HOMEOWNERS ASSOCIATION

Rules and Regulations

If this document contains any restriction based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.1 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

Abbreviations:

ACC: Architectural Control Committee
Board: Board of Directors
CC&R: Covenants, Conditions and Restrictions

October 2009
Supersedes all previous versions
RULES and REGULATIONS

These Rules and Regulations are in addition to the Articles of Incorporation, Bylaws, and CC&R, which constitute the governing documents. Violations of these Rules are subject to the enforcement regulations under the governing documents.

1. Garage Sales

   1.1 Garage sales are not allowed at Cuernavaca because of parking limitations and security.

2. Pool and Spas

   2.1 WARNING: There is no lifeguard on duty.

   2.2 Pool and spa hours are:
      Sunday through Thursday: 6:30 am to 10:00 pm
      Friday and Saturday: 6:30 am to 11:00 pm

   2.3 Facilities are for use by Cuernavaca residents and their invited guests only.

   2.4 Guests must be accompanied by a resident.

   2.5 No more than four guests permitted per unit.

   2.6 Pool gates must be kept closed and locked at all times.

   2.7 Children under the age of 14 years must be accompanied by a supervising adult.

   2.8 All audio devices must be used with headphones.

   2.9 Yelling, running, pushing, dunking, throwing balls or other items, and any action that could cause injury is prohibited.

   2.10 Glass is prohibited in the pool and spa areas.

   2.11 Except for HOA-sponsored social events, food is prohibited near the pool or spa.

   2.12 All pool users, including children, must be appropriately clothed at all times.

   2.13 Toys and inflatable devices are prohibited in the spas at anytime.

   2.14 Pets are not allowed in the pool or spa areas, or clubhouse.

   2.15 Do not use large inflatable tubes, mattresses, or toys when the pool is crowded.

   2.16 Deposit refuse, cigarette butts, and ashes in trash receptacles.

   2.17 Do not admit strangers into the pool or spa area.
2.18 Individuals trespassing in the pool area after hours will be asked to leave and will be subject to civil prosecution for trespassing.

3. **Gates**

3.1 Gates leading from yards to the common area are not permitted.

3.2 Existing gates were grandfathered subject to the following conditions: that the present homeowner sign an agreement relieving the association from any liability resulting from the use or the installation of the gate; that the architecture of the gates comply with the requirements of the ACC; that the owners be responsible for the cost of maintaining the gate and any related path; that the design of any path be approved by the ACC; and that the owner be required, at his/her own expense, to restore the fence to its original condition before sale of the home.

4. **Portable Basketball Hoops**

4.1 Portable basketball hoops must be stored out of sight of the common area when not actively in use.

5. **Stucco Painting and Maintenance**

5.1 Before painting stucco, homeowners must obtain approval from the ACC. Forms are available at the Cuernavaca web site (http://www.cuernavacahoa.com).

5.2 The ACC has approved custom color formulations by various paint manufacturers for use in Cuernavaca. See Appendix A of this document ("Exterior Painting Specifications") for details. Complete information and formulas are provided on approval of an ACC change request for stucco painting, and owners are responsibility for ensuring conformity with those custom colors.

5.3 It is likely that black discoloration will develop over time, particularly on North-facing vertical surfaces, especially at the roof edges. There is a guideline of photographs at the Cuernavaca web site (http://www.cuernavacahoa.com) and as Appendix B of this document ("Guidance for Maintenance of Stucco Appearance"), enabling owners to determine when cleaning or painting is required.

6. **Parking**

6.1 Resident-owned vehicles parked in guest parking spaces will be issued warnings. If three warnings are issued within a period of thirty days, the vehicle will be subject to tow without further notice at the vehicle owner's expense.

6.2 Any non-resident owned vehicle continuously parked for 72 hours in visitor parking will be subject to towing without further notice.

6.3 There shall be no parking on sidewalks or streets.
6.4 There shall be no parking of boats, trailers, or recreational vehicles in visitor parking or resident driveways at any time.

