



**Niguel Shores Community Association**

33654 Niguel Shores Drive  
Dana Point, California 92629-4221  
(949) 493-0122 • Fax (949) 388-7892

November 17, 2025

**NOTICE OF PROPOSED RULE CHANGES**

Dear Niguel Shores Community Association Member:

Our annual review of the rule set has concluded. The following proposed rule changes are currently under review by the Board.

**Process for Rule Changes:**

As required by Civil Code, the proposed rule changes will contain the original rule, proposed revised rule, and rationale for the proposed change.

The following steps must be taken for the Board to adopt, amend, or change an existing rule:

1. The proposed changes are submitted to the membership for a 28-day review and comment period.
2. The Board reviews all comments submitted during the designated review period.
3. The Board will then vote during an open session meeting to either accept the rule as published or reject the proposed change.
4. Accepted rules are published and mailed to membership within fifteen (15) days of their adoption.

**Membership Review and Comment Period:**

Comments from the membership, either for or against any rule, are one of the many tools used by the Board when deciding whether they will adopt or reject a proposed rule change. The membership is encouraged to provide written comments that are submitted either via mail, fax, or email ([kdecker@niguelshores.org](mailto:kdecker@niguelshores.org) – reference ‘Proposed Rule Changes’). All comments must be provided prior to 5:00 p.m. on December 15, 2025, to be considered by the Board. For those who chose to submit a written response, a form has been included with this package for your convenience. Please note this form is not required. Handwritten, typed, or email responses are also accepted.

The Board will vote to either accept or reject proposed changes to the rules during the April 2025 General Session Meeting.

On behalf of the Board of Directors, thank you, and your comments and opinion will be greatly appreciated.

Sincerely,

On Behalf of the NSCA Board of Directors

Karen Decker  
*Architectural Manager*

Enclosure: Proposed Rule Changes



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: *Appeal of Committee Decisions*

### **State Existing Rule:**

Any owner may appeal the decision of any committee to the Board of Directors, as follows:

- 1) The notice of appeal must be in writing (e.g. letter, email) and must be received by the Association no later than thirty (30) days after the date of the notice of the committee decision. Upon receipt of a timely written request, the appeal shall be scheduled at an open meeting of the Board. The Board of Directors shall have thirty (30) days from the date of the appeal to provide notice of its decision. The Board of Directors may extend that initial thirty (30) day period by an additional thirty (30) days by mailing or delivering notice to the member.
- 2) A written notice of appeal must contain the following:
  - a) Name, address and telephone number of owner.
  - b) Legal address of real property affected, if any.
  - c) Name of committee whose decision is being appealed.
  - d) Date of application to committee.
  - e) Date of committee action.
  - f) Committee decision.
  - g) Owner's statement, in detail, of the basis for the appeal.
- 3) An owner's appeal shall be set for not more than sixty (60) days from the date of receipt of notice of appeal by the Association.
- 4) The Association shall give notice to other involved parties not less than ten (10) days prior to the date of such hearing.
- 5) The owner shall have the right to representation, including legal counsel, at the owner's expense but must notify the Board no less than five (5) days in advance if legal counsel will attend.
- 6) Prior to the appeal, the owner shall have access to all relevant material.
- 7) The owner shall have an opportunity to present evidence at the appeal.
- 8) The Board's determination after such appeal shall be in writing, stating the reason(s) for such determination.

### **State Rule with recommended changes:**

Any owner **that has submitted a request to a committee** may appeal the decision of ~~any~~ **that** committee to the Board of Directors, as follows:

- 1) The notice of appeal must be in writing (e.g. letter, email) and must be received by the Association no later than thirty (30) days after the date of the notice of the committee decision. Upon receipt of a timely written request, the appeal shall be scheduled at an open meeting of the Board. The Board of Directors shall have thirty (30) days from the date of the appeal to provide notice of its decision. The Board of Directors may extend that initial thirty (30) day period by an additional thirty (30) days by mailing or delivering notice to the member.
- 2) A written notice of appeal must contain the following:
  - a) Name, address and telephone number of owner.
  - b) Legal address of real property affected, if any.
  - c) Name of committee whose decision is being appealed.
  - d) Date **and nature of the request made.** ~~of application to committee.~~

- e) Date of committee action.
- f) Committee decision.
- g) Owner's statement, in detail, of the basis for the appeal.
- 3) An owner's appeal shall be set for not more than sixty (60) days from the date of receipt of notice of appeal by the Association.
- 4) The Association shall give notice to other involved parties not less than ten (10) days prior to the date of such hearing.
- 5) The owner shall have the right to representation, including legal counsel, at the owner's expense but must notify the Board no less than five (5) days in advance if legal counsel will attend.
- 6) Prior to the appeal, the owner shall have access to all relevant material.
- ~~7) The owner shall have an opportunity to present evidence at the appeal.~~
- 8) The Board's determination after such appeal shall be in writing, stating the reason(s) for such determination.

**Rationale for change:**

Rules are not permitted to conflict with recorded *CC&Rs*. *CC&R Article XI, Section 11* (1991 amendment) states that only the applicant has the right to appeal. The rule must be corrected to comply with the *CC&Rs*.



