

**DISCOVERY BAY
DESIGN & ENVIRONMENTAL REVIEW COMMITTEE
PLAN SUBMITTAL REQUIREMENTS
AND
CONSTRUCTION & USAGE STANDARDS**

Adopted April 26, 2001
Revised February 13, 2007

Living in a development with recorded CC&RS gives all residents an added protection for enjoyment of their property as well as protection of the architectural harmony of their neighborhood and protection for their property values. These Requirements and Standards are decisions and interpretations of the CC&Rs made by the Design and Environmental Review Committee (DERC) and approved by the elected Discovery Bay Property Owners' Association Board of Directors. The authority to adopt these Requirements and Standards are authorized in the CC&Rs and is specifically authorized in Article 1.4 (DERC Approval) and Article 4.3 (Interpretation).

This booklet describes the requirements for plan submittal and is followed by the construction and general usage standards established by the Design and Environmental Review Committee (DERC) to meet the requirements of the Discovery Bay Property Owners' Association Covenants, Conditions and Restrictions (CC&Rs). A copy of the CC&Rs may be obtained from your title company or the DBPOA.

TABLE OF CONTENTS

**SECTION I
PLAN SUBMITTAL CHECKLIST**

**SECTION II
PLAN SUBMITTAL REQUIREMENTS**

A. OVERVIEW 1

B. REQUIREMENTS

 1. For All Submittals 2

 2. For Principle Structures and/or Decks 2

 3. For Docks 2

 4. For Landscaping and Concrete Flat Work 2

 5. Other Projects 3

C. HOUSE TEAR DOWN OR HOUSE MOVING

D. PROJECT OBSTRUCTING NEIGHBORS VIEW 3

E. SPECIAL REQUIREMENTS

 1. Inside Bay Corners 3

 2. Harbor Bay 3

 3. Indian Slough 3

 4. Willow Lake 3

 5. Marlin Bay 4

 6. No Side Yard 4

 7. Rec. 800 – Covenants, Release and Indemnification 4

F. VARIANCES/CONDITION(S) OF USE 4/5

**SECTION III
CONSTRUCTION STANDARDS**

A. COMPLETION OF CONSTRUCTION 6

B. CONCRETE USE IN FRONT YARDS 6

C. COVERING FOR BERTHING AREAS 6/7

D. CURB CUTS 7

E. DECKS and WALKWAYS 7

F. DUPLEXES & OTHER SHARED WALL STRUCTURES 8/9

G. EXTERIOR CHANGES, INCLUDING REPAINT AND REROOFING 9

H. FENCES/WALLS 9/10

I. GARAGE CONVERSION 10

J. GARDEN OR BAY WINDOW SEAT 10

K. GAZEBO 10

L. JET SKI BOAT HOLDERS 10

M. LANDSCAPING DESIGN 10/11

N. OTHER PERMITS 11

O.	PARKING PAD CONSTRUCTION	11
P.	REAR YARDS (ACCESSORY USE IN)	11
Q.	SETBACKS	11/12
R.	SIDE YARD STRUCTURES	12
S.	SLOPE CONTROL AREA (S.C.A.)	12
T.	WINDSCREENS ON DECKS	12

**SECTION IV
GENERAL USAGE STANDARDS**

A.	BASKETBALL BACKBOARDS	13
B.	DOMESTIC PETS NUISANCE	13
C.	DRAINAGE	13
D.	EXTERIOR FINISHES	13
E.	GARAGE SALES	13
F.	HOME BUSINESS	13/14
G.	LANDSCAPING MAINTENANCE	14/15
H.	PARKING AND STORAGE OF VEHICLES	15/16
I.	SATELLITE MINI DISHES	16
J.	SIGNS	16
K.	TV ANTENNAS/MASTS & DIGITAL SATELLITE MINI DISHES	16/17
L.	VACANT LOTS	17

**SECTION V
DEFINITIONS**

DEFINITIONS	18/19
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**SECTION VI
EXHIBITS**

EXHIBIT "A"	DERC CONSTRUCTION APPLICATION
EXHIBIT "B"	FEEs
EXHIBIT "C"	SAMPLE PLOT PLAN
EXHIBIT "D"	SAMPLE PROFILE PLAN
EXHIBIT "E"	DERC PLAN APPROVAL STAMPS
EXHIBIT "F"	SAMPLE LETTER OF AGREEMENT
EXHIBIT "G"	MAP OF PROPERTIES WITHIN D.B.P.O.A.'S JURISDICTION
EXHIBIT "H"	AN APPLICATION FOR VARIANCE TO CC&Rs
EXHIBIT "I"	AN APPLICATION FOR CONDITION(S) OF USE PERMIT
EXHIBIT "J"	ACCEPTABLE DOCK COVERING STRUCTURES

SECTION I

PLAN SUBMITTAL CHECKLIST

Plan submittals must be submitted to the Rec. 800 office located at 1540 Discovery Bay Blvd. between the hours of 8:30 a.m. to 3:00 p.m. Monday through Friday one week prior to the scheduled Committee meeting when plans are reviewed. DERC meets the second and fourth Monday of each month at 1900 Willow Lake Road (Delta Community Presbyterian Church).

- DERC Construction Application.
- Fees.
- Five sets of plans drawn to scale on at least 11" X 17" paper. (Paper will be provided by DERC if requested.)
- Building plans for new and remodel to include:
 - Site plan
 - Accurate plot plan including setback measurements from all property lines.
 - Lot profile if new construction or any activity at or near the water.
 - Building elevations if new or modifications to exterior.
 - Floor plans if new or modified and requiring approval.
 - Foundation plans if new or modified.
 - Drainage plans if new or modified.
 - Deck plans if appropriate including railing details and materials.
 - Roof materials if appropriate.
 - Color samples if appropriate.
- Landscape plans showing dimensions indicating all plant type and concrete flat work.
- Any change to the exterior (windows, colors, or any other change) of existing house require approval. Color and roof samples or brochures will be required.
- Other project plans to include adequate information to fully describe the proposal and its location on the property and in the Association.

SECTION II PLAN SUBMITTAL REQUIREMENTS

A. OVERVIEW

All plans for construction within the Discovery Bay Property Owners' Association's (DBPOA) jurisdiction must be approved by DERC (Design & Environmental Review Committee), Reclamation District No. 800 (Rec. 800) and the Town of Discovery Bay before a building permit can be obtained from the County of Contra Costa Building Department.

Plan submittals must be submitted to the Rec. 800 office one week prior to the scheduled Committee meeting when plans are reviewed. DERC receives the plans after Rec. 800 approval and reviews them at the next scheduled meeting. Plans can be picked up at the Rec. 800 office after reviewed by DERC. It is the applicant's responsibility to contact Rec. 800 to pick up plans. Rec. 800's phone number is (925) 634-2351.

The DERC meets the second and fourth Monday of each month at 1900 Willow Lake Road in the Delta Community Presbyterian Church, Discovery Bay, CA. Call (925) 634-5598 for the exact date of the next meeting.

Applicants are welcome to attend the meeting at which their plans will be reviewed but are not required to do so. They will be notified whether their plans were approved or disapproved.

Applicants may wish to meet with DERC to discuss the "concept" of their building plans before drawing up the plans for submittal.

The Property Owners' Association desires that these processes work as smoothly as possible. DERC has developed both design and maintenance standards to aid Association members in more easily meeting the CC&R requirements. These standards can be found throughout this document.

To obtain a Contra Costa County Building Permit the approved plans must be taken to the County Building Department, 651 Pine Street, Martinez, CA, phone (925) 646-4108 or 1191 Central Blvd., Suite C, Brentwood, CA, phone (925) 427-8850. (Please note, if you are building a house, you must obtain sewer and water permits from the Town of Discovery Bay (925-634-1131) and pay school taxes at the County Building Department before the County will issue a building permit.)

B. REQUIREMENTS

Submittals must include a DERC Construction Application (see EXHIBIT "A"), payment of fees (see EXHIBIT "B") and five (5) sets of plans. If plans submitted require a County building permit, they should be in a form complying with Contra Costa County Building Permit requirements and conforming to the CC&Rs.

All plans shall be drawn to scale and of sufficient size to accommodate the DERC, Rec. 800, Town of Discovery Bay, and Plan Approval Stamps (see EXHIBIT "E"), and no less than 11" x 17". (11" x 17" scale paper is available from DERC by calling (925) 634-5598.)

1. For All Submittals

- a) **Site Plan** (vicinity map) drawn to scale with a location map showing the street name, street address, tract and lot number, Assessor Parcel Number, and the closest cross street. (Can be separate sheet or included on plot plan.)

