

# Architectural Advisory Committee's Policies and Procedures

## I Purpose

The Architectural Advisory Committee (AAC) is to make recommendations to the Newport Shores Yacht Club's Board of Governors on applications for new work (construction and landscaping), Covenants violations (complaints), follow up actions for previous items, and other issues that may come before the Committee. The Committee is to carry out its mission as stated in the NYC Bylaws.

## II Meetings

**A Dates:** First Tuesday of every month, including August and November (when Board does not meet.).

**B Time:** 7:00 PM

**C Location:** Newport Yacht Clubhouse

**D Notice of changes:** posted on the door of the NYC meeting room by no later than 4:00 PM on day of meeting, and email notification sent by Club office.

## III Committee Membership

**A Appointment / term of chair person and members:** Per Club Bylaws. The Committee may make recommendations or suggestions for a replacement for the Chair person.

**B AAC Chair Temporary Substitute:** If the AAC Chairperson will not be available for a short period of time, such as for a monthly AAC and/or Board meeting, the Chair may select a member of the Committee to fulfill the duties of the Chair for that period. If the AAC Chair is unexpectedly not able to attend a meeting, the Committee members will select a Committee member to carry out those duties temporarily. If the Chair is not able or available to carry out the duties for a longer period, the Board shall appoint either a temporary Chair or new permanent Chair.

**C Attendance requirements for remaining on committee:** Three months of non-attendance in a calendar year may be considered sufficient cause for removal, at the discretion of the chairperson.

## IV Meeting Procedures

**A Robert's Rules:** Rather than follow formal application of Robert's Rules, the chair will make certain the issue is understood and discussed. A minimum of two members must be present to proceed with a meeting. The simple majority of those present will decide issues. Following discussion the consensus will be determined and adopted. If there is not a clear consensus, then a show of hands vote will be taken.

*Revised 5/2020*

**B Agenda Order:** Guest's applications and business are handled first, followed by other applications, complaints, and other business in any order that the committee chair chooses to present them.

**C Guest input:** Opening statements or presentations are limited to 5 minutes per household and can be extended at the committee's discretion; questions by committee members during the deliberation of an application or complaint are not included in this time limit.

**D Executive Sessions:** The Committee, at its discretion, may withdraw from a regular or special meeting into an Executive Session. Any Committee member may request an Executive Session. An Executive Session will be held when a majority of those members present agree. Only Committee members, Board members, and legal advisers may be present during an Executive Session. Any actions or recommendations resulting from an Executive Session must be reported to the Board in the same manner as such actions or recommendations resulting from a regular meeting.

## **V Recommendations to the Board**

**A Recommendations Form:** The AAC recommendations to the Board shall be in the form of Agenda (Consent & Non-Consent) and draft letters reflecting the recommended actions to be taken.

**B Who Presents:** Chairperson presents recommendations to the Board meeting, or a member of the committee is appointed if the chairperson is not able to attend the meeting.

**C Position on the Board's agenda:** Per Board policy; AAC recommends that the AAC report come immediately after the Guest speakers on the Board agenda, and before Old Business.

**D Items for consent agenda:** (approved as a group at the Board meeting) - those items considered "routine" and are recommended for approval or denial by the committee (e.g., painting, re-roofing, obvious violations). No variances can be included, and approvals must be in total compliance with these policies and the covenants.

**E Items for non-consent agenda:** (discussion of individual items at the Board meeting) - any item not covered by the consent agenda; any variance; any item where the covenants are unclear; any item on which the committee feels the Board will need extra discussion time. Typically, complaints are part of the non-consent agenda.

**F Input from applicants during Board deliberations:** Per Board policy; AAC recommends that during deliberations no input be allowed that was not presented to the AAC.

**G Draft Letters:** Draft letters, reflecting the AAC's recommendations for Board action are to be drafted by assigned AAC members, reviewed and approved by the Committee and then sent to the Board for their action.

