

REQUEST FOR ACTION

Subject	Revisions to the Association Rules				
Preparer	Joe Krahulik	AOUO Title	President		
Date	April 27, 2017	For Board	x	Action	Info

EXECUTIVE SUMMARY

PURPOSE:

The purpose of this RFA is to request that the Board approves the proposed revisions to the Association Rules as recommended below.

RATIONALE:

The recommended revisions below are intended to promote the safety, care, and cleanliness of the Project, to better regulate and control the use of, and to ensure the comfort and convenience of all Residents so long as such amended rules are not inconsistent with any applicable laws, ordinances, codes, rules or regulations applicable to the Property and its management or operation, and the Declaration or Bylaws. As the percentage of Residents increases, the likelihood of congestion, noise, and discomfort levels will increase. The recommended revisions will help to alleviate these issues now and in the near future.

RECOMMENDATION

Once the following are approved by the Board, those that are applicable will be included in the Midrise Rules.

Change the term Association Rules to the more commonly utilized term House Rules.

Include under Section 11 RECREATION FACILITIES:

It is the responsibility and obligation of the Resident host to leave the premises in a clean and undamaged condition and to leave the recreation deck area as soon as possible after their reservation period ends.

The noise levels while on the 7th floor are to be kept at a respectful volume to assure an enjoyable setting for relaxation and to respect the nearby Residents in their Units. Music may only be enjoyed with portable music players with personal earphones.

Per the Association's attorney, replace Section 11.13, which mentions children, with:
Those using the pool must be competent swimmers or must be supervised by competent swimmers.

Include under Section 5.9 GUEST PARKING:

Owners are responsible for informing their Guests and Tenants of the parking rules.

In order to provide access to the EV charging stalls for those who want to utilize them,

parking in EV charging stalls when not charging is only permitted by approval of the front desk and the car must be moved on demand.

In order to provide access to Guest parking for more individuals, parking in Guest parking stalls is limited to 4 hours. (Changed from the current 6 hours.)

Under Section 1.3:

Delete "guests, licensees and invitees of said Owner" and incorporate into the definition of the term "Guest".

Under Section 1 DEFINITIONS:

The term "Guest" is any Guest, licensee, and/or invitee of a "Resident". All Guests must sign in at the front desk. Guests are the responsibility of the Unit Owner.

The term "Commercial Activity" is either a regular course of commercial conduct as part of a commercial enterprise, or a specific transaction or act. The commercial activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose. Commercial activities in common areas are prohibited, but commercial activities inside residential Units are permitted to the extent allowed by law so long as there are no customers or clients entering and exiting residential Units.

Include under Section 11 RECREATION FACILITIES:

In order to have a more manageable number of individuals at the various Recreation Facilities, the limits on the use of the Recreation Facilities by Guests are as follows:

- the Club Room, 25 Guests per Unit
- Cabana #3, 12 total Guests and Residents per Unit
- Cabanas #1 and #2, 10 total Guests and Residents per Unit
- the Pool area, 3 Guests per Unit
- the Fitness Center, no Guests allowed due to limited space and equipment.

All Residents must sign-in the Fitness Center log book at the Fitness Center so that management can develop a better overview of the usage of the Fitness Center.

Exhibits (If applicable)	Index	Title
	A	
	B	
FOR BOARD USE ONLY		
CERTIFICATE OF BOARD ACTION		
X	Approved	Declined
	Noted	Returned
	Deferred	Withdrawn
Stipulations		

Refer to attached table for complete list of rule amendments, edits, etc.

Coordinating Instructions

N/A

Distribution Instructions

Email to be sent to all owners with table of of rule changes and copy to be kept on file at the on-site office for those who wish to receive a hard-copy.

Recording Secretary	Howard Kam	Action Date	5/25/17	RFA No.	2017-001 004-2017
---------------------	------------	-------------	---------	---------	---------------------------------



Association Rules (Tower Phase) – Amendments

Approved by the Board of Director’s at the May 25, 2017 Regular Board Meeting

Section	Amendment
1.3	Delete: “...guests, licensees and invitees of said Owner.” This has been incorporated into new Section 1.7.
1.7	New Section: The term "Guest" is any Guest, licensee, and/or invitee of a "Resident." Guests are the responsibility of the Unit Owner.
1.8	New Section: The term "Commercial Activity" is either a regular course of commercial conduct as part of a commercial enterprise, or a specific transaction or act. The commercial activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose. Commercial activities of any type conducted in common areas are strictly prohibited, but commercial activities conducted wholly within residential Units are permitted to the extent not prohibited by applicable law and only so long as there are no customers, clients and/or vendors entering and exiting residential Units.
5.9	Change to: maximum of four (4) hours (for which each guest vehicle is permitted to park in a guest parking stall) Add: Owners are responsible for informing their Guests and Tenants of the parking rules.
5.15	Add: In order to provide access to the electric vehicle charging stalls for those who want to utilize them, parking in the electric vehicle charging stalls when not charging is only permitted by approval of the front desk and the car must be moved on demand.
11.1	Add at end: <ul style="list-style-type: none"> • At Cabanas #1 and #2, a total of 10 Guests and Residents from a Unit are allowed. • At Cabana #3, a total of 12 Guests and Residents from a Unit are allowed. • At the Club Room, a total of 25 Guests from a Unit are allowed. • At the pool area, 3 Guests from a Unit are allowed. • At the Fitness Center, 1 Guest from a Unit is allowed.
11.13	Replace with: Those using the pool must be capable swimmers or must be supervised by a capable swimmer.
11.16	The noise levels while in the Recreation Facilities are to be kept at a respectful volume to assure an enjoyable setting for relaxation and to respect the nearby Residents in their Units. Music may only be enjoyed with portable music players with personal earphones.
11.17	New Section: Anyone violating these rules may be asked by the Resident Manager to promptly leave the area.