

Bayshore Village Homeowners Association

c/o The Management Trust
1400 Madonna Road
San Luis Obispo, CA 93405

January 30, 2024

To: All Bayshore Village Owners

RE: Adopted Maintenance Rules and Regulations Responsibilities

Dear Owners,

In the January 20, 2024, open board meeting the Board of Directors adopted the additions to the Rules and Regulations section I and II. The previously approved Rules and Regulations were sent to the members for a 28-day review and comment period on November 27, 2023. No comments were received.

Please find attached a complete copy of the adopted Rules and Regulations for your records.

Sincerely,

Terry Weinert,
Senior Community Association Manager
On behalf of the Bayshore Village Board of Directors

BAYSHORE VILLAGE HOMEOWNER ASSOCIATION

RULES

(CC&R Section 5.5)

Adopted April 27, 2019

Updates Adopted on January 20, 2024

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Owners are responsible for making all who use their unit (tenants, friends and family) aware of these Rules. The common area is not a resort facility but a community endeavor where everyone is expected to consider the project area a joint responsibility to maintain, secure, and keep beautiful for everyone's pleasure. Rule violations are recorded against Owners/Units and not against specific individuals. Repeated rule violations by an Owner/Unit will be subject to fines.

Mission Statement and Goals of the Association

The purpose of the Bayshore Village Homeowners Association ("Association") is to provide for the upkeep, maintenance and repair of the common property of the Association. The common property includes: Clubhouse area (Lot 1); clubhouse, pool and spa; landscaping with the common area; fences; exterior of all buildings (excluding windows and garage doors); and the paved areas (except for Bayshore Drive). The sewer lift station located in Bluffs Park is also an Association responsibility.

The Association wishes to provide the above services to the satisfaction of all Owners, utilizing good materials and workmanship.

For the general good of all Owners, the Association wants to maintain rules, regulations, policies and procedures which are an expansion of the CC&Rs and which require a minimum of regulation yet impose on everyone the responsibility to self-police the area, consider the wellbeing and welfare of all Owners and protect the property of all Owners and the Association. In all cases of conflict between the Rules and the CC&Rs, the latter is the final source of determination.

Clubhouse

A. The use of the Clubhouse by Owners and guests of Owners for showers, changing of swim clothes to street clothes and vice versa is a privilege of ownership at Bayshore Village. Owners are responsible for their guests. Facilities and equipment should not be abused or left dirty or wet. To reduce the hazard of wet floors, use the side entrance to the toilet and shower from the pool or spa area. Clubhouse hours are 8:00 a.m. until 10:00 p.m.

B. The use of the Clubhouse for parties and gatherings shall be arranged with the Clubhouse Coordinator(s) at least one week in advance and posted on the Clubhouse calendar. When the Clubhouse is reserved by an owner, that owner may have exclusive use of the Clubhouse for the time reserved. The requesting Owner shall sign the Association Sign-Up Sheet and submit the signed sheet with a \$50 deposit to the Clubhouse Coordinator. The deposit is refundable if the Clubhouse is clean prior to noon the following day and returned to its prior condition.

Replacement Clubhouse Door/Pool Gate keys may be obtained at a cost of \$200, no exceptions. Mail a check to the management company for the Association, currently The Management Trust, 1400 Madonna Road, San Luis Obispo CA 93405.

Pool and Spa

THIS IS A PRIVATE POOL.
NO LIFEGUARD IS ON DUTY AT ANY TIME.
ALL PERSONS USING THE POOL DO SO
AT THEIR OWN RISK AND RESPONSIBILITY.

A. The hours for use of the pool and spa are from 8:00 a.m. until 10:00 p.m. daily, except for the days between Memorial Day and Labor Day when the pool is open at 6:00 a.m. for lap swimming only. At no time can lap swimmers deny any resident the quiet enjoyment of their unit. The pool area is not subject to reservation by Owners.

B. For safety and for liability requirements, the gate to enter the pool area is self-closing and self-locking. Entrance to the pool area requires a key to be used by the Owner. Climbing over the fence or lifting the gates to gain entrance is prohibited.

C. Glass containers are prohibited in the pool and spa area. Please clean up before you leave, and place all unwanted items in the trash receptacles.

D. Food is allowed in the pool area, but can not be taken into the pool or spa.

E. Bathing suits must be worn in the pool and spa area.

F. Children in the pool and spa area require a responsible supervising adult (18 years or older) present. Children under the age of 6 are not allowed in the spa. NO EXCEPTIONS.

G. Lights in the pool area are on time control and regulated by the Board of Directors.

H. Entry into the heater and filter area for the pool and spa is limited to authorized personnel only.

I. Running and horseplay in the pool and spa area are prohibited.

J. Tables, chairs and lounges must remain in the pool and spa area at all times.

K. No smoking of any kind, including vaping or e-cigarettes, is allowed in the pool and spa area. Owners, tenants and guests are to be respectful and not inhibit the enjoyment of others in all other common areas. Smoking in the common area will be a violation of the CC&Rs and subject to violation letters and fines imposed upon the owner of the unit.

