



Woodbridge Village Association

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April 3, 2015

RE: **PARKWAY MAINTENANCE ASSOCIATION**
Home Improvement Application Processing

Dear Maintenance Association Board Members:

The Woodbridge Village Association (WVA) receives requests from time to time by Board Members and Managers of the various Woodbridge Maintenance Associations, asking us to clarify our *Home Improvement Application* process. The following information is provided to explain the different sections of the application and to outline the function and purpose of the review by your Maintenance Association of each application.

The *Home Improvement Application* is divided into three (3) sections. **Section 1**, titled "**Owner Information**," requires a homeowner to provide general information and a specific description and location of the improvement or modification that is being proposed on his or her property.

Section 2, titled "**Neighbor Awareness**," requires that the immediate and adjacent property owners be made aware of the proposed improvement or modification. This as you know, does not imply the applicant needs the approval of the neighbors. This procedure is required by the WVA and does not need to be checked or monitored by the Maintenance Association. The WVA has a form letter that is sent to the adjacent homeowners that are required to be made "aware" of the proposal, if they have not already signed the application. This fulfills the requirements of this section. If a neighbor refuses to sign the application or objects to all or a portion of the proposal, the WVA will take the necessary steps to address any concerns directly with that homeowner. However, the criteria for a final decision by the Architectural Committee is based on conformance to the *WVA Architectural Guidelines and Standards* and not whether or not a neighbor supports or objects to the improvement. The Committee will, however, evaluate the neighbor's concerns and determine their validity during the review process.

Please be aware that the WVA Board of Directors has revised the rules and has eliminated the need for neighbor awareness for a few specific improvements. A list of those improvements is enclosed for your records.

Section 3, titled "**Review of Property Rights for Homeowners belonging to a Maintenance Association**," was adopted by the WVA at its inception in order to require an individual homeowner, who is a member of a Maintenance Association and submitting a Home Improvement Application to first submit the Application to his or

Achievements

2003
City of Irvine
Universal Design Award
Wintermist Park

2000
Community
Association Institute
Local Chapter
Newsletter of the Year
Reflections

1999
Irvine Ranch
Water District
Award of Excellence
Water Management

1997
American Institute
of Architects
Orange County
Award of Excellence
Neighborhood Places

1994
Urban Land Institute
National
Large Scale Residential
Development
Award of Excellence

1991
Featured
*Ninety-nine
Best Communities
in America*

1990
Community
Association Institute
Association of the Year

1990
Featured
*Landscape Architect
Magazine,
May Issue*

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her Maintenance Association for a “property rights” review. The “**Review of Property Rights**” by your Maintenance Association is not to be an acceptance or denial decision based on an architectural standard or aesthetic viewpoint. Rather, this review allows a Maintenance Association the opportunity to determine if the proposed modification is within that individual homeowner’s property rights according to your Maintenance Association’s governing documents and any precedent or policy that has been established by your Board in the past.

REVIEW OF PROPERTY RIGHTS

Most condominium associations have complicated provisions covering usage of easement areas including exclusive use, restricted common areas, yard elements, patio elements, garage elements, etc., as well as differing maintenance responsibilities in their legal documents. The interpretation of these provisions is the responsibility of the Maintenance Association’s Board of Directors. The Maintenance Association Board is asked to review each *Home Improvement Application* and determine if the proposed improvement is permitted according to your governing documents (“within property rights”). Again, because of that type of analysis, your decision is not to be based on architectural standards or aesthetic appearance. This function is solely the responsibility of the WVA’s Architectural Committee, and its Board of Directors, according to the *Master Declaration* for the Village of Woodbridge.

MAINTENANCE ASSOCIATION REVIEW TIME FRAME

One aspect of the application process, for which we occasionally receive concerns, is the amount of time it takes individual Maintenance Associations to review the applications. Applications have been “reviewed” for up to four (4) or five (5) months before some Maintenance Associations have made their final decision. A time frame exceeding thirty (30) days for the review of most modifications can be unreasonable and can bring a homeowner to the point of exasperation and even cause a legal challenge. Each Maintenance Association is encouraged to establish a list of acceptable modifications in order to expedite their time review. For most Associations, items such as patio covers, screen doors, French doors, air conditioning units, etc., are routinely granted property rights for installation. Some Maintenance Associations have appointed a **Property Rights Reviewer** who has the authority to review applications and render a decision without having to wait until their next Maintenance Association Board meeting. Allowing an appointed Property Rights Reviewer to review and sign off Property Rights from an approved list of common modifications will help approve the relationship between homeowners and their Maintenance Associations. If your Association has appointed a property rights reviewer, please forward this information to us so that we can update our records.

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WVA REVIEW TIME FRAME

Please keep in mind that the WVA must review applications after your decision on Property Rights has been rendered and forwarded to our office. Once we receive the completed application with the property rights review section completed, the WVA must render a decision within **thirty (30)** days, per our governing documents. With that amount of time in mind, you can understand why homeowners submitting for a screen door in mid-July when it is 90+ degrees outside feel frustrated when they are told it could be up to sixty (60) days or more before both Associations review their screen door application and a final decision is rendered. This time delay often results in a homeowner installing a screen door or making other modifications without approval. In turn, this leads to fees for late submittal upon discovery by the Association or even fines for disapproved modifications. The WVA feels it is extremely important to expedite the review of Applications to help eliminate “frustration installations” and to promote harmony with all Woodbridge homeowners.

