the property. Unpaid fines, past and current accumulating, are recorded and must be disclosed to future buyers who will assume the obligations and unresolved violations transferred from seller to buyer.

Definitions

Structure. Anything constructed or erected on the ground, including but not limited to a building, fence, garage, carport, storage shed, gazebo, other outbuildings, walls, ground-mounted satellite dishes, solar energy equipment not attached to a roof, antennas and windmills.

Improvement. The construction or installation of any new building; the alteration or exterior remodeling of any existing building that includes changes to the building footprint or rooflines; the construction or installation of exterior walls, decks, landscape structures such as retaining walls, sheds, gazebos,



antennas, electrical or mechanical equipment, or any other permanent structures that are visible from the street or adjacent properties.

Setback. The distance between the dwelling house or accessory building and the given street or side or rear lines of the particular building site. The setback established in deeds shall be deemed and construed to be the minimum distance between said dwelling house or accessory building and the closest street or side or rear property line. (CC&Rs)

Public right-of-way. Land which by deed, conveyance, easement, dedication, or usage is reserved and dedicated to the general public for street, public utility, or pedestrian walkway purposes whether or not said land has been improved or accepted for maintenance by the City. "Public right-of-way" includes but is not limited to, streets, roadways, planter strips and sidewalks. (Berkeley City Code)