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**CAPE LA JOLLA GARDENS
HOMEOWNERS ASSOCIATION**

**RULES AND REGULATIONS
BOOKLET
1998/1999**

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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 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 MENAS REALTY COMPANY
4990 MISSION BLVD.
SAN DIEGO, CA 92109

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.

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

Homeowners will be notified by mail of the date, time and location of all meetings of the Board of Directors and both Homeowners and Residents 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 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 Menas Realty who will refer you to the Agent for the Association.

FINANCIAL AUDITS

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 problems related to the Association Common Area or in an emergency situation (flood, or health or safety threat), please report the incident, as soon as possible, to:

MENAS REALTY COMPANY
619-270-7870

In the event of an EMERGENCY not related to the Association, dial 9-1-1 for immediate assistance.

THANK YOU FOR YOUR COOPERATION

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 members, 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.

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 giving 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 Menas Realty.

GENERAL RULES AND REGULATIONS

OWNERS 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.

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) Menas Realty has been instructed by the Board of Directors to require the compliance of persons on Cape La Jolla Gardens Associations properties with the provisions of the Rules and Regulations, By-Laws and CC&R's. If there is a violation thereof, Menas Realty 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) It is the right and duty of each resident to report violations in writing to the Board of Directors or to its appropriate committee.
 - b) Notice of actual violations will be brought to the attention of the owner and/or resident in writing, by Menas Realty 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.

VEHICLE AND PARKING REGULATIONS

1. No parking space may be sold or assigned to, or retained in the ownership of, any person who is not a Unit Owner except in connection with a lease of a condominium.
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 which have been assigned to them or as may be permitted by the Board.
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. An Owner may not park in guest parking spaces without consent of the board.
6. The Board may establish additional rules and regulations regarding parking, including the establishment of 'Parking', 'No Parking' and 'Guest Parking' areas.
7. Garage doors must be kept closed at all times 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.
8. An Owner shall keep their Garages clean and free of debris, and oil.
9. All applicable provisions of the California Vehicle Code will be enforced on any private streets within the Project.
10. Parking spaces shall be used solely for parking of permitted vehicles and for no other use. Vehicles may not be washed in parking spaces.
11. 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.
12. 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 vehicle belongs to any Owner or a member of his family, or to any relatives, guest, or invitee of any Owner. Charges for such... (Cont.)

(Cont.) 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.

Neither the 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..

13. Any vehicle which does not appear to have been moved from a common area guest parking space in a 14 DAY period may be subject to towing at owners expense.

PATIOS AND BALCONIES

Patios, though for the exclusive use of the homeowner, are common areas and are not to be altered, painted, enclosed, etc. without the prior written approval of the Architectural Committee.

1. No item may be stored on any patio or balcony that is visible from any other Unit or from the exterior of the Condominium Building in which the Unit is located.
2. No furniture shall be permitted to be on any balcony without the prior consent of the Architectural Committee or the Board, except standard patio type furniture, which shall be in good condition and shall be properly maintained.
3. No plants or other objects shall be hung from the ceiling of any patio or balcony. No plant or object may be placed on the railing or wall of any patio or balcony without the consent of the Architectural Committee.
4. An Owner may not paint, alter, remodel or enclose any patio or balcony without the prior approval of the Architectural Committee.
5. An Owner must maintain the patio or balcony of his Unit in a clean and sanitary condition.

DISTURBING NOISES AND NUISANCES

No Living Unit shall be used in such a manner as to obstruct or interfere with the enjoyment of occupants of Living Units or annoy occupants by unreasonable noises or sanitary nuisances. Excessive noise making, running, horseplay, etc. are prohibited in the Common Areas.

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.
6. Keep all doors to this room closed at all times.
7. No radios or cassette players are permitted in the Fitness Room unless headphones are used.
8. Do not put feet on walls or utilize walls or columns for stretching supports.
9. Any mixing of the equipment is prohibited. Please wipe equipment off after use.
10. Association members and tenants must accompany their guest(s) while using this facility.
11. Children under the age of 16 must be supervised by an adult while using the facility.
12. Leave the Fitness Room clean and tidy when you finish.
13. Switch the lights off and lock the doors if you are the last one to leave the facility.
14. Remember: Be courteous to other using the Fitness Room.

SMOKING IS PROHIBITED IN THE FITNESS ROOM.

