

CITY OF PALO ALTO: REQUIRED COVENANTS, CONDITIONS, AND RESTRICTIONS FOR NEW CONDOMINIUM PROJECTS

Section 16.38 of Palo Alto's Municipal Code provides that all condominium and other "community housing projects" shall submit Covenants, Conditions and Restrictions (CC&R's) to the City Attorney for approval before the Certificate of Occupancy is issued. The City Attorney has developed the following standard covenants which should be included in all CC&R's submitted to the City for approval.

City of Palo Alto's Required Covenants, Conditions, and Restrictions.

Property Shall Comply with City Zoning Ordinances. The property, including all common areas, private streets and, parks within the property, shall at all times comply with the City's Zoning Code and shall not be used for any purpose other than as permitted in the City Zoning Code.

Modifications to Property. Any alterations, modifications, or other improvements to the property shall comply with all applicable City Codes.

Maintenance of Private Streets. The association shall be responsible for maintaining all private streets within and adjoining the property in accordance with industry standards and in compliance with all City ordinances and regulations. The association shall be responsible for removing abandoned or improperly parked vehicles on private streets within and adjoining the property.

Protection of Storm Water Facilities. Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall alter or modify any storm water facilities in any way including but not limited to placing, maintaining, constructing, or planting any improvements, landscaping or other items, including without limitation decks, stairs, walls, irrigation systems, trees, or any vegetation on any storm water facilities.

Trash Disposal and Recycling Areas Shall Comply with City Ordinances. All trash disposal and recycling areas shall be kept in a clean and sanitary condition and shall comply with all applicable City Ordinances.

Prohibition against Air and Water Pollution. Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall use the property in any way which emits pollution into the atmosphere in excess of environmental standards set forth by City, State, and Federal laws, ordinances, and regulations. Neither the association, its residents, nor their agents, employees, representatives, invitees, licensees, customers, or contractors shall discharge garbage, trash, waste, or any other substance or materials of any kind into any private or public sewer or waterway on the property in violation of any regulations of any private or public body having jurisdiction over such matters.

Amendments to Organizational Documents Require City Approval. Any amendments or modifications to the organizational documents shall be submitted to the city attorney for approval. No amendment or modification to the organizational documents shall be effective without prior written consent of the city attorney.

City's Right to Enforce Covenants and Restrictions. The City is hereby granted the right, but in no event the duty, to enforce the covenants and restrictions set forth in the organizational documents. The association shall recognize that it has the primary responsibility for enforcement of the organizational documents and unequivocally guarantees to institute and expeditiously prosecute any required legal action to obtain compliance with all provisions set forth in the organizational documents.

No Waiver of City's Rights. No failure of the City to enforce any of the covenants or restrictions contained in the organizational documents will in any event render them ineffective.

City's Remedies to Cure a Breach or Violation. Remedies available to the City to cure any breach or violation of the organizational documents shall be cumulative to any other provisions of law. The City's failure to exercise any remedy provided for in the organizational documents shall not, under any circumstances, be construed as a waiver of the remedy.

Severability. Invalidation of any one of the City's required covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.