7. **Speed Limit**

7.1 Residents can be fined for speeding and/or reckless driving.

8. **Dumpsters**

8.1 Permission for dumpsters in driveways must be obtained from the HOA. The period for which they will be required must be established (maximum of two weeks). Size must allow access to at least half of the driveway. Temporary parking will be permitted at the Sunnyvale lot.

9. **Skyights and Other Rooftop Structures**

9.1 Since the roofs of Cuernavaca are one of its outstanding architectural features, no alterations of any kind, nor replacement, nor substitutions of materials are allowed to the roof line, mortar, tile shape, or color. Any vents required by the building code for heating exhaust or sewage vent are to be of standard plumbing shape, and painted to match the Cuernavaca roof tile color.

9.2 Other appurtenances such as skylights or sun tunnels can be installed on the flat roof portions of homes provided that they cannot be seen from any common area or neighbors' windows and must not extend above the roof parapet. An ACC request must be filed before initiating any construction.

10. **Yard Structures**

10.1 All major landscaping, addition of permanent structures, or modifications to yards by homeowners requires submission of a request and approval by the ACC.

10.2 Addition of non-permanent structures, furniture, and fixtures such as, but not limited to, play structures, umbrellas, lawn furniture, fountains, space heaters, yard lighting, arbors, planters, statuary, and tool storage locker/cupboards do not require prior approval by the ACC. However, to serve as a guideline for appropriate appearance the area covered by any group of such structures should not exceed 35% of the space in which it is placed. The structure should not generally exceed the height of the fences, be visible from the street, or obstruct a neighbor's view from their principal day windows. Homeowners who border the greenbelt should be particularly considerate of the appropriate size, color, style, and impact on all of us when contemplating purchase and installation in their back or side yards. Homeowners should maintain these items in good appearance.
11. **Shared Wall and Fence Upgrades**

The following regulations are for those homeowners who wish to replace with stucco their existing shared wood fences, wood fences with stucco on one side only, or to extend and enlarge existing stucco walls:

11.1 Owners must submit with their request a written approval from each neighbor sharing the proposed wall.

11.2 Use same or equivalent materials particularly with regard to appearance, texture and color.

11.3 Agree with neighbors regarding protection of adjacent or attached landscape foliage.

11.4 Maximum height of the installed wall may not exceed six feet.

11.5 Installed new walls must be tied in to, and be architecturally seamless with existing shared walls at points where they join.

11.6 Extended walls should reach to a point architecturally harmonious with the structure(s) of the affected homes.

12. **Potted Plants or Planters in the Front Yard or Driveway**

12.1 Modest portable "terra cotta" planters or tubs within six feet of the home or garage will be allowed without permission as long as the plants are no higher than two feet, maintained in "good health", pruned, non-obtrusive so as to not obstruct or intrude on a neighbor's view and in keeping with the architectural ambiance and motif of Cuernavaca. Additional landscaping in the driveway or front yard by the homeowner which is officially "common area" is limited by approval by the landscaping and architectural control committees.

13. **Flat Roof Repair and Replacement**

The following regulations are for those homeowners who wish to repair or replace flat roofs:

13.1 The City of Mountain View requires a building permit for re-roofing.

13.2 ACC approval is not required if the flat roof cannot be seen from any neighboring residence.

13.3 Those roofs that are visible from a neighboring residence must be replaced by a licensed contractor and the roofs be repaired or be replaced using similar materials or with new manufactured roof products with a "cap" of lava rock.
14. **Stepping Stones**

14.1 Many homes have a gate or other passageway that opens onto an unpaved common area from their yard. Residents who wish to use these gates and want to use stepping stones to aid passage through the common area should adhere to the following guideline:

14.2 The use of stepping-stones is preferred. The shapes and colors should be chosen in harmony with the ambiance of Cuernavaca, *ie*, Spanish style and earth-tones, flagstones of a similar color to the buildings are preferred. Gravel between the stones should not be used. The Association Rules require approval of the design of any path by the ACC before installation. Stepping-stones placed along side the driveway or that grant access to public parking is not allowed.