1. **Standard boilerplate:** see attached standard letters for approvals and denials.
2. **Timing of letters after Board decisions:** Letters from the consent agenda will be mailed the day following the Board meeting; other letters will be mailed no later than the Friday following the Tuesday Board meeting.
3. **Who composes the letters:** AAC chair proposes the letters; in some cases the Board may edit or rewrite the letters, but in those cases the Commodore has responsibility to get the letters out on time (by Friday following the Board meeting). Modifications are made by the AAC chair and approved by the Commodore.
4. **Who approves / signs the letters:** The Commodore or designated person on the Board reviews and signs the letters.
5. **Who is responsible for mailing:** The Commodore via the Club manager, however the Club manager should notify the AAC chair by the Friday following the Board meeting if the letters have not been mailed.
6. **Privacy of application paperwork:** Records of applications are available to any members of Newport Yacht Club, but in no case will any paperwork be removed from the Clubhouse.

## VI Record Keeping

- A Committee records:** (logs) - Both printed and online versions of these will be kept in the Clubhouse and will be available for review by any member of the Club, except for records and information that may identify persons involved in a complaint.
- B Application storage:** Club manager, working with AAC, must keep the entire application packet, including exhibits, plans, photos, etc., permanently on Club property, with the most recent two years of applications easily accessible.
- C Access to past records, copying of materials, removal from Clubhouse, etc.:** Copying of materials is to be done by or under the direction of the Club manager; all applications must be kept in a secure manner and originals must never be removed from the Clubhouse.

## VII Applications

- A General:** Applications for most work that changes the appearance of structures and landscaping as described below in sections D and E below. The applications need to be submitted in accordance with sections B and C, below.
- B Deadline for application to be considered during a given month:** noon on day of AAC meeting.

**C Application form:** Shall be the approved AAC Application form, available from the Club's office or in electronic form (pdf format) from the Club's web site. The application must be signed by the owner, or a duly appointed person authorized to act for the owner (evidence of such an appointment must be provided to the Club prior to or with the submission of the application).

**D Applications required:** Any work that changes the exterior appearance of the house, auxiliary structures, landscaping, other structures, flagpoles, sport courts, solar panels. Any structure placed within the setback area. Landscaping construction of any type (landscaping construction is defined to include non-living imported to the site materials – soil, rocks, concrete, paving, lumber, framing, glass, brick, etc.) excluding amounts needed for normal maintenance. Within the setback areas planting of trees and shrubs having a mature height greater than six (6) feet. Planting trees or shrubs with mature heights greater than 25 feet or mature widths greater than 20 feet.

**E Work Not Requiring An Application:**

- Minor repairs that will return the item or feature to its original shape, size and appearance.
- Interior house and auxiliary structure remodels that do not change the exterior appearance, however changes to exterior door and window location, size and general appearance require an application.
- Routine maintenance, such as lawn mowing, trimming of trees and shrubs, adding bark or mulch, cleaning, etc.
- Repair or in-kind replacement of items such as trim, mailboxes, lamp posts, deck surfaces. These need to be of the same size, shape, material, and location. No existing covenants violating items may be repaired without approval.
- Plant replacement, in kind and size, is acceptable, as long as all requirements of the Covenants are met.
- Annual and small perennial flower plantings (less than 2 foot high) anywhere on the property.

**F Handling of incomplete applications:** Applications will be automatically denied and returned to applicant with explicit directions on what was missing.

**G Pre-review of application** before AAC meeting: If an application is submitted to the Club at least one week before the AAC meeting, the chairperson will attempt to pre-review for completeness and contact the applicant if necessary for additional information.

**H Changes to applications during AAC meeting:** Changes to applications during AAC meeting will be considered if consistent with the submitted application.

**I Changes to applications after AAC meeting** (before Board meeting): not allowed under any circumstances. Application may be withdrawn and a revised application submitted the following month.

**J Changes to application at Board meeting:** The AAC may recommend or the Board may approve something different from what was applied for, or may add requirements or conditions that were not in the original application. The applicant may suggest conditions but may not materially change the application at the Board meeting.

