

Edgewater Isle North

HOMEOWNERS ASSOCIATION

Code for Condominium Living
(Rules and Regulations)

May 2004
Supersedes Prior Editions.

**EDGEWATER ISLE NORTH HOMEOWNERS
ASSOCIATION
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(Rules and Regulations)
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**Code for Condominium Living
(Rules and Regulations)**

**Welcome to the
EDGEWATER ISLE HOMEOWNERS ASSOCIATION
May 2004**

The precedent for homeowners associations comes from many sources. Among these were early groups of neighbors formed for the specific purpose of regulating themselves for the greater good of their entire community. The important factor in the early organizations was that they were governed by mutual consent. Once a member joined a group, he/she abided by the implied social contract of majority, or procedural rule after open and free discussion and decision.

As the early groups gave way to the later groups having restrictions actually put into their deeds, the same principles held. The latest development of this trend has been the Homeowners Association. Since it is the last step in a progression, it has all the trappings of the earlier forms of acceptance by purchase, actual acceptance by signature, and the ability to change as needs and people change. It has one further advantage over the earlier concepts: a formal and therefore, a more accessible organization. This means that your association is more responsive to your needs. More importantly, this means that the Edgewater Isle Homeowners Associations are *your* organizations.

GENERAL

Boards of Directors

There are four Boards of Directors at Edgewater Isle. Those Boards consist of the following:

1. The Commercial Master Association provides for the maintenance and repairs of the road, lighting, and landscaping for Winward Way. The Residence Inn and 2001 Winward Way (the brick building) are also members of this Association.
2. The Master Association provides for the sewers, landscaping and maintenance of the pond and park area, exterior pest control, parking and parking enforcement, maintenance of the property's interior streets, common area street signs and lights, private bike paths and boat dock, recreational vehicle storage area, exterior water mains, commuter vans and garbage receptacles.
3. Edgewater Isle North Homeowners Association consisting of 224 units.
4. Edgewater Isle South Homeowners Association consisting of 100 units.

Your management company can provide you with a current list of Board Director's names and positions.

Board Meetings

The Board of Directors of Edgewater Isle North Homeowners Association generally meets on the 3rd Monday of each month, at 6:30 p.m. As schedules sometime conflict with the normal meeting dates, please feel free to confirm the date and location of the meeting by calling the management company. The time and location of the meeting is also listed in the EWI North monthly newsletter.

All homeowners are invited to attend any general session meeting. An open forum is always held at these meetings in which any resident may share their questions, concerns, or suggestions with the Board. Any

requests or concerns should also be sent to the Board in writing and prior to the meeting so that the Board will be prepared to discuss the matter at hand. All correspondence to the Board should be sent in care of the management company.

Management Company for EWJ North

Our association is serviced by a professional management company, which provides both physical and financial services to both owners and residents. Their services include, but are not limited to the following:

- Monthly invoicing for assessments
- Monthly financial reporting
- Common area maintenance
- Implements and communicates Board decisions
- Obtains outside contractor service proposals
- Communicates with on-site maintenance personnel
- Maintains association records
- Provides 24-hour emergency service

Our Management Company is:
Community Management Services, Inc.
1935 Dry Creek Road, Suite 203
Campbell, CA 95008
Voice: (650) 961-2630
Fax: (408) 559-1970

Emergencies

For Police or Fire - Telephone dial "911"
Security Company – Northwest Protective Services
(650) 345-8500
For other emergencies, contact the Management Company

Committees

The Association currently has the following Committees, and invites volunteers to serve:

- Architectural Control
- Grounds and Landscape
- Finance

If you are interested in serving on any of the committees, please contact the management company.

Parking Enforcement

Master Board handles ALL parking matters. Please refer to the Parking Rules Handbook under separate cover or call the EWI Master Association Management Company.

Recycling

Edgewater Isle Associations are concerned about the environment and have four designated areas in which residents can recycle. These areas are: the RV storage lot under the freeway overpass, Enclosure 5 located on Miramar across from the Senior Center, Enclosure 6 on the corner of Miramar/Vista del Mar, and Enclosure 10 in front/near the Senior Center on Marina Vista. Inside the enclosures are separate bins for: glass, aluminum, newspaper, and mixed paper (magazine and junk mail). It is very important that all materials are separated and rinsed. All recycling is handled by the Master Association. Please:

**NO PLASTIC BAGS OR REGULAR GARBAGE.
NO CONSTRUCTION REFUSE.**

SUMMARY OF CC&RS AND BYLAWS

The following are important rules extracted from your CC&R's (governing documents):

