

Promontory Rules and Regulations

Revised March 17, 2001

PREFACE

Living at The Promontory should be a satisfying and rewarding experience for every resident. For those of you who are new to condominium living and whose past experience has been principally as owners of single-family homes, you may feel some sense of constraint at first. This is a natural consequence of the living density characterizing a condominium and the resultant necessity for having some rules or guidelines to ensure that the rights of all the residents are protected. Those of you who are apartment dwellers by nature will find a familiar way of life...only enhanced by the general beauty of the area.

This handbook is issued by the Board of Directors of The Promontory in the hope that it will help each resident enjoy life here to the maximum. Every Board member stands ready at any time to answer questions and to render help when asked.

I. INTRODUCTION

The Promontory is a Homeowners' Association organized as a corporation under the laws of the State of California. Its purpose is to conduct the business of the Association and to enhance the value and attractiveness of our condominium community. The basic legal document underlying and governing this Association is the "Declaration of Restrictions" and is referred to in this handbook as the CC&Rs, an abbreviation for "Covenants, Conditions & Restrictions".

The Rules and Regulations (R&Rs) in this handbook have been extracted from the CC&Rs established by the Board of Directors since the Association was established and are in accordance with the authority granted by the Association Bylaws. They are intended as a guide to the conduct and activities of all members and residents of The Promontory, their families, and their guests to the end that everyone living in and using the facilities will enjoy the maximum pleasure without abridging the rights of other residents to do the same. The cooperation of all who are affected by the Rules & Regulations is expected and will be appreciated. The Promontory falls under the jurisdiction of the City of San Diego and all of the City's ordinances and codes apply.

The success of any condominium association is greatly improved when there is active participation by a substantial percentage of the residents. There are many talents and capabilities among the residents of The Promontory. Your own life and that of all residents will be enhanced if you offer your talents to the group.

Those with management or financial experience who have a strong desire to help direct the fortunes of the Association should run for election to the Board of Directors. If you are knowledgeable about buildings, maintenance, landscaping or have other talents, you are encouraged to join one of the many Committees of The Promontory. There is an opportunity for all to find an interest and, in so doing, make a real contribution to the improvement of our way of life here. Please join in.

Your Board of Directors sincerely hopes this handbook will prove useful. Despite the sometimes formal or peremptory language that is necessary to express the Rules and Regulations, the Board wants to be helpful in any way it can. It is composed of your neighbors and was elected by the community. Please remember that the primary function of the Board is administration, not enforcement. This is true even though Board members, in fulfilling their stated responsibilities, must also do what they can to enforce the CC&Rs and R&Rs. In reality, every resident shares the responsibility not only to observe the rules but also to help enforce them.

The Board of Directors is not an inter-neighbor mediation service and none of its members will act in that capacity except as a matter of personal choice. If you have a problem involving a neighbor, you should regard it in exactly the same way you would if you were living in a private, single-family residence. Normally, you would go directly to those involved and try to work the matter out as peacefully and successfully as possible. That is what you should do here. If the problem is of such a severe nature that, in a single-family house situation, you would call the police or some other appropriate public agency, that is what you should do here. In other words, your first recourse in solving that type of problem is not to call a Board member or the management company. If a clear violation of the Promontory CC&Rs or R&Rs exists, you should file a formal written complaint with the management company. This is not only your right, both for owners and tenants, but your responsibility, and will help the Board do a better job. All owners and tenants are cordially invited to attend the Board meetings. The management company can confirm the date, time and place of the meeting with you.

Because many people are living in a relatively small area, living in a condominium is not the same as living in a single-family home. Inevitably there is less freedom of action. This does not mean it cannot be pleasant. Get to know your neighbors and be a good neighbor yourself. It is a self-rewarding policy. At The Promontory we have a pleasant, attractive, well-maintained and financially sound community. We hope that every resident will help keep it that way.

