

## **Proposed REA CC&C and Rule revisions**

*This is a draft of a revised Clause 4 which deletes the reference to a restriction regarding a single family. It also clarifies that certain other residential uses are prohibited because they are businesses. The yellow highlighting indicates where language was deleted or revised.*

### **CLAUSE NO. 4 RESIDENCE CONDITIONS**

No store, grocery or mercantile business of any kind shall be maintained or carried on upon said property; nor shall any of said property (except the streets, parks and open spaces intended for the general use of the owners of the property shown on The Map) be used for any purpose other than residence purposes; nor shall any building be erected or maintained upon any lot or parcel of said property except a private dwelling house not more than two (2) stories in height exclusive of finished attic, if any, and with or without basement or cellar, and outhouses hereinafter permitted. **Apartments** houses, tenement houses, hotels and public boarding or lodging houses, **being businesses, are** expressly prohibited. There shall be permitted to be erected and maintained the outhouses appurtenant to said dwellings. For the purposes of this Declaration a private garage for the use of the owner or occupant of the plot upon which said garage is erected shall be deemed an outhouse; and such private garage may be incorporated in and be made a part of said private dwelling house. No outhouse of any kind shall be erected and maintained prior to the erection of said dwelling house. This clause shall not be understood to prevent the construction and maintenance by The Riviera Corporation of community garages or of structures for the conduct of its business. This restriction shall not be construed to prevent the erection of two residences in part upon the same lot when said lot has been divided and portions thereof added to adjoining lots to make building sites conforming to the provisions contained herein. However, any such reconfiguration of lots must be approved by the Building Committee prior to requesting necessary governmental consent.

### **Operating rule to clarify Clause 4 of the REA CC&Cs, approved 26 July 2017**

*This is something we added in 2017 to expand what would be considered a business use of property. Let us know if there is any problem with this. Since we're amending the CC&Cs, I presume we could add this to Clause 4.*

### **Regarding Clause 4 of the Amended CC&Cs:**

Prohibited uses under Clause 4 include, but are not limited **to, apartments** houses, tenement houses, hotels and public boarding or lodging houses as well as fraternities, fraternal organizations, sororities, dormitories, in-residence programs, hospices, treatment facilities, or any institution, organization, enterprise or entity that operates or would be required to operate under a Conditional Use Permit in a residential neighborhood. This rule does not prohibit community care facilities or family day care facilities that California or Federal statutes mandate to be allowed in single-family residential areas notwithstanding valid recorded covenants.

**Revised Policy regarding rentals.**

*Per your instruction, this version deletes the restriction on the number of rentals within any set time period. The language about the fine is something currently on our website and was approved by the Board a few years ago.*

Homeowner/Members are permitted to rent their properties for a period of not less than 30 days for any one rental. Violation of this rule may result in a fine of at least 100% of the daily rental rate for each day of the rental, or \$1000/day, whichever is more, subject to a hearing by the REA Board, according to the REA's Enforcement Policy and Schedule of Fines. Fines will be used to cover the costs of enforcement, legal fees and future enforcement.