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:
<input type="checkbox"/> New Rule:
<input checked="" type="checkbox"/> Change to Existing Rule: <i>Fines</i>

**State Existing Rule:**

Fines may be levied by action of the Board of Directors after notice and hearing in accordance with the schedule below:

Offense	Description	Fine Ranges
Unauthorized Modification	Cease & Desist Order; Notice of Hearing; Referral to Legal Counsel for further enforcement	\$0 - \$3000 + Legal Fees
<b>ALL OTHER VIOLATIONS</b>		
1 <sup>st</sup> Offense	Notice of Violation/Request to Correct	
2 <sup>nd</sup> Offense	Notice of Board Hearing	\$0 - \$3,000
3 <sup>rd</sup> Offense	Refer to legal counsel for further enforcement	Fines + Legal Fees

Fines are imposed for the purpose of obtaining compliance with the Association’s CC&Rs, Bylaws, and Rules and Regulations. The Board of Directors will exercise its reasonable discretion in determining the amount of the fine, taking into consideration, among other relevant factors, the nature and frequency of the violation and amount sufficient to obtain compliance and serve as a deterrent to further violations. Such fines shall become an obligation of the owner and shall be billed with the quarterly assessments. When circumstances such as the need for prompt action require, the Board may, in its discretion, proceed directly to a Board hearing or referral to legal counsel. After hearing and notice, the Board may vote to suspend the privileges of any member for a period not exceeding thirty (30) days.

**State Rule with recommended changes:**

Fines may be levied by action of the Board of Directors after notice and hearing in accordance with the schedule below:

Offense	Description	Fine Ranges
Unauthorized Modification	Cease & Desist Order; Notice of Hearing; Referral to Legal Counsel for further enforcement	\$0 - \$3000 + Legal Fees
<b>ALL OTHER VIOLATIONS</b>		
1 <sup>st</sup> Offense	Notice of Violation/Request to Correct	
2 <sup>nd</sup> Offense	Notice of Board Hearing	\$0 - \$3,000
3 <sup>rd</sup> Offense	Refer to legal counsel for further enforcement	Fines + Legal Fees

<b><u>HEALTH / SAFETY VIOLATIONS</u></b>	<b><u>1<sup>st</sup> HEARING - PER PROPERTY</u></b>	<b><u>ADDITIONAL ENFORCEMENT - PER PROPERTY</u></b>
--	---	---

<b><u>Dog/Animal Bites</u></b> <b><u>Uncollected Pet Waste</u></b> <b><u>Pool/Spa Contamination</u></b> <b><u>Vandalism (specific)</u></b>	<b><u>Fine up to \$1,000</u></b> <b><u>Collect costs of cleaning (if applicable)</u></b>	<b><u>Refer to NSCA counsel for legal action</u></b>
<b><u>Assault &amp; Other Physical Violations</u></b>	<b><u>Immediate hearing, fine of \$1,000 - \$3,000, and/or refer of NSCA counsel for legal action</u></b>	<b><u>Refer to NSCA counsel for legal action</u></b>
<b><u>NON-HEALTH/SAFETY VIOLATIONS</u></b>	<b><u>1<sup>st</sup> HEARING - PER PROPERTY</u></b>	<b><u>ADDITIONAL ENFORCEMENT - PER PROPERTY</u></b>
<b><u>Common Area Use Violations</u></b> - <b><u>Beach Bluff</u></b> - <b><u>Clubhouse</u></b> - <b><u>Dog off leash</u></b> - <b><u>Loitering</u></b> - <b><u>Nuisance</u></b> - <b><u>Trash containers</u></b> - <b><u>Trespass, unauthorized access</u></b> <b><u>Parking/Vehicle Operation</u></b> <b><u>View Blockage (plant material)</u></b> <b><u>Architectural Violations</u></b> - <b><u>Failure to complete project</u></b> - <b><u>Failure to maintain property</u></b> - <b><u>Unauthorized modifications</u></b>	<b><u>Fine of \$100</u></b>	<b><u>Refer to NSCA counsel for legal action</u></b>

Fines are imposed for the purpose of obtaining compliance with the Association's CC&Rs, Bylaws, and Rules and Regulations. The Board of Directors will exercise its reasonable discretion in determining the amount of the fine, taking into consideration, among other relevant factors, the nature and frequency of the violation and amount sufficient to obtain compliance and serve as a deterrent to further violations. Such fines shall become an obligation of the owner and shall be billed with the quarterly assessments. When circumstances such as the need for prompt action require, the Board may, in its discretion, proceed directly to a Board hearing or referral to legal counsel. After hearing and notice, the Board may vote to suspend the privileges of any member for a period not exceeding thirty (30) days.

**Rationale for change:**

To comply with AB130



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: *Use of Association Facilities*

### **State Existing Rule:**

Association facilities are defined as the Community Center Facilities and Recreation Grounds, the Beach Bluff and all Common Areas.

- 1) Hours of Operation:
  - a) Community Center pool, spa, and patio with fireplace hours are 6:30 am – 9:30 pm, daily.
  - b) Playground, sports court, bocce courts, tennis courts, pickleball courts, and park area hours are 8:00 a.m. to sundown daily.
  - c) Beach Bluff hours are 6:00 am to 10 pm daily.
  - d) Any individual who enters during unauthorized hours is trespassing. Trespassing will result in a hearing and fine, and local law enforcement will be requested to remove criminal trespassers.
- 2) Guests using any of the Association facilities, must be accompanied by a resident, or be registered at the office by the resident. A member is responsible for the conduct of his/her guests, lessees or invitees, and their observance of the rules.
- 3) The NSCA staff has the authority to enforce all rules and regulations. Residents are requested to report infractions of the rules to the NSCA staff.
- 4) Smoking of any kind is prohibited in and around all Common Areas, which includes but is not limited to streets, sidewalks, parking lots, and community parks.
- 5) Activities that interrupt the right of the other individuals to enjoy the facilities or present a safety issue are prohibited.
- 6) The maintenance area, all storage areas, pool filtration rooms and staff office space are restricted to staff.
- 7) Loitering is prohibited.
- 8) Individuals using the Association facilities may be required to provide proof of residence.
- 9) Bicycles, E-bikes, scooters, and skateboards are not permitted inside the Community Center gates, in the park area, on the sports court, on the bocce ball court, on the walking path or on the playground. Bicycles, E-bikes and scooters must be parked against bike racks and may not be left on sidewalks or pathways.

