

The Glenshire/Devonshire Residents' Association – 2023 Governing Documents Election

Proposed Revision Summary – Comparison to [2nd Restated CC&Rs \(currently enforced since 1970's and updated in 2014 for legal updates like correcting the references to certain Civil Code sections\)](#).

Please Note: Items in red are typo corrections discovered after mailing the Ballot packets to Members.

The following provides a summary of the changes between the current proposed CC&Rs and the currently active 2nd Restated CC&Rs. This analysis should be considered summary only, and is not intended to be a complete and comprehensive list of changes being proposed. Many of the proposed revisions are to bring our CC&Rs into consistency with Town code and/or state or federal law.

Due to the nature of the proposed 3rd Restated CC&Rs and a *complete reorganization* of the CC&Rs, it is impossible to provide a markup comparison between the two documents. The following is a review of changes by each proposed Article. The Article numbers below correlate to the 3rd Restated CC&Rs that are being proposed.

General Guidance

Where items are *added* to the proposed CC&Rs, this represents rights granted to the Association Members that cannot be revoked by a vote of the Board, but only by a majority vote of the Membership.

Items that have been *removed* are no longer enforceable by the HOA. These items may later be added to the [Association Rules](#), but this requires a majority board approval, only after a notice and feedback period of at least 30 days for member input.

PLEASE NOTE! The following does NOT provide a summary of each section's definition, **it only notes the elements that present a change from, or addition to, the 2nd Restated CC&Rs that are currently in effect. Please refer directly to the proposed 3rd Restated CC&Rs for the full text and meaning of each section.**

Overall Statistics

The proposed 3rd Restated CC&Rs is significantly simplified as compared to its predecessor and has been reorganized and reworded to become a more readable document.

	2nd Restated CC&Rs	3rd Restated CC&Rs (Proposed)
Pages	74	40
Words	29,000 (approx)	19,000 (approx)
Sections	135	147
Exhibits	3	1

Recitals Section

The Proposed 3rd Restated CC&Rs clarifies the original recorded document. This section has been rewritten to incorporate the Development description and provide references to California Code and the [2nd Restated CC&Rs](#). All intents and meaning of this section of the [2nd Restated CC&Rs](#) appear preserved in the 3rd Restated CC&Rs.

Article 1: Definitions

Redundant and unused terms have been removed; Clarifications, simplifications, and consolidations have been incorporated. The following specific changes are of note:

The following terms were removed as they are no longer in use or incorporated into other definitions: "Common Expense", "Declarant", "**Majority of a Quorum**", "Owner of Record", "Properties", "Regular Assessment", "Single Family Residential Use", "Special Assessment", "Special Individual Assessment"

The following terms were added: "Contract Purchaser/Contract Seller", "Development", "Director", "Residence", "Resident", "Simple Majority", "Total Voting Power"

"Assessment"

Now incorporates all assessment types (see above for incorporated terms).

"Association Rules"

References to subsequent sections removed. Scope of definition now limited to "Common Areas". (Architectural Rules apply to Owners' Lots.)

"Bylaws"

Means of adoption has been clarified.

"Common Area"

Definition simplified to eliminate Exhibit C, which in turn eliminates the need to amend CC&Rs upon changes in properties.

"Declaration"

"Original Declaration" definition removed

"Exclusive Use of Common Areas"

This reference is noted by California Civil Code, but is not currently applicable.

"Governance Documents"

Scope clarified.

"Improvements"

Term is now defined (previously only provided a reference to subsequent sections).

"Lot"

Previously referred to buildings or improvements, but now definition is limited to plot.

"Owner"

Clarified and now includes "Owner of Record"

Article 2: Common Areas

Incorporates Sections 2.01, 2.03, 7.01, 7.03 from the [2nd Restated CC&Rs](#), among other various paragraphs, consolidating related content into this new Article. The intents and meanings of the 2nd Restated CC&Rs appear to be preserved and generally no new rights or responsibilities have been added, except that Owners are required to discharge any Mechanic's Liens related to work on their properties.