L. No animals are allowed in the pool and spa area or the clubhouse.

Parking and Vehicle Restrictions (CC&R Sec. 8.16)

A. Sandpiper Circle, Sandpiper Lane and Clubhouse Drive are fire access lanes. Parked vehicles should not intrude into these lanes. Vehicles shall be parked in garages or parking areas and not allowed to stand unattended between the curbs. Parking areas are marked throughout the complex, and owners are requested to use them. Owners can be cited by the City Fire Marshall for obstructing these lanes. Parking in driveways is allowed if the vehicle does not intrude into the fire lane.

B. Vehicle maintenance within garages is permitted. The use of driveways and parking areas for vehicle maintenance is prohibited. No owner, tenant or visitor shall construct, repair, service or maintain any motor vehicle on any portion of the common area, except for emergency repairs.

C. Trailers, campers, motor homes, commercial vehicles, boats or similar equipment shall be allowed to be parked within the complex for a period of not to exceed 24 hours for the purpose of loading and unloading. At no time can these types of vehicles be used for sleeping, either temporarily or permanently.

D. Vehicles that do not have current registrations are subject to immediate towing.

E. Without prior notification to The Management Company, vehicles left standing in any parking area within the complex for more than 72 hours will be subject to removal at the owner's expense.

Use of Areas within Complex

BAYSHORE VILLAGE HOMEOWNERS ASSOCIATION USES OF AREAS WITHIN COMPLEX

I. BAYSHORE VILLAGE AREA DESIGNATIONS

1. **Homeowners Private Property:** Areas that are owned by and under the control of the homeowner. These are essentially the private areas of each unit. Examples are:
 - a. Inside unit
 - b. Inside garage
 - c. Inside attic
 - d. Crawlspace/Ground under unit

2. **Exclusive Use Common Area:** This typically includes homeowner decks (which are only accessible from porches that surround a unit's front or rear door), and the back yards of the single-story units. Decks, porches and yards are typically isolated from the public spaces ("Common Area") by stairs, doors, fences and/or gates. Examples are:
 - a. Porches
 - b. Decks (including upper levels)
 - c. Deck and porch perimeter walls
 - d. Enclosed back yards of single-story units (along Sandpiper Lane)

3. **Common Area:** Area for the use of all residents of the complex. While much of the Common Area is realistically open to the public, such area is not intended for public use except when sponsored by one of the Homeowners. Examples are:
 - a. All grass area except in enclosed back yards of single-story units
 - b. All shrub areas
 - c. All trees
 - d. Perimeter walls along Main Street and adjacent to the Inn, but not including inside deck and porch areas
 - e. Pool and spa (fenced area)
 - f. Clubhouse
 - g. All walkways, including concrete landing outside driveway door of 3-story units
 - h. Driveways
 - i. Stairways to porches and decks
 - j. Hill area between above single-story back yards
 - k. All roofs

II. HOMEOWNER PRIVATE PROPERTY ALLOWED USES AND RESPONSIBILITIES

Homeowners may decorate, remodel and configure the interior of their units, with the exception of windows that may not be covered by foil, cardboard or other similar materials. (CC&Rs Articles VII and VIII) Only curtains, drapes, blinds, shutters and shades may be installed as interior window covers. Homeowners who have accessible attics are responsible for maintaining the integrity of the attic vent

screens to prevent pest intrusion. No sunshades, awnings, canvas, ornamental screens or any other window covering shall be installed on the exterior of a residence, including the exterior walls within patios or balconies, without the prior written consent of the Board. (CC&R Sec. 8.12) The Board may adopt further restrictions as necessary to maintain the look and feel of the complex

III. EXCLUSIVE USE COMMON AREA ALLOWED USES

Homeowners are allowed to install items, place furniture and otherwise utilize as they please their Exclusive Use Common Areas. (See preceding paragraph I.2.). Permanently affixing items to or structurally altering the outside of their unit or walls/structure in Exclusive Use Common Area is subject to approval of Architectural Control Committee (ACC) and Board of Directors. (See CC&R Articles VII concerning modifications and IX concerning homeowner responsibility for maintenance.)

The following uses are allowed in a homeowner's Exclusive Use Common Area. Each is subject to review by the ACC and Board of Directors if problems are reported or any of these uses become extreme. The intent is to allow each homeowner to reasonably use their unit and surrounding area while maintaining the Bayshore Village "look and feel".