### **State Rule with recommended changes:**

Association facilities are defined as the Community Center Facilities and Recreation Grounds, the Beach Bluff and all Common Areas.

- 1) Hours of Operation:
  - a) Community Center pool, spa, and patio with fireplace hours are 6:30 am – 9:30 pm, daily.
  - b) Playground, sports court, bocce courts, tennis courts, pickleball courts, and park area hours are 8:00 a.m. to sundown daily.
  - c) Beach Bluff hours are 6:00 am to 10 pm daily.
  - d) Any individual who enters during unauthorized hours is trespassing. Trespassing will result in a hearing and fine, and local law enforcement will be requested to remove criminal trespassers.
- 2) Guests using any of the Association facilities, must be accompanied by a resident, or be

registered at the office by the resident. A member is responsible for the conduct of his/her guests, lessees or invitees, and their observance of the rules.

- 3) The NSCA staff has the authority to enforce all rules and regulations. Residents are requested to report infractions of the rules to the NSCA staff.
- 4) Smoking of any kind is prohibited in and around all Common Areas, which includes but is not limited to streets, sidewalks, parking lots, and community parks.
- 5) Activities that interrupt the right of the other individuals to enjoy the facilities or present a safety issue are prohibited.
- 6) The maintenance area, all storage areas, pool filtration rooms and staff office space are restricted to staff.
- 7) Loitering is prohibited.
- 8) Individuals using the Association facilities may be required to provide proof of residence.
- 9) Bicycles, E-bikes, scooters, and skateboards are not permitted inside the Community Center gates, in the park area, on the sports court, on the bocce ball court, on the walking path or on the playground. Bicycles, E-bikes and scooters must be parked against bike racks and may not be left on sidewalks or pathways.

**10) No fundraising events are permitted in the Common Areas**

**Rationale for change:**

Fundraising events are permitted at private residences but are not permitted in the Common Area



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule: *Fecal Contamination*
- Change to Existing Rule:

**State New Rule:**

***Fecal contamination of the pool and spa is prohibited. If fecal contamination of the pool or spa occurs, the responsible member (homeowner) will be charged all costs of decontamination and will be subject to a fine for a health and safety violation pursuant to the fine schedule.***

**Rationale for new rule:**

As this type of violation is a health and safety concern, a separate stand-alone rule will be added in conjunction with the existing generalized statement regarding pool contamination noted under *Swimming Pool and Spa Use*.



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: *Beach Bluff Use – General Conditions*

### **State Existing Rule:**

#### General Conditions:

- a) Tables must be attended at all times for continued use. Items left unattended will be removed by an Association patrol service member or staff member and use of the table forfeited.
- b) Guests must be accompanied by a Niguel Shores resident at all times. Unaccompanied guests will be requested to vacate.
- c) Casual games and activities that do not interfere with the right of other individuals to enjoy the bluff area are permitted.
- d) The beach bluff may not be used for fundraising activities or functions.
- e) The following are prohibited:
  - unrestrained or unleashed dogs
  - bounce houses or other inflatables
  - wood or charcoal burning fire bowls or barbecues, including hibachi type grills
  - smoking of any kind
  - generators or items that require the use of an engine or live electricity
  - altering, disabling or interfering with the access gates or fences
  - barbecues on Association tables
  - team sports or team practices
  - staking or inserting items into the grass or other landscape areas
  - amplified music or sound systems (community sponsored events exempt)
- f) Upon Board or General Manager approval, the Association reserves the right to allow use for memorial services honoring residents and for community events.

### **State Rule with recommended changes:**

#### General Conditions:

- a) Tables must be attended at all times for continued use. Items left unattended will be removed by an Association patrol service member or staff member and use of the table forfeited.
- b) Guests must be accompanied by a Niguel Shores resident at all times. Unaccompanied guests will be requested to vacate.
- c) Casual games and activities that do not interfere with the right of other individuals to enjoy the bluff area are permitted.
- ~~d) The beach bluff may not be used for fundraising activities or functions.~~
- d) The following are prohibited:
  - unrestrained or unleashed dogs
  - bounce houses or other inflatables
  - wood or charcoal burning fire bowls or barbecues, including hibachi type grills
  - smoking of any kind
  - generators or items that require the use of an engine or live electricity
  - altering, disabling or interfering with the access gates or fences
  - barbecues on Association tables
  - team sports or team practices

- staking or inserting items into the grass or other landscape areas
  - amplified music or sound systems (community sponsored events exempt)
- e) Upon Board or General Manager approval, the Association reserves the right to allow use for memorial services honoring residents and for community events.

**Rationale for change:**

Fundraising events are permitted at private residences but are not permitted in the Common Area



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: *Human Propelled and Motorized Vehicles –  
Electric Bicycles*

### **State Existing Rule:**

Electric bicycles (e-bikes) may be operated in the community under the following conditions:

- 1) The bicycle cannot be used to tow a person.
- 2) The bicycles must be operated on the roadway and not on any sidewalk or any park or Association landscaped area.
- 3) The operator will observe and follow all stop signs and all other traffic regulating devices or signage, including speed limits.
- 4) The bicycle must be operated in compliance with State and local ordinances.