Article 3: Easements

Incorporates [Article 9 from the 2nd Restated CC&Rs](#). A more thorough description of changes in this section is forthcoming pending attorney feedback on proposed language.

Article 4: Use Restrictions

Incorporates [Article 8](#) and Sections [6.04](#), [6.07](#), [6.08](#), [6.10](#), [6.14-6.19](#) of the 2nd Restated CC&Rs. Several restrictions are removed or reduced. There is clarification of some restrictions and the addition of notable restrictions re: wetlands & tributaries, and Short Term Rentals.

Section 4.1 Residential Use: Simplifies "residential use" scope and explicitly allows Business Use (see Section 4.3 for limitations). Removed all references to "single family" in order to comply with state and federal law regarding discrimination based on familial status.

Section 4.2 No Partition: Prevents the partition of the Development except for Lots owned by co-tenants.

Section 4.3. Restriction on Businesses. Limitations on business uses are significantly relaxed, while the Board has discretion to prohibit the conduct of any activities they determine to be incompatible with the nature and character of the Development or negatively impact the quality of life.

Section 4.4 Offensive Conduct, Nuisances, Noise: Adds "odors" as a specific type of nuisance. Removes "motor vehicles" and "power tools" as examples of noise nuisance.

Section 4.6 Requirement of Architectural Approval: Clarifies that all exterior improvements may be subject to approval of the Design Review Committee.

Section 4.7 Wetlands or Tributaries: Restricts improvements within wetlands and tributaries to conform to Town code and state and federal law.

Section 4.8 Landscaping: Encourages water infiltration in landscaping.

Sections 4.9 Defensible Space and 4.10 Fire Safety Generally: Requires defensible space and fire safety per applicable laws, and requires analogous fire safety measures on unbuilt lots, which by virtue of lacking a habitable structure are not otherwise covered by defensible space requirements.

Section 4.11 Machinery and Equipment: Clarifies existing provisions for small tractors to allow machinery up to 10,000 lbs to be stored unscreened on Lot. Machinery over 10,000 lbs must be screened or within a garage. Currently section [8.01 G of the 2nd Restated CC&Rs](#) requires ALL machinery & equipment to be screened.

Section 4.12 Window Coverings: Describes allowable window coverings if they are added.

Section 4.13 Signs: Expands allowable signs and gives the Board discretion to approve other signs and their location that are not specifically allowed.

Section 4.15 Location of Trash Containers and Tanks: No longer requires screening (see [Section 6.07 of the 2nd Restated CC&Rs](#)). Requires bin removal from the street within 24 hours of pickup.

Section 4.16 Waste Disposal Systems: Allows portable toilets under specific circumstances.

Section 4.17 Mailboxes: Mailbox size restriction removed (see [Section 6.13 of 2nd Restated CC&Rs](#)). Mailboxes do not require approval as long as they meet the size and construction standards of the U.S. Postal Service.

Section 4.18 Use of Temporary Storm Window Covers: Expands definition of "Storm Window Covers" to include all materials (e.g. wood).

Section 4.19 Storage of Personal Property and Construction Materials on Lots: Allows use of tarps under specific circumstances.

Section 4.20 Clotheslines: Requires "reasonable effort" to hide clothesline from neighbors.

Section 4.21 Antennas and Similar Devices: Limits Architectural Rules that impede reception. Restricts the height and number of antennas. Design Committee approval of, Design Guidelines for, and reception interference restriction for antennas are removed from CC&Rs but allowed in Architectural Rules (see [Section 6.17 of 2nd Restated CC&Rs](#)).

Section 4.22 Excavation: 48-hour waiting period for excavations removed (see [Section 6.18 of 2nd Restated CC&Rs](#)).

Section 4.23 Permitted Hours of Construction Activity: Weekend construction hours now 8am to 6pm (previously 9am-7pm per [Section 6.19 of 2nd Restated CC&Rs](#)).

