



Los Paseos Association Rules and Regulations

The Los Paseos Association is a planned development in South San Jose that consists of 279 single family homes.

Office located at:
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2016 Board of Directors:
Robert Lombardi – President
Alessandro Fasan – Vice President
Gizelle Lamb – Treasurer
Gregory Cook – Secretary
Melinda Douth – Member at Large

Board Meetings are held the second Tuesday of the month at 7pm in the Clubhouse.

Clubhouse Manager – Lisa Gasparovic

The rules and regulations contained herein have been adopted and will be periodically revised by your Board of Directors. Please be advised, these rules are in addition to the Covenants, Conditions and Restrictions (CC&R's) of the Los Paseos Association.

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Home Improvement Guidelines

Once your completed Architectural Project form, drawings and sample materials (if required) are returned to the Association office, the Architectural Committee will review your paperwork and provide you an answer at their next regular monthly meeting. If you need more immediate approval, please state so with a cover letter and the committee will make an attempt to give you an answer within the week.

What needs approval: If a Homeowner wants to make changes to the house, front yard or fencing/gates which can be seen from the street or a neighbors' property, the Homeowner needs to submit an architectural form to the Association office for approval by the Board.

Permits: No work shall be done without the appropriate permit from the City of San Jose, when applicable. All permits obtained from the City of San Jose must be submitted to the Association.

Who needs to sign: The Architectural Project form must be signed by an owner of the property. Tenants are not permitted to submit Architectural Project forms.

When to submit: In many cases, the city will require Association approval before you receive your permit. It is always a good idea to bring the project to the Association Board of Directors before contacting the City or an architect.

Plans and Drawings: When you turn in your Architectural Project form, any plans, drawings, or examples you can provide will be very helpful and aid the Committee in providing you a timely approval.

- **House Paint or Stains:** Colors should be muted earth tones. Several pre-approved Kelly Moore colors are available in the office for your review, or you may review them on the Association website. If you are requesting a color that has not been pre-approved, please submit paint swatches with your form. If your house is a color that is not currently approved, you must use an approved color the next time you paint.
- **Front Yard Landscaping:** Submit a drawing of what changes you will be making, showing materials, colors, etc. City of San Jose regulations limit paved areas, including walkways and driveways to less than 50% of the front yard. City of San Jose regulations require a weed block fabric under any decorative rock or bark. However, you should always check with the City of San Jose, for example through their website, for current regulations. If colored concrete or stones will be used on the driveway, walkway, retaining wall, *etc.*, please provide a brochure showing the color or provide a sample. Landscaping must not encroach on the sidewalks or on to your neighbor's property. The Santa Clara Valley Water District has jurisdiction over drought resistant plants and turf replacement projects.
- **Fences & Gates:** The preferred material is wood or wood substitute. Plastic, wrought iron, or chain link is not allowed. Fence height should be no less than the existing fence with a maximum of 8 feet. Fences require City of San Jose permits. Under no circumstances should your backyard be visible from the street through the fence. Fences and gates cannot be attached directly to your neighbor's home. If you intend to paint or stain the fence or gates, you must use approved house colors.
- **Replacement Roofs:** Every roof replacement needs to be permitted and approved by the City of San Jose. A copy of the approved permit must be provided to the Association.

- **Backyard Construction**: No structure (*storage building, etc.*) may be built which will be visible from any other Association member's lot without Association approval and a City of San Jose permit, when applicable. No temporary structure (*garage canopies, etc.*) may be installed in the front or rear yard.
- **Exterior Remodeling, Add-ons or Additions**: If remodeling includes a change to the front façade of the house, elevation or size of home, you must submit plans to the Association before submitting to the City of San Jose.
- **Second Story Additions**: To stay in compliance with original plans for the community, second story windows may not overlook the backyard of neighboring properties unless they comply with fire code and the windows are translucent or frosted glass. A copy of the approved permit must be provided to the Association.
- **Solar Systems**: Every Solar installation needs to be permitted and approved by the City of San Jose. A copy of the approved permit must be provided to the Association.

Architectural Rules

Alley – The Alley needs to be kept free of garbage and weeds. Nothing should be stored in driveway or alley. Cars can be kept in driveways. If cars in the Alley are not in the driveway they need to be moved after 72 hours.

Front Yards – Yards need to be kept well maintained. During times of drought it is acceptable for lawns to be brown, but they need to be trimmed and free of weeds.

Garbage and Recycling Bins – All garbage and recycle bins need to be stored out of sight, except for the night before and the day of collection.

Holiday Lights – Holiday Lights should be removed with two weeks after the end of the holiday.

Parking Rules – Automobiles must be parked in the driveway and not on the landscaping. No trailers, recreational vehicles or vehicles larger than a standard pick-up truck shall be allowed on the properties for more than 72 hours.

Satellite Dishes/Antenna - In general, only small outdoor satellite dishes and antennas which by law cannot be prohibited by the Association can be installed. Consult CC&R's Section 4.12 for further information.