2. For Principal Structures and/or Decks

- a) **Plot plan** drawn to scale showing the location of the following: existing and proposed structures; the Slope Control Area (S.C.A.), Reclamation District Elevation Control Easement (R.D.E.C.E.), mooring lines (these are available from Rec. 800); side yard and front and rear yard setbacks; all other relevant easements; and all property lines. For an example, refer to EXHIBIT "C".
- b) **Lot profile**, drawn to scale, showing the existing elevation of the lot from the top of the curb to the rear property line and the locations of the following: existing and proposed improvements; the top of slope, S.C.A., R.D.E.C.E.; mooring lines, including grade changes; and property lines. For an example, refer to EXHIBIT "D". Remodel projects not cutting into the levee or at the front of the existing structure do not require a lot profile. (Note: Any modification of existing grade requires Rec. 800 approval.)
- c) **Building elevations** on four sides, showing building height from the average elevation under the structure.
- d) **Floor plans**.
- e) **Foundation plans** showing in detail any and all proposed excavations.
- f) **Drainage plans** indicating provisions for the collection and conveyance of irrigation, precipitation, and other on-lot surface flows to the bays and lakes without wetting the SCA above the high water mark, and with no flows onto adjoining property.
- g) **Framing plans** including the structure and the materials.
- h) **Deck plans**, including railing details and materials.
- i) **Roof materials** including color sample.
- ii) **Color samples** for all exterior surfaces.

3. For Docks

- a) **Plot plan**, architecturally scaled, showing the location of the following: existing and proposed structures; the Slope Control Area (S.C.A.), Reclamation District Elevation Control Easement (R.D.E.C.E.), mooring lines, side yard setbacks, and any relevant easement from curb to mooring line. For an example, refer to EXHIBIT "C".
- b) **Lot profile**, architecturally scaled, showing the existing elevation of the lot from the top of the curb to the rear property line and the locations of the following: existing and proposed improvements; the S.C.A, R.D.E.C.E., mooring lines, and any relevant easements; and property lines. For an example, refer to EXHIBIT "D". (Note: Any modification of the lot grade requires Rec. 800 approval.)
- c) **Framing plans** including the structure and the materials.
- d) **Setback plans** showing the location of existing structures on adjacent properties.

4. For Landscaping and Concrete Flat Work

- a) **Landscaping plans** indicating plant types, size, and location of all areas to scale. Concrete flat work shall be shown to scale, indicating existing and proposed construction, materials, colors and texture.

5. Other Projects

- a) **Plans** including adequate information, particularly dimensions, to fully describe the proposal and its location on the property and in the Association.

C. HOUSE TEARDOWNS OR HOUSE MOVING

Prior to approval by the County, a Construction Application must be submitted and approved by DERC. The application will state that all County teardowns or moving requirements must be met and followed. Any house move will require a full design submittal for review by DERC.

The property owner must sign that they have received and will follow the DERC Plan Submittal Requirements and Construction and Usage Standards. Particular attention is to be made to the standard for Vacant Lots.

A statement will stipulate the time limit for the teardown or house moving to be completed. The teardown or house moving must be done in a professional, workmanlike manner. Care must be taken to avoid inconveniencing neighbors. The work is to be carried out by a contractor experienced in this type of project.

D. PROJECT OBSTRUCTING NEIGHBORS VIEW

A letter of agreement (see EXHIBIT "F") is needed for any proposed construction which would significantly inhibit the view of a neighbor. Examples are: fence, deck, dock extension, gazebo, etc. In some instances, more than one neighbor would be affected and a letter is needed from each. Each case will be considered separately.

E. SPECIAL REQUIREMENTS

1. Inside Bay Corners

Owners of lots on the inside corners of the bays are encouraged to develop common docking facilities. Dock encroachments into the ten (10) foot setback from the side property line will be considered provided a recordable Grant of Easement form (obtained from the Rec. 800's office) is executed by the affected adjoining owner(s).

2. Harbor Bay

Certain lots along the west side of Harbor Bay (Lots 60 through 64 Tract 4207) are subject to the following building restriction.

"No docks, docking facilities, wharves, piles, piers, pontoons, or any such facility whatsoever shall be constructed, erected, installed, or maintained on said lot. The water area on said lot shall at all times be kept free, clear and unobstructed." No encroachments will be allowed to extend waterward past elevation five feet (+5.0' U.S.G.S. Datum) on the waterside slope."

3. Indian Slough

Lots along Indian Slough (Dredger Cut) are subject to special guidelines for waterside encroachments. This affects Lots 1 through 9 Tract 4224, Lots 1 through 16 Tract 4223, Lots 80 and 81 Tract 4076, Lots 15 through 26 Tract 4378 and Lots 1 through 26 Tract

5353. Docks and other such encroachments along the south bank of Indian Slough must adhere to separate guidelines. A copy of these Guidelines is available at the Rec. 800 office.

4. Willow Lake

Lots along Willow Lake are subject to the following building restrictions. 1) No part of the principle structure will be allowed to encroach farther than twenty feet (20') setback from the rear property line. 2) Decks will not be allowed to extend any farther than a twenty foot (20') setback from the rear property line or the mean water line (elevation - 0.56' U.S.G.S. Datum) of Willow Lake, whichever is greater. Where permitted bulkheads define the shoreline, the waterside edge of the bulkhead shall be the mean water line, and decks will not be allowed to extend waterward of the bulkhead. 3) Docks will not be allowed to extend any farther than twenty-five feet (25') into the lake from the permitted shoreline. All floating structures, other than permanently affixed docks, must be pulled up on shore at night and when not in use. Ramping of slopes will not be permitted, except on a case-by-case basis. 4) No fences will be allowed to extend beyond the shoreline into the lake.

5. Marlin Bay

For any dock modifications, house additions, or deck extensions in the "Marlin Bay," Subdivision 6026, a letter of agreement from the adjacent owner(s) (see EXHIBIT "F") on the common property line is necessary.

6. No Side Yard

On Lots with no side yard setbacks, such as in the "Marlin Bay," Subdivision 6026, owners are encouraged to develop common docking facilities along the zero setback property lines

7. REC. 800 – Covenants, Release and Indemnification

A Covenants, Release and Indemnification (CRI) must be signed by the owner(s) of the property and notarized. A Witness Jurat can be used if builder witnesses the owner's signature. Once a properly executed and recorded CRI is in place for that property, no further CRI will be necessary, unless specifically directed by the Rec. 800 Board of Trustees

F. VARIANCES/CONDITION(S) OF USE

1. General

Variance requests must be submitted to DERC on a form (See EXHIBIT "H") designated by DERC, along with any other submittal requirements.

DERC will consider only requests where the required form has been completely filled out, signed by the owner, and dated. All supplemental required materials must also be included.

When the application fee has been received a hearing will be set and DERC will notify all property owners in a 300 -foot radius along with any other appropriate parties. All parties will have at least a 10-day period to respond in writing or at the public hearing.

DERC will then consider the variance request in light of the CC&Rs, especially Articles 1.5 and 2.1. Generally, variance hearings will be set to coincide with one of the regularly scheduled DERC meeting dates. Minor variance requests, may at DERC'S option, be decided without the full process.

2. Submittal Requirements

All submittal information will be attached to or on the Application for Variance to DERC (see EXHIBIT "H").

- a) A conceptual set of plans, if necessary, to detail reason for variance request showing the details and dimensions of the structure. All requests shall include a complete site plan drawn to scale.
- b) Written reason for the request. This reason needs to address the following issues:
 - i) Special circumstances applicable to the property, including size, shape, topography, location, or surroundings, that the strict application of the CC&Rs would create an unreasonable hardship for the property owner.
 - ii) Any variance granted shall not constitute a grant of special privilege in view of the limitations upon other properties in the vicinity of the subject property.
 - iii) Is not detrimental, injurious, or adverse to other property owners.

3. Approval

- a) DERC must find in the affirmative for all of the issues in 2 b above to approve the variance.
- b) Variances are only approved by written official action of the DERC.
- c) Any variance granted or approved by DERC involving the erection, alteration, or enlargement of a building or structure shall be null and void after one year from the date the variance was granted, unless the improvement is completed within that time.
- d) DERC may impose conditions on the issuance of a variance.

4. Condition(s) of Use

- a) If a time limit for the requested use is established by DERC, the approval shall be in the form of a "conditional use" (not a variance) (see EXHIBIT "I"), and the agreed upon use and any conditions may be recorded on the parcel.

SECTION III CONSTRUCTION STANDARDS

A. COMPLETION OF CONSTRUCTION

Although the CC&Rs now in effect show 10 months to complete major construction, the DERC currently allows a one (1) year time period which is more in line with County requirements. Lesser projects are to be completed in accordance with a timetable based on the scope of the project.

B. CONCRETE USE IN FRONT YARDS

As stated in Article 3.3 of the CC&Rs, the use of concrete in a front yard requires DERC approval. In general, the use of concrete is not considered a form of "low maintenance" landscaping. When a property owner wants to cover areas with concrete, special attention will be given to the landscaping details and how the concrete enhances or detracts from the front yard appearance. (See also Section III – O. Parking Pad Construction.)

C. COVERING FOR BERTHING AREAS

GENERAL: The purpose of any cover structure for moored boats is to provide weather protection only for the boat and with the smallest structure possible. The architectural appearance must be appropriate to our community. Design, materials and color must be approved by DERC. A Boat Slip Cover Form (see EXHIBIT J) with all the dimensions must be completed and accompany Construction Application (see EXHIBIT A). Berthing area covers are not permitted on Willow Lake or Upper Willow Lake (land locked lake areas).