- 1. Bird Feeders/Bird Houses.** Homeowners may place bird feeders and/or bird houses in their Exclusive Use Common Area but not directly on or above the railings of the porch, deck or stairs

- 2. Flower Pots.** Homeowners may place flower pots in their Exclusive Use Common Area. Flower pots must be so placed as not to obstruct or significantly restrict travel or ingress/egress to their unit in an emergency situation. *Homeowners are responsible for maintaining plants to assure that limbs or branches are not in contact with the exterior of the unit.* To prevent/minimize dry rot and other maintenance issues, flower pots must be placed as follows:
 - a. No plant should be placed on or hung above the railings of any porch, deck or stairs or exterior wall.
 - b. Plants may be placed on decks or floors of porches only if the plant has an adequate pan or similar container beneath it to catch excess seepage or dripping and such pan or container is placed upon feet or wheels to allow ventilation and easy cleaning beneath it.
 - c. Hanging plants may be placed above the floor of decks or porches, but not on or above the railings, only if they have an adequate drip pan attached to the pot.

- 3. Inanimate Objects.** Homeowners may place inanimate objects (such as outdoor furniture, statues, artificial plants, etc.) in their Exclusive Use Common Areas only. They must have an adequate space between the base and a deck to provide for adequate ventilation and easy cleaning. Large statues may not be over 3 feet in height and cannot be placed on the railings of the porches or decks.

- 4. Barbeques.** Per the California Fire Code Section 308.3.1, the following rules apply with regard to the use of barbeques within the HOA:

Units with exterior balconies and porches may use propane barbeques with a fuel capacity not to exceed to 2.5 pounds. Electric grills, with no open flame, may also be used in these areas. No other type of barbeque is permitted.

All other types of open flame barbeques, including charcoal grills, propane grills with a fuel source that exceeds 2.5 pounds or smoker/pellet stoves must be 10' away from any combustible surface. Barbeques must be used in Owners' driveways, pulled 10' away from the building.

At no time should any barbeque be left untended when cooking outdoors.

5. Solar Lights. Small decorative solar lights may only be placed in the Exclusive Use Common Areas and stairways leading to residences.

6. Bird Baths/Fountains. A bird bath or fountain may be placed in the Exclusive Use Common Area. They may be placed on the porch or deck floor but must have an adequate space between the base and the deck to protect the deck from water and to provide for adequate ventilation and easy cleaning. They may not be placed outside the Exclusive Use Common Area or on or above the railings of the porch, deck or stairs.

IV. COMMON AREA USES

In general, Common Areas are owned and fully maintained by the Homeowners Association for the mutual benefit of all owners and residents. Owners and residents are NOT allowed to permanently place or affix any items in or on these areas.

Single-story units along Sandpiper Lane have areas behind their units that are both Exclusive Use Common Area (typically the enclosed back yard) and Common Area (typically the hillside above the yard).

A. COMMON AREA ALLOWED USES. The following uses are allowed in the Common Areas that are immediately adjacent to or attached to an owner's or resident's unit within the limitations described below with each item. Prior approval is NOT required, with the exception of gates in No. 3 below which must be approved by the ACC prior to installation. Each of the following is subject to review by the ACC and/or Board of Directors if problems are reported or any of these uses become extreme.

1) Flags. Each owner may display no more than one flag as follows: An American flag affixed to the exterior of their unit, using a standard bracket, OR a non-commercial flag no more than 15 square feet affixed using a standard bracket.

2) Signs. "For Sale" or "For Rent" sign of reasonable size may be temporarily placed on the exterior of an owner's unit as detailed in the CC&R Sec. 8.13.

3) Gates. A pedestrian or pet gate may be allowed at the entrance to an owner's Exclusive Use Common Area yard or porch with prior approval of the ACC and the Board of Directors.

4) Refuse Containers. Refuse containers shall be stored in garages, screened from view so they are not visible from the street or any other lot in the Common Area. They may be set out for a reasonable period of time before scheduled pick-up times. Containers must be off the streets by the end of the day of pick-up. (CC&R Sec. 8.8)

5) House Numbers. The standard illuminated house number installed originally by the contractor is the primary house number maintained by the HOA. House numbers by the front door, if not existing, may be installed by the Owner.

B. COMMON AREA USES NOT ALLOWED. The following uses are NOT allowed under any circumstances in the Common Area: Storage of personal items, gardening tools, brooms, potting soil and empty flower pots, pet dishes, permanent flowers and plants, bird baths and feeders, hummingbird feeders, bird houses, flower pots, inanimate objects and solar lights. Skateboarding and Rollerblading are prohibited in all areas of the Association.

C. DAMAGES TO COMMON AREA. (CC&R Secs. 6.10(A)(1) and 8.5)
All owners are responsible to report damage they witness to the Common Area, when it occurred and who caused the damage. Owners are responsible to repair or replace, or pay for repair or replacement, of any damage to the Common Area facilities or equipment caused by family, friends or tenants of Owner(s). This includes landscaping. Under CC&R Art. V, the Board may levy an assessment for the cost of the repair and/or/replacement plus attorney fees.