### **State Rule with recommended changes:**

Electric bicycles (e-bikes) may be operated in the community under the following conditions:

- 1) The bicycle cannot be used to tow a person.
- 2) The bicycles must be operated on the roadway and not on any sidewalk or any park or Association landscaped area.
- 3) The operator will observe and follow all stop signs and all other traffic regulating devices or signage, including speed limits.
- 4) The bicycle must be operated in compliance with State and local ordinances. **As such, e-bikes exceeding 750 watts or 20 mph on motor power are prohibited.**

### **Rationale for change:**

To comply with new State regulations regarding the operation of electric bicycles (e-bikes) on roadways, both public and private



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Delete Rule: *Drones*

### **State Existing Rule:**

The operation of drones is not permitted on or within any Common Area unless specifically contracted to do so by Niguel Shores Board of Directors. Drones may not be operated from private property in a manner that presents a safety or privacy issue.

### **State Rule with recommended changes:**

This rule will be deleted

### **Rationale for change:**

This rule will be eliminated as enforcement of drone operation is addressed by the state



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: *General Parking Regulations - Overnight Parking*

### **State Existing Rule:**

Common area space shall not be used for overnight parking of resident vehicles with decals between the hours of 1:00 am and 6:00 am. To qualify to park a vehicle on association streets the following conditions must apply:

- a) All available parking on the resident's property is used to its maximum capacity to park approved vehicles.
- b) A resident requesting a street parking waiver must supply the vehicle registration showing the registration is current and the vehicle is registered to the property within Niguel Shores.
- c) A copy of the vehicle users' driver's license showing they live at the same address the vehicle is registered to. Only one registered driver per vehicle.

### **State Rule with recommended changes:**

Common area space shall not be used for overnight parking of resident vehicles with decals between the hours of 1:00 am and 6:00 am. To qualify to park a vehicle on association streets the following conditions must apply:

- a) All available parking on the resident's property is used to its maximum capacity to park approved vehicles.
- b) A resident requesting a street parking waiver must supply the vehicle registration showing the registration is current and the vehicle is registered to the property within Niguel Shores.
- c) A copy of the vehicle users' driver's license showing they live at the same address the vehicle is registered to. Only one registered driver per vehicle.
- d) *There is only one vehicle registered to the property for each driver within the household that has a valid driver's license. Additional or overflow vehicles are not eligible for waiver consideration.***

### **Rationale for change:**

To clarify the qualifications regarding a request to park on the street during restricted parking hours



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: *General Parking Regulations – Beach **Bluff**  
Parking*

### **State Existing Rule:**

Parking is only permitted between the hours of 6:00 a.m. – 10:00 p.m. Guests are required to park in the top parking tier and must display a valid guest pass. Guest parking is prohibited in the entire beach lot on the Fourth of July. Loitering is not permitted in the parking lot areas.

### **State Rule with recommended changes:**

Parking is only permitted between the hours of 6:00 a.m. – 10:00 p.m. Guests are required to park in the top parking tier. ~~and must display a valid guest pass.~~ Guest parking is prohibited in the entire beach lot on the Fourth of July. Loitering is not permitted in the parking lot areas.

### **Rationale for change:**

The rule must be adjusted to reflect the new vehicle access system



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: *General Parking Regulations – Recreational  
Vehicle (Motorhome) Parking*

### **State Existing Rule:**

Recreational vehicles (motor homes included) are allowed to be temporarily parked provided that:

- a) An appropriate pass has been issued.
- b) Such parking is for the purpose of short-term loading and unloading of passengers and/or equipment only.
- c) There is no electrical or other utility hook-up between the vehicle and any property.
- d) There is no overnight sleeping or residing of persons in the vehicle.
- e) Such parking does not exceed twenty-four (24) hours and recreational vehicle is not permitted more than one entrance into the community in a seventy-two (72) hour period
- f) Such parking is otherwise in compliance with these rules.

### **State Rule with recommended changes:**

Recreational vehicles (motor homes included) are allowed to be temporarily parked provided that:

- a) **The entry has been authorized by staff.** ~~An appropriate pass has been issued.~~
- b) Such parking is for the purpose of short-term loading and unloading of passengers and/or equipment only.
- c) There is no electrical or other utility hook-up between the vehicle and any property.
- d) There is no overnight sleeping or residing of persons in the vehicle.
- e) Such parking does not exceed twenty-four (24) hours and recreational vehicle is not permitted more than one entrance into the community in a seventy-two (72) hour period
- f) Such parking is otherwise in compliance with these rules.

### **Rationale for change:**

The rule must be adjusted to reflect the new vehicle access system



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: *Enforcement Procedures*

### **State Existing Rule:**

- 1) Notice for Violations: Before a fine may be assessed, a written warning notice (citation or Notice of Violation) will be given. The notice will state the nature of the violation.
- 2) Removal (tow) of Vehicle: May be made, without notice, of any vehicle parked as follows:
  - a) Not clearly displaying a valid NSCA decal or pass that is easily readable through the windshield.
  - b) In a marked fire lane.
  - c) Within fifteen (15) feet of a fire hydrant.
  - d) In a space designated for handicapped without proper authority.
  - e) In a manner that interferes with entrance to or exit from NSCA.
  - f) In a manner that interferes with entrance to or exit from any residence, parcel or area owned by a member of the NSCA.