1. **CANOPY TYPE STRUCTURES (Boat Slip Cover)** will be permitted if all the following conditions are met:
 - a) **HEIGHT:** Not over 10 feet (10') from dock surface to highest point, with no more than forty (40) vertical inches down from the maximum height being opaque, with a valence of six (6) to twelve (12) vertical inches. Flat roofs are prohibited.
 - b) **FRAME:** Made from galvanized or other weather protected metal pipe or tubing, which is properly engineered to the size of the cover.
 - c) **COVERING:** Fabric is the preferred choice. Fabric covering shall have a neat, tight fitting, tailored appearance. If lightweight metal roofing material is used, it shall be a ribbed or standing seam sheeting with the exposed end truss trimmed out with a properly designed support frame. The roofing material shall have a non-glare finish using a baked, anodized or other similar permanent coloring process and will not support a live load. Galvanized, fiberglass or aluminum corrugated sheeting not meeting the above specifications will not be allowed.
 - d) **COLOR:** Covering color shall be a solid color and not offensively bright. Tasteful trim color may be used
 - e) **SIDE CURTAINS:** Side curtains are discouraged because they create a large visual structure. However, if side curtains are installed they must roll up and the material must be vinyl encapsulated woven polyester mesh with a minimum 30% openness factor and match the cover in style and color.
 - f) **MOUNTING:** When secured to dock, center line of support posts to be no more than 12 inches from inner face of dock. If secured to boat lift all other conditions must be met and height will be measured when boat is on the lift, in the stored position from the adjacent dock.

- g) **SIZE:** Not to exceed berthing area dimensions consistent with the mounting requirements.
- h) **APPEARANCE:** The overall dock covering structure must be architecturally consistent with the currently approved dock covers being supplied in Discovery Bay. (See EXHIBIT K for photos of acceptable dock covering structures.)

D. CURB CUTS

In general, DERC does not approve curb cuts other than for the driveway. Circular driveways requiring two curb cuts may be appropriate for good design for special lots or specially designed homes. Permits from the County are required for curb cuts.

E. DECKS and WALKWAYS

Decks and walkways most commonly are of a conventional wood type, but may incorporate lightweight concrete, plastic or tile, or similar material, surfacing. The DERC must approve the materials as part of its review. Surface dimension of columns extending above or below decks may not exceed twenty-four inches by eighteen inches (24" x 18").

Coverings: It is desired that first and second story decks be open, uncovered and unscreened, except that first story decks may be covered with a tight fitting, tailored appearing canvas cover, or a manufactured covering made from one of the plastic polymers, either extruded or laminated, or an aluminum extrusion or lamination material. Any deck covering must have appropriate color and architectural coordination with the home. None of the coverings either solid or open shall support a live load or otherwise serve as a second story deck. A covering may not be constructed using plywood, tar paper, shakes, shingles of any type, corrugated sheeting or other permanent types of roofing material. No deck covering is allowed on second-story decks or balconies that extend into the SCA or R.D.E.C.E. Fully enclosed decks, whether covered or uncovered, are not permitted.

Applicants should be aware that approval by the DERC of a deck covering does not eliminate the need for homeowners to obtain approval from other permitting agencies (most notably, Rec. 800 and Contra Costa County).

Enclosures: First-story decks may be enclosed with a see-through windbreak constructed of clear glass, clear Plexi-glass, or equivalent, not exceeding twenty feet (20') in length on any side, and along not more than two (2) sides of the first-story deck on the prevailing wind exposure. Insect screening of a type approved by the DERC may be allowed to enclose the entire first-story deck or a portion thereof. Framed walls will not be allowed. The windbreak or screening should not extend more than one story in height or twelve feet (12') above the deck surface, whichever is lesser. Any enclosure should be designed in a manner to facilitate easy removal without damage to the principal structure, and, specifically, should be capable of being removed in sections, each of which should not exceed 200 pounds in total weight and should be capable of being removed by hand.

Railing: Only see-through railings not exceeding forty-two inches (42") in height will be allowed along all sides of both first and second story decks.

See also Setback Requirements.

F. DUPLEXES & OTHER SHARED WALL STRUCTURES

Recitals

1. The Discovery Bay Property Owners' Association (DBPOA) and its Design and Environmental Review Committee (DERC) are charged with certain responsibilities under the Discovery Bay Declaration of Covenants, Conditions and Restrictions which include the duty and responsibility of approving the materials and colors that are used on the exterior surfaces of buildings within the DBPOA jurisdiction.
2. Within DBPOA'S jurisdiction there are some homes that are of a shared wall design. Conflicts have arisen as a result of adjoining property owners desiring to undertake a construction, painting or improvement project involving the exterior of a shared wall structure or a shared fence located along a common property line which is opposed by the neighboring owner.
3. In order to reduce the number of such disputes and to clearly state the role of the Association and DERC, when such disputes arise, the following policy is adopted:

Statement of Policy Regarding Shared Walled Improvement Projects

Section 1. General Rules of Law to Apply. Each wall and fence which is built as a part of the original construction of the Residences upon the Properties and placed on the dividing line between the Lots shall constitute a Party Wall, and, to the extent not inconsistent with the provisions of this article, the general rules of law regarding Party Walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

Section 2. Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a Party Wall shall be shared by the Owners who make use of the wall in equal proportion to such use.

Section 3. Destruction by Fire or Other Casualty. If a Party Wall is destroyed or damaged by fire or other casualty, then, to the extent that such damage is not covered by insurance and repaired out of the proceeds of same, any Owner who has used the wall may restore it, and if the other Owner thereafter makes use of the wall, they shall contribute to the cost of restoration thereof in equal proportion without prejudice, however, to the right of any such Owners to call for a large contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

Section 4. Weatherproofing. Notwithstanding any other provisions of this article, to the extent that such damage is not covered and paid by the insurance provided for herein, an Owner who by his or her negligent or willful act causes the Party Wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

Section 5. Approval of Exterior Alterations. In accordance with the authority conferred by the Discovery Bay Declaration of CC&Rs, the DERC must approve any exterior modification to any duplex residence, including any project to paint the exterior of such residences. It shall normally be the policy of the DERC to require that all owners of residence units with Party Walls mutually agree on the color or appearance of exterior building modifications and that the applicant submit written verification that such agreement has been reached. In the absence of confirmation of support for the project from all owners of the units with Party Walls, the DERC may, in its sole discretion, proceed to consider the applicant's proposal as a variance pursuant to Article 1.5 of the CC&Rs, if the DERC determines that the application would be granted, but for the absence of unanimous support from all owners of the affected units. A hearing shall be conducted on the variance proposal and the owner(s) of the adjoining unit shall be entitled to attend and to participate in the hearing on the proposed variance.

Unless the adjacent owner(s)' consent is obtained during that hearing, a variance may only be granted upon findings by the DERC that: (i) the exterior of the duplex building is all or partially in need of maintenance and restoration in order for the building, in its entirety, to comply with Article 3.21 of the CC&Rs (relating to owner maintenance responsibilities), (ii) that the color or stain proposed by the applicant is of a quality and appearance that is equal to, or better than, the color and appearance of other similar units in the same neighborhood, and that (iii) any alternative proposal for exterior maintenance or restoration proposed by the adjacent owner(s) would result in an exterior appearance of the building structure that is, in the DERC's opinion, significantly less attractive than the applicant's proposal. As a further condition to granting a variance permitting an exterior unit painting or modification project to proceed without the approval of all owners' of units sharing common Party Wall, the DERC may require the applicant to execute an acknowledgment that the adjacent owner(s) have not supported the applicant's proposal and that neither the Association nor DERC have any duty to initiate action to compel the adjacent owner(s) to cooperate with the applicant.

G. EXTERIOR CHANGES INCLUDING RE-PAINTING AND RE-ROOFING

Any change to the exterior (for example windows, colors, roof design or a change in roofing materials), of an existing house requires approval from D.E.R.C. Interior changes do not require approval unless for a garage conversion. Materials and colors should be consistent with the appearance of the surrounding area. Natural appearing materials and colors in the earth tone and wood tone range are generally preferred. Other colors and materials may be used which are appropriate to the architectural style, harmonious with the site and/or compatible with the character of the neighborhood. Earth tone/wood tone colors are considered to be various natural shades of reddish-brown, brown, gray, tan, umber, sand, and some shades of blue and green. Natural appearing materials include brick, stone, stucco, shiplap wood siding, shingles and manufactured, textured wood appearing siding. A sample must be submitted for approval on all exterior paint, or pre-finished siding, as well as roofing materials in addition to a photograph of the house.

DERC is particularly concerned with guarding against unappealing, bright and/or clashing colors that do not harmonize on the home or with the neighborhood and the community.

In duplex and condominium units, DERC rejects contrasting colors, especially, in connected units. The intent is to maintain the general theme of the development through using colors similar to those originally used by the developer. Subtle color changes from the original are welcome. What is not wanted is a radical departure from the original color scheme that might adversely affect property values.

There is no fee for re-painting and re-roofing approval.