The WVA has, in most cases, reduced our review time to an average of five (5) to ten (10) days compared to the thirty (30) days allotted in our governing documents. This has resulted in a very favorable response from the membership. This average time frame is flexible, however, depending upon the seasonal rush and the type of modification proposed.

PROCESSING PROPERTY RIGHTS DECISION

The last issue I wish to cover is notification of the decision regarding property rights. When property rights have been granted, correspondence should be promptly sent by your Association to the submitting party informing them that the proposed improvement is within their property rights and that the application has been forwarded to the WVA for Architectural review and final decision. As a suggestion, the following language could be incorporated in your letter. “Your Maintenance Association has reviewed your Woodbridge *Home Improvement Application* and has determined that what you have proposed to do is within your property rights under our documents. Therefore, we have forwarded your original application to the Woodbridge Village Association for the required Architectural review.” The original copy of all applications that have been granted property rights should be forwarded directly to the Woodbridge Village Association. The original copy should never be returned to the homeowner. This policy helps to ensure that the application and plans that the WVA reviews are not altered in any way from what the Maintenance Association has reviewed. The only time an application would be returned to a homeowner would be if the Maintenance Association Board of Directors or assigned Property Rights Reviewer was requesting additional property rights information about the proposed plan or if property rights are denied.

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In the case of the Maintenance Association denying property rights, the process ends there with notice, of course, to the homeowner. The WVA **will not** review an application from a homeowner if the modification is not within the owner's Property Rights. If the application is submitted after installation of the modification and property rights are denied, notification should also immediately be sent to the WVA. **However, the WVA likely will not assume the burden of enforcing your denial of property rights.** If a homeowner were to challenge your denial, your Board of Directors would then need to justify its decision based upon your Maintenance Association's governing documents and rules, and the WVA would decide what course to follow based on adherence to its Standards.

In conclusion, I wish to reiterate that only Section 3 of the WVA *Home Improvement Application* is your responsibility to review. Part of that responsibility is reviewing applications in a timely manner. If we work together to complete our assigned responsibilities in a reasonable time period, the Home Improvement Application process can be very efficient and the majority of complaints by homeowners on this subject would be eliminated.

Thank you for your attention to these matters. I would strongly encourage you to place a copy of this correspondence in your upcoming Board meeting packet so that it might be shared and discussed among your entire Board. If you or any member of your Board has any questions, please contact me at (949) 786-1800, ext. 119, or matt@wva.org.

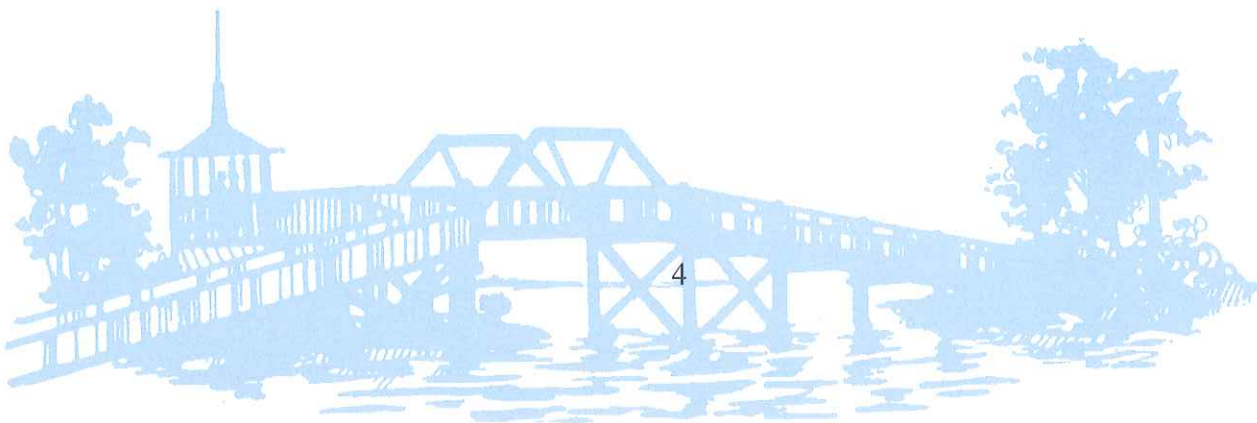
Sincerely,

Matt Sills

Matt Sills, CCAM, CMCA, AMS, PCAM
Community Relations Manager
Woodbridge Village Association

MS/cf

Enclosure: *Neighbor Awareness*





Neighbor Awareness

Neighbor awareness is required for...

- Remodel/room addition
- Roofing and skylights
- Exterior painting
- Satellite dishes
- Rain gutters/downspouts
- Inner yard fencing, if it affects a neighbor, or changing of materials and/or dimensions
- Front fencing, if using new materials, or changing dimensions, locations and/or design
- Basketball backboards or other play equipment
- Air conditioning units
- Pools/spas or any water features and mechanical equipment
- Patio/atrium covers
- Extensive hardscaping/softscaping
- Storage sheds, playhouses, other structures
- Awnings

**Neighbor awareness is not required for...*

- Exterior lighting
- Screen doors
- Security screen doors
- Front doors
- French doors
- Replacement windows
- Garage doors
- Ceramic house numbers
- Trellises, unless proposed to be located in an easement area
- Minor landscape (ground cover) changes

*Please note that neighbor awareness will only be waived for the above items if the proposal complies with the current Architectural Guidelines and Standards. In addition, the Architectural Committee reserves the right to request neighbor awareness for any proposed improvements, including the improvements listed above, as it deems necessary.