

Architectural Advisory Committee Policies and Procedures

Updated 11 October 2011

Meetings

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

Time: 7:00 PM

Location: Newport Yacht Club

Notice of changes: posted on the door of the NYC meeting room by no later than 4:00 PM on day of meeting.

Committee Membership

Appointment / term of chairperson, members: per bylaws.

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.

Meeting procedures

Roberts Rules: Rather than follow a formal application of Roberts Rules, the chair will make certain the issue is understood and discussed, then ask for a thumbs “up”, “down” or “sideways” vote. “Up” means you agree and want to move forward. “Sideways” means you don’t completely agree with all points but can live with it and approve it. “Down” means you disagree. Anyone with a thumbs “down” vote gets a chance to voice their concerns and try and influence others. After those opinions are expressed a simple majority vote is taken – yes or no. The discussion ends and the committee moves to the next item.

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

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 is not included in this time limit.

Committee votes: Passed by a majority vote of those in attendance.

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 maybe 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.

Recommendations to the Board

Who presents: Chairperson presents recommendations to the Board meeting, or a member of the committee is appointed if the chairperson is not available.

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.

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.

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.

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.

Follow-up letters

Standard boilerplate: see attached standard letters for approvals and denials.

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.

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.

Who approves / signs the letters: The Commodore or his designee on the Board reviews and signs the letters.

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.

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.

Record-keeping

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.

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 year's of applications easily accessible.

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.

Applications

Deadline for application to be considered during a given month: noon on day of AAC meeting.

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

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.

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

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.

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.

Approvals outside of regular meetings (email, special meetings, etc.): 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.

Default approval if not responded to in 30 days: as per covenants.

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

Structures

Equivalent replacement or repair of existing features:

- Application is not necessary for painting in the existing color.
- Roofing materials and colors existent in the neighborhood and previously approved are automatically approved; no application is necessary.
- Replacement of windows in same location and size, or removal of windows is automatically allowed; no application necessary.
- Additions of windows, or windows that change the footprint and/or exterior appearance of the house (such as bay windows) require approval.
- Any other repair or like replacement of existing driveways, decks, trim, mailboxes, lamp posts, and similar architectural items need no application to the AAC, provided however that they are of the same size, shape, materials, and location, and that no existing violating structure (in setback or of other covenant provisions) may be repaired or replaced without AAC approval.

Interior remodel (no change in footprint or exterior appearance): no application required.

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.

Demolitions / rebuild: complete application required.

Auxiliary structure: Complete application required, including site plan.

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.

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.

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.

Landscaping

The following categories of landscaping **require an AAC application** and review:

- **Major landscaping revisions:**
- **Landscaping construction of any type:** 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 zones:** Planting of trees and shrubs having mature height greater than 6 feet.
- **Anywhere else on the lot:** Planting of trees or plantings having mature heights of over 25 feet or mature widths broader than 20 feet.

With the above as the stated included items, the excluded items (**requiring no application**) would be:

- **Annual and perennial** plantings anywhere on the property.
- **In the setback areas:** 8 or fewer shrubs of less than 3' height.

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

View Issues: Only addressed within the setback areas.

Lighting: reviewed on a case-by-case basis.

Drainage / runoff leaving the property.

Sound / noise issues: for example, in placement of sport courts, hot tubs, etc.

Signage

Signage must comply with the Covenants.

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.

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.

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.

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.

Political signs for candidates or issues on upcoming 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.

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.

Items required for submittal

See attached application matrix.

Complaints

Items required for submittal: any and all information pertinent to the complaint. The AAC requires a signed complaint, and requests that the complainant supply as much information and documentation as possible.

Deadline for complaint to be considered during a given month: Any complaint that requires committee investigation should be submitted at least one week before the AAC meeting. Any complaint that does not require investigation can be handled at the month's meeting.

Steps in the process:

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

exists.

Letter to violator asking for response or remedy: Following the same policies as the letters for regular AAC applications, and as described in Paragraph 15(d) of the covenants.

Deadline for remedy: 30 days for most violations, 120 days for structural changes.

Response / update to complaint-maker: Complaint-makers may be provided informal feedback on the action taken via telephone or email (at the Club Manager's or AAC Chair's option).

Actions taken if complaint not remedied: as per Covenants, Paragraph 15(d).

Investigation process:

Who investigates: AAC or designated professional.

Notice for access to property: The letter to the violator will include a request to allow committee members and/or professionals to have access to investigate.

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

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.

Escalation process:

The Board needs to address the following:

- How long until escalating to legal measures
- Process of retaining legal counsel
- Board involvement and oversight

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

"Statute of limitations" on complaints -- any complaint will be addressed, regardless of how long the violation has been in existence.

"Pre-AAC" violations (two types):

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.

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

Appeals

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.

Variances

General guidelines to 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

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 on houses with frontage on more than one street.

Conditional Use Contracts

When a variance is denied, the Board has the option to offer the property owner a conditional use contract allowing the violation to remain for a prescribed amount of time. This concept needs more work.

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 construction. 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.

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 being DISAPPROVED at this time due to (insert specific reason for disapproval.) Please resubmit your application, providing the information requested above. If you have any questions, please feel free to contact any member of the Architectural Advisory Committee.

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.