H. FENCES/WALLS

Fences/Walls can be six feet (6') by the side of house, three feet (3') and of open design everywhere else. Nothing on the slope control area. If approved by the neighbor, and the neighbor's house protrudes beyond the applicant's house, a six feet (6') fence/wall can be built to the edge of the neighbor's house. If a house is on a levee and viewing through lots is not possible, fencing may be placed on both side yards at the discretion of the DERC. Materials used for fences/walls, as well as fence/wall design, require DERC approval. In general, DERC will not approve chain link fencing or materials of an "industrial" nature.

DERC does not encourage fences/walls in the front yard area but feels that it is in the best interest of the Association to have fences/walls whenever possible that are open, attractive and

constructed of appropriate materials. DERC will consider reviewing and approving fences/walls that meet the following guideline.

1. **FENCES/WALLS NEAR TO AND PARALLEL TO THE SIDEWALK & ACROSS BACK YARDS:** Only fences/walls under three feet (3') with a design that is at least 50% open will be considered. Chain link fences will not be considered. Attractiveness of design will be a major consideration. Front yard fences/walls must be set back from the sidewalk a minimum of one foot.
2. **FENCES/WALLS ENCLOSING VACANT LOTS:**
 - a) Landscaped lots may be enclosed on all sides with fencing up to six feet (6') high if all required County or Rec. 800 setbacks are met. The fencing alongside neighboring houses may be solid, but elsewhere must be of at least 50% open design. Attractiveness of design will be a major consideration. Chain link fences will not be considered.
 - b) The fencing of un-landscaped lots will not normally be approved and will be considered on a case-by-case basis.

I. GARAGE CONVERSION

Requires approval from DERC.

J. GARDEN OR BAY WINDOW SEAT

A two foot deep garden or bay window without open floor space may extend into the side yard setback. Nothing, other than a chimney, may intrude into the setback that utilizes floor space.

K. GAZEBOS

Location, design and appearance require DERC review and approval.

L. JET SKI BOAT HOLDERS

Jet Ski boat holders will be allowed and can be built on side of dock. If it intrudes into the lot setback easement, a Grant of Easement (available from the Rec. 800's office) must be obtained from the owner of the adjacent property.

M. LANDSCAPING DESIGN

The time limit for landscaping is six (6) months from the time of occupancy for a new home or the approval date from DERC for re-landscaping. This limit will ensure the well-kept appearance of our community and demonstrate our pride of ownership in Discovery Bay.

Landscaping plans must be submitted for approval to the DERC.

Landscaping designs will generally contain at least four of the areas listed below, and cover at least one-third of the front yard area from the front of the house to the street. The design will be orderly, neat and attractive and consistent with existing landscaping in our Association.

The Committee recognizes the fact that some homeowners want low maintenance landscaping. The Committee has no objection to a low-maintenance plan, but does expect an adequate amount of living plant material to diminish the visual impact of the non-living material.

A well landscaped front yard will have some of the following areas:

- Lawn
 - Flower beds/Planter Boxes
 - Shrubbery
 - Trees
 - Living ground cover
 - Inert ground cover (rocks, gravel, bark, etc.)
- Landscaping in this standard does not include concrete drives, parking pads or walkways. Odd shaped lots with very small front yards will be given special consideration.

N. OTHER PERMITS

Many projects in addition to DERC approval require permits from other governmental bodies. Applicant is expected to get the necessary permits prior to construction.

O. PARKING PAD CONSTRUCTION

Must conform to the following:

1. Design is harmonious with existing house and landscaping. Front yard is not to become a parking lot.
2. Material (some form of concrete) produces a hard surface, so that, unlike rock, bark or gravel, it will not permit weed growth, become rutted, and eventually look unattractive
3. Supports the same weight as a regular driveway.
4. Properly drained.
5. Has adequate access to a curb cut.
6. Contiguous with the driveway. Other locations will be reviewed on a case-by-case basis.
7. Requires approval by DERC. _____

See also Section IV – H. Parking and Storage of Vehicles.

P. REAR YARDS (ACCESSORY USES IN)

An accessory building or accessory use may occupy not more than 30% of a required rear yard (County Code 82-14.006).

Q. SETBACKS

1. HOUSES – SIDE YARDS

The combined total of both sides to be 15 feet (15') minimum with 5 feet (5') minimum on one side.

2. HOUSES – REAR YARDS

No part of any principal structure shall encroach into the Slope Control Area (SCA).

3. HOUSES – FRONT YARDS

20 feet (20') minimum measured perpendicular to the property line from the closest point of the structure to the property line. On five (5) sided corner lots which front on a street on two sides and have a build able lot on each side down the street, the 20-foot setback will apply to both street frontages. DERC may consider an encroachment variance after processing a variance application (see EXHIBIT H) if the following is met: The location of the garage door face must be at least 20 feet (20') from the front property line measured perpendicular from the property line to the nearest point on the door.

4. DECKS

Where the SCA is, or is less than, thirty-five feet (35'), decks will not be allowed to extend any farther than a twenty foot (20') setback from the rear property line or the main water line (elevation +3.0' U.S.G.S. Datum), whichever is greater. Second-story decks and/or balconies will not be allowed to extend any farther than four feet (4') into the SCA. Where the SCA exceeds thirty-five feet (35'), encroachments in excess of these Standards may be allowed to elevation +3.0 or the property line, whichever is lesser.

Elevated decks will be allowed to go into the side yard setback but must maintain at least a five feet (5') setback from each property line. Decks/walkways less than seven (7) inches above grade can go all the way to the side yard property line. Stairways and dock ramps with appropriately sized landings can be located in the side yard setback area.

5 DOCKS

Rec. 800 requirements are that docks must be within the mooring area with a 10 feet (10') setback from the side property lines.

R. SIDE YARD STRUCTURES(Canopies, sheds, cabinets, trellis, etc.)

1. Structure has a minimal visual impact when viewed from the street, water, or neighboring properties.
2. Any portion of the structure that is visible above a fence or shrubbery screen, or the entire structure in unscreened side yards, must have an attractive appearance and be compatible with the house in style and/or color.
3. Canvas covers must be the same as dock covers – tight fitting with a tailored appearance. (See Exhibits J and K).
4. Open structures must be screened with fencing or shrubbery for the lower six (6) feet so that any items under the structure are completely hidden from view.
5. All parts of the structure must be lower than the eave of the house, and generally less than eight (8) feet in height.
6. If supporting posts for the structure are part of the fence, any portion of the structure above the fence must be totally open between the posts with no lattice or side curtains.
7. Use of a common fence at the property line as part of the structure requires the written consent of the other property owner.
8. No water drainage from the structure shall go onto the adjoining property.
9. A minimum three foot (3') passing space is advisable from the front to the rear of the side yard for fire crew access.
10. Structures that are fifty (50) square feet or less and that do not exceed the height of the fence do not require DERC approval. All other structures require DERC approval.

NOTE: Storage structures exceeding 120 square feet and over will also require a County permit.

S. SLOPE CONTROL AREA (S.C.A.)

No slope improvements, launching and/or facilities will be allowed on the slope control area except for specific lots located on Indian Slough as previously approved by Rec. 800.

T. WINDSCREENS ON DECKS

See Decks and Walkways - Enclosure (Section III – E).

SECTION IV GENERAL USAGE STANDARDS

A. BASKETBALL BACKBOARDS

This Standard is to stress safety and appearance without curtailing basketball play for the children. Permanent, regulation backboards with a regulation hoop may be affixed to a residence above a driveway or mounted parallel to the driveway. If the backboard is parallel to the side of the driveway, it shall be mounted on a single support strong enough for the purpose intended. The adjacent property must be protected, and the installation approved by the D.E.R.C. Portable, regulation basketball backboards may be placed on a driveway when in use. They shall not be placed on a sidewalk or in the street. When not in regular use, the portable backboards must be stored in a side yard or otherwise be unobtrusive as seen from the street.

B. DOMESTIC PETS NUISANCE

DERC recognizes that domestic pets may sometimes become a nuisance or even a danger in some neighborhoods. Property owners should contact Animal Control directly at (925) 646-2995.

If a resident/property owner files a complaint concerning domestic pets with DERC, DERC will investigate the situation and possibly issue a Courtesy Notice. If a second complaint is received for the same resident/property owner for the same violation, DERC may/will refer the matter to Animal Control.

C. DRAINAGE

Each property owner is responsible for seeing that their drainage does not flow onto adjacent properties. Drainage complaints are handled in the normal enforcement process.

D. EXTERIOR FINISHES

All structures shall be maintained in "first class" condition. This includes the maintenance of all exterior surfaces. DERC shall require applied and natural structure finishes to be maintained in a manner that is free of fading, chipping, discoloration, peeling or other defects which substantially reduces the "like new" and well maintained appearance.

E. GARAGE SALES

Garage sales cannot be held more than two (2) consecutive days once every two (2) months at the same residence.

F. HOME BUSINESS - (Refer to Article 3.1 of the CC&Rs.)

Definition: A Home Business is any use conducted entirely within a dwelling and conducted only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and is not evidenced beyond the limits of the property by noise, light, smoke, odor, vibration,

electrical interference, storage of material or equipment, nuisance, human activity or vehicular traffic or other exterior evidences.

