

(f) That the use is in violation of any statute, ordinance, law or regulation.

5.4.3 In order to secure the integrity and purpose of this policy, home occupations shall be reviewed and monitored on an annual basis or sooner if the Board deems it necessary or suspects a violation of this policy.

5.5 Leases.

5.5.1 All leases or rental agreements must be in writing and must be for a minimum of thirty (30) days.

5.5.2 All leases or rentals must be for the entire Unit and not merely parts thereof, unless the Owner remains in occupancy.

5.5.3 All leases or rentals shall be subject in all respects to the Governing Documents, and shall provide that failure to comply with the requirements of the Governing Documents shall constitute a default under the lease which may be cured by eviction of the tenant either by the Owner or the Association.

5.5.4 An Owner who leases or rents his/her/its Unit shall promptly notify the Association in writing of the names of all tenants and members of a tenant's family occupying such Unit and furnish the Association with a copy of any lease or rental agreement.

5.5.5 All Owners leasing or renting their Unit shall promptly notify the Association of the address and telephone number where such Owner can be reached.

5.6 Unit Modification. Subject to other applicable restrictions contained in the Governing Documents, Owners may modify their Units subject to the following:

5.6.1 Modifications or alterations of the exterior of any Unit must have the prior written consent of the Board or duly appointed Architectural Committee, including any modifications to facilitate handicapped access as provided by Section 1360 of the California *Civil Code*. Any approval of such handicapped access modification may be conditioned on such modification's removal, by the Owner at his/her/its sole expense, once the handicapped access is no longer necessary for the Unit.

5.6.2 No Owner may install any shutter, screen or other appurtenance in or on any window or door (which can be seen from the exterior of the Unit) except those items which are in conformance with the Architectural Rules.

5.6.3 Owners of second story or above Units desiring to install flooring which consists of any hard-surface material (e.g., tile, marble, hardwood floors, etc.), must follow the requirements attached as Exhibit B regarding sound transmissions (compliance with the *Uniform Building Code*), and must first secure written approval from the Board of Directors prior to installation of such hard-surface flooring. In the event that Exhibit B has been replaced by more stringent sound transmission control provisions under the *Uniform Building Code* and said provisions have been adopted by the City of Palm Springs, then the more stringent sound transmission control provisions shall control. This section refers to interior of the Unit as well as the balcony floor.

5.6.4 No Owner may enclose and/or alter his/her/its Unit's patio, courtyard, and/or atrium without the prior written consent of the Board.

5.6.5 Except as provided by the Governing Documents, Owners shall not have the right to paint, decorate, remodel or alter any Exclusive Use Common Area or the Common Area without the prior written consent of the Architectural Committee and, as it relates to the Common Area, the written consent of the Board.

EXHIBIT B
REQUIREMENTS AND SPECIFICATIONS FOR
HARD-SURFACE FLOOR CONSTRUCTION

Division II – SOUND TRANSMISSION CONTROL

SECTION 1208 – SOUND TRANSMISSION CONTROL

1208.1 **General.** In Group R Occupancies, wall and floor-ceiling assemblies separating dwelling units or guest rooms from each other and from public space such as interior corridors and service areas shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor-ceiling assemblies.

The standards listed below are recognized standards (see Sections 3502 and 3503).

1. ASTM E 90 and E 413, Laboratory Determination of Airborne Sound Transmission Class (STC)
2. ASTM E 492, Impact Sound Insulation
3. ASTM E 336, Airborne Sound Insulation Field Test

1208.2 **Airborne Sound Insulation.** All such separating walls and floor-ceiling assemblies shall provide an airborne sound insulation equal to that required to meet a sound transmission class (STC) of 50 (45 if field tested).

Penetrations or openings in construction assemblies for piping, electrical devices, recessed cabinets, bathtubs, soffits, or heating, ventilating or exhaust ducts shall be sealed, lined, insulated or otherwise treated to maintain the required ratings.

Entrance doors from interior corridors together with their perimeter seals shall have a laboratory-tested STC rating of not less than 26 and such perimeter seals shall be maintained in good operating condition.

1208.3 **Impact Sound Insulation.** All separating floor-ceiling assemblies between separate units or guest rooms shall provide impact sound insulation equal to that required to meet an impact insulation class (IIC) of 50 (45 if field tested). Floor coverings may be included in the assembly to obtain the required ratings and must be retained as a permanent part of the assembly and may be replaced only by other floor covering that provides the same sound insulation required above.

1208.4 **Tested Assemblies.** Field or laboratory tested wall or floor-ceiling designs having an STC or IIC of 50 or more may be used without additional field testing when, in the opinion of the building official, the tested design has not been compromised by flanking

paths. Tests may be required by the building official when evidence of compromised separations is noted.

1208.5 Field Testing and Certification. Field testing, when required, shall be done under the supervision of a professional acoustician who shall be experienced in the field of acoustical testing and engineering and who shall forward certified test results to the building official that minimum sound insulation requirements stated above have been met.

1208.6 Airborne Sound Insulation Field Tests. When required, airborne sound insulation shall be determined according to the applicable Field Airborne Sound Transmission Loss Test procedures. All sound transmitted from the source room to the receiving room shall be considered to be transmitted through the test partition.

1207.7 Impact Sound Insulation Field Test. When required, impact sound insulation shall be determined.

SECTION 1209 – SOUND TRANSMISSION CONTROL SYSTEMS

Generic systems as listed in the *Fire Resistance Design Manual*, Thirteenth Edition, dated April 1992, as published by the Gypsum Association may be accepted where a laboratory test indicates that the requirements of Section 1208 are met by the system.