

Recording Requested By:

CITYFRONT TERRACE
HOMEOWNERS ASSOCIATION

When Recorded, Return To:

Rhonda R. Adato, Esq.
EPSTEN, APC
10200 Willow Creek Road, Suite 100
San Diego, CA 92131

DOC# 2023-0025857



Feb 01, 2023 09:22 AM
OFFICIAL RECORDS
JORDAN Z. MARKS,
SAN DIEGO COUNTY RECORDER
FEES: \$107.00 (SB2 Atkins: \$75.00)

PAGES: 7

For Recorder's Use

**2023 AMENDMENT TO 2018 AMENDED AND RESTATED DECLARATION OF
COVENANTS CONDITIONS AND RESTRICTIONS
FOR CITYFRONT TERRACE
A Residential Condominium Community**

**NOTICE
(Gov. Code §12956.1)**

If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

THIS 2023 AMENDMENT is made by CityFront Terrace Homeowners Association, a California nonprofit mutual benefit corporation ("Association"), with reference to the following:

RECITALS

A. The Association is a corporation whose Members are the Owners in fee simple of that certain real property ("Property") situated in the City of San Diego, County of San Diego, State of California, more particularly described on Exhibit "A" attached hereto and incorporated herein.

B. The Property was developed as a Condominium Project within the meaning of California Civil Code section 4125, and the Property is subject to certain limitations, restrictions, conditions and covenants as hereinafter set forth, in accordance with the provisions of California Civil Code section 4200 et seq., or any successor statutes or laws.

C. The Project (as defined in the Declaration, which is in turn defined below) is a residential development containing three hundred twenty (320) Condominiums. Each Owner of a Condominium receives title to a Unit plus an undivided fractional interest as tenant in common to the Common Area. In addition, each Owner of a Condominium receives the exclusive right of use and occupancy to any Exclusive Use Easements which are shown on the Condominium Plan (as hereinafter defined) as being appurtenant to the Unit. Each Owner of a Condominium also receives an easement for ingress, egress, and recreational use over portions of the Common Area, subject to any restrictions set forth herein or now or hereafter of record. Each Condominium has appurtenant to it a membership in the CityFront Terrace Homeowners Association, a California nonprofit mutual benefit corporation ("Association").

D. Ownership of the Units is currently subject to the covenants, conditions, restrictions, rights, reservations, easements, equitable servitudes, liens, and charges set forth in the 2018 Amended and Restated Declaration of Covenants Conditions and Restrictions for CityFront Terrace recorded on August 7, 2019 as Doc. No. 2019-0330371 of the Official Records of the County Recorder of San Diego County ("Declaration").

E. The Association now desires to amend Section 7.3.8 of the Declaration pursuant to California Civil Code section 4741. The Association further desires that, upon recordation of this 2023 Amendment, the Property shall be subject to the covenants, conditions, restrictions, rights, reservations, easements, equitable servitudes, liens, and charges contained herein, and the Declaration as amended by this 2023 Amendment.

F. California Civil Code section 4741(f) states:

A common interest development shall comply with the prohibition on rental restrictions specified in this section on and after January 1, 2021, regardless of whether the common interest development has revised their governing documents to comply with this section. Notwithstanding any other provision of law or provision of the governing documents, the board, without approval of the members, shall amend any declaration or other governing document no later than July 1,

2022, that includes a restrictive covenant prohibited by this section by either deleting or restating the restrictive covenant to be compliant with this section, and shall restate the declaration or other governing document without the restrictive covenant but with no other change to the declaration or governing document. A board shall provide general notice pursuant to Section 4045 of the amendment at least 28 days before approving the amendment. The notice shall include the text of the amendment and a description of the purpose and effect of the amendment. The decision on the amendment shall be made at a board meeting, after consideration of any comments made by association members.

D. The undersigned President and Secretary of the Association certify that, to the best of their knowledge, the Board of Directors ("Board") of the Association provided general notice to the membership of the proposed amendment to Section 7.3.8 of the Declaration pursuant to Civil Code section 4045 at least twenty-eight (28) days before approving such amendment, as required by Section 4741(f). The notice included the text of the proposed amendment, as well as a description of the purpose and effect of same. Further, the Board approved such amendment at a noticed Board meeting following consideration of any comments made by Association members.

NOW THEREFORE, pursuant to and in accordance with the provisions of Civil Code section 4741 of the Declaration is hereby amended as follows:

1. Section 7.3.8 shall be amended to read as follows:

No rental or lease agreement shall be for a period of less than thirty (30) days ('Time Requirement') or for fractionalized ownership interest or time-share purposes; provided, however, that those Owners who were renting or leasing their Condominiums on February 11, 2013, the date that the amendment to the First Amended and Restated Declaration of Covenants, Conditions and Restrictions imposing the Time Requirement was recorded ('Time Requirement Recordation Date,') may rent or lease their Condominiums without the Time Requirement for as long as they continue to own their Condominiums. However, to be eligible for this 'grandfathering' exception to the Time Requirement, each such Owner must have registered with the Association as an Owner who rented or leased his or her Condominium by no later than three (3) months after the Time Requirement Recordation Date. This 'grandfathering' exception shall terminate as to each such Owner if and when he or she occupies his or her Condominium."

2. Except as expressly amended herein, the Declaration shall remain in full force and effect.

EXHIBIT "A" – PROJECT LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 16759, IN THE CITY OF SAN DIEGO,
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP
THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO
COUNTY, JANUARY 28, 1992.

This 2023 Amendment is executed on JANUARY 25, 2023, ~~2022~~ by the undersigned Directors of CityFront Terrace Homeowners Association.

Date: JANUARY 25, 2023



Bruce Bishop, President

Date: Jan 25, 2023

Ann Hart

Ann Hart, Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On January 25, 2023 before me, Patsy J. Bradley, Notary Public, personally appeared Ann Hart, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraphs is true and correct.

Witness my hand and official seal.

Patsy J. Bradley
Notary Public



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

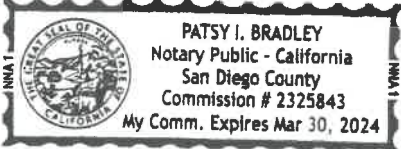
STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On January 25, 2023 before me, Patsy J. Bradley, Notary Public, personally appeared Bruce Bishop, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraphs is true and correct.

Witness my hand and official seal.

Patsy J. Bradley
Notary Public



Recording Requested By:

When Recorded, Return To:

For Recorder's Use

RESTRICTIVE COVENANT MODIFICATION

I(We) _____ have an ownership interest have an ownership interest of record in the property located at _____ that is covered by the document described below.

The following referenced document contains a restrictive covenant based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, of the Government Code or ancestry that violates state and federal fair housing laws, and that restriction is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that restrictive covenant as shown on page(s) _____ of the document recorded on _____ in book _____ and page _____ or instrument number _____ of the official records of the County of _____.

Attached hereto is a true, correct, and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.

This modification document shall be indexed in the same manner as the original document being modified, pursuant to subdivision (d) of section 12956.2 of the Government Code.

The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Signature of submitting party

Printed name of submitting party

Date

_____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction modification may be recorded.

OR

_____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded.

County Counsel

By: _____ Date: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }
COUNTY OF _____ }

On _____ before me, , a Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/their/her authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____