Action Taken for Violation of Rules (CC&R Sec. 15.6B.)

In most instances of minor and/or infrequent violations, it is the intent of the Association to informally request the Homeowner to comply with the Rules. If such informal intervention fails to result in compliance, or if the infraction(s) repeat, then the following fines may be imposed;

First violation	Written Courtesy Notice
Second violation	\$50.00 fine
Third violation	\$100.00 fine
Fourth and subsequent violations	\$300.00 fine
Ongoing Violations	\$150 per day fine until cured

All accumulated unpaid fines will be recovered by the Association upon the sale or transfer of the property at close of escrow.

Architectural Control and Construction Guidelines (CC&R Article VII)

Prior to construction or modifications to the exterior of an owner's residence, written approval from the Board of Directors is required. This is obtained through the Architectural Control Committee. .

In compliance with Civil Code 1378, the Association has adopted an Architectural Control/review procedure which applies to all owners interested in making any change to the exterior of their unit or any other change that the governing documents of the Association require to be reviewed before approval. This procedure does not replace any other architectural rule or policy that is in the governing documents of the Association. (See CC&R Article VII.)

- A. Any building modification, fence, wall obstruction, balcony, screen, patio cover, tent, awning, improvement or structure shall not be commenced, erected, altered, or improved upon until reviewed by the Architectural Control Committee
- B. Any change in landscaping around a unit with natural trees, shrubs and grasses requires Architectural Control Committee review.
- C. Drapes, curtains, other window covers, and window covers visible from the street are subject to Architectural Control Committee review.
- D. Replacement of windows and installation of screen doors, storm doors and security doors are subject to Architectural Control Committee review.
- E. The following are not allowed by the governing documents of the Association:
 - 1. Ornamental screen doors, sunshades and walls on or around any portion of any structure
 - 2. Exterior drying of clothes or laundry on balconies, patios, porches or other areas.

All applications for changes or modifications proposed to the Architectural Control Committee shall be in writing. The application shall include a written description of the proposed modification along with conceptual plans and specifications showing the following information:

- 1. Written description of the proposed modification along with conceptual plans and specifications
- 2. Nature and kind of modification or structure
- 3. Shape of finished project
- 4. Color of modification or structure
- 5. Dimensions of modification or structure
- 6. Materials of construction, including grade and finish

7. Location of project with respect to adjacent units in complex
8. Quality of workmanship
9. Harmony of exterior design with existing structures.

Submit all applications for a proposed change to:

Bayshore Village Homeowners Association
c/o The Management Trust
1400 Madonna Road
San Luis Obispo CA 93405

Applications shall be date stamped on the day they are received by the Management company. The Association's Board of Directors shall render a decision within 45 days of the date the application is received by the Management company. A decision on an application for a proposed change shall be made in good faith and may not be unreasonable, arbitrary or capricious. A decision on a proposed change shall be consistent with any governing provisions of law, including, but not limited to, the Fair Employment and Housing Act Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code.

A decision on a proposed change shall be in writing. If a proposed change is disapproved, the written decision shall include an explanation of why the proposed change is disapproved.

BAYSHORE VILLAGE HOMEOWNERS ASSOCIATION
ARCHITECTURAL REQUEST FORM

Name of Owner(s): _____

Address of property: _____

Email: _____ Phone: _____

Description of Work: Include general description of changes / project, type of materials, colors (include color swatches), and attach a plan if applicable. Attach addition sheets if necessary:

(Attach additional sheets if necessary)

- I understand that if this application requires work of a contractor that I must choose a licensed and bonded (or insured) contractor.
- I further understand that if approval of this improvement is given, that I will be responsible to indemnify the association and hold it harmless from any damages or costs of a lawsuit that are filed due to the installation, construction, or presence of the described improvement.
- I understand that I am responsible to maintain the improvement.
- I understand that association approval does not negate the necessity of any required City or County permits.

SIGNED: _____ DATE: _____

Owner of the property must sign)

Date Received: (by ACC Committee) _____ Reference Number _____

ARCHITECTURAL COMMITTEE ACTION

APPROVED AS SUBMITTED: _____ BY: _____ DATE: _____

NOT APPROVED (REJECTED) _____ BY: _____ DATE: _____

APPROVED AS NOTED BELOW: _____ BY: _____ DATE: _____

Approved work must be completed within _____ (_____) months of approval or resubmission for review and approval is required. All approvals are contingent upon homeowner acquiring all applicable permits required for the work.

NOTES / OTHER CONDITIONS:

Architectural Final Inspection BY: _____ DATE: _____

Mail or email this form to: Bayshore Village HOA, c/o The Management Trust, 1400 Madonna Road, San Luis Obispo CA 93405.