As a homeowner/resident of Edgewater Isle North, you are expected to:

- Pay your homeowner dues promptly on or before the first day of each month.
- Submit all modification requests such as decks, load bearing walls or any alteration that could jeopardize the integrity of the structure or affect the outside appearance of the building, to the Architectural Control committee via the management company *prior* to implementation.
- Maintain your home in a clean and well-maintained manner.
- Place all trash in designated containers.
- Park vehicles in garage spaces; do not use garages for personal storage.
- Keep garage doors closed.
- Maintain garage space in a clean and well-maintained manner.
- Control your pet at all times and always maintain them on a leash while in the common area; this is a City of San Mateo Ordinance.
- Clean up after your pet.
- Provide Management Company within 10 days of signed lease agreement, names, phone numbers and vehicle information of new tenants. Also, provide *your* residence address and phone number if new.
- Provide the management company with a document signed by tenants that they have received copies of the CC&R's and Rules and Regulations handbook.

As a homeowner/resident of Edgewater Isle, you are expected NOT to:

- Petition for the judicial partition of the common area.
- Use your unit for any purpose other than residential use.
- Carry on any noxious, offensive, immoral, or illegal activities or commit any annoyance or nuisance to other owners/residents by noise or otherwise. Do anything or keep anything that will increase the insurance rate.
- Install any antennas, patios, decks, wiring, or air conditioning units, etc. without prior permission from the Architectural Control Committee. Refer to the Satellite Dish Policy for guidelines re: dishes.
- Dry clothes, place clotheslines or appliances on balconies or patios.
- Make any change or place any object, such as planters in the common area or on privacy walls.
- Attach holiday decorations, lights etc. to any portion of the common area or building with nails, screws, etc.
- Install newspaper tubes or mailboxes
- Rent your unit for transient or hotel purposes

SUMMARY OF ARCHITECTURAL RULES

The CC&Rs require that no activity be carried on that detracts from the appearance of the property and that no alteration be made without committee approval. These guidelines are intended to specifically delineate those items that the Architectural Control Committee wishes to rule upon.

The following are considered approved:

- (a) Small plants and other landscaping within the railing or fencing; however, such plants should not cause damage to any of the structural improvements. All plants on balconies must be placed on risers or "feet".

- (b) Patio furniture should be kept in good repair and should be consistent to the CC&Rs. For example: barbecues should not cause a threat of fire to neighboring residents.
- (c) Front entry screen doors (contact management for list of approved types) Owners will be responsible for purchase, installation and maintenance.
- (d) Door knockers with Architectural Control Committee approval.
- (e) Noncommercial Flags- provided that they are not greater than 15 sq. ft. in size (3X5).
- (f) One (1) "For Sale", "For Rent" or "For Exchange" sign not more than four square feet in size. Unless previously approved by the Board of Directors, no signs or notices shall be posted in or on any part of the common area including but not limited to garages or mailboxes.
- (g) Wreaths - provided they are detachable.
- (h) Small trees and shrubs- provided that they are 5 gallon or less in size, do not exceed the height of privacy walls/railings and *not* in the common area
- (i) Free standing basketball backboards not to exceed five feet in height and kept wholly within the owner's patio.

The following exterior alterations are considered inharmonious with general exterior architecture and **shall not be allowed**:

- a) Clotheslines
- b) Window awnings and other sun screens
- c) Plants on rails and fence caps
- d) Plastic, fiberglass, metal or other man-made balcony or deck covers materials

- e) Enclosure of balconies or decks
- f) Punching Bags, weight equipment
- g) Hot Tubs

The following and all other exterior alterations will require a formal application to the Architectural Control Committee for review and approval prior to construction and installation. The application must include: plans and specifications, written comments, and other items necessary to completely explain the intended purpose(s). The preceding guidelines are not intended to be overly restrictive but, rather, are provided in order to allow as much freedom as possible in our actions within our own area while maintaining the appropriate respect for the CC&Rs. These guidelines and the governing documents, of course, are intended to promote and protect your rights and your investment at Edgewater Isle North.

- (a) Construction above the railing line.
- (b) Any attachment to the railing, fencing or buildings.
- (c) Plants outside the confines of the unit or limited common area.
- (d) Construction of decks and patios.

Noise Control

The following rules are not intended to cover everything in the area of sound control. They do, however, represent the most common activities considered to be an annoyance or nuisance.

