

CAPE LA JOLLA GARDEN HOMEOWNERS ASSOCIATION RULES AND REGULATIONS

Adopted by the Board of Directors on: June 13, 2013

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PREFACE

This handbook has been compiled by your Homeowners Association to outline the operating procedures of the association and to provide other important information about your condominium and association common areas. Living in a condominium can be a happy and rewarding experience, especially in as beautiful a location as Cape La Jolla Gardens (the "Project").

The purpose of your Association is to protect the Association property of Cape La Jolla Gardens while **making condominium living a pleasant experience for members. Your cooperation is essential in order** to accomplish these purposes; and, common sense and consideration for your neighbors are the keys to success.

Each unit owner should have received a copy of the Covenants, Conditions and Restrictions (CC&R's), Bylaws and Articles of Incorporation for Cape La Jolla Gardens Homeowners Association. These governing documents along with the Rules and Regulations, and Architectural Guidelines which are periodically updated and distributed by your Board of Directors. Please become completely familiar with each of these documents.

PLEASE READ THIS INFORMATION CAREFULLY AND BE CERTAIN THAT YOUR FAMILY, GUESTS AND TENANTS UNDERSTAND THE RULES FULLY. If there are any questions or if you do not have copies of the Association documents, please contact the Management Company in writing:

CAPE LA JOLLA GARDENS HOMEOWNERS ASSOCIATION

c/o ASPM – San Diego

9340 Hazard Way., Suite B2

San Diego, CA 92123-1229

Phone: 858-430-5700

Fax: 619-704-2613

Email: cameron@aspm.sd.com

For all Emergency Maintenance items, please call:

24 HOUR EMERGENCY LINE: 858-430-5700

ALL life-threatening situations: DIAL 911

In order to maintain a responsible and successful community, the governing documents must be followed. They insure the enjoyment of our community and the continuing appreciation of our individual investment.

ASSOCIATION MEETINGS

Unless there is a need for a Special Meeting, meetings of the Board are usually held monthly on the second Thursday of each month.

Experts have been employed to guide and assist the Board of Directors in fulfilling their responsibilities.

Experts are generally employed in the following areas:

- Finance
- Insurance
- Legal
- Technical
- Landscape

Homeowners will be notified by general postings at Cape La Jolla Gardens, of the date, time and location of all meetings of the Board of Directors. Homeowner Members are encouraged to attend. With the exception of Executive Session, Regular and Special meetings of the Board are open for observation to all Members. Members who are not on the Board, however, may not participate in any discussion, unless so authorized by a majority of a quorum of the Board. The nature of all business to be considered in Executive Session shall first be announced in open session.

Notice of the date, time and location of Annual Meetings of Members will be mailed to all homeowners of record prior to the meeting. In order to establish a quorum so that business can be conducted, it is imperative that owners either attend in person, mail in their completed ballots or submit their proxy.

INSURANCE INFORMATION

Cape La Jolla Gardens Homeowners Association carries and maintains all insurance required by applicable laws, and provides notice of insurance coverage to the owners annually. It is highly recommended that each owner or occupant review their particular situation with their own insurance agent or broker so that their individual policy will tie in with the coverage(s) provided by the master policy. For further information regarding personal or Homeowners Association insurance, contact the Management Company who will refer you to the Agent for the Association.

FINANCIAL REVIEW

Financial reviews are prepared by an independent accountant at the end of each fiscal year and are mailed to homeowners of record upon completion.

COMMON AREA PROBLEMS

To report Non-Emergency problems in the Association Common Area, please feel free to contact the Management Company by means listed on Page 2 of this document. For all Emergency Maintenance items, please call their emergency line, also listed on Page 2 of this document.

In an EMERGENCY event related to Health & Safety, dial 911 for immediate assistance.

INTRODUCTION

The information, contained herein, is issued by the Board of Directors as authorized by the governing documents of the Homeowners Association. This is a supplement to the CAPE LA JOLLA GARDENS HOMEOWNERS ASSOCIATION CC&R's and By-laws. In the event of any conflict between these Rules and Regulations and the documents, the provisions of the CC&R's and By-laws shall prevail.

These Rules and regulations are intended as a guide to the conduct and activities of all owners, tenants, residents and their guests. Each owner or resident living within the complex and using the facilities is entitled to maximum pleasure without annoyance or interference from others.

The Association falls under the jurisdiction of the City of San Diego and all ordinances and codes apply.

Each unit shall be used for single family or residential purposes only. Conducting a business of any kind on the premises is forbidden. (Self-employed individuals or employees such as sales personnel are allowed to work out of their homes.)

CHANGE IN THE RULES AND REGULATIONS

The Board of Directors may, in accordance with the By-laws, alter, amend, revoke or add to these Rules and Regulations for the preservation of safety and order within the community, for its care and cleanliness and for the protection of the reputation thereof. When notice of any such alteration, amendment, revocation or addition is given to any owner and resident, it shall have the same force and effect as if originally made a part of the Rules and Regulations.