Conditions:

1. No person shall be employed, except immediate family residing in the home.
2. No signs - window or exterior.
3. No retail sales are allowed on the premises.
4. No clients or customers shall come to the premises in connection with the Home Business except for home activities involving tutoring, instruction, etc.
5. The Home Business shall consist of office-type activities only (phone use, bookkeeping, drafting, writing, etc.) and the production of minor arts and crafts items such as macramé, paintings, sewing and businesses involving tutoring, instruction, etc.
6. Equipment, materials and supplies used for the Home Business shall consist of office type items (typewriter, computer, desk, files, etc.).
7. Vehicles connected with the business shall be limited to one (1) and shall not exceed the size of a pick-up.
8. The residence address shall not be used in any advertising done in conjunction with the Home Business.
9. No changes in the residential character or appearance of the dwelling building.
10. Any short term rental less than 30 days is considered to be a hotel/motel use of residential property, and as such is prohibited by the CC&Rs.

G. LANDSCAPING MAINTENANCE

Once installed, an important aspect of landscaping is maintenance. The landscaped areas must be kept well maintained and groomed. The following is a description of what meets the standard for each area of the landscaping.

Lawn:

Minimum requirement: Healthy sod, mowed, edged, few weeds, no bare ground spots.

Desirable: Uniform texture and color, no weeds, no brown spots.

Flower beds:

Minimum requirement: Few weeds, few dead flowers, groomed bare ground not to exceed width of mature plants.

Desirable: Weed free, dense planting, mulch or bark in exposed areas, dead blossoms/plants removed.

Shrubbery:

Minimum requirement: No dead plants, pruned as appropriate, plants replaced when necessary to maintain original configuration of planting area.

Desirable: Ground cover under/around plants, full and healthy foliage.

Living ground cover:

Minimum requirement: Few weeds, minimum amount of bare ground exposed.

Desirable: Neatly trimmed within allotted space, dense foliage, weed free.

Inert ground cover:

Minimum requirement: Few weeds, no bare ground exposed.

Desirable: No weeds, sturdy border to keep material confined.

Trees:

Minimum requirement: Generally upright growth, few dead branches, trimmed above the ground as appropriate, reasonably dense foliage.

Desirable: Pleasing shape, dense green foliage, no dead branches.

Palm Trees:

Minimum requirement: Dead fronds should be removed to minimize the hazard of falling fronds.

Desirable: Palm trees should be trimmed neatly, i.e., when fronds are cut off they should be cut close to the trunk with minimal projecting stubble. If the tree is "skinned" (the frond stubble removed from the trunk), the skinning should be continued so that the tree trunk has a uniform appearance.

Vacant Lots:

Minimum requirement: All grasses and weedy plants must be less than six (6) inches in height. Special attention needs to be given to the edges of the property including the sidewalk.

Desirable: Neat and free of weeds or weed material or mowed uniformly to three (3) inches in height or less.

NOTE: A fire hazard will not be permitted.

H. PARKING AND STORAGE OF VEHICLES

1. DRIVEWAY PARKING:

a) *Passenger Vehicles:* Regularly used passenger vehicles and pickup trucks may be parked in the driveway but may not extend into the sidewalk. Dust covers are permitted if neat and attractive. Conditions required by Article 3.12 of the CC&Rs also apply to passenger vehicles.

b) *RVs, Boat Trailers and Trailered Boats:* These vehicles may be parked in the driveway or on a front yard parking pad if under six feet (6') high. Only one boat trailer, with or without a boat or one RV, is permitted. A boat trailer is one designed to transport and launch boats. (Note: Contra Costa County adopted Ordinance 2002-27 on 9/27/02 which states no trailers of any kind may be parked in front yards.)

Boats with towers may be parked in the driveway if the boat itself is not over six (6) feet in height, the tower is not covered with canvass and when so constructed, the tower is to be folded back on the hull when stored.

c) *Converted Vans:* Permitted so long as the height and overall size is in keeping with "conventional" vans.

d) *Other Vehicles:* No other types of vehicles or trailers of any other kind may be parked in the driveway.

e) *Loading and Unloading RVs:* For vacations (or some other activities such as minor upkeep) RVs may be parked in the driveway for 48 hours if the Association is notified (925-634-7585). The County allows 72 hours for loading and unloading if the RV is parked in the street.

2. **DRIVEWAY:** The concrete surface constructed and used as direct access from the street to the garage, or to a DERC approved carport.

2. **DRIVEWAY:** The concrete surface constructed and used as direct access from the street to the garage, or to a DERC approved carport.
3. **ACCESS DRIVE:** A separate drive for side yard access. Access drive shall consist of two 36" wide concrete strips separated by 36" of landscaping. Parking of any vehicle or trailer, including a boat trailer, is prohibited on this drive. Design and material requirements are the same as for driveways. An access drive requires DERC review and approval, and the execution of a recorded Conditional Use Agreement agreeing that parking on the drive is prohibited.
4. **FRONT YARD PARKING PAD:** An area contiguous to the driveway and requiring no separate curb cut. Designed to accommodate one CC&Rs approved vehicle, a boat trailer, or a boat on a trailer under six feet (6') high. DERC approval is required.
5. **SIDE YARD STORAGE:**
Screened: Currently licensed and operating vehicles or trailers may be kept in the side yard if not open to public or neighbor view and have at least three foot (3') passing space. Stored vehicles must be less than six feet (6') high. A parking pad is not mandatory.
Unscreened: Side yards that are open to public and/or neighbor view may be used for storage of not more than two boat/boat trailers, instead of using the front driveway or a front yard parking pad. The six foot (6') height limit applies and a suitable parking pad of concrete, paving stones or gravel must be provided. The items stored in this area must be strictly confined to the side yard.
6. **BACKYARD STORAGE:** Side yard restrictions apply to the backyard.
7. **VACANT LOT:** No vehicles may be parked or stored on a vacant lot unless approved by DERC (Some "improved" vacant lots have incorporated vehicle parking as a part of the overall design.)
8. **STREET PARKING:** For vehicles illegally parked in the street over 72 hours DERC may refer the matter to the Sheriff's Department and/or issue a Courtesy Notice.

I. SATELLITE MINI DISHES - See TV ANTENNAS/MASTS & DIGITAL SATELLITE MINI DISHES

J. SIGNS (CC&Rs Article 3.13)

There will be no night lighting of signs, other than low voltage light for house numbers.

A property owner surname and street address sign (e.g. SMITH 1000 STARFISH PLACE) is permitted on the rear of the house, or on the side of the deck or dock, facing the water, providing it has an attractive appearance and the lettering does not exceed four (4) inches in height.

A "No Trespassing" sign can be posted on a vacant lot. Sign can either be commercial or hand painted. Sign can be 2' x 3' and mounted as to be no higher than five feet (5').

K. TV ANTENNAS/MASTS & DIGITAL SATELLITE MINI DISHES

Exterior TV antennas/masts and digital satellite mini dishes may be installed under the following conditions:

Location: If it would be difficult and/or unreasonable to install an antenna completely within existing structures, antenna and/or mini dish may be located on the most inconspicuous part of the roof, if possible, where not visible from the street.

Height: Antennas are to be installed toward the rear of the house (not on a ridge line) on as short a mast as possible to still permit rotation and acceptable reception. In no case may an antenna extend more than three feet (3') above the highest ridgeline of the roof. If a Digital Satellite System is to be installed on the roof it should not protrude higher than the roof line.

Configuration: Only the small "ladder" type of antenna is acceptable. To be avoided are massive "combination" structures. The mini dish must be no larger than one meter (39 inches) in diameter. If the dish is visible, it is to be painted to match the background colors of house or vegetation.

Because masts for devices such as anemometers, FM antennas, etc. may have a similar visual impact as that of TV antennas, the above Standards will apply to these installations. Questionable Installations will be reviewed by DERC.

L. VACANT LOTS

See "Landscaping Maintenance" (Section IV – G) and "Parking and Storage of Vehicles" (Section IV – H).

SECTION V DEFINITIONS

“CC&Rs” - The Declaration of Covenants, Conditions and Restrictions of Discovery Bay, which are recorded in the chain of title to most lots within the development.

“Courtesy Notice” – Request to property owner to remedy a violation.

“Deck” - Any fixed above-water and/or above-ground structure, including any appurtenances attached thereto, such as walkways and gangways providing access to adjacent docks, which extend waterward from the principal structure, whether attached, or unattached, to the principal structure.

“DERC” - The Discovery Bay Property Owners’ Association Design and Environmental Review Committee. The Committee is responsible for administering the Association’s responsibilities for review and approval of any construction or property improvement project as described in the CC&Rs.

“Dock” - Any structure permanently affixed to the land and not designed and constructed to be propelled by motor, sail, paddle, or oars on the water.

“Front” - That portion of any lot adjacent to the street.

“Groomed Landscaping” - Clean, with no weeds and a “manicured” appearance. If bare soil, has a uniformly smooth or recently raked look with no weeds, roots or other debris.

