

Danville Station Architectural Review Committee

POLICIES, PROCEDURES, RULES & GUIDELINES

I. Forward

On this day, January 1, 2006 and going forward, as set forth in Article V of the Danville Station Homeowners Association (“DSHOA”), Declaration of Covenants, Conditions and Restrictions (“CC&Rs”), as amended from time to time, and Article VIII of the Amended Bylaws, as amended from time to time, the Danville Station Architectural Review Committee (“ARC”) is explicitly charged with a number of duties. These duties include the examination of plans for proposed improvements on lots and buildings, the adoption of a set of rules and operating policies, and the enforcement of certain design conditions already established in various DSHOA documents. Clearly, the absence of the ARC and lack of reasonable controls would threaten the ultimate character and standards of DSHOA.

Beyond the enumerated duties, the ARC serves a higher purpose. Through its promotion of and insistence upon acceptable standards and practices, it encourages the creation of a desirable, orderly and logical neighborhood.

With the foregoing clearly in mind, the following are the official operating policies, procedures, rules, and guidelines of the ARC (“Rules”).

II. Purpose

The ARC considers it important to ensure that visible elements of any proposed modifications in or additions to existing lots, structures and /or landscaping continue to be in harmony with neighboring structures, the community, and the general character of the DSHOA area. It has the objective to promote and insist upon minimal acceptable standards and practices of good design, and thereby encourage the creation of a desirable, orderly, and logical neighborhood. It is necessary to apply to the ARC on any matters that include items that are visible from the street or common area within the DSHOA, including anything that extends above the fence line. If, however, some question might exist as to whether a contemplated improvement or modification would in fact fall within the purview of the ARC, a phone call or letter directed to the ARC through the DSHOA’s property manager (“Property Manager”) can quickly clarify the matter.

The Board of Directors recognize that there are some existing conditions in DSHOA area that immediately fall into conflict with these standards and procedures upon adoption. It is the goal of the DSHOA Board of Directors (“Board of Directors”) to make improvements to existing policy and assure compliance with reasonable standards over a period of time. The Board of Directors and the ARC cannot and will not require everyone who has a noncompliance issue to immediately change what has existed for years or has been approved by Board of Directors in former administrations. This is called "grandfathering" which may occur with regard to some existing improvements. However, the Board of Directors are committed to enforcing the standards and procedures stated herein and to the extent any changes are made or contemplated to an improvement that existed prior to these Rules being adopted and implemented, the Board of Directors will require the homeowner seek prior ARC approval of the changes. If they do not, the Board of Directors will treat the change as a noncompliance issue that is not "grandfathered". This does not mean that all existing noncompliant improvements will be "grandfathered" - there are some that are currently being addressed under enforcement procedures and this does not change the Board of Director's current courses of action with some of the existing noncompliance issues.

III. Policies & Procedures

A. When to Seek ARC Approval

All physical improvements visible from the street or common area within the DSHOA, including anything that extends above the fence line, **must have written approval of the ARC before any work may commence**. As stated in the CC&Rs, but clarified here, the ARC's **written approval is required on all plans** before construction commences, on any alterations and additions, on any exterior work, and all landscaping (except for routine maintenance), roofing (except for routine maintenance) and fencing (except for routine maintenance). New landscaping design, roofs and fences are not considered routine maintenance.

B. Adoption of Rules

The Board of Directors, from time to time, as necessary, may develop or revise the Rules regarding its review procedures, aspects and objectives of review, and principles and criteria used as standards for the ongoing process of community design. Any such changes will follow the process as defined under section 1357.100 of the California Civil Code.

C. Application for Architectural Review & Approval

Prior to the commencement of any project requiring ARC approval, an ARC Application for Architectural Review & Approval ("Application") form (including sufficient drawings or materials as required by the Application) must be submitted to the ARC to demonstrate clearly the nature and extent of contemplated improvements. The Application (and any drawings or materials submitted therewith) shall be retained in the association permanent files. If the homeowner wishes to have a copy of the drawings signed and returned with the submitted Application, then the homeowner shall submit two copies of the plan drawing to the ARC.