Unit owners, including absentee unit owners, are responsible for ensuring that tenants and guests abide by these Rules and Regulations. Owners must provide a copy of these Rules and Regulations to their tenants. Additional copies are available from the Management Company.

GENERAL RULES AND REGULATIONS

OWNER'S RESPONSIBILITY

Each Owner is responsible for maintenance and repair of the interior of his/her unit, including but not limited to doors, windows, plumbing, electrical and heating/air conditioning systems, wall surfaces, flooring, window coverings and all appliances including plumbing within the unit.

WATER SHUT OFF POLICY

Each homeowner may have the water shut down for non-emergency repairs, provided that a 48 hour notice is posted in writing at the mailboxes and on the doors of those units affected by the water shut off. Homeowners are not to shut water down to the building. All water shut offs shall be performed by a licensed, insured plumber. Should an Emergency water shut down be necessary a plumber may shut down the water without notice to other residents, but the incident must be reported to management's emergency line number listed on page 2 of this document at the time of the shut-down.

ENFORCEMENT

1. All homeowners, residents and guests are required to abide by the established rules. Homeowners are held responsible for the actions of their tenants, guests and other residents of the home. Anyone refusing to abide by these rules may face corrective action by the Board of Directors and/or monetary fines.
2. The Management Company has been instructed by the Board of Directors to require the compliance of all persons on Cape La Jolla Gardens property with provisions of the Rules and Regulations, By-Laws and CC&R's. If there is a violation thereof, the Management Company has been instructed to do the following:
 - a) Obtain names and addresses of violators and report to the Board of Directors.
 - b) Call upon a law enforcement agency for assistance, if warranted.
 - c) In the case of children, make every reasonable effort to contact their parents or responsible supervising adult immediately, prior to taking the action called for in (b) above.
3. Violations of Rules and Regulations:
 - a) Residents are encouraged to report violations in writing to the Management Company.

- b) Notice of actual violations will be brought to the attention of the owner and/or resident in writing, by the Management Company carrying out the policies established by the Board of Directors.
- c) FAILURE TO CORRECT THE VIOLATIONS BY THE RESIDENT MAY RESULT IN A MONETARY FINE AND/OR LEGAL ACTION, THE COST OF WHICH WILL BE THE HOMEOWNER'S RESPONSIBILITY IN ACCORDANCE WITH ARTICLE XXIV OF THE CC&R's.

VIOLATION FINE SCHEDULE

1st Offense

- Warning letter will be sent.
- Maximum \$75 fine imposed per violation, following Board Hearing

2nd Offense

- Board Hearing for 2nd violation of the same rule within I year of last violation.
- Maximum \$150 fine imposed per violation

3rd Offense

- Board Hearing for 3rd violation of the same rule within I year of last violation.
- Maximum \$250 fine imposed per violation.

4th Offense

- Board Hearing for 4th (and subsequent) violation of the same rule within I year of last violation.
- \$250 plus \$150 additional to a maximum fine of \$1000 imposed per offense of like type.

In addition to any fine levied, the Board of Directors shall impose such additional sums, which represent the actual cost to the Association for legal or administrative expense or to repair Association property or correct the violation.

STREETS AND PARKING

1. All parking spaces with Cape La Jolla Gardens are considered guest parking only.
2. No vehicle other than standard size passenger automobiles, passenger vans carrying no more than eight (8) persons, one (1) ton or lighter pick-up trucks and motorcycles shall be permitted to be parked upon any area within the Project. Unit owners, their tenants and guests, may park permitted vehicles only in parking spaces.
3. Buses, trailers, campers, boats, recreational vehicles, mobile homes, water craft, inoperable or vehicles improperly licensed, commercial vehicles and the like shall not be permitted to be parked upon any area within the Project.
4. No repairs shall be made to any vehicle while parked in any area in the Project, except in case of an emergency.
5. Neither owner, nor their resident tenants may park in guest parking spaces without the Cape La Jolla Gardens guest parking permit. A written request by the owner for variance due to special circumstance can be made through the management company.
6. ALL PRIVATE STREETS WITHIN THE COMPLEX ARE CONSIDERED TO BE FIRE LANES. PARKING IS NOT ALLOWED IN ANY FIRE LANE AT ANYTIME.
7. The Board may establish additional rules and regulations regarding parking, including the establishment of 'Parking', 'No Parking' and 'Guest Parking' areas.
8. Garage doors must be kept closed at all time except when entering or exiting, or as may be temporarily necessary. Garages may be used for storage purposes, so long as parking of vehicles is not restricted.
9. An owner shall keep their garages clean and free of debris, and oil.
10. All applicable provisions of the California Vehicle Code will be enforced on any private streets within the Project.
11. Parking spaces shall be used solely for parking of permitted vehicles and for no other use.
12. Vehicles may not be washed within the complex.
13. No noisy, smoking, or off-road vehicles or other machines of any type shall be operated within the Association; only street licensed vehicles are allowed.
14. The Board shall have the authority to tow away and store any vehicle or similar equipment parked in violation of the above restrictions or in violation of the California Vehicle Code, whether the vehicle belongs to an owner or a member of his/her family, or to any relatives, guest, invitee of the owner.

