

# Architectural Review Committee Guidelines (Revised October 2018)

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## I. Committee Description

- The Architectural Review Committee (“ARC”) is guided by Article 6 – ARCHITECTURAL REVIEW of the *Second Amended and Restated Declaration of Covenants, Conditions, and Restrictions for the Devil’s Thumb* (“Covenants”). These guidelines are written to help residents understand when and how to interact with the ARC but residents are accountable to the rules written in the legal Covenants. The Covenants are in no case less restrictive than City of Boulder codes. Homeowners are responsible for knowing and applying all applicable codes.
- The role of the ARC is to review and approve new Improvement Requests. The ARC Guidelines set forth ARC rules specifying which new construction or home/landscape improvements require approval by the ARC. Guidelines further establish the framework around which the ARC finalizes decisions. The DTHA Board periodically revises ARC Guidelines and monitors homeowner compliance.
- The ARC shall consist of a minimum of seven (7) and a maximum of (9) members. If the membership of the ARC falls below the minimum number, a quorum requirement of four (4) shall remain in effect. The ARC Chair may request, and the Board President may appoint, a current member of the Board of Directors to temporarily serve on the ARC, if necessary, to achieve a quorum.
- ARC members are limited to serve a maximum of four (4) consecutive years on the committee, unless the Devil’s Thumb Board of Directors votes to allow that member to serve a longer term. The number of terms served by one

person shall not be limited. ARC members shall abstain from voting on, and shall be absent during the ARC vote on, an application that s/he submitted, is a required signatory on, or has a financial interest in.

- ARC meetings are generally held the second Monday of each month. Specific dates and locations are announced in the HOA newsletter and/or via email. At each meeting, the committee members review submittals developed by requesting homeowners. All ARC meetings are open to Devil's Thumb Homeowners' Association members. Homeowners are encouraged to submit any comments or suggestions to the ARC by attending ARC meetings in person or by contacting the Community Manager or a member of the ARC by letter, telephone, or email. This is particularly important when a homeowner has a concern about a pending Improvement Request.
- ARC members will nominate a Committee Chair, subject to approval by the DTHA Board of Directors. The ARC chair will provide an ARC report to the Board for regularly scheduled Board meetings. These reports may be presented in writing or in person. The ARC shall elect a vice-chair (s) and secretary. The vice-chair shall act in the chairperson's absence at meetings of the ARC, at Board meetings, and any other occasion where necessary. The secretary shall be responsible for the minutes of ARC meetings. The Board may also appoint a non-ARC member to act as ARC Administrator, to log in new requests and review applications for completeness prior to turning over to the ARC chair for meeting preparation. Currently, the Community Manager acts as ARC Administrator, as reflected by references to Community Manager in Section II.
- It should be remembered that design, workmanship, and proportions of new construction and improvements must be consistent and in harmony with the quality and the aesthetics of the homes and surroundings in the neighborhood. All improvements must emphasize the use of naturally appearing materials and earth tone colors. The ARC focuses primarily on the needs of the overall neighborhood and secondarily on the needs of the individual. Precedents will be considered, but the ARC is not bound by them.
- In an emergency situation, the homeowner should contact the ARC chairperson to discuss the appropriate way to proceed. Emergency situations are defined as safety and urgent home maintenance situations (i.e., broken garage door). If the ARC chairperson agrees to the emergency work, an Improvement Request Form, with the required signatures, must be submitted retroactively at the next scheduled ARC meeting. (A contractor's ability to perform the work sooner than expected is not likely to be considered an emergency.)
- The ARC is committed to treating the residents of Devil's Thumb with the utmost respect and thoughtful consideration. The ARC requests that applicants treat ARC committee members and processes with the same respect.
- After a decision is made, ARC Improvement Request Decision Forms are sent to homeowners. All submitted request forms, supporting drawings/photos, and some material samples are kept on file. ARC Guidelines also define certain

decisions that may be made by the ARC chair alone in the absence of a formal Improvement Request submission; records of such approvals are also kept on file. To avoid any future misunderstandings, it is recommended that homeowners retain copies of submitted Improvement Request Forms, supporting documents, and Decision Forms. Note that verbal approvals are non-binding.

## II. Review Process

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**STEP 1:**  
Applicant develops plans, including early discussions with neighbors

*During the concept phase, the ARC strongly recommends having discussions with neighbors and the ARC to understand any potential concerns as early as possible, particularly for major remodels. A formal request at this point is not necessary.*

*When the project moves beyond the conceptual phase, the homeowner must submit a request for ARC approval.*

The information in the request must include: (1) Location and outline of house, lot lines and dimensions. (2) Dimensions of proposed Improvements and relation to house/lot lines. (3) Details and samples: description of materials and colors (including roofing, windows, siding, doors, decking, railings, paint, stone or brickwork, etc.) and samples, type, color, and location of exterior heating and cooling equipment. (4) Plan and elevation drawings. (5) Photo(s) of location of proposed Improvements. (6) Type and location(s) of plant(s) and mature heights. (7) Any additional information necessary. For paints and stains, applicant is encouraged to paint samples onto the house for their own review and review by committee members prior to approval, in addition to providing the required samples in the request packet. Solar plans, if part of a renovation, need to be discussed at the first stage. It is also the homeowner's responsibility to know if a building permit will require planting of new trees and to include such trees in the first stage of approval.

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**STEP 2:**  
Applicant obtains notification signatures from neighbors with a view of the proposed change

Affected neighbors must sign the dated ARC Request Form and the front page of all plans and initial all pages of any plans or drawings submitted to the ARC. Neighbors' signatures indicate that they have been notified of the proposed improvements, but do not indicate approval of any proposed change.