**K Approvals outside of regular meetings:** At the discretion of the AAC chairperson, the Commodore may be asked to take an email vote of the Board to approve a time-critical application that would ordinarily be considered part of the consent agenda. Anything that requires a thorough discussion or review must wait until the following AAC and Board meetings for approval, unless special meetings are called.

**Note:** where application is not necessary, written notification is requested but not required.

## **VIII Structures**

**A Exterior Remodel or Addition:** (change in footprint or major vertical addition) application is required, including site plan for any footprint changes and exterior elevations for any exterior appearance changes.

Major remodels, additions and/or new construction may be required to provide As-Built proof (survey) that setback and height restrictions have been complied with. It is at the Committee's discretion to require As-Built measurements.

**B Demolitions / Rebuild:** A complete application required.

**C Auxiliary structure:** Complete application required, including site plan.

**D Other structures:** In addition to the one permitted auxiliary structure, consideration will be given on a case-by-case basis for up to 2 small, non-permanent structures/enclosures, such as pet shelters, play houses, or like purpose. Each such structure shall not exceed building area of 25 square feet, volume of 100 cubic feet, and a maximum height of 6 feet at the peak of the roof, which shall be measured from the undisturbed soil level. Solid surfaces of the enclosure are to be painted to harmonize with the home or contiguous structures. None of these structures may be constructed within the setback areas.

**E Flagpoles:** Flagpoles up to 30 feet in height that are not in any setback areas are allowed without approval and will not constitute an auxiliary structure. Any taller flagpole, or those proposed to be located in setback areas, will require approval.

**F Sport courts:** Ground-level paved sport courts will be reviewed for setbacks, fencing, lighting, surface color, surrounding landscaping, location and how noise problems will affect adjoining neighbors. Sound-absorbing surface may be required.

**G Solar Panels & Wind Turbines:** The Washington (Revised Code of Washington) RCW 64.38 prohibits HOA's (Home Owners Associations) from not allowing solar panels for electrical power generation to be installed. This RCW does permit HOA's to

implement criteria for solar panel installation that address aesthetic issues. See solar panel installation criteria appendix at end of the document, which is considered to be compliant with RCW 64.38.

Wind turbines are not permitted.

**H Antenna:** Antenna for radio, television, satellite, etc. are largely controlled by Federal regulations, which have superseded and over ruled those in the Covenants. The Federal regulations largely remove restrictions on antenna location, and to a lesser degree limits on maximum size.

Antennas mounted on separate, free standing poles and structures are not permitted.

## **IX Landscaping**

The issues reviewed for landscaping submittals include but are not limited to the following:

**A Plantings:** Types and placement of plantings. Likelihood of shrubs growing to exceed height limits in setback areas.

**B Grading:** Location and extent of change to original grade and elevations

**C View Issues:** Only addressed within the setback areas. View rights are limited by the Covenants.

**D Lighting:** Reviewed on a case-by-case basis. Major concerns center on light spill over onto neighboring properties. Use of excessively bright lights.

**E Drainage:** Runoff leaving property and flowing onto adjacent properties.

**F Sound / Noise Issues:** Noise spill over onto adjacent properties from sport courts, hot tubs, etc. Consideration of possible mitigation offered by fences and shrubbery.

## **X Signage**

The following types of signs are approved for display within Newport Shores, subject to the stated limitations and constraints. All authorized signs must comply with the City of Bellevue's Sign Ordinance for that type/class of sign. None of these signs may be placed in the Newport Shores bulletin board at the entry to Newport Shores. Signage must comply with the Covenants.

The Committee may recommend authorizing a single 'Builder's Sign' when the scale of the requested work reasonably justifies such a sign. The 'Builder's Sign' must comply with the applicable City of Bellevue signage regulations.

**A Real estate for sale/rent signs** posted on the subject property are approved, and are limited in size to six square feet. Signs may be double faced. Only one sign is

permitted per property.