### **State Rule with recommended changes:**

- 1) Notice for Violations: Before a fine may be assessed, a written warning notice (citation or Notice of Violation) will be given. The notice will state the nature of the violation.
- 2) Removal (tow) of Vehicle: May be made, without notice, of any vehicle parked as follows:
  - a) ***Not having been properly registered either as a resident with a valid vehicle decal or as a guest/service provider through the gate entry system. ~~Not clearly displaying a valid NSCA decal or pass that is easily readable through the windshield.~~***
  - b) In a marked fire lane.
  - c) Within fifteen (15) feet of a fire hydrant.
  - d) In a space designated for handicapped without proper authority.
  - e) In a manner that interferes with entrance to or exit from NSCA.
  - f) In a manner that interferes with entrance to or exit from any residence, parcel or area owned by a member of the NSCA.

### **Rationale for change:**

The rule must be adjusted to reflect the new vehicle access system



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Delete Rule:

*Passes - General*

### **State Existing Rule:**

All vehicles parked or operated within Niguel Shores that have not been issued a barcode decal must have a valid pass displayed on the dashboard. Passes are not transferable and subject to revocation if transferred. Any unauthorized use or other violation of the rules may result in a fine or withdrawal of barcode use privileges temporarily or permanently, depending upon the circumstances in the discretion of the NSCA Board of Directors.

### **State Rule with recommended changes:**

This rule will be deleted

### **Rationale for change:**

The new vehicle entry system does not use printed passes and as such, the current rule is obsolete



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Delete Rule: *Barcode Decal*

### **State Existing Rule:**

At the close of escrow, two (2) resident barcode decals will be issued to owners at no cost upon submission of the information required below. Each full-time resident is required to register their vehicle and obtain a barcode decal. Rental vehicles or vehicles belonging to a rental company are not eligible for a barcode decal. The vehicle must be brought to the NSCA office, where staff will affix a decal. Loose barcodes cannot be provided to an owner or resident. Barcodes are not transferable. Barcodes removed from the vehicle are considered void and must be replaced at the same cost as a new barcode.

### **State Rule with recommended changes:**

This rule will be deleted

### **Rationale for change:**

The new vehicle entry system does not use barcode decals and as such, the current rule is obsolete



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule:

*Access Barcode Decal-Authorized Persons/Vehicles*

Change Name to:

*Vehicle Decals-Authorized Persons/Vehicles*

### **State Existing Rule:**

Access Barcode Decal Authorized Persons/Vehicles

- 1) Owner:
  - a) Must provide a copy of the current vehicle registration for verification of ownership.
  - b) Address on registration not required to match NSCA property address.
- 2) Household Member:
  - a) Must provide a copy of the current registration for verification of ownership.
  - b) Address on registration must match NSCA property address.
- 3) Tenant:
  - a) Must provide a copy of the current vehicle registration for verification of vehicle ownership.
  - b) Address on registration not required to match NSCA property address
  - c) Only individuals listed on the lease may obtain a barcode decal.
  - d) Each barcode issued to a tenant must be renewed during the month the lease expires.
- 4) Company Owned Vehicle: A vehicle registered in a company name and issued to a resident for transportation.
  - a) Must provide a copy of the current vehicle registration.
  - b) Must provide a business card or other written confirmation on company letterhead that links the resident to the company that the vehicle is registered to.
- 5) Guest:
  - a) Each property may authorize up to four (4) guest barcodes.
  - b) Must provide a copy of the current registration. Vehicle may not be registered to a resident or to a Niguel Shores property address.
  - c) Barcode is active for twelve (12) months after issuance.

### **State Rule with recommended changes:**

#### **Vehicle Decals-Authorized Persons/Vehicles**

- 1) Owner:
  - a) Must provide a copy of the current vehicle registration for verification of ownership.
  - b) Address on registration not required to match NSCA property address.
- 2) Household Member:
  - a) Must provide a copy of the current registration for verification of ownership.
  - b) **Must provide a valid driver's license with the name of the household member and the NSCA property address. Address on registration must match NSCA property address.**
- 3) Tenant:
  - a) Must provide a copy of the current vehicle registration for verification of vehicle ownership.
  - b) Address on registration not required to match NSCA property address
  - c) Only individuals listed on the lease may obtain a ~~barcode~~ decal.
  - d) **Must provide a valid driver's license with the name of the tenant as reflected in the lease.**
  - e) Each ~~barcode~~ **decal** issued to a tenant must be renewed during the month the lease expires.

- 4) Company Owned Vehicle: A vehicle registered in a company name and issued to a resident for transportation.
  - c) Must provide a copy of the current vehicle registration.
  - a) Must provide a business card or other written confirmation on company letterhead that links the resident to the company that the vehicle is registered to.
- 5) Guest:
  - a) Each property may authorize up to four (4) guest ~~barcodes~~ decals.
  - b) **Each guest decal that is issued will remove one spot on the long-term guest list in the gate entry system.**
  - c) Must provide a copy of the current registration. Vehicle may not be registered to a resident or to a Niguel Shores property address.
  - d) **Decal Barcode** is active for ~~twelve (12)~~ six (6) months after issuance.
  - e) **The Association has the authority to revoke a guest decal at any time.**

**Rationale for change:**

The rule name and content must be adjusted to reflect the new vehicle access system



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule:

*Types of Passes*

Change Name to:

*Non-Resident Short-Term Entry*

### **State Existing Rule:**

#### Types of Passes

The type of pass issued by the NSCA for access to and use of the property and streets (including Common Area and residential lots) within Niguel Shores will depend upon the purpose for entry and the length of time that the vehicle will be within the community. These shall include the following:

- 1) One Day Guest Pass:
  - a) Issued by the Mariner Entrance Gate Officer upon advance authorization of a resident.
  - b) No more than five (5) one-day guest passes may be issued per property via call in or online registry per day.
  - c) No more than ten (10) one-day guest passes may be issued via list delivered to the Mariner Entrance Gate Officer (lists of eleven or more guests must be submitted as a special event or group entry request through the NSCA Management Office).
  - d) Passes for more than one day may be issued by Management at the written request of a resident.
- 2) Service Pass:
  - a) Intended for any hired individual or company providing a daily, weekly or monthly service (e.g. landscaping, housekeeping, etc.).
  - b) Passes are issued by the Mariner Entrance Gate Officer upon advance authorization of a resident.
  - c) May be issued as a one-day pass or may be added to the permanent entry list.
- 3) Construction Pass:
  - a) Intended for any hired individual or hired company providing construction services for a temporary period of time.
  - b) Passes are issued by the Mariner Entrance Gate Officer upon advance authorization of a resident.
  - c) Requests for multiple day passes must be submitted to the NSCA Management Office for authorization prior to issuance by the Mariner Entrance Gate Officer.
  - d) Construction hours are posted online at the Association's website.

### **State Rule with recommended changes:**

#### **Non-Resident Short-Term Entry**

**Individuals entering Niguel Shores Community must be pre-authorized through the gate entry system. Once authorized, a QR code and 6-digit pin code will be sent to the non-resident that can be used to access the community from any vehicle entry gate. QR codes/pin codes are specific and will not allow access to an individual and/or vehicle that does not match the information provided in the gate entry system. Misuse of the QR code/pin code will result in revocation of the entry authorization. The boundaries for each type of non-resident are as follows:**

- 1) **Guest**  
**A guest is defined by an individual that does not reside, own a home, or hold a lease in Niguel Shores and does not stay overnight for more than 14 days within 6 months or for 7 nights in a row**
  - a) **No more than 10 guests can be authorized for entry to one property per day**
  - b) **Short-term OR codes/pin codes can only be authorized for up to 7 consecutive days**
  
- 2) **Service Provider**  
**A service provider is defined as an individual or company providing monthly, weekly, or daily standard property maintenance services (such as landscape maintenance, housekeeping or laundry services, food delivery services, handyman services, etc.) and not construction services**
  - a) **There is no limit to the number of service entries**
  - b) **Short-term OR codes/pin codes can be authorized for up to 3 consecutive months**
  
- 3) **Health or Homecare Provider**  
**A health or homecare provider is defined as an individual or company providing in-home medical based services**
  - a) **There is no limit to the number of health or homecare provider entries**
  - b) **Short-term OR codes/pin codes can be authorized for up to 3 consecutive months**
  
- 4) **Construction Contractor**  
**A contractor is defined as an individual or company hired for the purpose of performing modifications to the interior or exterior of a home and/or yard**
  - a) **There is no limit to the number of construction service entries**
  - b) **Short-term OR codes/pin codes can be authorized for up to 3 consecutive months**
  - c) **Entry access will be terminated upon completion of the project**
  - d) **Construction Hours (interior and exterior):**  
**Monday – Friday from 7:30 a.m. to 5:00 p.m.**  
**Saturday from 8:00 a.m. to 5:00 p.m.**  
**No construction is permitted (interior and exterior) on Sunday or on a Federal Holiday**

**Rationale for change:**

The rule name and content must be adjusted to reflect the new vehicle access system



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Delete Rule:

*Guest Parking Pass (Villas and Sea Terrace II)*

### **State Existing Rule:**

Residents in this area will receive by mail passes that are for non-resident\_parking in the Villas or Sea Terrace II neighborhoods. These passes cannot be used to enter the main portion of the community. Guests who want to enter the main portion of the community must be called in to the Mariner Gate by the resident and must enter through the Mariner Gate guest lane in order to receive a guest pass.

### **State Rule with recommended changes:**

This rule will be deleted

### **Rationale for change:**

The new vehicle entry system allows for guest and service provider access without printed passes and as such, the current rule is obsolete



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule:

*Permanent Guest List*

Change Name to:

*Non-Resident Long-Term Entry*

### **State Existing Rule:**

#### Permanent Guest List

- 1) Residents may authorize admittance of regular visitors online without a prior call to the Mariner Gate or by submitting written authorization to the NSCA office on the visitor Permanent Guest List.
- 2) Residents may authorize up to five (5) permanent guest passes per lot.
- 3) Visitors on the Permanent Guest List will be issued a pass by the gate attendant upon entry into the community. Passes must be displayed in an easily visible manner on the dashboard of the vehicle at all times.
- 4) Residents will not be issued guest passes. Admittance of owners and tenants shall be in conformance with applicable rules.
- 5) Visitor permanent status may be denied or revoked if the visitor fails to comply with the CC&Rs and/or the NSCA's rules.