Section 4.24 Permanent Exterior Lighting and Fixtures: Slightly relaxes exterior lighting fixture restrictions consistent with Town code and confirms the Board's ability to make additional lighting guidelines in the Architectural Rules.

Section 4.25 Holiday and Café Style Lighting: Adds reasonable guidelines on decorative (holiday and café style) lighting.

Section 4.26.1 Right to Park Vehicles: Provides right to park all vehicles up to 26,000 lbs GVWR on surfaces improved in accordance with Association Rules.

Section 4.26.2 Vehicle Repair: Provides the right to repair vehicles on property. This was similar to a current [Association Rule](#), moved to CC&Rs.

Section 4.26.3 Inoperable Vehicle: Provides the right to store inoperable vehicles under specific circumstances. This was similar to a current [Association Rule](#), moved to CC&Rs.

Section 4.26.4 Vehicle Covers: Clarifies allowable vehicle covers are defined in the Association Rules.

Section 4.26.5 Ownership of Vehicles: Requires vehicles not owned by Association residents to be parked on a Lot for not more than 30 days, unless enclosed in garage or approved by the Association. Association has the right to require a copy of current registration for any vehicle stored in a visible location.

Section 4.26.6 Commercial Vehicle and Storage: Requires vehicles over 26,000 lbs GVWR to be screened or parked within a garage. This was a current [Association Rule](#) moved to CC&Rs.

Section 4.26.7 Parking Rules and Enforcement: Gives Association right to tow vehicles from the Common Area that are in violation of CC&Rs or Association Rules.

Section 4.27 Temporary Structures: Replaces outright camping ban ([Section 8.01 E of the 2nd Restated CC&Rs](#)) with 14-day camping limit.

Section 4.28 Animals: Restrictions on types of pets ([Section 8.05 A of the 2nd Restated CC&Rs](#)) has been removed.

Section 4.28.2 Horses or Other Animal Species (Excluding Household Pets as Described in 4.28.1): Broadens current allowance of two Horses on Lots of at least one acre in size to include Other Animal species.

Section 4.28.3 Chickens: Allows chickens in alignment with recent Town of Truckee rulings.

Sections 4.29.3 Short Term Rentals, **4.29.4** Town Restrictions, and **4.29.5** ADU/JADU: Places restrictions on Short Term Rentals but excludes rental of rooms ~~or ADUs/JADUs~~ from those restrictions, consistent with state law. **ADUs are also subject to the Short Term Rental restriction, consistent with the Town of Truckee's restrictions.**

Section 4.29.6 Rules and Regulations, **4.29.7** Owner Responsibility, **4.29.8** Violations, **4.29.9** Association's Enforcement Rights, and **4.29.10** Indemnification: Provides enforcement rights to Association. Indemnifies Association from actions of renters.

Section 4.31 Variances: Further defines Variance process.

Other: [Section 8.01 \(f\) of the 2nd Restated CC&Rs](#) restricting the number of kitchens that are allowed has been removed.

Article 5: Homeowners Association

Incorporates [Sections 3.01, 3.03, 3.04](#) and [Article 10](#) of the 2nd Restated CC&Rs. Clarifies some provisions. Restricts ability to merge or dissolve Association.

Section 5.5 Association Rules: Simplifies the Rules provision.

Section 5.7 Insurance: Simplifies Insurance requirements. (Specific insurance requirements are located in the Bylaws)

Sections 5.8 Association Property, 5.9 Transfer of Common Area to Public Agency or Utility, and 5.11 Mortgage of Association Property: Gives Board authority to sell or transfer or mortgage Association property under different circumstances.

Section 5.12 Mergers and Consolidations: Requires a majority vote of Members to merge with another entity (requires a 2/3 majority in the 2nd Restated CC&Rs).

Section 5.13 Dissolution: Requires ALL Members to consent to the dissolution of the Association.

Section 5.14 Limitation of Liability: Simplifies the Limitation of Liability.

