

Vista La Jolla
TOWNHOMES ASSOCIATION

POLICY MANUAL

Revised January 2, 1997

**VISTA LA JOLLA TOWNHOMES ASSOCIATION, INC.
POLICY MANUAL**

Table of Contents

	<u>Page</u>
I. INTRODUCTION	i
A. Background	ii
B. Board of Directors	iii
C. Management Agent	iv

II. GLOSSARY OF TERMS	1
III. RULES AND REGULATIONS PROCEDURE AND ENFORCEMENT	2
IV. FINE SCHEDULE	3
CHAPTER 1 RULES REGULATING COMMON AREA	4
A. Parking	4
B. Pets	4
C. Refuse Control	5
D. Noise	5
E. Alterations to Exterior of Residences	5
F. Alterations to Interior of Residences	5
G. Posting Signs	5
CHAPTER II RULES REGULATING USE OF RECREATION AREAS	6
A. Recreation Areas Defined	6
B. Swimming Pool Area	6
C. Tennis Courts	7
1. General	7
2. Dress Code	7
3. Food / Beverages	8
4. Pets	8
5. Tennis Hours	8
6. Tennis Reservations	8
D. Clubhouse	9
1. General	9

VISTA LA JOLLA TOWNHOMES ASSOCIATION, INC.

POLICY MANUAL

I. INTRODUCTION

Living in a condominium development as an owner or tenant requires a slightly different approach to everyday activities from that which is followed when we live in individual residences. Our joint ownership and maintenance of the exterior of our residences, walkways, common landscape areas, parking garages, common areas in the buildings and recreational facilities are the responsibility under the authority of our homeowners association, its Board of Directors, committees, management and staff.

The concept of joint ownership and use requires the formation of uniform policies for the use and maintenance of the common areas, because each of us shares an equal responsibility in maintaining the attractive appearance and harmonious environment of our development.

This manual provides general information and rules in conformance with statute and the governing documents as approved by The Vista La Jolla Townhomes Association Board of Directors. It is intended for the mutual benefit of all owners and residents. All members of our community are asked to cooperate with these policies in order to allow each owner and resident full enjoyment of his or her home. Such compliance is necessary to keep the Vista La Jolla Townhomes Association a pleasant place to live and to prevent deterioration of property values. These policies are offered as a positive contribution toward the conditions of living in what, for many, is a new type of environment. It is hoped that they will likewise be received in a positive manner.

This manual is a supplement to the governing documents known as the Declaration of Covenants, Conditions and Restrictions (CC&Rs) of the property and the By-Laws of the Vista La Jolla Townhomes Association, which were established by the developer, Summers Development, in compliance with the California Civil Code. It in no way replaces or changes the CC&Rs or By-Laws, but is an interpretation of these documents providing specifics where they are general. At times, issues will arise which are not covered by this policy manual. The Board will deal with those issues as they arise.

This manual is effective from the date of its distribution to owners and residents. Changes in the manual will be made as infrequently as possible and only when the Board concludes that a change is necessary.

The regulatory provisions are applicable to all condominium owners, residents and visitors. Owners, including off-site landlords, will be held responsible for the actions of their renters and guests. Owners are obligated to provide renters with this information; and, for their own protection, landlords should make this policy manual,

the Vista La Jolla Townhomes Association CC&Rs, and the Vista La Jolla Townhomes Association By-Laws exhibits to any lease or rental agreement and make compliance with the provisions of these documents a condition of performance under the rental agreement.

Your Board of Directors hopes that this Policy Manual will be utilized by all of Owners and residents in a mutual effort to provide the residents of the Vista La Jolla Townhomes Association a comfortable and attractive community environment.

A. Background - Sources of Authority

A condominium is a legally-recognized form of ownership of a property by many people as tenants-in-common which is established in the California Civil Code. Such ownership conveys an individual right to an airspace (the inside of your condominium), an "exclusive use" right for use of certain common areas (your patio, balcony, and front entry area), and a "common" right to use other parts of the property (pools, spas, tennis courts, etc.), along with all other owners or residents of the property. This concept also imposes certain limitations on owners and residents and establishes a framework for governing operation and maintenance of the common areas. This function is performed by the homeowners association of which each owner is a member as a condition of ownership at the Vista La Jolla Townhomes Association, Inc.