Charges for such towing and storing shall be assessed against any vehicle owner who shall violate such restrictions and also against any owner whose family members, relatives, guest, or invitees may violate the same.

15. Neither members of the Board nor the Association shall be liable for damages incurred by the owner of the vehicle or for any damages to the vehicle because of its removal in compliance with this section, unless such damage resulted from the negligence of the Board.
16. Any vehicle which does not appear to have been moved from a common area guest parking space in a 3 DAY continues period may be subject to towing at owners expense.
17. No deliberate walking, running, sliding, parking or riding of bikers or skate boards upon embankments or landscaped common areas.
18. The limit on all streets contained within the property is 5 MPH. Residents observed to be exceeding the limit may be subject to fines for each reported occurrence.
19. In the interest of SAFETY, Association streets are NOT to be used as playgrounds for sports, such as ball playing, bicycling, roller-blading, roller skating, skate-boarding, or other such activities with the exception of traveling to/from the community.

PATIOS AND BALCONIES

Patios for (unit C and F) and balconies for (units A, B, D, and E), are considered common area exclusive use of the homeowner. These common areas are not to be altered, painted, enclosed, etc. without the prior written approval of the Architectural Committee and/or the Board of Directors.

1. No furniture shall be permitted to be on any balcony or patio area without the prior consent of the Architectural Committee and/or the Board, except standard patio type furniture, which shall be in good condition and shall be properly maintained. Furniture placed on balconies or patios must be for outdoor use. No indoor furniture is allowed.
2. Patio and balcony umbrellas must be contained within the "envelope" of the patio and cannot hang over the outside of the patio.
3. **In compliance with San Diego Fire Regulations and the Associations insurance company, no barbeque or appliance with an open flame shall be permitted on balconies or in patio areas within 10 feet of the buildings or any combustible construction. This would include patio fences.**
4. There is no continual drying of clothes on a balcony or patio. Items may not be hung over patio fences or balcony railings. The owner will be responsible for repairing any damage to the balcony **railing due to wet clothing.**
5. No plants or other objects, such as wind-chimes, shall be hung from the ceiling of any patio or balcony.
6. No plant or object may be placed on the railing or wall of any patio unless they are inside the "envelope" of the balcony. No planters can be hung over the outside of the railing of a patio. All plants need to be placed on elevated dollies with a dish under to catch excess water.
7. An owner may not paint, alter, remodel or enclose any patio or balcony without the prior approval of the Architectural Committee and/or the Board.
8. An owner must maintain the patio or balcony of his unit in a clean and sanitary condition.
9. Lattice may be installed on the interior of the patio railing. Lattice cannot be higher than the railing and lattice must be painted white.
10. Exclusive use Common Area (balconies and patio) and Common Areas (walkways, steps, driveways, and greenbelts) may not be used for storage.
11. Holiday decorations must be removed within one month after the holiday. Exterior decorations requiring electricity must be manufactured for exterior use and the electrical outlet used must be a G.F.C. outlet.

DISTURBING NOISES AND NUISANCES

1. For the consideration of all persons residing within the Cape La Jolla Gardens community, no loud, abusive, boisterous or excessive noise or conduct will be permitted from any Owner and/or lessee, his/her invitees and/or guests. This includes, but is not limited to, the use of sound system equipment, radios, televisions, parties, telephone bells, C.B. radios, car alarms, barking or other pet nuisances. The characteristics and conditions which should be considered in determining whether a violation of the provisions of this Rule exists should include, but not be limited to, (1) the level of the noise', (2) whether the nature of the noise is usual or unusual, (3) whether the origin of the noise is natural or unnatural, (4) the level of the ambient noise, (5) the proximity of the noise to sleeping facilities, (6) the nature of the

area from which the noise emanates and the area where it is received, (7) the time of day or night the noise occurs, (8) the duration of the noise, and (9) whether the noise is recurrent, intermittent, or constant.

2. It is required that in cases of parties whose members occupy any portion of the common area(s) that absolute consideration be given to the surrounding residents in relation to loud, abusive, boisterous or excessive noise or conduct as noted in (#1. above).
3. Quiet hours are 10:00 p.m. until 7:00 a.m. All noise levels are to be kept to an absolute minimum during these hours.
4. Construction or carpet cleaning noise is prohibited between the hours of 6:00 pm and 8:00 am.
5. An owner may place a sign inside the unit window advertising its sale or lease; however the sign must be removed promptly after the unit is sold or leased. An owner may place a sign inside their unit window advocating for or against a candidate or ballot proposition; however such sign must be removed within one day after the election. Signs may not exceed L8 inches by 24 inches. Signs may not be attached to balconies, fences, or other portions of the common area.
6. No clothes, sheets, blankets, or laundry of any kind shall be hung or displayed on the outside of windows or balconies. If hung in the patio, items must not be visible from the Common Area.
7. Residents may not interfere with the work of any Association employee, property management employee or contractor.
8. It is a breach of these rules to refuse to comply with, or interfere with a Property Attendant in the enforcement of these rules.
9. Owners may appeal the imposition of these rules by submitting a written request to the Board of Directors .

