Corona Highlands Property Owners Association, Inc.
Resolution of the Board of Directors

Regarding Non-Conforming Structures and Modifications

Resolution No. ARC 1

Adopted: _____

RECITALS

WHEREAS, the Association is governed by its recorded Declaration of Covenants, Conditions and Restrictions ("CC&Rs"); and

WHEREAS, the CC&Rs establish, among other restrictions, a sixteen (16) foot height limitation and prohibit construction of second stories; and

WHEREAS, certain residences within the Association predate the current restrictions or were constructed under prior approvals and are therefore considered legal non-conforming structures; and

WHEREAS, the CC&Rs grant the Board authority to review and approve architectural applications and to enforce the governing documents; and

WHEREAS, the Board desires to clarify how architectural applications affecting non-conforming structures will be evaluated in order to promote consistency, fairness, and preservation of the community plan.

NOW, THEREFORE, BE IT RESOLVED:

1. Definition
For purposes of this Resolution, a "Non-Conforming Structure" is any structure or structural element that does not comply with one or more current provisions of the CC&Rs but was lawfully constructed or previously approved.

2. General Policy
A legal non-conforming structure may continue to exist; however, it shall not be:

- Expanded,
- Enlarged,
- Intensified,
- Reconstructed in a manner that increases the non-conformity, or
- Modified in a way that further deviates from the current CC&Rs.

3. Permitted Modifications

The Board may approve modifications to a property containing a non-conforming structure only if:

1. The proposed improvement independently complies with all current CC&R requirements, including but not limited to the sixteen (16) foot height limitation;
2. The proposed improvement does not increase the height, mass, footprint, or visual impact of the non-conforming element;
3. The proposed improvement does not expand the non-conforming portion of the structure; and
4. The modification does not materially increase view impairment or adversely impact neighboring properties beyond the existing condition.

4. No Expansion of Non-Conformity

Under no circumstances shall the Board approve:

- Expansion of an existing second story where second stories are prohibited;
- Any increase in structural height beyond sixteen (16) feet;
- Structural alterations that extend the footprint of a non-conforming second-story element.

5. Reconstruction After Damage

If a non-conforming structure is substantially destroyed, demolished, or rebuilt, reconstruction must comply with the governing documents in effect at the time of rebuilding, unless otherwise required by law.

6. No Precedent

Approval of any application involving a property that contains a non-conforming structure:

- Shall not constitute validation or legalization of the non-conforming condition;
- Shall not waive the Association's enforcement rights;
- Shall not establish precedent for any future application.

Each application shall be reviewed based upon its specific facts and the governing documents in effect at the time of review.

7. Reservation of Enforcement Rights

The Association expressly reserves all rights to enforce the CC&Rs with respect to any non-conforming structure.

CERTIFICATION

The undersigned certify that this Resolution was duly adopted by the Board of Directors at a properly noticed meeting held on _____.

President. _____

Secretary. _____

Corona Highlands Property Owners Association, Inc.