



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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2019 Board of Directors:
Robert Lombardi – President
Alessandro Fasan – Vice President
Gizelle Lamb – Treasurer
Gregory Cook – Secretary
Richard Doucette – Member at Large

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

Clubhouse Manager – Adrienne Burke

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.

Table of Contents

Home Improvement Guidelines.....	Page 2
Architectural Rules.....	Page 3
Residential Rules.....	Page 4
Pool Rules.....	Page 5
Pool Party Rules.....	Page 7
Clubhouse Rules.....	Page 7



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. Please submit paint samples/swatches with your project form. There are no longer any pre-approved colors.
- **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. Homeowners are solely responsible for maintaining their fences and gates to HOA standards.
- **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.

Los Paseos Homeowners 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. As addressed in greater detail in Article 7 (4.8 Requirement of Architectural Approval), construction, installation, modification, or alteration of buildings, outdoor structures (including Accessory Dwelling Units), landscaping, and outdoor lighting, which are visible from the streets, Common Area or other Lots, are subject to approval of the Board.
- **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

Owners must complete the architecture form before making any changes that are visible from the street.

Alley – The alley is a fire lane and must be kept free of any items (parked cars, garbage, and debris) that would impede access of emergency vehicles. Cars can be kept in driveways.

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 January 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.

Entertaining: Homeowners need to abide by the rules governing loud music, live bands, and amplified sound systems (see CCR 4.5).



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

Pool Rules

Private Pool for Members & Guests Only

EVERYONE MUST CHECK-IN WITH THE GATE ATTENDANT 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 guests is seventy-five (75).



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
(over 10 guests must fill out the pool party form)

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.
- 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.
- Inner tubes, rafts, boats, mats, boogie boards, large water guns, 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.

Los Paseos

Homeowners Association

- Appropriate swimwear is required, no exceptions. No street clothes, T-shirts, cut-offs, thongs, etc., are allowed in pools. Rash guards or fitted t-shirts may be worn over a bathing suit for sunburn protection.
- Members and 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, e-cigarettes or vaping 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 seventy-five (75).
- 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.



Los Paseos

Homeowners Association

- 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.

- Rental period is for twelve (12) hours including set-up and tear down time. Additional time will be charged by the hour at \$100.00/hour. **All persons must be off the premises by 12:30 am** (Security alarm is set to arm at 1:00am).
- No Live Bands are allowed. If any music is played, all doors and windows must remain shut. Music may not be played outside and must be set at a reasonable volume so as not to disturb the neighborhood. **ALL MUSIC MUST BE OFF BY 10:00 PM.**
- Rental area is restricted to the Clubhouse, upper-deck area and restrooms. Guests are not allowed to access the lower deck, sport courts or office and congregation is not allowed in front of the building or in the parking lot.
- Renter is responsible for the behavior and safety of all guests.
- Disrespect to neighboring homes with excessive noise and/or inappropriate behavior will result in the closure of your party and/or rejection of future requests to rent clubhouse.
- Clubhouse must be clean and keys returned to the clubhouse manager by 10:00AM on the day following event.
- BBQ pits are available, but must be shared during open pool hours.
- Clubhouse maximum capacity is 85 people when using tables and chairs, and 120 people 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.
- No overflow parking is allowed in the church parking lot.
- This is a smoke-free facility (includes vaping).
- Disregard of the rules will result in closure of party, loss of security deposit and/or loss of future clubhouse rental.