• Regarding noise levels, reference is made to Section 59.5.040 I of the San Diego Municipal Code which generally restricts the one-hour average sound level emanating from a property from exceeding (a) 55 decibels from 7:00 a.m. to 7:00 p.m., (b) 50 decibels from 7:00 p.m. to 10:00 p.m., and (c) 45 decibels from 10:00 p.m. to 7:00 a.m., for multi-family residential communities like Cape La Jolla Gardens.

RECREATIONAL FACILITIES

The recreational area is primarily for the use and enjoyment of the residents. The use of these facilities by a guest is a privilege. The owners are held responsible for any damage or misconduct attributable to their tenants and guests, both financially and personally. Owners transfer all rights to use of recreational facilities when their units are occupied by tenants. When using these facilities, please keep the following regulations in mind:

FITNESS ROOM

USE THE FITNESS EQUIPMENT AT YOUR OWN RISK. THE ASSOCIATION CANNOT BE HELD RESPONSIBLE FOR ANY INJURY RELATED TO THE USE OF THIS EQUIPMENT.

1. The Fitness Room is for residents and their guests.
2. The hours of use are as posted.
3. Keep all doors to the fitness room closed at all times.
4. There is a 20 minute limit of use if the facility is busy.
5. No radios or cassette players or current media are permitted in the Fitness Room unless headphones are used.
6. Do not put feet on walls or utilize walls or columns for stretching supports.
7. Please wipe equipment off after use.
8. Association members and tenants must accompany their guest(s) while using this facility.
9. Persons unfamiliar with or requiring assistance with the equipment present in the facility must be supervised while using the facility
10. Leave the Fitness Room clean and tidy when you finish.
11. Switch the lights off and lock the doors if you are the last one to leave the facility.
12. Remember: Be courteous to other using the Fitness Room.
13. **SMOKING IS PROHIBITED IN THE FITNESS ROOM.**

PLEASE REPORT ANY MALFUNCTIONING EQUIPMENT TO THE MANAGEMENT COMPANY.
Contact information is posted in gym and on Page 2 of this document.

SWIMMING POOL AND SPA - OPEN AS POSTED

Anyone who wishes to use the spa should consult with a physician in advance. The spa may be particularly hazardous for senior citizens and children. The Association cannot be held responsible for any injury related to the use of the spa.

1. Guests must be accompanied by a resident at all times when using the facilities. Any and all trash or waste is to be deposited in the cans provided. Please dispose of all waste items appropriately.
2. No glass of any kind will be permitted within the pool or spa areas. Plates, glass or other such items must be unbreakable. This includes lotion bottles, or drinking tumblers.
3. General rules of good conduct should be observed at all times. Unsafe or offensive conduct is prohibited. This includes no running, pushing, cannon-balling, splashing or boisterous behavior in the pool or spa areas.
4. Radio volumes and voices should be kept at a minimum level. This is especially important during late evening and early morning hours. The noise level must be kept to your personal area only, so as not to disturb others.
5. The Association does not provide any type of lifeguard or supervisory service.
6. Anyone using the recreational facilities shall do so at their own risk and responsibility. The Association does not assume any liability in this regard.
7. Usual and customary swimming attire is required. Cut-offs or blue jeans do not meet this requirement. Street clothing will not be permitted in the pool or spa.
8. Individuals or groups must NOT occupy the pool or spa or adjoining areas to the effective exclusion of others.
9. Because of the danger it presents to the equipment, no Styrofoam objects, hairpins or clips are to be used or worn in the pool or spa. The use of inflatable toys or sports equipment is not permitted in the pool or spa. This does not apply to legitimate life-saving devices. Life saving equipment is for EMERGENCY USE ONLY.
10. Towels, clothing and other items must be removed when exiting the pool/spa area.
11. Replacement keys for the pool are \$50.00 and can be obtained from the Management Company.
12. It is the responsibility of each individual to ensure that children under the age of 14 are, at all times, under the direct supervision of a designated responsible adult (18 years of age or older) while in the pool and spa areas. There will be no rowdiness, noise, jumping or interference with other pool or spa users.
13. Throwing non-floating items, such as rocks, marbles, coins, pool furniture and the like into the pool or spas is prohibited.
14. Animals are not allowed in the pool or spa areas at any time. Violation of this rule could result in a cleanup assessment to the owner.
15. Persons with open cuts and/or wounds are not permitted in the pool or spa.
16. Anyone having a skin disease, sore or inflamed eyes, nasal or ear discharges, or any communicable disease may not enter the pool or spa.
17. Person using suntan lotion may not enter the pool or spas unless they wipe off excess lotion.
18. Adjustment of any control regulating the pool or spa, lights or other common services is prohibited.
19. Upon arrival of the pool or spa maintenance crew, pool or spa users are asked to temporarily vacate the pool or spa areas until cleaning is completed.
20. Absolutely no foreign substances such as bubble bath, soap, beer, etc. may be added to the pools or spa. Persons observed doing so will be assessed the cost of draining, cleaning, refilling and other costs incurred due to pool or spa damage.
21. All posted regulations must be obeyed. Anyone not abiding by the above rules may be asked to leave the pool or spa areas by any CLIG Board member or the Management Company.

