



RESOLUTION 01-22-80
LAND USE ALTERATION POLICY

ADOPTED APRIL 2002, RESOLUTION U-02-46 REVISED NOVEMBER 2002,
RESOLUTION U-02-155 REVISED APRIL 2004, RESOLUTION 01-04-54
REVISED MAY 2007, RESOLUTION 01-07-45
REVISED MAY 2008, RESOLUTION 01-08-73
REVISED JUNE 2017, RESOLUTION 01-17-94
REVISED JANUARY 2019, RESOLUTION 01-19-12
REVISED NOVEMBER 2022, RESOLUTION 01-22-80

WHEREAS, the Board of Directors of United Laguna Woods Mutual (“Board”) established policies and procedures for the construction of any alterations, additions and expansions; and

WHEREAS, the Board, through Resolutions U-02-46, U-02-155, 01-04-54, 01-07-45, 01-08-73, 01-17-94 and 01-19-12 (collectively referred to as the “Land Use Policy”) adopted and implemented the Land Use Alteration Policy, some of which allowed members, in limited circumstances, to make exclusive use of certain portions of the common area to expand the footprint of their unit; and

WHEREAS, members have expressed concern over the Land Use Policy and, in general, the Board’s policy to allow members to use common area for their exclusive use by making alterations to units that expand the improvements beyond the original footprint; and

WHEREAS, the original footprint shall be defined as the unit, original patios, courtyards and atriiums as shown on the original floorplans; and

WHEREAS, members have been permitted to construct alterations on previously approved or grandfathered expansions of the original footprint; and

WHEREAS, the Board has consulted with staff, legal counsel and having previously terminated the Land Use Policy that allowed members to make exclusive use of common area through such alterations;

NOW THEREFORE BE IT RESOLVED, December 13, 2022, that the Board hereby introduces the Revised Land Use Policy; and

NOW THEREFORE BE IT RESOLVED, that California Civil Code Section 4600 states that “...the affirmative vote of members owning at least 67 percent of the separate interests in the common interest development shall be required before the board may grant exclusive use of any portion of the common area to a member”; and

RESOLVED FURTHER, that the Board of Directors determines that there are no exclusive use common areas outside of the original footprint of the manor and therefore, California Civil Code Section 4600 (b) (3) (E) is not applicable to variance requests; and

RESOLVED FURTHER, that the Board of Directors acknowledges that current and active standards that allows improvements in common areas such as the installation of solar panels, lifts, ramps, etc. will continue to be in effect; and

RESOLVED FURTHER, that the Board of Directors shall not approve any alterations expanding the original footprint of units (some examples include the installation of new sliding doors that lead into common areas which require the installation of a landing in common area, and the installation of pads in common areas for golf cart parking), but that all such alterations currently in place, which have already been approved under the Land Use Policy, are grandfathered; and

RESOLVED FURTHER, that no further alteration may be approved or constructed on any previously approved, permitted or grandfathered alteration that encroaches upon common area, other than like for equivalent, that augments, enlarges, or changes the construction, purpose, or use of the previously approved, permitted or grandfathered alteration; and

RESOLVED FURTHER, that no new exclusive use improvement, room extension, or room addition may be constructed in common areas or on any previously approved or grandfathered expanded footprint area; and

RESOLVED FURTHER, that the determination of whether a proposed alteration is like-for-equivalent shall be made by Staff, in consultation with the Architectural Controls and Standards Committee, and subject to appeal to the Board, whose decision shall be final and made in the Board's sole and absolute discretion; and

RESOLVED FURTHER, that the officers and agents of this corporation are hereby authorized on behalf of the corporation to carry out the purpose of this resolution.