Several California, county, and municipal statutes - and some federal statutes - apply to homeowners associations and impose certain duties on them or constraints on the way they function. Applicable statutes are found in the Civil Code, the Corporations Code, the Health and Safety Code, the Vehicle Code, and the Labor Code, to name a few.

Besides governmental regulation, the operation of the homeowners association and the activities of its owners and residents are regulated by private agreements collectively referred to as the "Governing Documents". These consist of the Condominium Plan and the Covenants, Conditions and Restrictions (CC&R's), which are recorded as part of the ownership documents and effect the property, and the Articles of Incorporation and the By-Laws, which effect the homeowners association.

The Condominium Plan establishes the exact dimensions of individual ownership space, exclusive use space, and common area. The CC&R's impose conditions on ownership including the obligation to belong to the homeowners association, the obligation to pay dues, the obligation to abide by the rules, and establish the duties and authority of the homeowners association.

The Articles of Incorporation establish the homeowners association as a California non-profit, mutual benefit corporation. The By-Laws are the Corporation's operating manual, defining its structure and establishing duties of owners and duties, authority, and limitations of authority of its Board of Directors, their agents, and employees.

The underlying purpose of all these documents is to provide for the orderly maintenance and operation of the property for the benefit of all its owners and residents. As there are many points of view on any subject, necessarily this means that rules must be adopted to guide owners and residents towards common courses of action for the benefit of all. That is the purpose of this Policy Manual.

B. Board of Directors

Annually, the owners elect either two or three owners to a two-year term on the Board of Directors. The Board then elects the officers of the Corporation: the President, the Vice-President, the Secretary, and the Treasurer. The specific duties of each officer are defined in the By-Laws.

The Board supervises the financial affairs of the Association, ensures the proper maintenance of buildings and grounds, and otherwise attempts to promote the smooth operation of the Association. The Board holds regular meetings to which all owners are invited. Renters may not attend these meetings unless invited to do so by the Board or the Management Agent in writing. Board meetings are specifically for the purpose of addressing issues which affect the Corporation and its general membership, not for interpersonal issues.

The Board, or its agents or employees, shall have the right, after reasonable notice to the owner, to enter any Living Unit or upon any portion of the Common Area (including any Exclusive Use Area) at reasonable hours for the purpose of maintenance of the Common Area or for any other purpose reasonably related to the performance by the Board of its responsibilities set forth in the CC&Rs. However, during an emergency, the Board or its agents or employees reserve the right (but not the obligation) of entry to any living unit without consent of the owner or his agents. An emergency is defined as a situation which provides threat of safety or damage to common areas or adjacent living units, or personal property.

The Board may create committees. All committee chairpersons are appointed by the President. The Treasurer will be chairperson of the Finance Committee. Generally, a good working committee has three and never more than five members; of course, exceptions do exist and can be made on certain committees. The basic purpose of the committees is to advise the Board in specific matters to which the Board requests the committee address itself. The function of the committee is advisory; policy is made by Board resolution. The Board can delegate certain decision making but remains responsible for all resulting actions.

C. Management Agent

The Board may employ a professional company to manage the Association's operation. The management agent is responsible to the Board, and will advise the Board in its duties and execute the policy decisions of the Board. The right to make policy is specifically reserved to the Board of Directors. The management agent's duties include contracting for and supervising of maintenance, landscaping, and other services necessary to keep the facilities in good condition, maintaining accounts with utility companies, handling tax matters, collecting monthly common area fees, establishing appropriate staffing levels, day-to-day supervision of all staff employed by the Association, administration of payroll and benefits, and conformance to Federal, State and legal laws governing employment.

II.