WARNING: SPA TIME EXCEEDING FIFTEEN (15) MINUTES COULD BE HAZARDOUS TO YOUR HEALTH.

OWNERS WHO RENT OR LEASE THEIR UNIT(S):

RENTAL REQUIREMENTS

1. No short-term rentals of less than thirty (30) days are allowed (City Zoning Dept. and Association document restrictions).
2. The living units are to be used for single-family residential purposes only.
3. Leasing for gainful occupation, profession, trade or other nonresidential use is not permitted within Cape La Jolla Gardens.
4. All leases or rental agreements must be in writing and must contain the following clause: "The terms of the agreement are subject in all respects to the provision of the CC&Rs, By-Laws and the Rules and Regulations of the Cape La Jolla Gardens Homeowners Association, and failure to comply with such terms will subject the owner to fines and other action."
5. There will be a \$50 fine to owners who do not have proof of delivery of the Rules and Regulations to renter occupants. A copy of the receipt along with a copy of the lease must be forwarded to the Management Company within 10 days of move in.

MOVE IN/OUT OF UNITS

1. Owners are required to register tenant information with the Management Company. Registration of the Tenant's Name, Phone Number, Emergency Number/contact, and Email address is required. This can be done most easily by filling out a registration form and faxing it to the Management Company. (Please see contact information on Page 2 of this document).
There will be \$50 fine to owners who have not notified the HOA or filled out a Residency Update Form of renter occupants as they rent or re-rent their unit(s)
2. Appropriate times to move in, or out, of a unit are between the hours of 8am and 5pm, Monday through Saturday.
3. Unit Owners associated with the move will be responsible for repair, paint and clean-up of stairs landings, walkways, lighting etc. that might be cracked, chipped, or marked in anyway during the move.
Damage repaired by the Association will be billed to the owner and added to the Owner's account
4. Owners are responsible for breaking down all moving boxes before placing them in the dumpster. No large items of any kind are to be left beside the dumpster. Should a bulk rate pickup be necessary, the cost will be applied to the owner's account.
5. Owners are reminded that they are responsible for their tenant's actions.

PETS

1. All dogs kept within the Project shall have a current license and name tag.
2. Loose, unattended dogs, cats or other animals without a license or name tag shall be reported to the Animal Control Division for pickup.
3. Any litter deposited by pets on lawns, sidewalks, paths, streets or other common areas must be removed immediately by the owner of the animal involved.
4. Any damage caused by an animal shall be repaired/replaced at the animal owner's expense. This includes, but is not limited to, grass and plant damage, stucco staining, claw mark damages, etc.
5. Please do not allow animals to urinate on common area plants and shrubs.
6. Dogs, cats or other pets shall not be allowed on any common area property, except as may be permitted by Rules adopted by the Board.
7. No dogs are to be tied to trees, stakes, or any exterior building structure.
8. Human-assistance dogs may be considered exempt, i.e. seeing-eye dogs.
9. Animals must be kept within an enclosure or on a leash held by a person capable of controlling the animal at all times.
10. Owners are responsible and liable for any personal injury or property damage caused by their pets. If the pet owner is a tenant, the owner of the unit may be held liable.
11. Dogs must not be left unattended on common area.
12. Residents who are disturbed by an animal are urged to first contact their neighbor and, if unsuccessful, to report as soon as possible to the managing agent, in writing, or to the Animal Control Department,

- providing breed, color, time and location of occurrence and the owner's name and address, if known.
13. Dogs, which bark excessively, and any animal that threatens others or otherwise causes disturbance to residents, should also be reported.
 14. Legal action may be taken against owners of pets that make excessive noise. It is the right and responsibility of all owners to inform the Management Company of actions detrimental to the Association property.
 15. The Board of Directors reserves the right to expel or control any pet that becomes a nuisance.
 16. No structure for the housing or confinement of any animal or bird shall be visible from neighboring property.
 17. Dogs **MUST** be on a leash and under the control of a responsible adult at all times in the common areas.
 18. No animals are permitted in the pool/spa areas at any times.
 19. There shall be no keeping or breeding of animals in the unit for any commercial purpose.
 20. All San Diego County Ordinances regarding animals are specifically made a part of these RULES & REGULATIONS as if printed in full.