Signs – In general, no advertising or commercial signs are allowed on the front yard. If the Association member chooses to place a temporary non-commercial sign, it must be removed within two weeks of the event it references. Further allowances and restrictions may be found in CC&R's Section 4.15.

Storage On Lot – Nothing should be stored on your lot that can be seen over the fence.

Trees - Follow all City of San Jose regulations concerning tree removal or planting. For example, a permit is required to remove any ordinance-sized tree, which is a tree with a trunk circumference of 56 inches or greater measure at two feet above grade. You should always check with the City of San Jose, for example through their website, for current regulations.

Window Coverings – No foil, reflective material, newspaper, cardboard, blankets or sheets shall be considered window covering. Drapes, blinds or shutters visible from the street should be kept in good condition, and be consistent with approved exterior paint colors.

Violation Process – The Architectural Committee reviews the neighborhoods and reports any violations to the manager. The manager will send letters out in the following order:

- First notice – Reminder that you are in violation
- Second notice – Official violation notice
- Third notice – \$50 fine for non-compliance
- Fourth notice - \$100/month fine until violation is corrected

Hearing/Appeals Process –Should you disagree with a violation, you may present a “*written*” request for hearing to the Association, signed by the owner, within ten (10) days after the date of the violation letter. You will have the right to attend that hearing with or without legal counsel, present oral, photos and written evidence on your behalf, call witnesses, examine documents, question witnesses, and have a record prepared of the proceedings.

The decision made by the Board of Directors is final; there is no appeal.

Disciplinary Rules - Should you fail to remedy the violation, or if a hearing is not requested the Association has a right to fine you a First Violation fee of \$50.00 Should subsequent notices be necessary due to your failure to remedy the problem, fines will increase to \$100.00 per month until resolved. Should legal action be necessary, you will also be liable for the Association’s legal fees and costs to resolve the problem. Failure to remedy the situation will also result in loss of pool and clubhouse privileges.

Residential Rules

Dues – Paying your homeowner’s association dues is a legally binding obligation tied to the purchase of your property. Dues are payable annually by March 15th with a 30 day grace period after which a 10% late fee will apply. Association members more than 90 days delinquent will be sent to collections.

Dumping – No dumping on common area property or in Association dumpsters without prior permission.

Lease/Rentals – Owners shall be responsible for tenants / occupant's actions or misconduct and adherence to the Rules and Regulations of the Association. Each owner shall be responsible for providing tenants with a current copy of the Association Rules and Regulations.

Any homeowner choosing to rent his home must complete an Application for Permission to Rent to the Board of Directors for approval, along with a copy of the rental agreement within 5 days after the lease becomes effective. Additional requirements may be found in the CC&R's Section 5.1.

In order for tenants to have pool privileges there is a \$250 deposit that will be returned when the tenant no longer wants pool privileges or you are no longer renting your home.

Pets – Pets must be kept at a reasonable number according to City of San Jose regulations. Pets should be under owner control at all times (except for outdoor cats.) Dogs must always be on leash and pets must be picked up after. Pet owners need to be courteous about and prevent excessive barking. Further restrictions may be found in the CC&R's Section 4.13.

Zero Lot Lines –Access needs to be allowed for maintenance and upkeep of areas associated with zero lot lines, *i.e.*, Party Wall or Party Fences. Further restrictions may found in the CC&R's Section 3.11.

Pool Rules

Private Pool for Members & Guests Only

EVERYONE MUST CHECK-IN WITH THE GATE ATTENDENT AT EACH ADMITTANCE

ADMITTANCE TO THE POOL

- Everyone will be required to check in each time admitted
- All Association member names and addresses are on file with a signed "Pool Usage Form". A completed form must be on file for entry.
- A member who is delinquent on their assessment may not use the pool.
- A parent/guardian must accompany children under the age of ten (10) at all times.
- All guests must be accompanied by an Association Member & pay gate fee
- Members age 13-17 may bring one (1) guest.
- If bringing more than ten (10) guests, you must fill out a "Pool Party Form", which may be obtained from the office or website. Maximum amount of total guests is fifty (50).

Guest Gate Fees

\$1.00 per person Age 17 & younger

\$1.00 per person Seniors age 60+

\$2.00 per person All other guests

Cash or Member check only: payable to LPHOA

MEMBER RESPONSIBILITY

- Members are responsible for the behavior of their children and guests, and will be held financially responsible for any damage they may cause.
- Members are urged to lend their support to the Lifeguards and Gate Attendants who are ultimately in charge of the facilities and enforcing the rules.
- The Lifeguards have the authority of the Board to expel or exclude any person from the facility for violating the rules and to take any action necessary, in their judgment, to preserve and protect the health, safety, and enjoyment of the members using the facility.
 - A first offense by a youth will result in being asked to leave for the remainder of the day.
 - A second offense by a youth will result in being barred from the facility for one (1) week and parents informed.
 - The third time a youth is asked to leave they will be required to have their parents meet with the Lifeguard and two (2) Board Members. The Board will be informed about any action taken.