1. Quiet hours are 10:00 p.m. to 8:00 a.m. Sunday through Thursday, and 11:00 p.m. to 8:00 a.m. Friday and Saturday. During this period, residents are required to make every effort to be considerate and keep noise levels at a minimum.

During quiet hours there shall be no:

- Playing of musical instruments
- Moving of furniture and other heavy items in and out of the units between the hours of 10 p.m. and 8:00 a.m. seven days a week
- The volume and bass controls on sound equipment should, at all times, be set at a level that keeps the sound within a unit.
- No musical band practice is allowed at the property.
- Dogs shall not be allowed to bark incessantly for long periods of time.
- Birds shall be not allowed to squawk to the degree of disturbance to neighboring residents.

Dock Regulations

A boat dock is located on the lagoon at the south end of the complex. The boat dock is intended for the use of Edgewater Isle residents and guests only. Boats shall not be moored at the boat dock overnight. (Note: The Fish Market Restaurant provides a ferry service from the dock to the restaurant May through September. When calling for a pickup, Edgewater Isle's location identification is Boat Dock #0853.)

Garage Usage

Garages are restricted common area for the exclusive use of the unit to which they are assigned (deeded). Garages shall be used for parking vehicles only. Storage of small items is allowable only if it does not prevent a vehicle from being stored.

- a. Garages shall not be used for parking or storing boats, trailers, or non-mobile vehicles of any description.

- b. Garages shall not be converted, or used for living space of any kind including but not limited to: offices, exercise rooms, workshops, storage rooms, etc.
- c. Garage doors shall be kept closed when not in use.

Disposal of Garbage

Use of garbage disposal units at Edgewater Isle is critical because all waste material from the complex must be pumped into the San Mateo sewer system by sewer lift pumps. Many sewer backups occur because residents put improper food, such as stringy vegetables down their garbage disposals, or do not use sufficient water to flush the waste away. Disposal of feminine napkins, tampons, disposable diapers, and other similar products down toilets are also major causes of sewer lift pump failures.

Any resident found disposing of improper materials through garbage disposal units or down toilets will be financially responsible for any resulting breakdown of the sewer system including sewer back-ups or failure of sewer lift pumps.

Each lift station is equipped with a "red warning light". When you see this light lit, please notify the Master Association management company immediately so that the station can be checked for proper operation in order to avoid a failure of the system. The Master Association handles all garbage issues.

Common Area Rules

- Leash your pets; dispose of any pet excrement promptly and properly in accordance with the San Mateo City Ordinance, Section 8.04.040(A).
- Place garbage carefully in trash container to prevent spillage and clean up any spillage that occurs. Trash/garbage should be properly bagged and tied. Do not throw garbage bags over trash enclosure walls; please place in the containers. Trash containers are for residents' use only.

- Refrain from lawn damaging activities
- Ride bikes on streets or bike paths only, not on sidewalks or over landscape areas.
- Walk only on lawns and paths, not on ground cover areas.
- Maintain domestic noise within your unit so that it is not heard in the common area and is not a nuisance to your neighbor(s).
- Report any vandals, trespassers or unleashed animals to the Security Company. Please identify the persons (if possible) or the owners responsible.
- Damage to Association property or landscaping is chargeable to the responsible unit owner, including, but not limited to: irrigation heads, time clocks, valves, pumps, telephone boxes, chemicals, fire extinguisher storage boxes, and fire extinguisher units.
- Feeding water fowl is strictly prohibited.
- Maintain and repair your unit.
- **IT IS STRONGLY RECOMMENDED** that owners and tenants obtain personal contents insurance; the association policy covers the building and common area only.
- Allow only authorized persons to enter your unit for repairs and emergencies.
- The repairing or restoring of vehicles in the common area is prohibited.
- No "garage sales" are allowed.

PAYMENT OF ASSESSMENTS

Please refer to your budget package sent out annually in November. This contains the Assessment Collection Policy.

PEST CONTROL

All common areas and building perimeters are sprayed and baited for the control of pests such as ants earwigs, crickets, sow bugs, silver fish, and spiders. The Master Association handles most pest control matters. Call the Master Associations Management Company to confirm if your specific issue is covered.

Indoor Pest Control

All units will be maintained for the control of ants and rodents from the exterior. The Associations are not responsible for the control of indoor pests such as fleas, roaches, and pantry pests.

PETS

Edgewater Isle is subject to all applicable ordinances of the City of San Mateo. No reptiles, fish or birds shall be kept in any condominium, or on any portion of the property, except pets kept in cages or aquariums; no more than two (2) usual and ordinary household pets, such as dogs or cats may be kept provided that they are kept under reasonable control at all times.