TRASH

1. All trash is to be directly dumped into the dumpsters, not left on the ground beside the dumpsters or on homeowners' doorsteps. Owners or residents who do not put their waste into the dumpster may be assessed as much as \$75 for each occurrence.
2. Cape La Jolla Gardens provides recycling dumpsters, in accordance with City of San Diego requirements, for use by all residents. Please separate recyclable materials from regular trash and deposit each in their appropriate dumpster.
3. You are also asked to break down all boxes before placing them in the dumpster.
4. No appliances, mattresses, furniture, Christmas trees or any other large, bulky items are allowed in, or around the dumpster. Owners who leave such items shall be billed at the Special Bulk Rate pickup charge of \$75.
5. Owners will be also billed \$75 for pick-up of items left by the dumpster or in the common area by their tenants upon move out.

ARCHITECTURE

1. No building, fence, balcony, screen, patio cover, tent, awning, improvement or structure of any kind including alterations of drainage or any improvement which affects existing drainage shall be commenced, erected, painted or maintained on any part of the project. Nor shall any alteration or improvement of any kind be made until the same has been approved in writing by the Architectural Committee and/or the Board of Directors as set forth in the documents of Cape La Jolla Gardens Homeowners Association.
2. Prior written approval from the Board of Directors is required for alterations to a unit which involves structural modifications, increases in the number of bedrooms, increases in the size or number of doors *and/or* any window replacement.
3. No outside installation of any type, including, but not limited to, radio poles, antennas, satellite dishes over 18" in diameter, flag poles, clotheslines, or other external fixtures will be permitted.
4. No balcony, patio or deck covers, wiring, or water softeners or other machines shall not be permitted nor shall they be allowed to protrude through the walls or roofs of the building.
5. No spas, hot tubs, Jacuzzi, wading pools or other similar water facilities features may be installed in or on any exclusive use common area without the express written consent of the Architectural Committee and/or the Board of Directors.
6. Working smoke detectors and carbon monoxide detectors must be in all units as per Senate Bill (SB 183 "All existing single-family dwellings that contain a fossil fuel burning heater or appliance, fireplace, must install CO alarms".)
7. All window replacement must go through the Architectural Committee and must be approved by the Board prior to installation.
8. Window replacement must be retro fit only.
9. Window flange **SHALL NOT** go over wood frame on the exterior of wood trim. This is necessary to allow for wood replacement in the future.
10. Replacement windows must be of similar style and color as the original windows. They may be vinyl

- or aluminum.
11. Fences are considered common area and are maintained by the association. Nothing shall be placed on top of fences or hung over fences into the common area. Plant material such as ivy but not limited to, is not allowed to be attached or grown to the fence or buildings.
 12. Shrubs, trees or other plants may not be added, removed or transplanted in the common area by owners or residents, no item shall be placed in the common area landscaping.
 13. No hard surface floor coverings shall be permitted to be installed in any unit which is directly above another unit and no hard surface floor covering installed by owner/tenant may be replaced, except in the kitchen, bathroom, entryway and utility room unless the new surface floor covering equals or exceeds the sound proof rating of the covering initially installed by declarant and the owner has obtained the approval of the Architectural Committee and or Board of Directors.

ARCHITECTURAL REVIEW

The Architectural Committee and/or the Board of Directors strive to preserve the highest standards and quality of life for each homeowner within Cape La Jolla Gardens.

ALL PROPOSED CHANGES OR ADDITIONS TO THE EXTERIOR OF UNITS MUST BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE *AND/OR* THE BOARD OF DIRECTORS, IN WRITING, ON FORMS AVAILABLE FROM THE MANAGEMENT COMPANY. To expedite the processing of your request, please submit three (3) sets of the application form with three (3) sets of your proposed improvement plans and specifications directly to the Management Company.

Please note that it may take as long as sixty (60) days for the Architectural Committee and/or the Board of Directors to complete their review process.

In the event that the Architectural Committee and/or the Board of Directors deems that outside consultants are necessary to review plans or inspect the proposed improvements, the responsible homeowner shall pay the costs of same.

No exterior improvements, modification or alteration may be made without the written approval of the Architectural Committee and/or the Board of Directors in accordance with provisions of the CC&R Bylaws, Rules and Regulations and Architectural Guidelines.

EMERGENCY NUMBERS:

POLICE / FIRE / PARAMEDICS (EMERGENCY USE ONLY): 911 FIRE/PARAMEDICS,

Non-Emergency: (619) 533-4300

SAN DIEGO POLICE, Non-Emergency: (619) 531-2000/2065 MANAGEMENT EMERGENCY: See Page 2 of this document.