II. VEHICLE USE & PARKING REGULATIONS

A. General

Vehicle Classes: Vehicles fall into three classes for the purpose of Association parking regulations:

- 1) "**Large vehicles**" are motor homes, full-sized trucks, large SUV's, vans, water craft, campers, trailers of any type, or any vehicle whose size prevents it from being parked in a unit's garage with the garage door closed..
- 2) "**Normal vehicles**" are passenger cars, small trucks, SUV's and vans that will fit in a unit's garage with the garage door closed.
- 3) "**Small vehicles**" are smaller, two, three, or four-wheeled motorized or non-motorized vehicles. (For example, motorcycles, motor scooters, golf carts, dune buggies, and bicycles.)

Registration: Each unit's owner(s) shall be responsible for registering with the Association the vehicles that are kept, however irregularly, on the Association's property, by the residents of that unit. The registration information provided for each vehicle shall include its make, model, year, color, and license number. Unit owners/residents shall notify the Association of any change in vehicle status within thirty (30) days (for example, the addition of a new vehicle or the removal

of an existing vehicle). Registration forms are available from the management company or the Parking Committee Chair.

Speed and Operation Limitations: No vehicle shall be operated at speeds in excess of fifteen (15) mph while on Association property. All vehicles, motorized or non-motorized (for example, bicycles), are restricted to paved street surfaces only. No vehicles of any kind, including bicycles, shall be permitted to use the pedestrian walkways. The only exception to the use of vehicles off paved street surfaces is maintenance vehicles authorized by the Board on a case-by-case basis.

B. Parking

Fire Lanes: No parking is permitted anywhere on streets or along curbs not specifically marked as parking spaces. The streets are fire lanes and must be maintained as "No Parking" areas for fire fighting and emergency equipment. No parking is permitted anywhere on Association property other than those designated areas identified below.

Parking Spaces: There are both marked (white lined) and unmarked parking spaces. The only unmarked parking spaces are the garage aprons located in front of the garage doors of both the upper and lower unit garages. The garage apron is defined as the area the width of the garage door and the length of normal vehicles as defined in Article II-A.

Resident Parking: Residents are required to park their first two vehicles in their garage. Residents may park **normal** or **small** vehicles in any marked parking space outside their garage only when all four of the following conditions exist:

- 1) The residents regularly park two (2) **normal** vehicles in their garage (**small** vehicles will not be considered as meeting this condition), and
- 2) The vehicles parked in the garage are operational and registered, and
- 3) The vehicles are owned, leased, rented, or assigned (as in a company car) in the name of one of the residents, and
- 4) There is no signage displayed on the vehicle parked outside the garage.

Residents must park vehicles with signage in their garage or off-site (not on Association property).

Residents may temporarily park **normal** or **small** vehicles on their garage apron providing the vehicle is attended and it does not impede access to any other garage, unit, or stairway. For example, temporary parking is permitted on the garage apron for washing a car, or for loading or unloading a vehicle. However, no parking is ever allowed within four (4) feet of unit access or stair access (see exhibit A).

Residents may occasionally park **large** vehicles in marked or unmarked parking spaces for up to twenty-four (24) hours for the purpose of loading or unloading such vehicles, providing they do not impede access to any unit or garage. No parking is ever allowed within four (4) feet of unit access or stair access (see exhibit A).

A thirty-day grace period for (a) above will be allowed before and after moving. For other special circumstances, temporary exceptions to the above rules must be arranged in advance with the Parking Committee Chair.

Guest Parking: A guest is any nonresident who is on the premises for the purpose of visiting a resident or unit in a social, professional, or business capacity. Guests (except Service Providers – see below) may not park vehicles with signage or **large** vehicles on Association property. Guests may park **normal** or **small** vehicles (as defined in Article II-A) in marked parking spaces. Guests may also park **normal** or **small** vehicles on the host's garage apron when both of the following two conditions exist:

- a) The guest has permission from the unit's resident, and
- b) Parking on the apron does not impede access to any unit or garage. No parking is ever allowed within four (4) feet of unit access or stair access (see exhibit A).

Guests may occupy a parking space for a period not greater than ten (10) consecutive days. Guests may not store vehicles of any kind on Association property.