D. ARC Duties and Procedures

The ARC shall:

1. Examine each Application submitted and make a determination as to whether the request meets the requirements as set forth within the Rules as follows:
 - a) The initial determination of the acceptability or denial is the responsibility of the ARC.
 - b) A majority of the members of the ARC in agreement constitutes a final decision.
 - c) In the event of a special circumstance, the ARC may defer the final decision to the Board of Directors.
 - d) No plans shall be approved which might, in the opinion of the ARC, render any lot portion thereof, unsanitary, unsightly, harmful or detrimental to any property in the vicinity or to the occupants thereof.
2. Supply a copy of the Rules to the homeowner when requested.
3. Hold at least bimonthly meetings, report on ARC activities at Board of Directors meetings, and submit articles for publication in the DSHOA newsletter.
4. Within thirty days of submission of the Application, process and review Applications submitted for improvements. If additional information is needed, the ARC will request the additional information and if it is extensive, the ARC shall

have up to thirty additional days from the date the additional information is received to review the Application with the additional information.

5. As needed and appropriate, make themselves available for phone calls and other communications from applicants between regularly scheduled meetings to facilitate the orderly processing of Applications, with the understanding that none of these individual contacts constitutes a final determination on any question or concern raised about the proposed improvement.

6. In reviewing Applications, the ARC may, but is not obligated to, have any plans reviewed by and consider the opinions of professional consultants and others including those who are not members of DSHOA, conduct open hearings and consider evidence and comments from all relevant sources, and make a personal inspection of the property involved without the presence of other members of the ARC or the owner of the property. If outside review is determined relevant and necessary by the ARC, the owner desiring the improvements may, as a condition to further consideration, be required to provide specific report (s) concerning potential engineering concerns, drainage issues, structural issues, etc., to protect the integrity of the property and/or neighboring structures and properties. If the ARC chooses to conduct an open hearing, in the interest of expeditious treatment of the Application, at least five days prior written notice of such hearing shall be given to the homeowner submitting plans for approval. Such hearing may be adjourned and reconvened at a time no later than twenty-five days from the date the plans were submitted for approval (or additional information as requested was provided).

7. The ARC will review the Application and either grant approval in entirety, disapproval in entirety, approval subject to conditions, or disapproval with the right to re-apply given certain corrections to the proposed improvement. DSHOA shall notify the homeowner in writing of the action taken by the ARC. The process for denial will follow section 1378 of the California Civil Code, generally consisting of a written notice of the reasons for denial, and the right to seek reconsideration by requesting a meeting with the Board of Directors, if the decision was made by the ARC.

E. Proceeding with Work

Upon receipt of written approval from the ARC, the homeowner shall begin and complete work within three months from the date of approval, unless otherwise extended in writing by the ARC. If construction or the work is not completed or finished within three months from the date of approval, the ARC shall consider the approval given to be deemed revoked. Approval of any plan by the ARC does not waive the necessity of obtaining any Town of Danville ("Town") permits which may be required. If the ARC approval is obtained and modifications to the plans are required by the Town, Contra Costa County or other authority, such modification to the plans must be reviewed and approved by the ARC pursuant to procedures set forth in these Rules, prior to the start of any work. In addition, although the Town may approve something before the ARC committee sees any of the plans, the homeowner must still get final approval from the ARC. If it is the Town or Contra Costa County, or any other authority, that causes delays in the project, the owner may apply to the ARC to extend the approval for a specified period of time so long as owner notifies the ARC of necessary delays and they occur through no fault of the owner.

F. Non-Compliance and Enforcement Procedures

If the ARC finds that the work has not been performed in substantial compliance with the approved Application, the ARC shall notify the homeowner in writing and request that the homeowner remedy the non-compliant work. If the homeowner fails to remedy the non-compliance within thirty days after the date of the notice of non-compliance, the ARC shall then inform the Board of Directors. The Board of Directors will then follow the procedure described in Article III, Section I, below.