**B Real estate Open House signs** may be displayed during the hours of the open house. A maximum of four such signs may be displayed per real estate firm, no matter how many properties are having an open house. Signs are limited to a maximum of six square feet.

**C Garage/estate sale signs**, for garage/estate sales located in Newport Shores, may be displayed during the hours of the garage sale. A maximum of four such signs may be displayed per garage/estate sale location. Signs are limited to a maximum of four square feet. Garage/estate sale signs must be removed promptly following the close of the sale, each day the sale is in progress.

**D Political signs** for candidates or issues on up coming elections may be displayed along the street frontage of each property. No more than one sign may be displayed for a candidate or issue per property, the total number of signs per property is limited to four signs. Signs are limited to a maximum of four square feet. Political signs must be removed within seven days following the election.

## **XI Complaints**

The AAC does not police the neighborhood for Covenants violations. Complaints from residents are the means of policing compliance. Complaints can range from inquiries as to what may be happening somewhere to very specific statements of a violation at a specific location.

**A Minor Complaints:** Lack of routine maintenance, such as not mowing lawn, weeds growing in planting beds, weeds in sidewalk cracks and road edge, dead and unsightly plantings; parking complaints, such as cars parked in driveways that are not in routine use, cars routinely parked in street overnight; trash/recycle containers left at curb or in plain site from the street. Other complaints that are thought to be minor, but not listed above should be reviewed with an AAC member and/or referred to the AAC for action. All complaints must be in writing and signed; signed emails are acceptable. Telephoned or in-person complaints are not to be acted upon.

Routine maintenance and parking complaints should be monitored for approximately one week to assure it is a true concern, not just a question of being between normal care. Trash/recycle containers at curb or in sight Friday morning to late mid afternoon Tuesday are actionable.

Any questions on acting on a complaint should be reviewed with a member of the AAC.

Action by the Club Manager should be to contact the resident that explains the problem and asks for corrective action. Reasonable time should be permitted (e.g. yard maintenance within 1 week, parking within a couple of days, trash/recycle containers within 1 day). (AAC members are available to assist with inspecting or monitoring these complaints.) It is recommended that detailed messages not be left on voice mail, rather request a call back within 24 hours. The Club Manager needs to maintain a call log that gives the address/person

called, date & time of call, talked with person, message left. The call log needs to also record calls received in response to voice mails request for call back. The call log is to be available to the AAC and become part of Club records that are recoverable. A summary (number of calls made, call backs not made) of the call log should be part of the Club Manager's report to the Board.

Repeat complaints for the same address and essentially the same problem should be referred to the AAC for handling.

**B Non Minor Complaints:** Those complaints that do not fall within the Minor category, or have been referred to the AAC for handling, due to an unusual or repeated occurrences.

**1. Items required for submittal:** any and all information pertinent to the complaint. The AAC requires a signed and written complaint, and requests that the complainant supply as much information and documentation as possible. Complaints that are not signed are invalid and will not be pursued.

**2. Deadline** for complaint to be considered during a given month: Any complaint that requires committee investigation must be submitted by noon of the day of AAC meeting. Any complaint that does not require investigation can be handled at that month's meeting.

**3. Preliminary investigation of complaint:** The AAC chair or persons appointed by the chair will conduct a preliminary investigation to confirm, if possible, that a violation of the Covenants exists. If the investigation finds that a valid complaint does not exist, a letter will be drafted for the Board to send to the subject of the complaint informing them that a complaint was raised, but found to not have merit. Feedback may also be provided to the party originating the complaint via telephone or email.

**4. Letter to subject asking for response or remedy:** The AAC will draft a complaint notification letter to the party complained about, based on the complaint form letter (included at back of this document), that describes the complaint, the findings of the investigation, actions to be taken to correct the condition, and inviting questions and contact with the AAC. This letter need not state a formal correction period, however where there has been a history of multiple similar complaints, or previously uncorrected complaints, or the complaint is of a nature that requires timely correction a required correction period should be included. When the AAC's investigation could not definitively determine if a violation has occurred, the letter may request access to the property for further investigation (note, at times a request for access to the property may be done by the AAC via telephone prior to the letter being sent).

**5. Response / update** to complainant: complainants may be provided informal feedback on the action taken via telephone or email (at the Club Manager's or AAC Chair's option).

**6. Follow-Up Actions** taken if complaint not remedied: AAC to monitor



situation for effective correction. If corrected, no further actions, except to notify Board. If not resolved, follow **Escalation process** set forth below.

**7. Investigation process:**

**Who investigates:** AAC or designated professional.

**Notice for access to property:** The letter to the subject may include a request to allow committee members and/or professionals to have access to investigate. Requests for access may also be made via telephone, email or personal contact by the AAC.

If permission is not granted, the matter will be immediately referred to the Board.

**8. Procedure for retaining professionals:** (surveyors, etc.) After reviewing the complaint and doing their own investigation, the AAC may recommend that a professional be hired at the direction of the Board, and at the Club's expense, to do further investigation. Results of professional evaluation will be submitted to the Board for review.

**9. Escalation process:** For most violations a 30 day correction period will be applied. Shorter correction periods may be applied when safety hazards are involved. Longer correction periods may be considered when knowledge of the condition justifies, including such factors as extent of work required, need for design work and/or to retain contractors or specialist assistance to correct the condition, and others reasons.

If a complaint is not resolved as a result of the 1<sup>st</sup> letter, AAC to recommend next steps to Board, which may include starting the correction period, and draft the 2<sup>nd</sup> letter for Board, which may include starting the 30 day correction period. Letter would be sent certified mail if the correction period is started. AAC to monitor situation for effective correction. If corrected, no further actions, except to notify Board.

If not resolved, AAC to recommend next steps to Board, which may include applying the penalty fee, and draft 3<sup>rd</sup> letter for Board.

**Notes:** (Escalation process)

1. Following the 1<sup>st</sup> letter and at any time thereafter the Complainant is advised to contact the AAC with any questions, concerns or to provide additional information.
2. The above description reflects a high level process that references the nominal timing and duration of cure periods and fines. The actual timing and duration are at the discretion of the Board to reflect the unique circumstances of each situation. Generally, the Cure period would start approximately 1 month after the 1<sup>st</sup> notice. Fines would generally start to accrue approximately 1 month after the 2<sup>nd</sup> notice and continue until resolution.
3. Duration and actions may vary based on the unique circumstances and communications between the Board/ACC and party.
4. The 30 day correction period is authorized by the Newport Shores Covenants, Sections 15.d, and 20.
5. The penalty fee is authorized by the Newport Shores Bylaws (2013), Article II, Section 1. Other remedies are provided by the Newport Shores Covenants, Section

15.d, and 20. The penalty fee's intent is to obtain correction of problems, not become a revenue source.

**6.** If a Complaint continues to be uncorrected three (3) months after the penalty fee has been assessed, a lien on the property may be recommended.

**C Privacy / release** of complainant's name and complaint letter: Complainant's name and letter should not be public (including in the AAC Agenda), unless required by court proceedings.

**D Statute of limitations** on complaints: complaints will be addressed, regardless of how long the violation has been in existence.

**E Pre-AAC violations:** Unapproved non-violating structures or landscaping (those that would have been approved if AAC had been active; the only apparent violation is non-submittal): at owner's request, retroactive approval can be given after the application process set forth above is followed.

Violating structures or landscaping (those that would NOT have been approved or would have required a variance if AAC had been active): these situations will be handled as described in the sections on Complaints and Applications.

**F Frivolous complaints:** All complaints will be addressed equally, and the AAC will follow the same process and time-line for each one.

## **X Appeals**

**A Denied applications and variances:** Applications can be resubmitted to the AAC with additional supporting information. This begins a new application process. Unless new information is supplied, the new application or variance might not be forwarded to the Board level for reconsideration.