Service Provider Parking: Those providing services for owners/residents or the Association will be permitted to park their vehicles in marked or unmarked spots for up to ten (10) hours, providing that their vehicles do not impede access to any unit, garage, or stairs. No parking is ever allowed within four (4) feet of unit access or stair access (see exhibit A). Service providers are not to park in fire lanes unless they are providing services to the Association and have been authorized by the Association to do so. It is the responsibility of the owner/resident to inform his or her service provider as to the spaces in which they may park.

Storage of Vehicles: Owners/residents, or their guests, shall not store vehicles of any class on Association property. Owners/residents shall not store vehicles in their garage that are not in compliance with **Resident Parking** (above) if this would cause that owner/resident to park additional vehicles outside of their unit's garage.

Parking in Unauthorized Areas: Any vehicle parked on a pedestrian walkway, landscaped area, fire lane, or obstructing traffic is subject to towing without warning, except for service providers under contract to the Association and authorized to park a vehicle in those areas.

C. Penalties and Enforcement Procedures

The following procedures will be followed to enforce the vehicle and parking regulations:

- 1) First violation: A warning ticket indicating the violation will be placed on the vehicle in a conspicuous place.
- 2) Second violation: A ticket indicating the violation and notification of a fifty dollar (\$50) fine will be placed on the vehicle.
- 3) Third violation: The Association will have the vehicle in violation towed at the owner's expense. All costs incurred for the removal and impounding of a vehicle, including any costs to the Association, will be assessed against the unit's owner.

Twenty-four (24) hours will be allowed to correct a violation. After this time, the vehicle will be considered to be in violation again.

The Parking Committee Chair, any member of the Board of Directors, and the management company can enforce these Rules and Regulations. The telephone numbers for the above are posted on the Association bulletin board.

III. SWIMMING POOL AND SPA REGULATIONS

Because there are many people using our pool and spa, it is of special importance that all residents be considerate of others and observe the regulations established for the use of these facilities. The Association does not provide lifeguard services. The members and their guests use the pool and spa at their own risk. Nonexclusive use of the pool area for private parties is permitted on a limited basis. This must be arranged in advance with the Board and requires a \$100 refundable clean-up and damage deposit. A lost or stolen key will be replaced by the board for a fee of \$5.00.

While using the pool and spa the following rules must be observed:

- 1) Hours: Pool and Spa hours are from 8:00 a.m. to 11:00 p.m. during Daylight Savings Time. During Pacific Standard Time the Pool hours are from 9:00 a.m. to 9:00 p.m. and the Spa hours are from noon until 9:00 p.m.
- 2) Decorum: Proper decorum is expected at all times. Please be considerate of others.
- 3) Guests: All guests must be accompanied by a resident eighteen years of age or older.
- 4) Children: All children under fourteen years of age must be accompanied by a resident eighteen years of age or older. Children under the age of three years are not allowed in the water without waterproof pants. Children under fourteen years of age are not permitted in the spa.
- 5) Pets: No pets are permitted inside the fenced pool/spa area.
- 6) Glass: No glass containers are permitted inside the fenced pool/spa area.
- 7) Gates: The pool/spa security gates are to be kept locked at all times. Do not prop them open. Close them securely behind you when you enter or leave.
- 8) Showers: A shower is required before entering the pool and before reentering the pool after applying suntan lotion or oils.
- 9) Flotation Toys: Boogie boards, surfboards, and inner tubes are not permitted in the pool/spa area.
- 10) Bicycles, scooters, skates, and skateboards are not permitted in the pool/spa area.
- 11) Horseplay and Excessive Noise: Running, horseplay or excessive noise is not permitted at any time.
- 12) Diving: Diving is not allowed.

13) Lifesaving Equipment: The lifesaving equipment and emergency electrical switches are to be used strictly for emergencies only.