“Lot” - A numbered subdivision of land delineated and specified on said map and as contained within the respective blocks wherein said property is segregated.

“Mooring Area” – That area in which the placement of docks and the mooring of vessels will be allowed. This area is established for the purpose of ensuring access to the Rec. 800 works.

“Motorhomes” - See Recreational Vehicles.

“30% Openness Factor” - Is the term used to describe the amount of open area in the screening material used principally on berthing area covers. There are other percentages of openness, but to maintain a sense of openness around the dock areas, only products with a minimum of 30% open will be approved.

“Permit” - Approval, by means of issuance of permit(s).

“Reclamation District Elevation Control Easement” (R.D.E.C.E.) – Those areas dedicated to Reclamation District No. 800, or its designees, for the purpose of maintaining ground or structural elevations within said easement at not less than eleven feet (+11.0’) about U.S.G.S. Sea Level Datum, either by earth embankment across the entire width of said easement, or by structure within said easement which will provide equal or superior protection against flood hazard or inundation.

“Recreational Vehicles” - Term “RV” as used in Article 3.12 of the CC&Rs means a motor home, travel trailer, truck camper, or camping trailer, with or without motor power, designed for human habitation which meets all of the following criteria:

1. Contains less than 320 sq. ft. of internal living room area excluding built-in equipment but in no case to exceed 400 sq. ft. gross area measured at maximum horizontal projections.
2. Is built on a single chassis.
3. Is either self-propelled, truck mounted, or permanently towable on the highway without a permit.

A "house car" is also included in this definition and means a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. (Note: The above definition is essentially from the County Traffic Resolution No. 2897.)

"Set back" – A distance established by a line parallel to the appropriate property line measured at a right angle to said property line.

"Slope Control Area" (SCA) - Those areas dedicated to the Rec. 800 for the purpose of controlling slope ratios, and encroachments, whether structural or otherwise, that will prevent erosion, sliding, and interference with the volume or rate of flow of water through waterways or drainage channels.

"Structure" and "dwelling house" - The main portion of such structure and all projections therefrom, such as bay windows, exterior chimneys, covered porches, and the like, including in the case of dwelling houses, garages, incorporated in and forming a part thereof, but shall not include eaves of such structure or any open pergola or uncovered porch, stoop or step, the sides of which do not extend more than three feet (3') above the level of the first floor of said structure

"Tight Fitting, Tailored" - Is used to describe the appearance required of fabric shade covering devices and means the fabric is securely attached to a rigid frame, taut and does not move with moderate wind. Generally the devices referred to are deck coverings, window awnings and covers for berthing areas or side yards.

SECTION VI
EXHIBITS

DERC Construction Application..... Exhibit A

Fees Exhibit B

Sample Plot Plan Exhibit C

Sample Profile Plan Exhibit D

DERC Plan Approval Stamps Exhibit E

Sample Letter of Agreement Exhibit F

Map of Properties in D.B.P.O.A.'S Jurisdiction Exhibit G

An Application for Variance to CC&Rs Exhibit H

An Application for Condition(s) of Use Permit Exhibit I

Boat Slip Cover Form Exhibit J

Acceptable Dock Covering Structures Exhibit K

Discovery Bay
Design & Environmental Review Committee
P. O. Box 1977 • Discovery Bay, CA 94514 • (925) 634-5598

CONSTRUCTION APPLICATION

BUILDER/CONTRACTOR: _____ DATE SUBMITTED: _____

OWNER(S): _____

ADDRESS: _____ TRACT _____ LOT _____

DAYTIME PHONE: (____) _____

PLANS AND SPECIFICATIONS FOR:

- | | |
|-----------------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> House _____ | <input type="checkbox"/> Concrete _____ |
| <input type="checkbox"/> Deck _____ | <input type="checkbox"/> Fence _____ |
| <input type="checkbox"/> Dock _____ | <input type="checkbox"/> Landscaping _____ |
| <input type="checkbox"/> As Built _____ | <input type="checkbox"/> Swimming Pool _____ |
| <input type="checkbox"/> Re-roof with change of material and/or color | <input type="checkbox"/> Trellis _____ |
| <input type="checkbox"/> Re-paint exterior with change of color(s) | <input type="checkbox"/> Other _____ |

DERC REVIEW

DATE : _____

PLANS AND SPECIFICATIONS HAVE BEEN:

- Approved
- Approved subject to notation(s) below
- Disapproved as noted below

NOTATIONS: _____

By: _____
Design and Environmental Review Committee

PROJECT TO BE COMPLETED BY:

EXHIBIT "A"

DERC FEE SCHEDULE

Fees are payable in accordance with the following schedule:

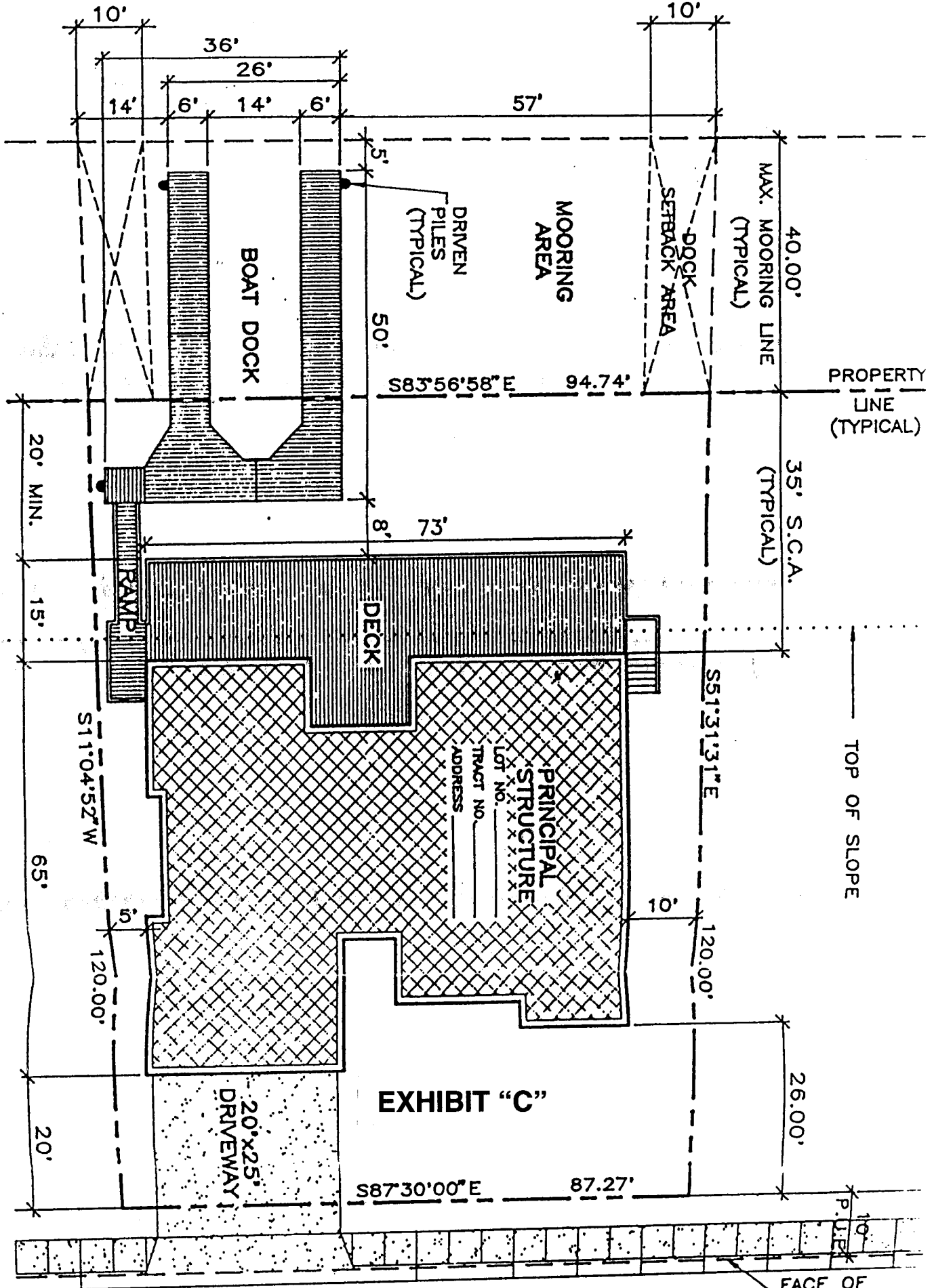
House and Dock (Submitted together) [1]	\$275.00
House [1]	\$250.00
Dock (new)	\$ 75.00
Home Additions (major modifications) [1]	\$275.00
Home Additions (minor) [2]	\$100.00
Concrete Slabs (flat work)	\$ 25.00
Dock and/or Deck Extensions and Trellis.....	\$ 50.00
Fence, and/or Landscaping, and/or Walkways, Sheds.....	\$ 25.00
Coverings for Berthing Areas.....	\$ 35.00
Swimming Pools	\$100.00
Permits for unapproved construction [1]	\$275.00
Permits for unapproved construction [2].....	\$125.00
Application for Variance	
Initial Processing Fee.....	\$50.00
Once DERC determines Application will be Accepted.....	\$150.00
Application for Condition(s) of Use Permit	\$100.00

There will be no charge for review of plans for re-roofing and re-painting.
A color sample must be submitted for all changes in color.

