

## **Notes on CC&Rs Jan. 28 draft**

The August 2021 draft of the Third Amended CC&Rs provided by the law firm addressed many of the concerns raised by the community– but it also changed the definition of unit boundaries.

The January 28 draft restores the boundaries definition to the original (walls in). This draft also removes any doubt as to who is responsible for maintaining the rear-facing decks (unit owners). And for the first time, this draft carefully defines Limited Common Elements outside an individual unit to remove any ambiguity about where owners can make improvements.

This draft also cleans up some formatting, punctuation and “cut and paste” errors from the August draft.

~~Strikethroughs appear in red~~

Additions/corrections appear with a cyan background

### **1.16 Common Elements**

Clarifies HOA's responsibility for snow removal

### **1.17 Common Expenses**

- (a) Removes repair and maintenance of Limited Common Elements, including rear-facing decks

### **1.33 Limited Common Elements**

- (b) Puts rear-facing decks and entry pads at the top of the items identified as Limited Common Elements
- (b) Adds the area directly beneath the rear-facing decks and the area directly below the upstairs “bump out” as a Limited Common Element
- (d) Adds a three-foot strip of Common Elements land on one side of a Unit as a Limited Common Element for a board-approved walkway/stairway
- (f) Includes underground components of a French drain system, such as a “dry well,” subject to a Common Area agreement
- (g) Allows unit owners to install a board-approved EV charger at or near their parking spaces, subject to a Common Area agreement

(h) Allows existing owner improvements in areas no longer identified as Limited Common Elements to remain with conditions

#### **1.46 Unit definition**

Restores unit boundaries to walls-in and adds owner responsibility to maintain rear-facing decks

#### **5.02 Duty to maintain/repair/replace Common Elements**

(g) Adds rear-facing decks to windows and doors as exterior surfaces NOT maintained by the HOA

#### **5.03 Limited Common Elements, Units**

Reiterates Unit owner responsibility to maintain their Limited Common Elements, including rear-facing decks

#### **5.04 Limited Common Element landscaping**

(a) Adds stipulation that all plants be on the TRPA list

(b) Perennials must be drought-tolerant

(c) Prohibits the planting of trees

#### **5.05 Decks/Front entry pads**

Specifically identifies owner responsibility to maintain rear-facing decks and front entry pads as they are part of a Unit's Limited Common Elements

#### **5.06 Unit boundaries**

Moves the paragraph defining unit boundaries into its own chapter and, again, defines the boundaries as interior side in with additional details

#### **6.04 Motorized Boat and Watercraft Parking**

Creates a subsection specifically addressing boat parking and mandates motorized boats and watercraft may only be parked, seasonally, in designated spaces chosen by a method to be dictated in the Rules and Regulations (allowing easier adjustments)

#### **6.14 Rental of Units**

(c) Adds occupancy limit (two adults per bedroom)

(d) Requires all adult tenants to be named on the lease/rental agreement

(e) Limits tenant parking to the Unit's two assigned spaces

Removes ban on advertising on STR platforms, and provides a board hearing for non-responsive owners

### **12.06 Owner Insurance Policies**

Allows the HOA to obtain an all-inclusive insurance policy, potentially saving owners on individual condo policies