G. Work Performed Without Prior Approval

1. If work is commenced or completed without ARC approval, the ARC will require the homeowner to submit plans for approval and may approve or disapprove the plans, notwithstanding the fact that work has commenced prior to ARC approval. If plans submitted for approval are found to be in violation of the CC&Rs, these Rules or otherwise by the ARC, or the homeowner fails to submit plans as requested by the ARC within thirty days after the date of written request from the ARC, the ARC shall then inform the Board of Directors. The Board of Directors will then follow the enforcement notice procedure as defined in Article III, Section I, below.
2. In the event the ARC receives a complaint that work has been commenced or completed without ARC approval, the following procedures will be taken:
 - a) The ARC will investigate to verify the complaint is accurate.
 - b) The ARC will make a determination whether such construction is in violation of the Rules, including the failure to obtain ARC approval.
 - c) If a determination of violation of the Rules is made by the ARC, the ARC will notify the homeowner in writing of the violation and request that the violation be remedied.
 - d) If, within thirty days from the date of notice of violation, the homeowner fails to remedy the non-compliance, the ARC will inform the Board of Directors who will then set a date on which a hearing will be held before the Board of Directors.
 - e) Fines, penalties, assessments, an order for removal, and other remedies available to the Board of Directors, may apply. (See Article III, Section I, below).

H. General Conditions

1. To the extent that any condition or situation arises that is not defined within these Rules, the decision on it shall become a matter of judgment on the part of the ARC and/or the Board of Directors unless described in the CC&Rs. See the CC&Rs for the general use restrictions.
2. Neither the DSHOA, the Board of Directors, the ARC nor any member or agent thereof shall be liable to any homeowner for any damage, loss, or prejudice suffered to be claimed on account of:
 - a) The approval or disapproval of any plans, drawings and specifications, whether or not defective;
 - b) The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications;

- c) The development of any property within the project; provided, however, that such persons described above have acted in good faith on the basis of such information as may be possessed by them.

I. Fines and Penalties Guidelines

If any violation (including failure to apply properly for approval) is not corrected in the specified time on the first notice, a second notice will be sent to the homeowner advising them (1) that failure to cure the violation may subject them to a fine of \$50-\$250, on a daily or continuing basis, and/or a special individual assessment to cover any costs expended by the Board of Directors, and (2) that they have the opportunity to appear at a hearing at the next regularly scheduled board meeting, at which time appropriate disciplinary action shall be considered. If there is insufficient time to give the requisite notice for such a hearing to be held at the next board meeting, the Board of Directors has the option to schedule the meeting at another time. In accordance with Civil Code 1363(h) if the Board of Directors is considering imposing discipline on any homeowner, the homeowner must be notified in writing ten days before the hearing or meeting when disciplinary action will be considered. The notice must state the date, time and place of hearing as well as the nature of the violation to be discussed. No monetary penalty will be effectively imposed until after the property owner has been given the opportunity to attend a hearing at which it will be considered. The Board of Directors shall provide written notice to the homeowner of any disciplinary action to be imposed within fifteen days after the Board of Directors makes its decision. See Articles IV and Article IX in the CC&Rs.

IV. General Architectural Rules & Guidelines

The following are general rules and guidelines, which the ARC intends to follow in approving or disapproving a homeowner's Application or when conducting a review of DSHOA properties. As stated previously, all physical improvements visible from the street or common area within the DSHOA, including anything that extends above the fence line (each a "Visible Project"), **must have written approval of the ARC before any work may commence.** Failure to follow the general rules and guidelines outlined below may result in fines, penalties, assessments, an order for removal and/or other remedies available to the Board of Directors.

A. Minimum Maintenance Standards

The following are minimum maintenance standards to which homeowners must comply. Each of the following does not require ARC approval, however if there is a failure to follow such minimum standards, the homeowner may be subject to discipline and other actions enumerated above:

1. Sidewalks are not to be obstructed by shrubs, branches, tree limbs, etc. which affect the full use and safety of the sidewalk.
2. All fences must be maintained in good condition, i.e., to be no broken boards, unsightly holes, leaning or propped boards and no flaking or peeling paint.
3. Fire hydrants must remain clearly visible from the street and unobstructed by shrubs, plants, trees or any construction materials.
4. Yard and house must be kept in harmony and character with the neighborhood, free of unsightly weeds, trees, shrubs or large exposed dirt areas. No patchy or peeling paint/stucco and no damaged or non-operational garage doors are allowed. Shrubs and other growth should be trimmed so that it does not touch or extend beyond the DSHOA rail fence bordering the greenbelts.

5. Trees must be trimmed to a minimum of 7 feet above a sidewalk or walkway area and must be a minimum of 14 feet above a street.

B. Patio Structures, Arbors, Trellises, and Gazebos

1. Prior approval from the ARC must be obtained for all patio structures, arbors, trellises, gazebos or similar structures that are Visible Projects. Such structures shall be made of wood, woodlike material or masonry construction only. Carports and canopies are prohibited. The side elevations of the above structures shall not be enclosed in any manner, except for sheds and in the case where a wall on a main dwelling forms a natural enclosure to some or all portions of a side elevation.
2. The following materials shall NOT be used for the roof (top cover surface) on any patio structure, arbor, trellis, gazebo or similar structure:
 - a) Metal structures and supports, including metal awnings.
 - b) Plastic and fiberglass panels.
 - c) Plastic webbing, reed or straw like materials.

C. Sheds and Sunshades

Homeowners must seek the ARC's approval prior to installing any shed or sunshade that is Visible Project.

D. Painting

Without exception, **ALL** paint and/or stain colors to be used to paint any structure within the DSHOA must be approved by the ARC before commencing painting. A homeowner must submit an Application, with the paint and/or stain colors, to the ARC for approval. Solely for the homeowner's convenience, the ARC has pre-selected specific house paint color combinations as suggestions for colors that may be used when choosing a paint color. These selections will be automatically approved, but the homeowner must still submit an Application to the ARC and receive final approval before commencing painting. The pre-selected colors can be found on the Application form. Please note that colors and combinations other than those identified in the Application as the pre-selected colors may be used by a homeowner, however any color must be approved by the ARC before commencing painting.

E. Exposed Equipment and Basketball Standards

Portable basketball hoops are allowed, however they must be stored on the homeowner's private property, after forty-eight hours of use, so not to obstruct sidewalk or street usage. Basket ball hoops, backboards or related apparatus may not be affixed to the front of a home or garage. Any other equipment, including sport apparatus, that is a Visible Project, must seek prior approval from the ARC.

F. Antenna/Satellite Dishes

Subject to the requirements of Civil Code Section 1376 and F.C.C. Rule 207, as they may be amended from time to time, installation and maintenance of television or video antennae or satellite dishes over a meter in diameter (approximately three feet) that is a Visible Project must be submitted to the ARC. Satellite dishes less than one meter do not need approval of the ARC if they meet the following guidelines: (a) they are located at the rear or side of the residence

(except corner lots) in the least conspicuous (obvious) location visible from the common areas or public streets; and (b) all wiring shall be painted to match the exterior of the residence.

G. Fences, Hedges or Walls

1. Fences, hedges or walls that are Visible Projects may not be erected or materially altered unless first approved by the ARC.
2. Fences, including painting and staining, must be of a material and color that is compatible with the surroundings and of a material similar to that of existing fences.
3. Any fence may not be higher than six feet tall. If a homeowner wants a fence that is higher than six feet, then the homeowner may add an additional twelve inches of lattice only, as long as the proper approvals are granted from the ARC and the Town. Any fences over six feet in height (as measured from a level area adjacent to such fence) which obstruct the view of any neighbor or are visible from the common areas, streets or adjoining lots, will require the written approval of the affected neighbor, as well as approval from the ARC and the Town.
4. The body of all fences must be constructed of vertical boards and all gates or openings must be flush with body of fence.
5. No fences installed shall prevent adequate driver visibility from the streets within the DSHOA.

H. Signs & Outdoor Decorations

One FOR SALE/LEASE SIGN is allowed which may not exceed nine square feet in size. Holiday decorations, including, but not limited to Christmas lights, must be removed within thirty days post-holiday. A homeowner must obtain ARC approval prior to installing any outdoor flagpole, or similar item, that is a Visible Project.

I. Landscape Materials

1. Although it is recommended that a mixture of lawn, plant materials and ground cover be used and that large exposed dirt areas should be covered with rock, gravel, or wood chips, any landscape plans presented to the ARC will be reviewed based on their own merit. Vegetables grown outside a perimeter fence or visible from the street or common area within the DSHOA, including anything that extends above the fence line, are prohibited.
2. Any use of statuary, water features or fountains in the front yards must be approved by the ARC prior to installation.
3. Any landscaping installed shall not prevent adequate driver visibility from the streets within the DSHOA.
4. Any permanent exterior lighting shall not be installed on any residence or erected in any yard without ARC approval.

J. Utility Service

No lines, wires, or other devices for communication or transmission of electric current or power, shall be constructed, placed or maintained anywhere in or on any lot, unless contained in conduits or cables underground or concealed in, under or on a buildings or other approved structures, excluding temporary power or telephone services incidental to construction of approved buildings. External window-type air-conditioning units are prohibited. Before any of

the listed work is to take place, homeowner must get approval from the proper authority (i.e. PG&E).

K. Temporary Occupancy

No trailer, tent, shack, barn, garage, basement of any incomplete building, or temporary building or structure may be used as a residence, either temporary or permanent.

L. Clothes Drying Facilities

No outside clotheslines or other outside clothes drying or airing facilities that are Visible Projects are allowed.

M. Mailboxes

Mailboxes and mailbox structures must be approved by the ARC and the local postal authority.

N. Structures for Animals

No structure for the care, housing or confinement of any animal shall be maintained so as to be a Visible Project unless approved by the ARC. Refer to the Article VI, Section 3 of the CC&Rs for additional animal restrictions.

O. Additions and Remodels

Prior to construction of an addition to or remodeling of a residence, or construction or architecturally alteration of a swimming pool, spa or accessory structure that is a Visible Project, a homeowner must seek prior approval of the ARC and the Town.

P. Storage of Materials

Storage of construction materials is not allowed in areas which are visible from the public streets or common areas in the DSHOA, including anything that extends above the fence line. Construction debris shall be removed from the front yard of a residence on a routine basis. Materials stored in a back yard may not be leaned up against a fence so as to cause it to lean or damage the fence.

Q. Storage of Trash Cans and Recycling Cans

Storage of trash cans and recycling cans is not allowed in the streets or front yards or anywhere that can be viewed from the street or common area within the DSHOA, including anything that extends above the fence line. All such containers must be removed from the street by the end of day on garbage day.

R. Minimum Setbacks

Minimum setbacks for all structures including accessory structures (pools, spas, sheds, etc.) shall be in accordance with any state or local rules, codes or ordinances.

S. Boats, Trailers, or other Vehicles

No boats, trailers, recreational vehicles, non-operational, or unlicensed vehicles, or vehicles that are not currently registered for use on the streets, nor campers, commercial vehicles (except those with no visible commercial equipment) shall be parked or stored visibly on or adjacent to common areas or in the front, side or back yard of any home in a manner that is visible from the street or common area within the DSHOA, including anything that extends above the fence line. No recreational vehicle or boat may be visibly parked or stored on DSHOA or homeowner property except for a twenty-four hour period for the purpose of loading or unloading. No motorized vehicles shall be allowed on or around the common areas, with the exception of licensed vehicles in parking areas only. No new access point or driveway may be created, including any alteration of a fence, for the purpose of additional vehicle or watercraft entrance or storage. The term “new access point or driveway” does not include the expansion of an already existing front driveway, provided that the curb is not widened.

T. Parking

All vehicles must be parked in accordance with any state or local rules, codes or ordinances which will be strictly enforced. In order to preserve the quality and safety of the streets, the Board of Directors recommends that all resident vehicles be parked in the driveways and garages and all vehicles be parked in accordance with the direction of the street side on which it is parked.

U. Miscellaneous Prohibitions

The park and greenbelt areas within Danville Station are reserved for use by DSHOA families and their guests, for individual use or DSHOA family organized activities. The DSHOA homeowners are responsible for their guests. For the protection and benefit of the DSHOA owners, no organized teams (i.e., Mustang Soccer, Danville Little League etc.) shall be allowed to use Pepperwood Park or other greenbelt areas within the DSHOA for games or practice. .