NOTE:

- [1] For new house or any remodel that exceeds or breaks the current volumetric envelope or creates some significant change in appearance.
- [2] Plans with no volumetric envelope changes.

INDIAN SLOUGH



SAMPLE LOT PLOT PLAN

NOT TO SCALE

DISCOVERY BAY BLVD.



SAMPLE PLAN APPROVAL STAMPS

**PLAN PERMIT APPROVAL
FOR DISCOVERY BAY AREA
REQUIRES 3 LOCAL APPROVALS**

Prior to Approval of
Contra Costa County
Building Department

1) Design & Environmental Review Committee (DERC)	Initial _____
2) Reclamation District No. 800	_____
3) Town of Discovery Bay Plan Review	_____



FOUNDATION DESIGN IS NOT A DERC RESPONSIBILITY. PLAN APPROVAL REQUIRES COMPLETION OF CONSTRUCTION WITH ONE YEAR OF DATE STAMPED ON THIS PLAN. NO PLAN, SPECIFICATIONS OR PROPOSAL SHALL BE CHANGED WITHOUT WRITTEN CONSENT OF DERC.

FENCES/WALLS WILL BE PERMITTED TO BE SIX (6) FEET HIGH ON THE SIDE OF THE HOUSE STRUCTURE AND THREE (3) FEET HIGH AND OF OPEN DESIGN EVERYWHERE ELSE AND NOTHING ON THE SLOPE CONTROL AREA. DERC APPROVAL IS REQUIRED.

ARTICLE 3.6 OF THE COVENANTS, CONDITIONS AND RESTRICTIONS REQUIRE THAT THE YARD FROM THE HOUSE TO THE SIDEWALK BE LANDSCAPED. LANDSCAPING OF THIS AREA IS REQUIRED BY DERC SIX (6) MONTHS FROM THE TIME OF OCCUPANCY. A LANDSCAPING PLAN MUST BE APPROVED BY DERC BEFORE INSTALLATION.

EXHIBIT "E"

SAMPLE LETTER OF AGREEMENT

TO: DESIGN & ENVIRONMENTAL REVIEW COMMITTEE

The undersigned, being the owner of Tract _____ Lot _____ (Address _____ Street _____) have examined the plans for the proposed _____ to be constructed on Tract _____ Lot _____ (Address _____ Street _____).

(I) (We) fully understand the proposed project and have no objection to its construction as shown below.

Date: _____

Signature: _____

Print Name: _____

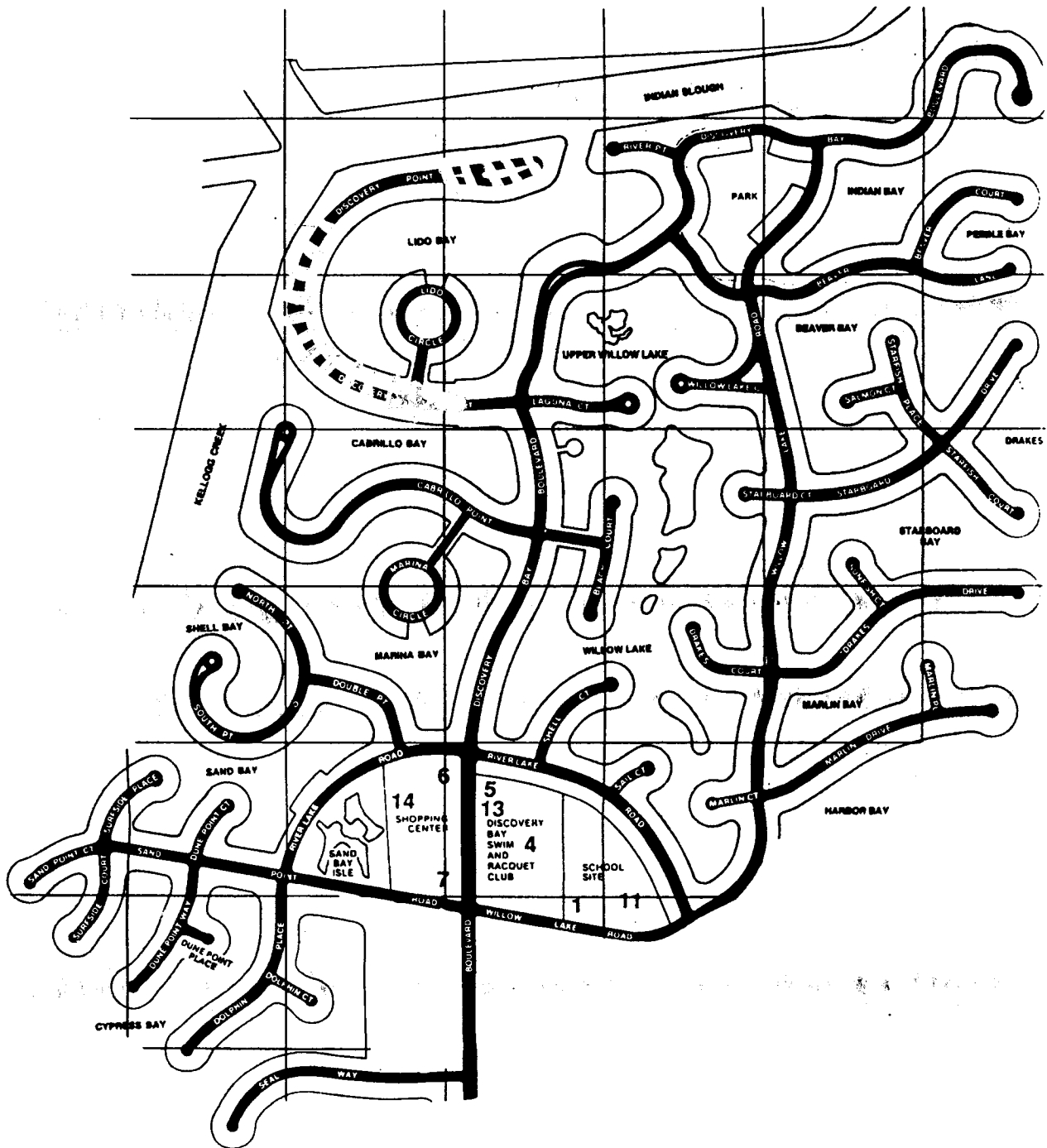
Signature: _____

Print Name: _____

(For this Approval Letter to be accepted, the signers must sign and date the described plans under a Notation of Approval, i.e. "We the undersigned understand and do not object to these plans.")

EXHIBIT "F"

PROPERTIES WITHIN DBPOA'S JURISDICTION



TRACTS COVERED

3653	4178	4207	4342	4687	6026
4076	4205	4223	4378	5353	6144
4086	4206	4224	4566	5586	6504

EXHIBIT "G"

APPLICATION FOR VARIANCE TO CC&Rs

(ONLY FULLY COMPLETED APPLICATIONS WILL BE ACCEPTED.)

APPLICATION FEE: \$150.

OWNER:		BUILDER:
ADDRESS:		MAILING ADDRESS:
HOME PHONE NUMBER:		BUSINESS PHONE NUMBER:
TRACT:	LOT:	PROPERTY ZONING:
DESCRIPTION OF REQUESTED VARIANCE:		

(Please provide written narration, describing the need, justification and impact on other property owners for the above Variance request on Page 2.)

OWNER' SIGNATURE

DATE

(FOR D.E.R.C. USE ONLY)

<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>DATE APPLICATION RECEIVED:</td> </tr> <tr> <td>DATE OF PROPERTY OWNER NOTIFICATION (300' RADIUS):</td> </tr> <tr> <td>APPLICATION <input type="checkbox"/> APPROVED BY D.E.R.C. _____ (Date)</td> </tr> <tr> <td><input type="checkbox"/> DISAPPROVED BY D.E.R.C. _____ (Date)</td> </tr> </table>	DATE APPLICATION RECEIVED:	DATE OF PROPERTY OWNER NOTIFICATION (300' RADIUS):	APPLICATION <input type="checkbox"/> APPROVED BY D.E.R.C. _____ (Date)	<input type="checkbox"/> DISAPPROVED BY D.E.R.C. _____ (Date)	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>DATE APPLICATION REVIEWED BY DERC:</td> </tr> <tr> <td>DATE OF PUBLIC HEARING:</td> </tr> </table>	DATE APPLICATION REVIEWED BY DERC:	DATE OF PUBLIC HEARING:												
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DATE OF PUBLIC HEARING:																			
REASON(S) FOR APPROVAL OR DENIAL: <table style="width:100%; border: none;"> <tr> <td style="width:35%;">1. Exceptional/extraordinary circumstances</td> <td style="width:15%;"><input type="checkbox"/> Yes</td> <td style="width:15%;"><input type="checkbox"/> No</td> </tr> <tr> <td>2. Alternatives available</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>3. Conforms to intent of CC&Rs</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>4. Detrimental to other property owners</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>5. Grants special privilege</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td>6. OTHER:</td> <td><input type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> </table>		1. Exceptional/extraordinary circumstances	<input type="checkbox"/> Yes	<input type="checkbox"/> No	2. Alternatives available	<input type="checkbox"/> Yes	<input type="checkbox"/> No	3. Conforms to intent of CC&Rs	<input type="checkbox"/> Yes	<input type="checkbox"/> No	4. Detrimental to other property owners	<input type="checkbox"/> Yes	<input type="checkbox"/> No	5. Grants special privilege	<input type="checkbox"/> Yes	<input type="checkbox"/> No	6. OTHER:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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2. Alternatives available	<input type="checkbox"/> Yes	<input type="checkbox"/> No																	
3. Conforms to intent of CC&Rs	<input type="checkbox"/> Yes	<input type="checkbox"/> No																	
4. Detrimental to other property owners	<input type="checkbox"/> Yes	<input type="checkbox"/> No																	
5. Grants special privilege	<input type="checkbox"/> Yes	<input type="checkbox"/> No																	
6. OTHER:	<input type="checkbox"/> Yes	<input type="checkbox"/> No																	