15. **Meeting Quorum Administration Charge**

15.1 Owner participation at annual elections and for other purposes is critical to ensure viability of the Association and protection of member assets. For this reason, the Association has adopted a policy of assessing a $25 administrative charge if it becomes necessary to hold another meeting because a quorum was not present.

16. **Use of Exercise Equipment**

16.1 Use of exercise equipment during Board meetings is prohibited.
RULES VIOLATIONS

Violators of these Rules, any resolution of the Board of Directors, the Bylaws, and/or CC&R's may result in the matter being turned over to the Association's attorney for resolution. This is an addition to any other remedies available, including commencing civil action. Before commencing civil action, the requirements of Civil Code section 1354 will be followed, i.e. all attempts will be made to submit the dispute to Alternative Dispute Resolution.

1. Rules, CC&R, and Bylaw Violations

   1.1 First and second incidents: letter
   1.2 Third and subsequent incidents: matter is turned over to the Association's attorney for resolution, with all costs borne by the homeowner.

2. Architectural Control Violations

   Example: Unapproved changes to gardens or the exterior of houses
   2.1 First and second response: letter
   2.2 If the homeowner refuses to remove the unapproved change: matter is turned over to the Association's attorney for resolution with all costs at the expense of the homeowner.

3. Fine Procedure

   3.1 Before turning a matter over to the Association's attorney, a homeowner shall be given at least fifteen days written notice of the Board's intention, along with a statement of the reasons thereof.
   3.2 Any homeowner objecting to the procedure is entitled to file a written appeal to the Board within eight days of the notice. Upon filing the appeal, the homeowner shall be entitled to be heard before the Board of Directors, either orally or in writing, not less than eight days before the effective date of turning the matter over to the Association's attorney.
   3.3 Following this hearing, the Board shall determine, at its discretion, whether or not to proceed. Written notice of the Board's decision shall be given to the homeowner not more than forty-eight hours following the hearing.
   3.4 All notices, either to homeowners or the Board; given pursuant hereto shall be in writing and delivered personally or sent by first-class mail, postage prepaid. Notices to a homeowner shall be sent to the homeowner's last address of record as shown in the Association's files. Notices to the Board shall be sent to the Association's current management company with a duplicate copy of the notice to the current President of the Cuernavaca Homeowners Association, at his or her home address. All notices shall be deemed effective upon receipt if delivered by hand or on the next business day if sent by mail.
Appendix A

**Exterior Painting Specifications**

In September 1998, the Cuernavaca Homeowners’ Association Board of Directors approved exterior painting for homeowners. Previously, only unpainted stucco was the norm. The Board asked the Architectural Control Committee (ACC) to provide paint specifications for distribution to homeowners and their contractors, with the specifications to include brand and color for both acrylic and elastomeric paint.

Painting requests must be submitted to the ACC before work commences, with a clear statement that the owner will only use approved colors.

Acrylic paint provides a relatively inexpensive and effective solution. It should help retain the original Cuernavaca “look” because it is a thinner coat than elastomeric. One-gallon covers approximately three times the square footage compared to elastomeric at half the price per gallon. Painting contractors may need different nozzles to apply elastomeric. Either paint may require “back rolling” after spraying it on. However, elastomeric should last twice as long as acrylic. It has the additional advantage of bridging the cosmetic hairline cracks in stucco, as well as providing a higher degree of waterproofing. Finally, elastomeric may better resist the accumulation of black algae and mildew, particularly on North-facing surfaces.

Matching the Cuernavaca colors requires a custom mixture. The formulas that have been previously tested at Cuernavaca consist of a flat base and three additional colors. Neither acrylic nor elastomeric is inherently more difficult color to match. Furthermore, since both formulas use a flat base, sheen differences are negligible. One of the problems with color matching is that paint suppliers occasionally change their formulas for the component colors of our formula. If they are on the ball, the mixers will have a conversion factor.