No pet may be kept on the property that results in an annoyance or interferes with the quiet enjoyment of other residents. No pet shall be allowed in the common areas except as may be permitted by the Rules of the Board. No dog shall enter the common area except while on a leash which is held by a person capable of controlling it.

POOL AND SPA RULES

The pool and spa facilities shall be for the exclusive use of the residents and guests. The pool and spa at 1950 Vista Del Mar and the single spa are for the use of Edgewater Isle *North* residents only. The pool and spa at 2200 Vista Del Mar are for the use of Edgewater Isle

South residents only. Nonresident owners shall not retain any right to the use and enjoyment of recreational facilities. All rights shall pass from the nonresident owner to the tenant. Only one key will be issued per residence. If your pool key is lost, contact the EWI North Management Company to request a new one. There will be a charge for replacement of the key.

The rules for all pools and spas are as follows:

1. Gates are to be locked after entering and leaving the pool area. Do not give your key to a friend. Only one (1) key will be issued per residence.
2. Frayed cut-offs, glass, and pets are not permitted within any pool or spa enclosure.
3. Shower before entering pool or spa.
4. There shall be no running or horseplay within pool or spa areas. Safety precautions:
 - a) no running or pushing,
 - b) no rough behavior in pool area
 - c) no diving
 - d) no throwing of balls.
5. A resident of Edgewater Isle North must accompany all guests. Only four (4) guests per residence are permitted.
6. Homeowners or residents are liable for any damage caused by their guests and are also responsible for their behavior while using the pool and spa areas.
7. The pool and spas are open only at the user's own risk and the Association assumes no liability for accidents.
8. Children under fourteen (14) years of age are not permitted to enter pool or spa areas unless accompanied by an adult resident of Edgewater Isle.

9. Pool & spa hours area: (Except during maintenance periods.)
Daily: 8:00 a.m. - 10:00 p.m. Sunday through Thursday,
8:00 a.m. - 11:00 p.m. Friday and Saturday
10. No alcohol is allowed in any pool or spa area.
11. No smoking is allowed in any pool or spa area.
12. No shouting or screaming in the pool/spa areas.
13. Radios with headsets only - no other radios allowed.
14. Homeowners or residents are not allowed to reserve exclusive use of any pool or spa for any purpose.
15. There is no lifeguard on duty at the pool/spa. You swim at your own risk.
16. Pool safety equipment is to be used only for its intended purpose. Any other use will result in pool restriction and/or fine.
17. Residents are required to replace the spa cover after use; this reduces maintenance costs.

TRAFFIC SAFETY

Edgewater Isle streets, lanes and parking areas are subject to the California Vehicle Code. The maximum speed shall be 15 mph.

TRASH DISPOSAL

Trash enclosures are for the use of the residents only. Trash shall only be placed in authorized trash containers that are located in enclosures throughout Edgewater Isle. Residents are encouraged to dispose of as much trash as possible Monday through Thursday because the trash containers can fill up over the weekend. Packing cartons shall be flattened before being placed in the recycle bin. There shall be no

dumping of furniture, mattresses, or major appliances in any trash enclosure. The Master Association handles trash disposal and enclosure issues.

FINES

Fines are imposed based on the severity of the violation of the Association's governing documents (the CC&Rs, Bylaws, and Rules and Regulations).

I. Type 1: Non-threatening to health, life or property

Examples: Barking dog, non-conforming window covers, failure to observe "Quiet Hours", failure to obey certain pool rules, auto repair in the common area, etc.

Fine: First offense: \$50.00
Second offense: \$100.00
\$ 10.00 per day late fee until the condition is corrected or 30 days whichever comes first.

2. Type 2: Threatening to health, life or property

Examples: Driving too fast through the complex, failure to obey certain pool rules, etc.

Fine: First offense: \$100.00
Second offense: \$200.00
\$ 20.00 per day late fee until the condition is corrected or 30 days whichever comes first.

The Board of Directors can skip the fine process altogether and initiate alternative methods of enforcement action as it deems necessary.