Abandoned Cars: (619) 495-7829

Animal Control- 24 Hour Emergency: (619) 278-9760

Animal Control Department: (619) 236-4250

Crime Stoppers, Community Alert (Crime Prevention): (619) 235-TIPS (619) 235-8477

Helicopter Noise Complaints (Miramar MCAS): (858) 577-4277/4279

Noise Abatement (City of San Diego, Code Compliance): (619) 236-5500

Poison Information Center: 800-876-4766

Pot Holes and Street Problems: (619) 527-7500

Property Management, ASPM – San Diego. (Cameron Gonzales): 858-430-5700

San Diego Gas & Electric (Customer Service): 800-411-7343

San Diego Gas & Electric (Emergency & Outages, 24 Hrs): 800-611-7343

San Diego Emergency Water and Sewer: (619) 515-3525

PETS

1. All dogs kept within the Project shall have a current license and name tag.
2. Loose, unattended dogs, cats or other animals without a license or name tag shall be reported to the Animal Control Division for pickup.
3. Any litter deposited by pets on lawns, sidewalks, paths, streets or other common areas must be removed immediately by the owner of the animal involved.
4. Any damage caused by an animal shall be repaired/replaced at the animal owner's expense. This includes, but is not limited to, grass and plant damage, stucco staining, claw mark damages, etc.
5. Please do not allow animals to urinate on common area plants and shrubs.
6. Dogs, cats or other pets shall not be allowed on any common area property, except as may be permitted by Rules adopted by the Board.
7. No dogs are to be tied to trees, stakes, or any exterior building structure.
8. Human-assistance dogs may be considered exempt, i.e. seeing-eye dogs.
9. Animals must be kept within an enclosure or on a leash held by a person capable of controlling the animal at all times.
10. Owners are responsible and liable for any personal injury or property damage caused by their pets. If the pet owner is a tenant, the owner of the unit may be held liable.
11. Dogs must not be left unattended on common area.
12. Residents who are disturbed by an animal are urged to first contact their neighbor and, if unsuccessful, to report as soon as possible to the managing agent, in writing, or to the Animal Control Department, providing breed, color, time and location of occurrence and the owner's name and address, if known.
13. Dogs, which bark excessively, and any animal that threatens others or otherwise causes disturbance to residents, should also be reported.
14. Legal action may be taken against owners of pets that make excessive noise. It is the right and responsibility of all owners to inform the Management Company of actions detrimental to the Association property.
15. The Board of Directors reserves the right to expel or control any pet that becomes a nuisance.
16. No structure for the housing or confinement of any animal or bird shall be visible from neighboring property.

STREETS AND PARKING

1. All parking spaces with Cape La Jolla Gardens are considered guest parking only.
2. No vehicle other than standard size passenger automobiles, passenger vans carrying no more than eight (8) persons, one (1) ton or lighter pick-up trucks and motorcycles shall be permitted to be parked upon any area within the Project. Unit owners, their tenants and guests, may park permitted vehicles only in parking spaces.
3. Buses, trailers, campers, boats, recreational vehicles, mobile homes, water craft, inoperable or vehicles improperly licensed, commercial vehicles and the like shall not be permitted to be parked upon any area within the Project.
4. No repairs shall be made to any vehicle while parked in any area in the Project, except in case of an emergency.
5. Neither owner, nor their resident tenants may park in guest parking spaces without the Cape La Jolla Gardens guest parking permit. A written request by the owner for variance due to special circumstance can be made through the management company.
6. ALL PRIVATE STREETS WITHIN THE COMPLEX ARE CONSIDERED TO BE FIRE LANES. PARKING IS NOT ALLOWED IN ANY FIRE LANE AT ANYTIME.
7. The Board may establish additional rules and regulations regarding parking, including the establishment of 'Parking', 'No Parking' and 'Guest Parking' areas.
8. Garage doors must be kept closed at all time except when entering or exiting, or as may be temporarily necessary. Garages may be used for storage purposes, so long as parking of vehicles is not restricted.
9. An owner shall keep their garages clean and free of debris, and oil.
10. All applicable provisions of the California Vehicle Code will be enforced on any private streets within the Project.
11. Parking spaces shall be used solely for parking of permitted vehicles and for no other use.
12. Vehicles may not be washed within the complex.
13. No noisy, smoking, or off-road vehicles or other machines of any type shall be operated within the Association; only street licensed vehicles are allowed.
14. The Board shall have the authority to tow away and store any vehicle or similar equipment

parked in violation of the above restrictions or in violation of the California Vehicle Code, whether the vehicle belongs to an owner or a member of his/her family, or to any relatives, guest, invitee of the owner. Charges for such towing and storing shall be assessed against any vehicle owner who shall violate such restrictions and also against any owner whose family members, relatives, guest, or invitees may violate the same.

15. Neither members of the Board nor the Association shall be liable for damages incurred by the owner of the vehicle or for any damages to the vehicle because of its removal in compliance with this section, unless such damage resulted from the negligence of the Board.
16. Any vehicle which does not appear to have been moved from a common area guest parking space in a 3 DAY continuous period may be subject to towing at owners expense.
17. No deliberate walking, running, sliding, parking or riding of bikers or skate boards upon embankments or landscaped common areas.
18. The limit on all streets contained within the property is 5 MPH. Residents observed to be exceeding the limit may be subject to fines for each reported occurrence.
19. In the interest of SAFETY, Association streets are NOT to be used as playgrounds for sports, such as ball playing, bicycling, roller-blading, roller skating, skate-boarding, or other such activities with the exception of traveling to/from the community.