POOL SAFETY RULES

- No running or rough play anywhere near the pool, deck, or cement areas.
- No backward diving, backward jumping or cartwheels off the side of the pool. No chicken fighting.
- Only one (1) person at a time is permitted on the diving board. No cartwheels off the diving board. No hanging from the diving board. Divers must immediately swim to the side of the pool.
- No metal clips or hairpins may be worn in the pool. Earrings, jewelry, etc. should not be worn in the pool area.
- Inner tubes, rafts, boats, mats, boogie boards, gum, food or drinks are not allowed in either pool.
- Children wearing flotation devices may not be in the pool without an Adult accompanying them, unless approved by lifeguard.
- Children must know how to swim or be tall enough to stand in the shallow end on the bottom of the Pool in order to swim without a parent at their side, unless approved by a lifeguard.
- Parents are responsible for their children at all times. No one over 5 years old is allowed in the baby pool. No fun noodles are allowed in the baby pool. All Children in the baby pool must be accompanied by a parent at poolside. All children not “potty trained” must wear a swim diaper.
- Swimsuits are required, no exceptions. No street clothes, T-shirts, cut-offs, etc., are allowed in pools. Rash guards or fitted t-shirts may be worn over a bathing suit for sunburn protection.
- Members or guests under the age of 18 may have to submit to a swimming proficiency test, at the discretion of the Lifeguard.

POOL GENERAL RULES

- Fifteen (15) minutes of each hour will be Adult (18 or older) Swim Only. One (1) infant non-swimmer may be with their parent if it does not interfere with the other Adult Swimmers. No wild diving or splashing will be allowed off the diving board, etc., during Adult Swim.
- Members must remain at the pool with their guests at all times.
- Inappropriate displays of affection are not permitted in the pool or on the premises.
- Abusive or profane language will not be permitted.
- Pool or common area of the Los Paseos Association may not be used for profit. The Pool is intended for the private enjoyment of its Members and Guests ONLY.
- Balloons are permitted in party areas only. Balloons are not allowed in pool.
- Music must not interfere with the loud speaker, lifeguards or other guests.
- Please return table & chairs to original area when done using.
- Employees only are allowed in the clubhouse, office or pump house.
- Place all litter in the provided trash containers.
- No glass is allowed in or around the pool area.
- No smoking inside the facility gates at anytime.
- Bicycles, tricycles, big wheels must be parked and locked in the bike rack and off the walkways.
- No roller-blades/skates, skateboards, or pets allowed inside the pool area.
- The pool is subject to closure due to inclement weather or at the discretion of the Lifeguard.

POOL PARTY RULES

- Pool parties may be held between the hours of 12:00 pm and 6:00 pm. Note: on home swim meet days the pool will not be open to members until 2:00 pm.
- A member may hold no more than two pool parties per day, and the combined number of members and guest must not exceed fifty (50).
- All Rules and Regulations must be followed.
- Member is responsible for behavior of all guests.
- The BBQ grills are available on a first come-first serve basis.
- You may access the pool area only when the pool is open.
- No glass containers are allowed inside the facility.
- Pool party reservation does not include access to the clubhouse.
- Staff is not available to help with set-up or clean-up of your party.
- The Los Paseos Association grounds and pool area are smoke-free facilities.

Pool Rules Are Subject to Change at Anytime

Clubhouse Rental Rules

Note: If any rules or guidelines listed below are violated in any way, the security deposit will be partially or totally forfeited, and additional charges may occur. Please see Clubhouse Rental Contract for additional information.

- No live music is allowed.
- No smoking is allowed.
- **The rental area is restricted to the Clubhouse, upper-deck area and restrooms. Guests are not allowed to access the field, sport courts, pools, pool deck, front grass area or office and congregation is not allowed in the parking lot.**
- **Music may not be played outside and must be set at a reasonable volume so as not to disturb the neighborhood.**
- **All doors and windows must be shut at all times while clubhouse is rented.**
- Renter is responsible for behavior and safety of all guests.
- Disrespect to neighboring homes with excessive noise and/or inappropriate behavior will result in rejection of future requests to rent clubhouse.
- All persons must be OFF THE PREMISES by 12:00 Midnight or at the end of their rental period, if sooner.
- Clubhouse must be clean and keys returned to the clubhouse manager by 12:00 pm on day following event.
- BBQ gas grills are available for Rentals during open season, but must be shared during open pool hours.
- Clubhouse maximum capacity is 85 when using tables and chairs, 120 when tables and chairs are not being used.
- Staples, tacks and nails may not be used to hang decorations.
- All tape and decorations must be completely removed.
- No keys may be duplicated.
- Missing articles and or breakage will be charged to the member or sponsoring member.
- No overflow parking is allowed in the neighboring church parking lot.
- Disregard for rules will result in the closure of your party, loss of deposit and **loss of future clubhouse privileges.**