GLOSSARY OF TERMS

1. ASSOCIATION shall mean and refer to VISTA LA JOLLA TOWNHOMES ASSOCIATION, INC.
2. BOARD shall mean and refer to the Board of Directors of the Association.
3. RECREATION AREA shall mean all real property owned by the Association for the common use and enjoyment of the Owners.
4. EXCLUSIVE USE AREA shall mean and refer to those portions of the Common Area to which an exclusive right to use is granted to an Owner as shown and described on the Condominium Plan and shall consist of Entries, Patios, and Balconies.
5. COMMON AREAS shall mean and refer to all portions of the Condominium Property not located within a Living Unit.
6. LIVING UNIT shall mean and refer to those portions of your condominium to which an individual right of ownership is granted as defined and described on the Condominium Plan.

NOTE: THESE RULES DO NOT COVER EVERY CONCEIVABLE SITUATION. PLEASE EXERCISE COURTESY AND COMMON SENSE WHEN INTERPRETING THEM.

III.

RULES AND REGULATIONS PROCEDURE AND ENFORCEMENT

The following procedures will apply to all violations and infractions of the governing documents and rules and regulations. Owners may report violations to the management company or the Board of Directors by submitting a written notice describing the violation, in detail, including the date, the time, the place, any witnesses, the address of the offending unit, and the specific section(s) of the Governing Documents violated. The Board of Directors, Property Management Associates, or the Committee appointed by the Board of Directors may also note any violation discovered during walk-throughs or by personal knowledge of any of its members or representatives.

At the time a violation is noted or reported, action will be taken as follows:

1. For minor infractions, a first notice (warning) to correct the violation will be sent by Property Management Associates. The notice will contain a description of the violation and instructions regarding response to the notice and/or correction of the violation.
2. If a minor infraction continues after a first notice, or if the response is otherwise unsatisfactory, a second notice to correct the violation may be sent by the management company, or, at the option of the Board, the matter may be noticed for an enforcement hearing. If this is a second notice, the owner will be notified that a fine may be imposed if the violation is not corrected.
3. For a major infraction or for failure to properly respond to a second notice, the owner will receive a notice of a possible monetary penalty and be afforded an opportunity to appear before the Board, either personally or by submitting written testimony. The hearing date shall be at least ten (10) days before the effective date of the monetary penalty. The notice shall be delivered to the owner personally or by first class registered mail to the last address of the owner shown on the Association's records. The Board of Directors shall give fair consideration to the owner's oral or written testimony in determining whether to impose a penalty.
4. If the violation continues, or if the response is otherwise unsatisfactory, even after the imposition of a monetary penalty, the Board may impose additional or continuing fines until such time as the matter is satisfactorily resolved.
5. If the violation continues, the Board may refer the matter to the Association's legal counsel. If a lawsuit is filed, the homeowner may be liable for the Association's legal costs and fees.

IV.

FINE SCHEDULE

Reasonable fines for first time violations may be levied in accordance with the following schedule.

Hazardous activity (risk of harm to person or property)	\$50.00
Use restriction	50.00
Vehicle and parking restrictions	50.00
Unauthorized improvements to the property (per discretion of the Board)	minimum 50.00
Automatic fine for each infraction of the rules concerning posting of signs	50.00
Any violation of the By-laws, CC&R's or Rules & Regulations not specifically mentioned	50.00

Fine shall be in addition to an assessment levied to reimburse the Association for expenses and cost. Fines for continuing or repeated violations may be increased in \$50.00 increments at the discretion of the Board. Four (4) or more violations assessed to a single unit in any six (6) month period may result in additional fines to be determined at the discretion of the Board.