CAPE LA JOLLA GARDENS HOMEOWNERS ASSOCIATION

Rules for Elections and Voting

1.0 Access to Association Media.

- 1.1 Definition of Association Media** - “Association Media” means the Association’s newsletters, internet websites and/or association cable channel or any other form of global communication with the membership.
- 1.2 Equal Access to Association Media** - All candidates will be granted equal access to the Association’s media for purposes reasonably related to the election.
- 1.3 No Alteration of Candidate Communications** - The Association may not edit or change the content of any candidate’s message, but may include a statement disclaiming responsibility for the content.

2.0 Access to Common Area Meeting Space.

- 2.1** The pool area of Cape La Jolla Gardens Homeowners Association is available for use as common area meeting space.
- 2.2 Equal Access to Common Area Meeting Space** - All candidates shall be granted equal access to the common area meeting space as set forth in paragraph 2.1 above, at no cost, for purposes reasonably related to the election.

3.0 Qualifications and Nomination of Directors.

3.1 Qualifications of Directors.

- 3.1.1 Good Standing** - All Directors must be members of the Association and in Good Standing. For purposes of qualifying for the Board of Directors, Good Standing shall mean that all of the following apply: the Director shall be current in his or her assessments, shall not have any outstanding fines, penalties or violations; and shall not be adverse to the Association in any threatened or pending litigation. In the event of a dispute regarding a Director’s “Good Standing” status, the Association shall afford the Director notice and the opportunity for a hearing in accordance with principles of due process embodied in Civil Code Section 1363(h).

3.2 Nomination Procedures.

3.2.1 Nominating Committee - Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a chairman who shall be a member of the Board and two or more members of the Association. The Nominating Committee shall be appointed by the Board prior to each annual meeting of the owners and such Committee shall make as many nominations for election to the Board as it shall determine, but not less than the number of vacancies that are to be filled. (Article III, Section 1 of the Association's Bylaws).

3.2.2 Qualifications for Nomination - In order to be nominated to the Board of Directors, all nominees must meet the qualifications as set forth in paragraph 3.1.1 and the Association's Governing Documents in effect at the time of the nomination.

3.2.3 Self Nomination - Any member of the Association may nominate himself or herself for election to the Board of Directors.

3.2.4 Candidate Nomination Form ("Form") - Candidates may be nominated for election to the Board either at the annual meeting or by a Nomination Form. A Candidate Nomination Form will be mailed to each owner a reasonable time before the annual meeting. Owners interested in serving as a director must complete and return a Form. Directors who want to serve again must complete and return a Form. Owners can nominate themselves or another person. Completed Forms must be returned by the deadline listed on the Form. Any candidate nominated by another person will be contacted to confirm that he or she agrees to be a candidate. Only those candidates who are qualified and have returned their Forms on time will be listed on the voting materials (the absentee ballot and the secret meeting ballot).

4.0 Voting and Proxies.

4.1 Voting Rights - Each owner has the right to cast one vote per separate interest owned, on each matter submitted to owners for voting, unless the right to vote has been suspended. Note that each director vacancy counts as one matter.

4.2 Cumulative Voting - The Association's Bylaws allow cumulative voting for election to the Board of Directors. An owner shall be entitled to cumulate his/her votes for one or more candidates for the Board of

CAPE LA JOLLA GARDENS HOMEOWNERS ASSOCIATION
RECOMMENDED VOTING AND ELECTION CHECKLIST FOR ANNUAL MEETING

Before Meeting		
Completed ✓	Event	Statute
	60 days before the annual meeting, the Board of Directors will appoint Inspector(s) of Election.	Civil Code §1363.03(c)(1) 60 day time limit not required, but recommended
	60 days before the date of the annual meeting, the Association will mail the Candidate Nomination Form to each owner.	Not required, but recommended.
	45 days before the annual meeting, all Candidate Nomination Forms must be received by the Association.	Not required, but recommended.
	30-45 days before the annual meeting, the Property Manager will contact candidates nominated by another person to confirm that they agree to be candidates.	Not required, but recommended.
	45 days before the annual meeting, the Inspector(s) of Election must decide where owners should send their Ballots.	Civil Code §1363.03(e)(2) 45 day time limit not required, but recommended.
	30 days prior to the deadline for voting, Ballots and two pre-addressed envelopes with instructions on how to return Ballots (and where to return Ballots) must be mailed or delivered by the Association to all members.	Civil Code §1363.03(e)
	<u>Ballot/Proxy Intake Sheet</u> - Prior to the annual meeting, the Inspector(s) of Election will check off on a sheet that a ballot or proxy has been received for each unit/lot.	Not required, but recommended.