

CC&Rs and Easements for Mixed-Use Projects: Best Practices for Developers

Drafting, Analyzing, Interpreting, and Amending CC&R Declarations and Easements

Webinar

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Event Sponsor: Strafford

The importance of drafting CC&Rs in mixed-use projects cannot be overstated. CC&Rs create complex contractual rights and obligations and property rights and obligations that impact the owners' ability to use, sell, and finance the property. In addition, establishing the right assessment structure and revenue streams in the governing documents is critical to creating a financially viable community.

A significant component of CC&Rs is creating easements that impact daily business operations and other property users subject to the document. Properly drafted easements will address critical business issues such as access, construction, shared parking, signage, and maintenance.

In recent years, we have seen a proliferation of branded mixed-use projects, both in urban and resort areas. Inclusion of the hotel or other hospitality brand as a key participant in project operations creates additional complexity and requires addressing specific operational elements and inclusion of brand standards and other provisions, rights, and benefits unique to branded communities.

Counsel must avoid pitfalls and conflicts to minimize owner disputes and operational problems when drafting or amending CC&Rs. Using boilerplate language is ineffective at best and, at worst, is a risky means of dealing with the specific needs and demands of a developer or business owner.

Listen as our authoritative panel provides practitioners with a clear understanding of how to draft effective CC&Rs for mixed-use projects, avoid common pitfalls in drafting, amend existing documents, and address particular requirements of branded communities.

Outline

1. Overview of CC&R declarations
2. Drafting effective CC&R declarations
3. Common pitfalls with CC&R declarations
4. Amending existing CC&R declarations
5. Special CC&R provisions which impact residential use, rentals, hotel use, major amenities, commercial activities, and branded communities

6. Distinguishing characteristics of urban and resort mixed-use communities

Benefits

This panel will review these and other key issues:

- The fundamental components of mixed-use CC&Rs
- Proper structuring of mixed-use projects
- Unique elements in drafting CC&Rs for branded mixed-use communities
- Creating financially viable mixed-use communities
- Costly errors that counsel most commonly make when drafting CC&Rs
- Best practices for preparing, analyzing, interpreting, and amending CC&Rs

Speakers:

- Shannon M. Mandich, Partner, Sheppard Mullin
- David E. Bruce, Real Estate Counsel, California Department of Real Estate
- Lynn K. Cadwalader, Partner, Manatt Phelps & Phillips

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Attorneys

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Practice Areas

Real Estate, Energy, Land Use & Environmental