11

CHAPTER I

RULES REGULATING COMMON AREAS

A. Rules Regulating Parking

The aims of the parking rules are resident safety, emergency vehicle access to all units, accident prevention and avoidance, and Common Area neatness. Vista La Jolla residents are advised of and shall observe the following:

1. Garage space for two (2) vehicles in all units shall be utilized for resident's vehicles. Garage doors should remain closed except for entering and leaving.
2. Boat, trailer, and motor home parking on area streets is prohibited.
3. Red curbs are tow away zones; no parking is permitted in red zones. The Board, acting in accordance with the California Vehicle Code #22658 and 22658.2, is empowered to have illegally parked vehicles within the project towed away at the owner's expense.
4. Parking which blocks a neighbor's access to a driveway, garage, or sidewalk is a violation of City ordinance and shall be subject to City police action.
5. Wrong way parking is a violation of City ordinance and shall be subject to City police action.
6. Guest parking is allowed at designated spaces and at raised curbs. Residents and/or guests parking on City streets must keep twenty-foot wide passage on streets at all times for emergency vehicles.
7. The community's maximum speed limit is 15 mph.
8. Violation notices may be issued by the Board.

B. Pets

1. All provisions of the San Diego City Code regulating animals and pets apply to Vista La Jolla.
2. Residents and guest must control each and all their pets so as not to offend any neighbors by noise or encroachment.
3. Residents and guests shall comply with the San Diego City leash laws. Pet Owners are responsible for picking up their pets' excrement.

4. No more than two pets may be kept in any living unit without prior consent of the Board.

C. Refuse Control

1. Residents shall use only City approved trash containers to secure refuse for removal by the City.
2. Residents shall not put trash containers curbside before 4:00 PM the day before scheduled pick-up. Residents shall collect their empty trash containers the same day that the City collects and removes trash.
3. Disposal of cardboard boxes and large objects is the resident's responsibility and must conform to City collection requirements. Under no circumstances shall residents place boxes or paper bags curbside for trash collection, as the City will not pick up or remove them.

D. Noise

1. Residents are required to control ALL loud noises (such as barking or howling dogs, stereos, power tools, and musical instruments) that may disturb other residents.

E. Rules Regulating Alterations to Exterior of Residences

1. Residents shall not make structural modifications or alterations to exclusive use areas without prior approval of the Board.
2. Residents shall not alter the exterior of townhomes, exclusive use areas, common areas or driveways as they relate to painting, decorating, or remodeling, without prior approval of the Board. Installation of security screen doors and window bars on the exterior of the living unit is prohibited.
3. No plantings in exclusive use areas may be excessively large or invasive. The Board may require residents to remove or trim trees, shrubs and vines located in the Exclusive Use Areas. Owners are urged to use good judgement when selecting new plantings and to consider root invasion and uplift as well as potential infringement of the full-grown plant upon its surroundings. Specifically prohibited plantings are ornamental fig (ficus) trees, vines which adhere to walls and woodwork, pine trees, and Eucalyptus trees.
4. Residents may place one single stepping stone in the shrubbery beds between the sidewalk and the front walkway.

F. Rules Regulating Alterations to Interior of Residences

1. Residents shall not alter the location of the walls, floors, or ceilings that may affect the structural integrity of the building without prior approval

of the Board. Such approval may be granted only if the homeowner supplies the Board with drawings of the intended modifications and the work is contracted with a licensed and bonded contractor.

G. Rules Regulating the Posting of Signs

1. Owners, residents, or their agents shall display only **ONE** sign no larger than 18" x 24" advertising a unit for sale or lease. The sign shall be displayed in a window or at the center of the garage door.
2. Owners, residents, or their agents shall display no signs other than described in paragraph G.1, or any flags pertaining to the sale or lease of a unit without prior written approval of the Board.
3. Owners or residents may display a single sign on the common area adjacent to the living unit which advises of a security system protecting that unit.

CHAPTER II

RULES REGULATING USE OF RECREATION AREAS

A. Recreation areas are: swimming pools/spas/dressing facilities/barbecues, tennis courts, and clubhouse.

1. Only residents and their guests shall use the recreation areas.
2. The Board shall issue each living unit **ONE** key for private use of pools, tennis courts, and access gates. Replacement or additional keys may be purchased from the Management Company for \$50.00.
3. Residents and guest passing through a gate that requires a security key shall close and lock that gate when passage through the gate is completed.