If a violation is to be reported, it must be submitted to the management company in writing. The person making the report **MAY** be required to attend a Hearing regarding the alleged violation. After the report has been received, the following actions will be initiated:

- 1) Prior to the imposition of any fine, the resident (non resident owners are responsible for their tenants) and/or owner will be notified in writing that a rules violation has occurred and will be given a specific period of time to correct the violation.
- 2) If the violation is not corrected or the concerned individual requests it, a hearing will be held before the Board of Directors at a subsequent regularly scheduled Board of Directors meeting, provided that at least ten (10) days notice is given. All parties concerned will be given an opportunity to be heard at the hearing, if a violation is found to have occurred, the Board of Directors may impose a fine dependent upon the type of violation.
- 3) If the violation continues, the Board of Directors will proceed to Court or Alternative Dispute Resolution (ADR) to enforce the Association's governing documents. If the individual is found in violation, then the individual will be responsible for all related legal fees and costs.

All fines, legal fees, and costs will be added to the owner's account and, if not paid, will be subject to the Association's collection procedures.

Civil issues between neighbors, outside of Association responsibility, need to be handled by the individual parties through City or County Mediation Services or the taking of legal action through the court system.

MAINTENANCE RESPONSIBILITIES

Edgewater Isle Master Association

The Edgewater Isle Master Association shall maintain, repair, replace, restore, operate and manage all of the common facilities and all facilities, improvements, furnishings, equipment and landscaping thereon, and all property that may be acquired by the Association, including the shuttle bus, and shall insure that every fire hydrant situated on the property shall be accessible to fire department apparatus by way of emergency vehicle roadways.

The Edgewater Isle Master Homeowners Association shall also maintain all private streets, driveways or alleyways (except those subject to the Master Commercial Association), levees, storm sewers, private storm sewer lift pumps, bike path, bulkheads for storm sewers, sanitary sewer trunk lines, outfalls, side sewers or sewer connections, recreational vehicle storage area, private water mains, all meters regulating and determining the gallon usage of water service, all private street lights, private fire hydrants, street landscaping, private refuse receptacle, electric, gas and other utility installations located in the common facilities.

Edgewater Isle North Association

The Edgewater Isle North Homeowners Association shall maintain, repair, replace, restore, operate and manage all of the common area and all facilities (except for those Common Facilities maintained by the Master Association) improvements, furnishings, equipment and landscaping thereon, and all property that may be acquired by the Association as set forth in Exhibit "B". Maintenance obligations shall include Common Area landscaping, the Condominium Common areas, exterior window and door frames and trim, balconies, decks, fireplaces and chimneys, recreational facilities including pool and spas.

Owner Maintenance Responsibility

Each owner shall at his or her sole expense, maintain and repair his or her Unit as set forth in Exhibit "B" in the governing documents. Each Owner shall bear the cost of maintenance, repair and replacement of the following items within or serving such Owner's unit: private patio floors, exterior and garage door locksets, interior surface of all perimeter and interior walls, ceilings, and floors including carpeting, tile, wallpaper, paint or other covering, garbage disposals, hot water heaters, ranges, refrigerators, dishwashers, washing machines, dryers, light fixtures, and any and all other appliances of any nature whatsoever, the water heater serving such Unit, interior doors, window glass and screens, and sliding glass door glass, screens and locks, light bulbs, plumbing and other fixtures of any nature whatsoever located within the Unit, "built-in" features and decorative features and any furniture or furnishings.

All electric utilities serving individual Units shall be separately metered and shall be the expense of each individual Unit Owner. Owners shall be responsible for the periodic cleaning of their chimney. Owners shall be responsible for the locksets for exterior doors and garage door openers.

Each Unit Owner shall keep those portions of the Exclusive Use Common Area to which he or she has exclusive easement rights clean and neat.

Each Owner shall have the exclusive right to paint, plaster, panel, tile, paper, or otherwise refinish and decorate the inner surfaces of the walls, ceilings, floors, windows and doors bounding his or her Unit. In the event an Owner fails to maintain the interior of his or her Unit, or Exclusive Use Common Area, in a manner that the Board deems necessary to preserve the appearance and value of the property, the Board may notify Owner of work required and request that it be done within sixty (60) days from the giving of such notice. In the event the owner fails to carry out such maintenance within said period, the Board may, following notice and hearing, cause such work to be done and may charge the cost thereof to such owner.

Exclusive Use (restricted) Common Area

California Civil Code 1364 (a) specifies "Unless otherwise provided in the declaration of a common interest development, the association is responsible for repairing, replacing, or maintaining the common areas, other than exclusive use common area, and the owner of each separate interest is responsible for maintaining that separate interest and any exclusive use common area appurtenant to the separate interest."

At Edgewater Isle North, the owner's responsibility for exclusive use common area includes garage space, patio, parking space, balcony, deck, and any landscaping or owner-installed improvements inside private patio areas.