### **State Rule with recommended changes:**

#### **Non-Resident Long-Term Entry**

**Individuals entering Niguel Shores Community must be pre-authorized through the gate entry system. Once authorized, a QR code and 6-digit pin code will be sent to the non-resident that can be used to access the community from any vehicle entry gate. QR code/pin codes are specific and will not allow access to an individual and/or vehicle that does not match the information provided in the gate entry system. Misuse of the QR code/pin code will result in revocation of the entry authorization. The boundaries for authorizing a long-term entry pass are as follows:**

- 1) **Long-term entry can be authorized for 6 months.**
- 2) **Each property must renew authorization for the individuals on their long-term entry list every January and July by submitting written confirmation in the form of a new list to the NSCA Management office. If no authorization is received, the long-term entry list will expire.**
- 3) **Each property may authorize up to 5 long-term entries. This number will be reduced by one for each guest decal purchased for the property.**
- 4) **Large-scale construction projects or construction projects lasting longer than 3 months are not eligible for a long-term entry QR code and must purchase entry decals from the NSCA Management Office.**

### **Rationale for change:**

The rule name and content must be adjusted to reflect the new vehicle access system



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: *Realtor Entry*

### **State Existing Rule:**

When property in Niguel Shores is for sale or rent/lease, real estate agents and prospective purchasers or tenants will be granted entry only as follows:

- 1) **Owner Call-In:**
  - a) Mariner entrance: The property owner may call the Mariner Gate to authorize entry for a specific agent/client on the day the property is to be shown.
  - b) Manta or Garibaldi or Breakers Isle entrances: Owners in the Villas, Sea Terrace II or Breakers Isle must receive the agent's call on arrival at the gate and execute entry procedures.
- 2) **Letter of Authorization:** Property owners may authorize admittance by submitting a Letter of Authorization to the NSCA office. The letter shall include the owner's name, address of the property and designate the specific real estate agent or firm to be admitted.
  - a) Mariner entrance: Gate personnel will verify authorization from the letter on file and will issue a one (1) hour pass. It is not necessary for the real estate agent/firm to call the NSCA business office in advance.
  - b) Manta, Garibaldi or Breakers Isle entrances: After entrance through the Mariner Gate, real estate agents/firms will use the call box to call the Mariner Gate on arrival at the Manta, Garibaldi and/or Breakers Isle entrances. The Mariner Gate personnel will execute entry procedures.
- 3) **Identification:** Each agent will be required to show Mariner Gate personnel his/her Department of Real Estate Identification Card and a real estate business card upon which has been written the date of the visit and the address of the property to be shown. Only that property for which authorization has been granted shall be shown. Agents are not permitted to call in guests. Prospective clients must be accompanied by an authorized agent.
- 4) **Caravans:** Caravans are permitted within Niguel Shores only on Wednesday and Thursday's between the hours of 9:00 am and 1:00 pm, or at such other times as the Board of Directors may designate. Drivers of caravan vehicles must present identification.

### **State Rule with recommended changes:**

**The following rules and boundaries apply to the entry of individuals that are involved in the sale or lease of a property within Niguel Shores:**

- 1) **Open house events are not permitted**
- 2) **Property viewing is based on individual entry access that is pre-authorized by the current owner through the gate entry system. Once authorized, a QR code and 6-digit pin code will be sent to the non-resident that can be used to access the community from any vehicle entry gate. QR codes/pin codes are specific and will not allow access to an individual and/or vehicle that does not match the information provided in the gate entry system. Misuse of the QR code/pin code will result in revocation of the entry authorization.**
- 3) **Preview Days:**
  - a) **Tuesday – Thursday from 10:00 a.m. to 2:00 p.m.**
  - b) **A realtor can access a property without pre-authorization on a designated preview day by**

**providing the MLS listing and a photo identification with a business card to the Mariner Gate attendant. The attendant will provide a QR code for entry. The requirements for use of the QR code are the same as above.**

**Rationale for change:**

The rule must be adjusted to reflect the new vehicle access system



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule:
- Change to Existing Rule: *Applications and Project Review* (introduction paragraph only)

### **State Existing Rule:**

There are three types of applications submitted for consideration by the AC. A Preliminary Application is required for all changes to the exterior profile and/or footprint of a property. The preliminary review is less formal and results in the AC providing advice and counsel about the suitability of the plan. A Final Application must be submitted for a formal approval or disapproval by the AC. Application deadlines are published in the monthly community calendar. No demolition, construction, or external modification may be commenced unless a Final Application has been submitted and approved by the AC. Any change to an approved modification requires submission of a change order application.

### **State Rule with recommended changes:**

There are three types of applications submitted for consideration by the AC. A Preliminary Application is required for all changes to the exterior profile and/or footprint of a property. The preliminary review is less formal and results in the AC providing advice and counsel about the suitability of the plan. A Final Application must be submitted for a formal approval or disapproval by the AC. Application deadlines are published in the monthly community calendar. No demolition, construction, or external modification may be commenced unless a Final Application has been submitted and approved by the AC. Any change to an approved modification requires submission of a change order application. **However, no additional changes to the building envelope are permitted once final approval has been issued to a remodel project.**

### **Rationale for change:**

The introduction paragraph has been revised to confirm that no additional changes can be requested or made to the envelope of the house once the city approved plan has been submitted and construction commenced.



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

New Rule:

Change to Existing Rule: *Modifications Restrictions-Roof Heights and Building Additions*

### **State Existing Rule:**

#### Roof Heights and Building Additions:

- a) Vertical raising of roof lines - The roof line of any residence is limited to the height stipulated by neighborhood. A roof line may not be modified if it imposes an unreasonable view blockage. Requests to change a flat roof to a pitched roof are taken on a case-by-case basis and approval of the request is not guaranteed.
- b) The height of all new houses and additions to existing houses shall be limited to avoid unreasonable view interference, and unreasonable privacy invasion.
- d) The addition of a second story to any one-story house is not allowed, except for some properties in Tract 7447 (Berkus Homes) as considered on a case-by-case basis.
- e) The construction of a single new home or modification of two existing homes to create a single new home, on two or more combined adjoining lots is not permitted.