The Board of Directors realizes that this list of pool/spa rules and regulations may seem unduly lengthy and restrictive. However, each rule is the result of past experience, and/or a City requirement or to maintain safety. They were not established arbitrarily or without good reason. Every resident is requested to cooperate in observing them and to see that children know the rules and abide by them. If each resident follows the rules, all residents will be able to enjoy the pool/spa area.

IV. ANIMAL CONTROL REGULATIONS

The following rules apply to all pets while they are at The Promontory whether they are owned by a resident or a visitor:

- 1) Numbers and Control: No more than two household pets are permitted to be kept in a unit. Pets must be kept under the owner's control at all times. The Promontory has adopted and will enforce the San Diego County "leash law" requiring pets in the open to be kept on a leash at all times.
- 2) Curbing Pets: Owners must immediately remove any feces created by their pets from the common area or exclusive common area.
- 3) No Commercial Animals: No livestock or poultry is allowed nor is the raising of any kind of bird, animal or fish for commercial purposes.
- 4) Disposal of Animal Wastes: Disposal of animal droppings in the common area is strictly forbidden.

The disregard of these rules is a major source of annoyance to residents. Animal feces in garden areas, on walkways and on streets are not only a hazard, but also an irritation to all.

V. GATE OPERATIONS

Forcing the entry gate open leaves it in an inoperable state. The homeowners and all their guests and service providers must open the gate with the proper control units. Those owners, guests and service providers who do not have portable control units must use the phone entry system at the gate house.

The Promontory is equipped with a Sentex telephone entry system. The following instructions should simplify its use.

Entering the Premises: To enter through the security gate, you can use either your gate remote controller or enter your personal access code through the code entry keypad (which looks like a touch-tone telephone keypad) located in the gate house. Using the remote controller, simply depress the controller button as you slowly approach the entry gate. The gate will begin to

slowly retract when it receives the signal and you can release the controller button. The gate will remain open for approximately 45 seconds.

If for some reason you cannot use or do not have your controller, you can enter an asterisk (*) followed by your 4-digit access code through the code entry keypad at the gate house station. (The instructions are posted next to the keypad.) If you have entered the correct code, the gate will open and remain open long enough (approximately 45 seconds) for you to comfortably return to your car and pass through the gate.

Leaving the Premises: No controller is required. As you approach the exit gate slowly, it will automatically retract and remain open long enough for you to exit. Should the gate ever close on your car, **stop immediately** to minimize damage to your car and the gate.

Admitting Visitors: When a visitor arrives at the gate house, he or she will see a directory of resident names, instructions, and the code entry pad. Your visitor will be instructed to do the following:

- 1) Locate your name on the directory.
- 2) Enter a pound sign (#) followed by the 3-digit code next to your name.
- 3) Wait for you to answer your phone.

After your visitor completes step 2, your telephone will ring. You can answer it and speak with your visitor. Please speak loudly and clearly to ensure your visitor can hear you over any noise at the gate house. You can talk for up to sixty seconds. Ten seconds prior to the end of that period, you will hear a steady beep signaling you that your time is almost up. After that time, the call will be automatically disconnected.

If you wish to allow the visitor to enter, simply press the digit 9 on your touch-tone telephone. After you press the digit 9, you will hear a low-frequency tone signaling that the gate is opening. Do not hang up until you hear the tone. The gate will remain open long enough for your visitor to reenter their car and drive through the gate. If you do not want to allow your visitor to enter, simply hang up the telephone.

Changing your Access Code: If you wish to change your personal access code simply contact the management company and tell them that you wish to change your 4-digit gate code.

Special Situations: The entry gate and exit gate may be locked open for residents moving in or out, or for an Open House to sell a unit. Please contact a Board member in advance for this special service. In the event of a power failure, contact a Board member to open the gates.

VI. MISCELLANEOUS REGULATIONS

A. **Bicycles, scooters and skates** of all kinds are not permitted on walkways, landscaped or natural areas of The Promontory. No **skateboards or ramps** may be used on the premises.

B. **Free standing signs** are not permitted on any common or restricted common area. This includes patios, garages and walkways/entryways to units. No sign may be attached to the exterior of any building or structure. One sign no larger than 12 inches by 16 inches may be placed in an inside window of a unit.