Article 6: Assessments & Liens

Incorporates [Section 3.02](#) and [Article 4](#) of the 2nd Restated CC&Rs. Provides simplification and clarification; reduces redundancies and combines similar items.

Section 6.1 Covenant of Owner: Combines [Sections 4.01 \(a\)-\(b\)](#) of the 2nd Restated CC&Rs

Section 6.2 Creation of Lien: Expands upon and clarifies liens.

Section 6.3 Purpose of Assessments: Limits Assessments to specific purposes.

Section 6.4 Authority of the Board: Simplifies and clarifies language.

Section 6.5 Regular Assessment: Simplifies and clarifies Regular Assessment, Special Assessment, and Individual Special Assessment processes.

Section 6.11 Payment Under Protest: Provides for Payment Under Protest.

Section 6.16 Association Funds: Simplifies Association Funds requirements.

Section 6.19 Owner Assignment of Rents: Assigns to Association rents to pay Assessments that are in default.

Article 7: Damage or Destruction

Incorporates [Articles 11 & 12](#) of 2nd Restated CC&Rs. No material changes

Article 8: Maintenance

Incorporates [Article 7](#) of the 2nd Restated CC&Rs. Clarifies the Board's right to act and limits the Association's liability.

Sections 8.4 Owner Failure to Maintain, 8.6 Authority for Entry to Lot and 8.8 Board Discretion: Clarifies rights of Board in cases of Owner failure to comply with CC&Rs or Rules, or in cases of emergencies.

Section 8.7 Association Liability: Limits Association's liabilities for lot repairs.

Article 9: Architectural

Incorporated [Articles 5 & 6](#) of the 2nd Restated CC&Rs. Transfers most conditions and restrictions to the Association Rules.

Section 9.2 Duties: Clarifies duties of the Design Review Committee. Importantly, it requires DRC decisions to be rendered within 45 days of application, and establishes the right of Applicant to proceed with Improvement(s) if that deadline is not met.

Section 9.4 Architectural Rules: Establishes and transfers all design requirements to the Architectural Rules.

Section 9.5 Application: Simplifies application process and transfers application requirements to the Association Rules.

Section 9.6 Right to Appeal: Transfers appeals process to the Association Rules.

Section 9.7 Improvements Requiring Approval of the Design Review Committee: Expands the 'expedited approval' section (2nd Restated CC&Rs Section 5.06(c)) to mandate that a list of improvements that do not require approval at all will be provided in Rules.9

Article 10: Enforcement

Incorporates [Section 8.12](#) and [Article 13](#) of the 2nd Restated CC&Rs. Simplifies enforcement policy and transfers most details to the Association Rules. Aligns with California code.

Section 10.5 Rights and Remedies of the Association: Simplifies Enforcement, Sanctions & Disciplinary rights and limits.

Section 10.6 Disciplinary Rules: Transfers Disciplinary process to the Association Rules.

Section 10.7 Emergency Situation: Adds Emergency Situations clause.

Section 10.8 Alternative Dispute Resolution: Modifies Dispute Resolution to meet California codes.

Section 10.10 Notices: Transfers the Notices requirements to the Bylaws.

Section 10.12 Indemnification: Indemnifies Owners from actions on another's lot.

Article 11: Amendments

Incorporates [Article 16](#) of the 2nd Restated CC&Rs.

Article 12: General

Incorporates Section [17.03 \(a\)-\(b\)](#) of the 2nd Restated CC&Rs. Removes most sections of [Article 17](#) of the 2nd Restated CC&Rs, removing redundancies and simplifying the Article.

Section 12.5 Easements Reserved and Granted: Clarifies wording relating to easements.

Proposed Revision Summary – Comparison to [2nd Restated BYLAWS \(currently enforced since 1970's and updated in 2014 for legal updates like correcting the references to certain Civil Code sections\)](#)

A summary of changes for the 3rd proposed Restated Bylaws is not included because the Bylaws were only reorganized, clarified and revised for the purpose of compliance with new laws.