### **State Rule with recommended changes:**

#### Roof Heights and Building Additions:

- a) ***Building height dimensions must be drawn from the finished floor using USGS values and dimensions***
- b) Vertical raising of roof lines - The roof line of any residence is limited to the height stipulated by neighborhood. A roof line may not be modified if it imposes an unreasonable view blockage. Requests to change a flat roof to a pitched roof are taken on a case-by-case basis and approval of the request is not guaranteed.
- c) The height of all new houses and additions to existing houses shall be limited to avoid unreasonable view interference, and unreasonable privacy invasion.
- d) The addition of a second story to any one-story house is not allowed, except for some properties in Tract 7447 (Berkus Homes) as considered on a case-by-case basis.
- e) The construction of a single new home or modification of two existing homes to create a single new home, on two or more combined adjoining lots is not permitted.

### **Rationale for change:**

The rule change is needed to clarify the base for calculating building heights, both existing and proposed, to maintain consistency.



## REQUEST TO CHANGE OR ADD TO THE RULES AND REGULATIONS

Date Submitted:

- New Rule: *Definitions: Guest*
- Change to Existing Rule:

**State Existing Rule:**

none

**State New Rule:**

**Guest:** *An individual not residing, owning, or leasing a property under a valid lease agreement, does not pay rent or contribute significantly to utilities, intends to visit for a short period and has another primary residence.*

**Rationale for change:**

The definition will provide clarity as to what the Association considers a guest for residency purposes.



# Niguel Shores Community Association

## Policies (1)/Resolutions (2)/Procedures (3)

### BOARD HEARING PROCEDURES

The following violation hearing and fine schedule follows the current state requirements as stated in the Civil Code.

HEALTH / SAFETY VIOLATIONS	1st HEARING - PER PROPERTY	ADDITIONAL ENFORCEMENT - PER PROPERTY
Dog/Animal Bites Uncollected Pet Waste Pool/Spa Contamination Vandalism (specific)	Fine up to \$1,000  Collect costs of cleaning (if applicable)	Refer to NSCA counsel for legal action
Assault & Other Physical Violations	Immediate hearing, fine of \$1,000 - \$3,000, and/or refer to NSCA counsel for legal action	Refer to NSCA counsel for legal action
NON-HEALTH/SAFETY VIOLATIONS		
<u>Common Area Use Violations</u> - Beach Bluff - Clubhouse - Dog off leash - Loitering - Nuisance - Trash containers - Trespass, unauthorized access  Parking/Vehicle Operation  View Blockage (plant material)  <u>Architectural Violations</u> - Failure to complete project - Failure to maintain property - Unauthorized modifications	AB 130 (Adopted 7/1/2025):  Association can only levy a maximum one-time fine of \$100	Refer to NSCA counsel for legal action



## BOARD MEETING RECORDING POLICY

This policy is intended to address the recording of Niguel Shores Homeowners Association Board meetings, both in-person and via Zoom, in compliance with California law and the Davis-Stirling Common Interest Development Act.

- 1. Authority:** Under California Civil Code § 4925, the Board may adopt reasonable rules for conduct at open meetings, including rules governing the use of recording devices.
- 2. Official Recordings:** If the Board chooses to record a meeting (in-person or Zoom), it will be done as an official association action. Members will be notified at the start of the meeting that an official recording is being made.
- 3. Member Recordings:** No attendee may record an open Board meeting—whether in person or via Zoom—without prior written consent from the Board. This includes audio, video, and screen captures.
- 4. Zoom Meetings:** Because Zoom allows participants to capture video, audio, chat, and participant names, attendees must not record or distribute meeting content without written Board approval.
- 5. Privacy & Liability:** Unauthorized recordings can expose the Association to privacy and reputational risks. This policy is designed to protect members and the Association from such risks.
- 6. Enforcement:** Any member found recording without permission may be asked to stop immediately, removed from the meeting, and/or subject to enforcement actions permitted under the governing documents.

**Notice at Meetings:** The Board will include the following statement in the waiting room text for Zoom meetings and announce it at the start of all meetings:

“This meeting may be recorded by the Association for record-keeping. Recording by attendees is prohibited without Board consent.”



**Niguel Shores Community Association**

33654 Niguel Shores Drive  
Dana Point, California 92629-4221  
(949) 493-0122 • Fax (949) 388-7892

**PROPOSED RULE CHANGES**

**MEMBER RESPONSE FORM**

Responses must be submitted no later than 5:00 p.m. on November 26, 2025

Comments may be submitted via mail, fax, or email to: [kdecker@niguelshores.org](mailto:kdecker@niguelshores.org).

Email subject line should reference '*Proposed Rule Changes*'

Additional forms may be obtained online or in the NSCA Management Office.

MEMBER NAME: \_\_\_\_\_

NSCA ADDRESS: \_\_\_\_\_

**RULE NAME:** \_\_\_\_\_

COMMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RULE NAME:** \_\_\_\_\_

COMMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RULE NAME:** \_\_\_\_\_

COMMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



NIGUEL SHORES COMMUNITY ASSOCIATION  
33654 Niguel Shores Drive  
Dana Point, CA 92629

**PROPOSED RULE CHANGES ENCLOSED**