PLEASE REPORT ANY MALFUNCTIONING EQUIPMENT TO MENAS REALTY

SWIMMING POOL AND SPA

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.
2. Any and all trash or waste is to be deposited in the cans provided. Please dispose of all waste items appropriately.
3. 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, ash trays, or drinking tumblers.
4. **SMOKING IS NOT PERMITTED IN THE POOL OR SPA AREAS AT ANY TIME.**
5. 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. 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.
6. The Association does not provide any type of lifeguard or supervisory service. 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 object, 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 Menas Realty.
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. Children will adhere to the same standard of behavior as an adult. There will be no rowdiness, nose, jumping or interference with other pool or spa users.
13. Throwing non-floating items, such as rocks, marbles, coins 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. Anyone having a skin disease, sore or inflamed eyes, nasal or ear discharges, or any communicable disease may not enter the pool or spa.
16. Person using suntan lotion may not enter the pool or spas unless they wipe off excess lotion.
17. Adjustment of any control regulating the pool or spa, lights or other common services is PROHIBITED. 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.
18. 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.
19. 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 CLJGHOA member or Menas Realty.

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

RENTAL REQUIREMENTS

1. No short-term rentals of less than thirty (30) days are allowed (City Zoning Dept. and Association document restrictions). The Living Units are to be used for single-family residential purposes only. Leasing for gainful occupation, profession, trade or other nonresidential use is not permitted within Cape La Jolla Gardens.
2. All leases for Living Units must be in writing and made subject to the CC&R's and other Condominium documents. The lease must comply with these Rules and Regulations and any amendments thereto and with the Conditions, Covenants and Restrictions governing the Association.

PETS

1. All dogs kept within the Project shall have a current license and name tag. Loose, unattended dogs, cats or other animals without a license or name tag shall be reported to the Animal Control Division for pickup.
2. 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. 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.
3. **Please do not allow animals to urinate on common area plants and shrubs.**
4. 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. No dogs are to be tied to trees, stakes, or any exterior building structure. Human-assistance dogs may be considered exempt, i.e. seeing-eye dogs. Animals must be kept within an enclosure or on a leash held by a person capable of controlling the animal at all times.
5. 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. Dogs must not be left unattended on common area.
6. 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. Dogs, which bark excessively, and any animal that threatens others or otherwise causes disturbance to residents, should also be reported.

7. Legal action may be taken against owners of pets that make excessive noise. It is the right and responsibility of all owners to inform Menas Realty of actions detrimental to the Association property. The Board of Directors reserves the right to expel or control any pet that becomes a nuisance.
8. No structure for the housing or confinement of any animal or bird shall be visible from neighboring property.

TRASH DUMPSTERS

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 a \$25.00 fine for each occurrence.

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 as set forth in the documents of Cape La Jolla Gardens Homeowners Association.
2. No outside installation of any type, including, but not limited to, radio poles, antennae, satellite dishes over 18" in diameter, flag poles, clotheslines, or other external fixtures will be permitted. No balcony, patio or deck covers, wiring, or water softeners or other machines shall be permitted nor shall they be allowed to protrude through the walls or roofs of the building.
3. 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.

ARCHITECTURAL REVIEW

The Architectural Committee strives 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, IN WRITING, ON FORMS AVAILABLE FROM MENAS REALTY 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 Menas Realty.

Please note that it may take as long as sixty (60) days for the Architectural Committee to complete their review process.

In the event that the Architectural Committee 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 in accordance with provisions of the CC&RS, Bylaws, Rules and Regulations and Architectural Guidelines.

EMERGENCY NUMBERS

POLICE / FIRE / PARAMEDICS (EMERGENCY USE ONLY):	911
Abandoned Cars:	(619) 495-7829
Animal Control - 24 Hr. Emergency:	(619) 278-9760
Animal Control Department :	(619) 236-4250
Condominium Developers, Garden Communities:	(858) 558-9573, (858) 558-9483 Fax
Crime Stoppers, Community Alert (Crime Prevention):	(619) 235-TIPS (619) 235-8477
FIRE/PARAMEDICS, Non-Emergency:	(619) 533-4300
Helicopter Noise Complaints (Miramar MCAS):	(858) 577-4277/4279
Noise Abatement (City of San Diego, Code Compliance):	(619) 236-5500
Pacific Bell (Customer Service):	800-310-2355
Pacific Bell (Repair):	611
Poison Information Center:	800-876-4766
Pot Holes And Street Problems:	(619) 527-7500
Property Management, Menas Realty (Leslie Holiday):	(858) 270-7870, x 24 (858) 270-9780 Fax
San Diego City Council Office:	(619) 236-6981
San Diego Gas & Electric (Customer Service):	800-411-7343
San Diego Gas & Electric (Emergency & Outages, 24 Hrs):	800-611-7343
SAN DIEGO POLICE, Non-Emergency:	(619) 531-2000/2065
San Diego Emergency Water and Sewer:	(619) 515-3525
South California Security:	(619) 576-1994 800-500-4827
Warner Cable (Customer Service):	(858) 695-3220
Warner Cable (Road Runner Internet):	(858) 695-3220

FOR 24-HOUR EMERGENCY SERVICE CALLS RELATING TO THE ASSOCIATION, CALL

**MENAS REALTY COMPANY
619-270-7870 (9am –5pm), 619-744-9883 (after hours)**