



VILLAGE PARK COMMUNITY ASSOCIATION

A Planned Unit Development of 636 Homes

A California Corporation

APPEALS OF ACC DECISIONS

Adopted by the Board at the August 25, 2016 Board Meeting

AUTHORITY

California Civil Code:

Disapproval. Any decision by the architectural committee must be in writing. If a proposed change is disapproved, the committee's decision must include both an explanation of why the proposed change is disapproved and a description of the procedure for reconsideration of the decision by the board of directors. ([Civ. Code §4765\(a\)\(4\)](#).)

Reconsideration. If an architectural submittal is disapproved by the architectural committee, the applicant is entitled to reconsideration by the board at an open meeting. Reconsideration is not required if the decision is made by the board or a body that has the same membership as the board, at a meeting that satisfies the requirements of Article 2 (commencing with [Section 4900](#)) of Chapter 6. Reconsideration by the board does not constitute dispute resolution within the meaning of [Section 5905](#). ([Civ. Code §4765\(a\)\(5\)](#).)

VPCA Governing Documents:

Bylaws Article IX.2: “[The ACC] serves as the approving authority, subject to appeal to the Board.”

PROCEDURE

1. Appeals of ACC decisions may only be submitted by the owner(s) of the lot for which the subject Architectural Form was submitted;
2. Appeals shall be submitted in writing to the VPCA office, shall be dated & signed by the owner(s), shall include a rationale for reconsideration, and must be received at the VPCA office not more than fifteen (15) days following the date of mailing of the ACC decision to the owner(s);
3. Appeals are heard by the Board of Directors, typically at their next-regularly-scheduled General Session Meeting, but in any case shall be heard within 60 days of the submittal date;
4. The appeal must be of the Architectural Form and supporting materials considered by the ACC. If the submitting owner submits updates to the Form or accompanying materials, the submittal shall be considered a new application and must be submitted to the ACC for review per regular ACC procedures;
5. If, in denying a Form, the ACC gives requirements for resubmittal that may lead to approval, the owner must first meet the stated requirements and resubmit the Form to the Association for a decision before consideration shall be given to an appeal;
6. Management shall inform the Board and ACC upon receipt of a notice of appeal. The ACC shall be informed of the scheduled date of hearing so that it may submit any supplemental remarks or recommendations on the matter for Board consideration before the hearing;
7. The owner(s) requesting the appeal shall be notified of the date, time and location at which the appeal will be heard. The appealing owner(s) and other VPCA members [Note: see David Cane's email comments regarding notification of impacted neighbors] may address the Board on the appeal during the Homeowner Forum of the Meeting at which the appeal is heard, and may take part in the Board's discussion by consent of the Board;
8. The Board will render a decision on the appeal at the hearing according to its customary parliamentary procedure. The owner's appeal will be granted, respectfully denied, or the Board may continue the matter to a future Meeting to allow for consideration of additional information. A final decision shall be rendered within 60 days of the appeal submittal date, provided, however, that if no written decision is issued within 60 days of the appeal submittal date, the request for

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reconsideration shall be deemed denied and the ACC's decision shall be deemed affirmed. In no event will any request for reconsideration be deemed approved based on the passage or lapse of time or the absence of a written decision by the Board of Directors; any decision must be by affirmative written action of the Board of Directors to be effective.

9. Following the hearing, the Board will direct Management to send a letter advising of the Board's decision to the owner with copy to the ACC. The Board's decision on any appeal is final.