

DISCOVERY BAY PROPERTY OWNERS' ASSOCIATION

COVENANTS, CONDITIONS & RESTRICTIONS

DIGEST

THESE ARE NOT THE COVENANTS, CONDITIONS & RESTRICTIONS (CC&R's) OF THE DBPOA! This is a Digest of selected portions of the CC&R's that the Design and Environment Review Committee (DERC) find to be the most frequently used. The Articles of the CC&R's are subject to interpretation and DERC is responsible for that task. Their interpretation of some of these Articles has been documented in DERC's Construction and Usage Standards. A listing of the various topics included in the Standards is shown at the end of this Digest as a matter of information. The complete Standards as well as the CC&R's are available from the Association.

This Digest is intended to give the reader a brief overview of selected portions of the official CC&R document and the subjects detailed in the Standards. If there is any conflict between this Digest and the CC&R's, the CC&R's will prevail. BEFORE ANY CONSTRUCTION OR USE OF A PROPERTY IS UNDERTAKEN THE OWNER SHOULD REFER TO THE COMPLETE CC&R's AND THE CONSTRUCTION AND USAGE STANDARDS.

(Note: The symbol "... " is used where portions of the original document have been omitted. The numbers in () refer to the Article number in the complete CC&R's.)

ADMINISTRATION

PURPOSE OF THE CC&R'S (Intro)

... enforcing and protecting the value, desirability, and attractiveness of Discovery Bay.

MEMBERSHIP IN THE ASSOCIATION (1.2)

Ownership of a residential lot shall be the sole qualification for membership and all...

Owners are automatically members...

DERC APPROVAL (1.4) (2.1)

No structure...or other improvements shall be constructed or maintained on any lot...unless complete plans and specifications showing the exterior design, nature, kind, shape, height, building material, color scheme, and the general plan of landscaping... has been submitted to and approved in writing by DERC... Approval shall be given to those plans, specifications, and proposals which DERC... find to be consistent with the intent of these CC&R's... DERC shall review each plan submittal individually with due regard to location, lot size, orientation, adjacent structures and other design concerns, and therefore no precedence shall be set by any individual plan approval.

HEIGHT (2.4)

No house shall be built... where the vertical distance from the average surface grade of that portion of the lot covered by the house to the highest point... shall exceed thirty (30) feet.

SETBACKS (2.6)

No main wall of any structure shall be... nearer than twenty (20) feet to the front, or five (5) feet to the side property line... Side yard setbacks shall total fifteen (15) feet with a minimum of five (5) feet on one side. ... fireplaces, chimneys, steps and open decks shall not be considered part of a structure.

GARAGES (2.7)

No garage... shall... be used or permitted for any activity which by unreasonable noise, odor, or any other means whatsoever becomes or constitutes an annoyance or a nuisance for any other owner. No garage shall be used for the storage of any explosives, inflammable or combustible material which by nature or quantity... endangers any lot...

SLOPE CONTROL AREAS (2.8)

The Slope Control Area... is designated on the Subdivision Map... and is an easement in favor of Reclamation District #800 and is subject to its jurisdiction and control. The Area ... is to be kept and maintained by the owner.

BERTHING AREA, DOCKS, DOCKING FACILITIES (2.9)

All berthing area shall at all times... be kept free, clear and unobstructed except for such uses approved by DERC and Rec#800. No dock facility... shall constructed... unless... approved by DERC.

SPECIFIC RESTRICTIONS

RESIDENTIAL PURPOSES (3.1)

No residential lot... shall be used for anything other than residential purposes, except as may be permitted by the DBPOA and Contra Costa Ordinances. (See DERC Standards "Home Business")

FRONT YARDS (3.3)

All concrete slabs, pads, and walkways between the dwelling house and the front property line must be approved by DERC.

EXTERIOR SERVICE YARDS (3.4)

Exterior service yards shall be located, or screened, so as not to be open to the view of any adjacent lot or to the public from either the front, the side, or the rear of the lot.

FENCES, WALLS AND LANDSCAPING (3.6)

No landscaping, planting, removal, or addition of trees, shrubs, bushes or other plants... shall be commenced... until plans and specifications have been approved by DERC. ...all front yard areas shall at all times be kept in an orderly, neat, and attractive manner. Grass... shall be kept mowed at regular intervals so as to maintain the same in a neat and attractive manner. Rear yards... shall at all times be kept in such a manner and style to be harmonious and neat. DERC may order an owner... to remove any trees which... unreasonably impair or obstruct the view from any other lot. Fencing on each side of the house may be no higher than six (6) feet along the length of the house; three (3) feet from the house to the rear of the lot; three (3) feet and of open design from the front of the house to the sidewalk...

GARBAGE (3.8)

Each owner shall gather... trash in approved... containers, and such containers shall be kept out of the view of other owners of adjacent lots and of the view of the public.

NUISANCES AND NOISE (3.11)

No noxious or offensive activity shall be carried on,... nor shall anything be done which may be... a nuisance to the neighborhood. No noise or sound shall be permitted if it is of such intensity or duration as to constitute a nuisance as defined by the Ordinances of Contra Costa County.

PARKING (3.12)

No parking of commercial vehicles... RV's, trailers, house trailers... conveyances not licensed by the DMV, and seldom used or broken down or dilapidated vehicles and boats shall at any time be permitted... on any street... or parking pad, nor shall such be permitted to be stored, kept, or placed on any lot or vacant lot except that an RV or a boat on a trailer may be parked in the driveway or on a pad if not over six (6) feet at the highest point from the ground, and does not protrude into the sidewalk.

BOATS AND FLOATING OBJECTS (3.17)

No boating shall be permitted within Willow Lake except for boats with small electric motors, or under power of natural forces or paddles.

MAINTENANCE, RESTORATION AND REPAIR OF STRUCTURE (3.21)

The owner... shall maintain the appearance of the exterior of all structures... in a first-class condition.

MISCELLANEOUS

INTERPRETATION (4.3)

In the case of any uncertainty as to the meaning of any of the provisions of the CC&R's DERC and/or the Association shall in all cases interpret the same and such interpretation shall be final and conclusive on all interested parties.

CONSTRUCTION STANDARDS SUBJECT HEADINGS

Completion of Construction	Gazebo's
Concrete usage in Front Yards	Jet Ski Boat Holders
Covering for Berthing Areas	Landscape Design
Curb Cuts	Other Permits
Decks and Walkways	Parking Pad Construction
Duplexes & Other Shared Wall Structures	Rear Yards (Accessory Uses In)
Exterior Changes	Set Backs
Fences & Walls	Side Yard Structures
Garage Conversions	Slope Control Area
Garden & Bay Window Seat	Wind Screens on Decks

USAGE STANDARDS SUBJECT HEADINGS

Basket Ball Backboards	Landscaping Maintenance
Domestic Pet Nuisance	Parking and Storing Vehicles
Drainage	Signs
Exterior Finishes	TV Antenna & Mini Dishes
Garage Sales	No Trespassing Signs
Home Business	Vacant Lots

Complete copies of both the CC&R's and the Construction and Usage Standards can be obtained by contacting the Discovery Bay Property Owners' Association at 925-634-5598 or www.discoverybay-ca.com or P. O. Box 1977, Discovery Bay, Calif. 94514