**B Covenants Violation:** A Resident that has been found to have a Covenants violation may appeal the determination and findings with the AAC, at a regularly schedule meeting by submitting a written request for an appeal hearing. The Resident may also request a hearing with the Board; both the Board and the AAC need to be advised in writing of the appeal.

**C Appeal to Board:** Members may apply to the Board for an appeal hearing, as provided by Board policy.

## **XI Variances**

**A General guidelines:** when variances are granted:

- variance does not constitute a grant of special privilege
- the granting of the variance will not unduly negatively impact neighbors or community

- the variance requested relates to special circumstances related to the property
- the need for the variance has not arisen from deliberate actions previously taken by the owner, such as siting of structures or landscaping features
- the variance is necessary for the preservation of a substantial property right which is otherwise denied due to the special circumstances of the property
- the variance is the minimum variance necessary to permit reasonable use of the property

**B Types of variances that have been granted at some time:**

- Construction time extensions over the 9 months allowed in the covenants;
- One additional conforming auxiliary structure;
- Grandfathered violations, especially if there is mitigation to minimize the violation;
- Hardship due to lot shape (pie-shaped);
- Setback infringements (except grandfathered or hardship due to lot shape) -- have never been granted;
- Definition of rear versus side setback lines for houses with frontage on more than one street.

## Appendix

### AAC FORM LETTERS

#### FORM LETTER LANGUAGE FOR APPROVAL OF APPLICATIONS:

Thank you for submitting your Architectural Application for (insert brief description of work proposed), dated (insert date of application). Your application has been reviewed and appears to be in compliance with the Newport Shores Covenants and is APPROVED, subject to any necessary permits being obtained from regulatory agencies. You are authorized to proceed with the work. Nothing in this letter permits, allows, or authorizes violations of any provisions of the Covenants not specifically covered by written Board variance action. As applicant, you are legally and financially responsible for remedying and correcting any violations of the Covenants not specifically authorized by written Board variance action. For your protection, we recommend that you contractually impose this requirement upon your design professional and/or contractor.

As a reminder, the above approved work needs to be completed within nine (9) months from the beginning of work (reference Covenants section 5, Single Family Residences Exclusively, paragraph 2). Associated landscaping must be completed within twelve (12) months of completion of construction work.

***Note: The last paragraph is only included when appropriate for the approved work.***

#### FORM LETTER LANGUAGE FOR DISAPPROVAL OF APPLICATIONS:

Thank you for submitting your Architectural Application for (insert brief description of work proposed), dated (insert date of application). Your application has been reviewed and is DISAPPROVED at this time due to (insert specific reason for disapproval.) Please resubmit your application, providing the information requested below.

If you have any questions, please feel free to contact the AAC Chair via email to the Club manager. If you disagree or take exception with the disapproved determination, there is an appeal process. Contact the AAC Chair via email to the Club manager in order to get the details of the appeals process.

***NOTE: This letter changes depending on the reason for disapproval. If the application is incomplete, a list is inserted stating exactly what the AAC feels is necessary for its review (site plan showing proposed location, survey showing ground elevations and proposed roof height elevations, fence height/location, etc). Whenever possible, specific paragraphs in the covenants are referenced so the applicant will know exactly what the violation is.***

## FORM LETTER LANGUAGE FOR COMPLAINT NOTIFICATION

Subject: Covenants Violation Complaint

Dear :

The Architectural Advisory Committee (AAC) has received a complaint that asserts (*insert specifics of complaint*). The Newport Shores Covenants, Section X, Title, requires .... The AAC's has investigated this complaint and finds there is substance to the complaint.

Please (*insert action to be taken to correct problem*).

If you have any questions concerning this letter contact the AAC Chair via email to the Club manager.

*NOTE: If, upon investigation, no basis for the violation has been found, letter changes to state that 'no substance to the complaint was found. This letter is notification that the complaint had been raised and that no action needs to be taken.'*