DESIGN & ENVIRONMENTAL REVIEW COMMITTEE

VARIANCE JUSTIFICATION

DATE:	TRACT:	LOT:
OWNER:	ADDRESS	

THE D.E.R.C. MUST FIND IN THE AFFIRMATIVE FOR ALL THREE OF THE FOLLOWING ISSUES. PLEASE RESPOND IN DETAIL HOW THIS VARIANCE REQUEST RELATES TO THESE ISSUES.

There are exceptional or extraordinary circumstances applicable to the property, including size, shape, topography, location or surroundings, in that the strict application of the CC&Rs would create an unreasonable hardship for the property owner. What is the hardship? What circumstances created this hardship?
The approval of the variance shall not constitute a grant of special privilege in view of the limitations upon other properties in the vicinity. What alternative measures were considered? Why were they rejected?
The approval of the variance shall substantially meet the intent and purposes of the CC&Rs and not be detrimental, injurious, or adverse to other property owner(s). What impact will granting the variance have on surrounding properties?

PLEASE ADD ADDITIONAL PAGES FOR COMMENTS AS NEEDED.

APPLICATION FOR CONDITION(S) OF USE PERMIT

OWNER:		BUILDER:
ADDRESS:		MAILING ADDRESS:
HOME PHONE NUMBER:		BUSINESS PHONE NUMBER:
TRACT:	LOT:	PROPERTY ZONING:
FEE : \$100.00		EXPECTED LENGTH OF TIME FOR USE:
TYPE OF CONSTRUCTION:		
DESCRIPTION OF USE:		
OTHER:		

(FOR D.E.R.C. USE ONLY)

DATE APPLICATION RECEIVED:	
APPROVAL OF ADJACENT NEIGHBORS NEEDED? <input type="checkbox"/> Yes <input type="checkbox"/> No	
APPLICATION <input type="checkbox"/> APPROVED BY D.E.R.C.	_____ (Date)
<input type="checkbox"/> DISAPPROVED BY D.E.R.C.	_____ (Date)

DATE APPROVAL FORMS RECEIVED (IF APPLICABLE):
DATE APPLICATION REVIEWED BY D.E.R.C.:

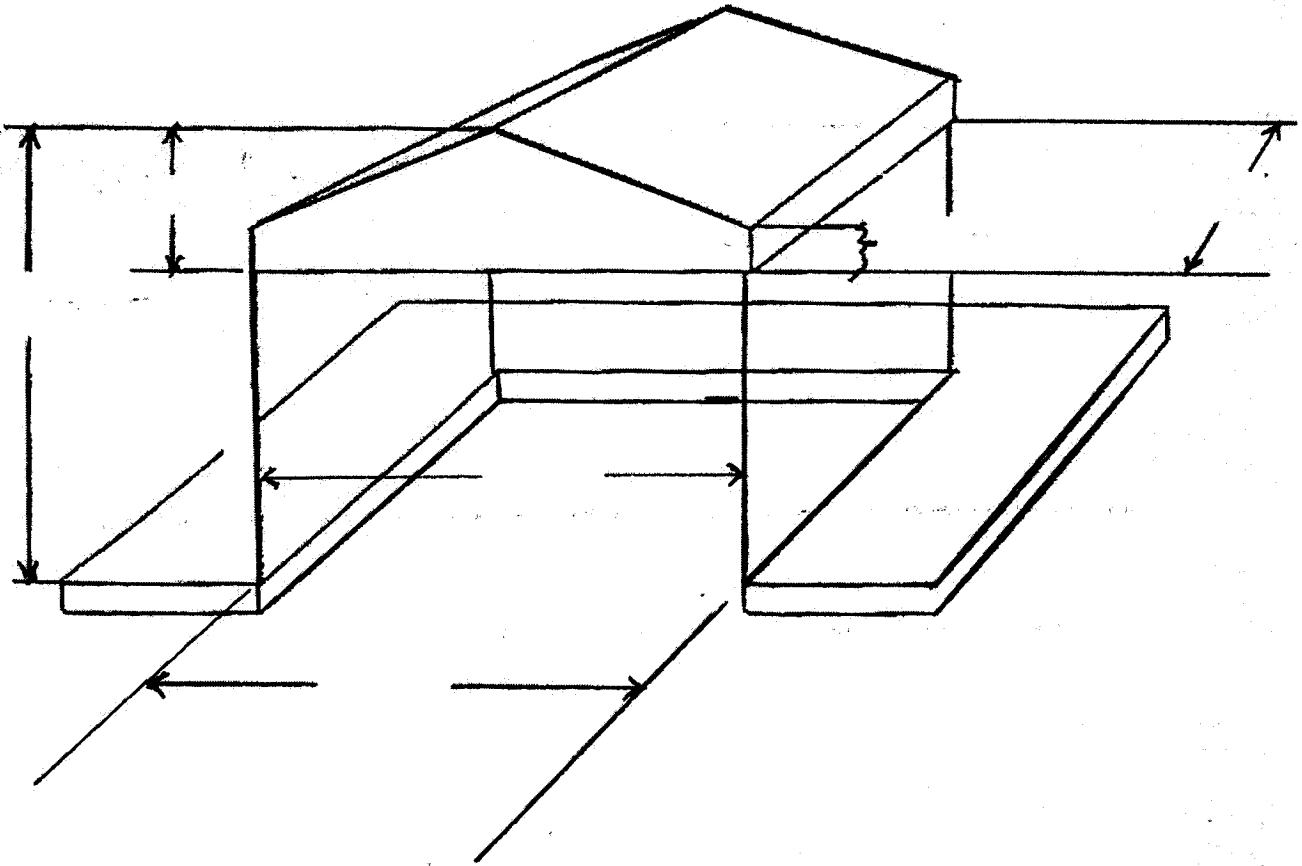
REASON(S) FOR APPROVAL OR DISAPPROVAL:
1.
2.
3.

CONDITIONS OF APPROVAL:
1. Time Duration:
2. Existing Need:
3. Other:

DESIGN & ENVIRONMENTAL REVIEW COMMITTEE

BOAT SLIP COVER FORM

(Not to Scale)



Manufacturer: _____

Installed by: _____

Date: _____

This form with all the dimensions must be completed and accompany the Construction Application.

EXHIBIT "J"

ACCEPTABLE DOCK COVERING STRUCTURES

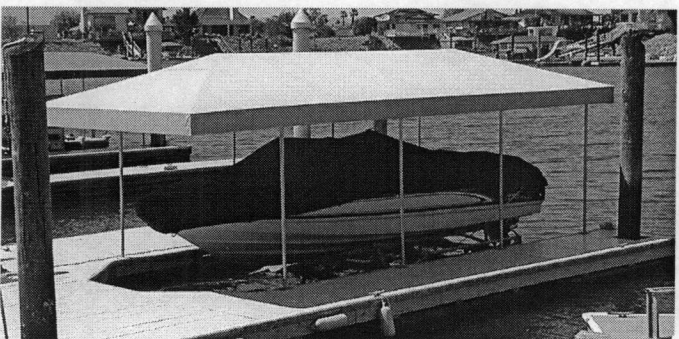
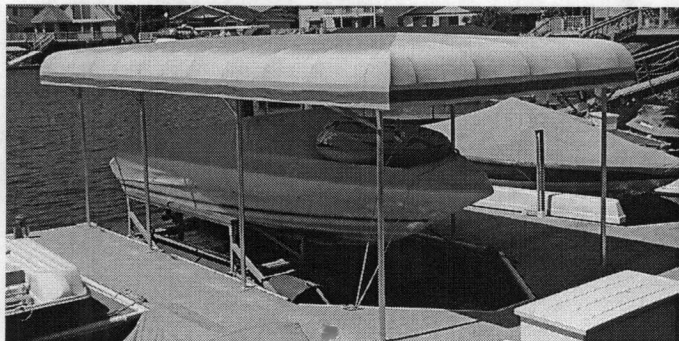


EXHIBIT "K"