The ACC recommends two paint manufacturers and their formulas for color-matched paints for Cuernavaca homes. Paint suppliers emphasize that the grade of paint selected influences the quality of coverage, appearance, and effective life. We further recommend application of a sample of the mixed formula in a test patch before painting the entire house; **owners are responsible for ensuring conformity with those custom colors**. Homeowners may use any licensed painting contractor.

Wall surfaces that are within view of common areas may be patched or repainted without ACC review. However, if the result is an obvious mismatch, then the entire surface, corner to corner, must be repainted at the owner’s expense.

A separate document outlines issues related to time-dependent blackening of stucco surfaces, whether painted or not.
Cuernavaca Homeowners Association

Appendix A (continued)

Cuernavaca Paint Formulas

KELLY MOORE
1808-B El Camino Real (at Yuba Drive)
Mountain View
650-964-5220

Cuernavaca Custom Control Number 91-1446MV

**Primary Stucco Paint**

<table>
<thead>
<tr>
<th>Acrylic</th>
<th>Elastomeric</th>
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<tbody>
<tr>
<td>• 1240-121 tinted exterior flat base</td>
<td>• 1128-100 flat base</td>
</tr>
<tr>
<td>• C-Y12</td>
<td>• C-16</td>
</tr>
<tr>
<td>• L-10</td>
<td>• L-2</td>
</tr>
<tr>
<td>• R-17.5</td>
<td>• R-7</td>
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**Trim Paint: Bone White**

Front Door Only
<table>
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<tr>
<th>Enamel</th>
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<td>• 1250-27</td>
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Window Sills, Garage Door, Beams
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<tr>
<th>Flat acrylic</th>
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<tr>
<td>• 1240-27</td>
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SHERWIN WILLIAMS
505 West El Camino Real (at Lane Ave near Castro St)
Mountain View
650-962-8801

**Primary Stucco Paint**

Cuernavaca Custom Reference Number MV09-518

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<tr>
<td>• R2-2</td>
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**Trim Paint: Bone White**

Cuernavaca Custom Reference Number MV09-519

<table>
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Window Sills, Garage Door, Beams
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<td>• A6W151 flat</td>
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**NOTE:** Vendors previously included Fuller O’Brien paint from Cudahay Paint & Wallpaper in Los Altos, but they are no longer in business.

Updated 9/23/09
Appendix B

Guidance for Maintenance of Stucco Appearance

The neat, tidy, and clean appearance of structures in Cuernavaca is an important element of its attractiveness and maintenance of property values.

Whether a house is painted or not, there is inevitable blackening where vertical stucco surfaces meet horizontal surfaces. This is most prominent in North-facing areas where sunlight intensity is lower, especially where the roof meets the wall, below window frames, around the decorative “cannons”, on low stucco walls at the property boundary, etc. The blackness is likely due to growth of algae (perhaps also mold), rather than dirt, and is progressive over time.

This blackness creates an appearance that is not consistent with the desired visual cleanliness of the structures in our community.

In order to set a standard on when this blackness should be cleaned, the Architectural Control Committee developed a visual standard, based on consensus of a series of photographs of different degrees of blackness. This visual threshold allows homeowners to know when they need to clean things up. Additionally, it provides a guideline for formal homeowner notification when the “blackness threshold” is reached. Samples of acceptable and unacceptable blackness are shown in the accompanying photographs.

Because of the progressive nature of the blackening, “acceptable” levels will eventually become “unacceptable”, so that prompt cleaning at the earlier stages is desirable. The manner of removing the blackness is at the discretion of the homeowner, and may include approaches such as powerwashing, bleaching, painting, etc.

UNACCEPTABLE:
Appendix B (continued)

ACCEPTABLE: