

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.