B. Swimming Pool Area

1. Pool hours:	<u>Clubhouse</u>	<u>Other Pools</u>
Sunday - Thursday	5:30 AM - 10:00 PM	7:30 AM - 10:00 PM
Friday & Saturday	5:30 AM - Midnight	5:30 AM - Midnight

The Board may approve extended pool hours for special events.

2. All persons who enter the pool areas do so at their own risk. No lifeguard is on duty.

3. All children less than 14 years of age must be accompanied by a resident 18 years of age or older when using the pool or spa areas.
4. Climbing the pool enclosure, and all running and diving in and around the pool is prohibited.
5. Bicycles, tricycles, skateboards, roller skates, and in-line skates are not permitted in the pool areas.
6. No pets are allowed in the pool area.
7. Glass containers or objects are prohibited in the pool areas.
8. Residents and guests shall provide their own towels for use in the pool areas. These towels shall be spread over pool chairs and recliners whenever residents or guests use this furniture. Residents or guests shall not remove pool furniture from the pool areas.
9. Littering any pool or pool area is prohibited. Residents and guests shall deposit all trash in pool area trash receptacles, or collect and dispose of trash at their living units.
10. Residents and guests shall replace spa covers after spa use.

C. Tennis Courts

1. General

- a. Tennis courts are for playing tennis only. No bicycles, tricycles, in-line skates, roller skates, skateboards, etc., are permitted in the court area.
- b. Only residents and guests of residents shall use the tennis courts.
- c. Littering the tennis court area is prohibited.
- d. Each resident is responsible for the conduct of his/her guests.
- e. Use of the tennis facilities for private enterprise is prohibited.
- f. Residents or guests using the tennis facilities shall turn off lights when leaving courts.

2. Dress Code

- a. All players must wear tennis shoes; other types of shoes may damage the playing surface. Dark soled shoes or bare feet are prohibited.

3. Food and Beverages

- a. Food is not permitted on the courts.
- b. All beverages must be in unbreakable containers.
- c. Smoking is not permitted in the tennis facilities.

4. Pets

- a. No pets are permitted in the tennis facilities.

5. Tennis Hours

- a. Court hours are between 7:00 AM and 10:00 PM, everyday, except for cleaning hours.

6. Tennis Reservations

The following tennis court reservation system has been developed to provide a systematic means of planning resident and guest use of the two tennis courts. The reservation board is located in the area adjacent to the courts.

- a. Two special locks will be used as reservation markers. They are identified by the residents' lot number and are specially keyed. The locks may be purchased from the Tennis Committee or Board for \$13.50 for one or \$26 for two.
- b. Each Monday morning after 7:30 AM, residents may lock in (by placing their lock on the reservation board) two different one-hour reservations for the week.
- c. After play, players shall remove their lock from the reservation board. Players may reuse the lock for additional one-hour times during the same week if times are available.
- d. On Sunday, the Tennis Committee Chairperson shall remove any lock left on the reservation board. Residents must contact the Tennis Committee Chairperson or Board to recover their reservation lock.
- e. Players who are more than ten minutes late for a reserved court shall forfeit their reservation.

D. Clubhouse

1. General

- a. Maximum occupancy is 50 people.
- b. Residents must reserve the clubhouse at least ten (10) days before anticipated use. When reserving the clubhouse, residents shall provide the Clubhouse Committee or Board Member with a \$200.00 security deposit. Check shall be payable to "Vista La Jolla Townhomes Association".
- c. Deposits shall be returned after the Clubhouse Committee, a Board member, or their representative has inspected the premises. The resident using the clubhouse must:
 - (1) Remove all trash, and empty and wash all ash trays;
 - (2) Clean entire kitchen area and equipment;
 - (3) Clean all walls, furniture, and accessories of finger prints, stains, etc.
 - (4) Vacuum all carpets, remove and clean all spills; and
 - (5) Account for all furniture and furnishings in the same condition as when the clubhouse was reserved.