C. All **trash containers** are to be kept inside until 6:30 p.m. of the day before pickup. All trash must be securely tied in plastic bags or put in sturdy trash containers fitted with lids. Paper bags or non-containerized trash must not be placed outside for pickup. Residents must promptly clean up all litter left on the street as a result of broken containers or collector's carelessness. Empty trash containers are to be removed from the pickup area by 9:00 p.m. of the day of pickup.

To prevent damage to the asphalt caused by heavy garbage vehicles, trash collection for residents of lower-level units is on the main upper-level street.

D. **Planters, flowerboxes, and flower pots** must not be placed directly upon the painted balcony and bridge surfaces, but must be raised on legs or casters that allow air to circulate under them. (Direct contact with the surface damages the surface and voids our warranty.)

VII. ARCHITECTURAL AND MAINTENANCE REGULATIONS

A. Architectural Approval

The Board must approve all changes to the Common Area, Restricted Common Area, interior structural changes and changes in flooring in a unit. The attached diagrams of the units show the bearing and structural walls in the units. Changes to these bearing and structural walls require prior Board approval. Changes in plumbing (either water or gas lines) and changes in electrical loads that require changes to the circuit breaker box also require prior Board approval. In order to make one of these changes you must:

- 1) Obtain a "Request for Architectural Change" form from the management company or Architectural Chair.
- 2) Submit a detailed description and any necessary drawings to the Architectural Committee along with the completed form.
- 3) Comply with the City of San Diego building code requirements.

All requests will be returned to the homeowner after approval or denial by the Architectural Committee and the Board. The Homeowner is responsible for all changes. The Homeowner must obtain all City of San Diego building permits and pay all costs associated with these permits.

The homeowner is advised to review Article VII of the CC&Rs that identifies architectural control. If you make an unauthorized change, you may be required to restore the changed area to its original condition at your own expense.

B. Maintenance Problems

Like any homeowner, you will undoubtedly encounter problems related to your unit or to the common area or restricted common area. Some unit-related problems are the homeowner's responsibility and should be handled by the homeowner. Other problems will be the responsibility of The Promontory. These problems should be submitted in writing to the Association's property manager. This report should include: your name, unit number and

address, telephone number, a description of the problem and the date the problem was first noticed. Sometimes there is confusion about who is responsible for a particular problem. The attached list shows who is responsible for the maintenance and repair of common problems. When in doubt, contact the management company for clarification.

VIII. ENFORCEMENT

The right to enforce the provisions of the CC&Rs, Bylaws and the Rules and Regulations covered in this handbook derives from Article XIV of the CC&Rs. Violations of the provisions of the CC&Rs and the Rules and Regulations covered in this handbook may be reported by any Association member. When a violation is deemed to have occurred, the witness of the violation has two options. The first is to act personally to have the violation corrected by bringing it to the attention of the violator. This is clearly the most efficient way to handle the problem and generally is successful – particularly when the violator may not be aware that he or she is violating a rule. The second option is to notify the property manager in writing. The property manager will verify the violation, notify the responsible unit and bring it to the attention of the Board. If compliance is obtained and no damage is done, the matter will probably be dropped. Otherwise the violator will be invited to a hearing on the matter where he or she can plead his or her case. The violator will be given fifteen days notice for such a hearing. The Board has the right to recover costs incurred by the Association in repairing damage to the common area or restricted common area by assessing monetary penalties. Other penalties, fines, and temporary suspension of membership privileges, including voting and use of recreation facilities if appropriate, may be imposed. Letters will be sent as follows:

- 1) Courtesy Letter: A courtesy letter indicating the violation will be mailed to the Homeowner. Twenty (20) days will be allowed to correct the violation.
- 2) Warning Letter: A warning letter will be mailed to the Homeowner. Ten (10) days will be allowed to correct the violation.
- 3) Notice of Hearing: A letter notifying the Homeowner of the hearing date and location will be mailed to the Homeowner.