Neighbors with any questions or concerns about the proposed change(s) should contact an ARC member or attend the ARC meeting to voice their concerns.

The applicant should contact the Community Manager or ARC Chairperson for assistance in identifying the affected neighbors. Because it is not always possible to know which neighbors are affected, it is recommended that homeowners read the published agenda before each meeting.

With rare exception, final approval requires signatures from all affected neighbors. Homeowners are urged to know how to contact neighbors by phone and/or email when they are not home. (In some cases, an email acknowledgement may be forwarded to the ARC chairperson in lieu of a physical signature.) If an applicant cannot

	reach a neighbor after three attempts (preferably by different means such as knocking on the door, email and voice mail) applicant should contact the ARC Chair.
<b>STEP 3: Applicant turns in application to the Community Manager <u>by the Monday before ARC meeting</u></b>	<p>IMPROVEMENT REQUEST FORMS MUST BE SUBMITTED BY THE MONDAY DEADLINE to be considered at the following Monday meeting.</p> <p>One set of plans, elevations, and clearly viewable samples must be submitted to the ARC. The committee will retain this after approval or rejection. Incomplete sketches shall not be approved.</p> <p>The applicant must point out any unusual exterior feature(s) in the design to the ARC before or during the review meeting. Failure to do so may negate any approval given and render the original approval null and void.</p>
<b>STEP 4: ARC reviews application and votes yes/no or requests additional information</b>	<p>Impacted neighbors are encouraged to give input to the ARC by contacting the ARC chairperson or attending the meeting. The impact on views will be considered. However, the final decision of the ARC is directed by the Covenants, these guidelines, and the judgment of the ARC.</p> <p>In the event an applicant submits inadequate plans, the plans will be deemed incomplete and the ARC will notify the applicant of additional information necessary for review of plans. The applicant may correct the defect and reapply at the next meeting. Where applicable, and at discretion of the ARC per the criteria contained in the Covenants and these guidelines, the ARC may approve parts of plans and disapprove other portions of the plans.</p> <p>In the case of partial or complete disapprovals, the ARC shall include a summary of the reasons for the disapproval on the decision report.</p>
<b>STEP 5: If voted yes, application is approved for completion of the work as submitted</b>	<p>All improvements must be commenced within 12 months of approval and completed within 18 months of commencement. If plans change before or during construction, the homeowner must check with the ARC chairperson to determine whether additional neighbor notification or ARC review is required.</p> <p>Additionally, if 12 months has passed since approval, and the homeowner wishes to commence work that was approved but not started or wants to do work of a nature similar to work already approved, the ARC chairperson can determine whether additional neighbor notification or ARC review is required.</p> <p>The ARC recognizes that during construction, unexpected decisions sometimes need to be made before approval can be obtained. The ARC strives to work with the applicant in such situations, but reserves the right to disapprove steps that have been taken without approval. Please notify the ARC chairperson for advice whenever such a situation arises.</p>

### III. Do You Need ARC Approval: Yes or No?

*ALL exterior improvements of any kind require ARC approval, unless the Guidelines below explicitly state otherwise. However, even if approval is not required, the ARC strongly encourages dialogue between homeowners and their neighbors in an effort to*

*find mutually acceptable solutions to conditions that impact others. Please be mindful of minimizing any negative impact on neighbors or Devil's Thumb beauty.*

<b>Type</b>	<b>Does Not Require ARC Approval</b>	<b>Does Require ARC Approval</b>	<b>Guidance...</b>
<b>1. New construction</b>	N/A	All new construction submittals must include all of the relevant elements below.	<i>Work with neighbors and the ARC during conceptual phase to open lines of communication; set footprint considering proximity to other structures. Consider solar panel placement when designing roof.</i>
<b>2. Remodeling</b>	Interior remodeling that has no impact on the external appearance of the house. Replacing existing windows or skylights that are the same size (plus or minus a couple of inches)/shape/style (casement, awning, double-hung) /location/color	Remodeling that impacts the footprint or any of the external aesthetics of the house.	<i>Work with neighbors and the ARC during conceptual phase to open lines of communication. Construction consistent with Devil's Thumb quality and wind requirements; unobtrusive, low-contrast earth tones are encouraged. Consider solar panel placement when designing roof. See Note 1.</i>
<b>3. Painting, staining</b>	Repainting/re-staining with current color.	Painting /staining with different colors, including a clear finish.  ARC reserves the right to defer approval of paint/stain color if the applicant has not provided a sample on or near the house, viewable from the street.	<i>Natural, earth tones encouraged; avoid reflective paints and strong contrast; paint/stain wood mailboxes and posts to match or complement house.</i>
<b>4. Siding, decks, other surfaces</b>	Replacing with same material in exact same design	Any new material or design, including synthetic wood-like products (i.e., Trex, Weatherbest, James Hardie siding) and pre-weathered hardwood, such as Ipe.	<i>Hardwoods, such as Ipe, which are supposed to weather naturally (without applying a finish to maintain them) are not allowed unless the materials used for construction have already fully weathered before construction and have received ARC approval for use. All visible wood surfaces should be painted or stained to match or complement the house to prevent future uneven weathering. Most significantly-sized vertical concrete surfaces should be stained to match house. All exteriors must be attractive.</i>

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<b>5. Landscaping</b>	<ul style="list-style-type: none"> <li>• Replacing grass with new grass</li> <li>• Individual boulders &lt; 3'</li> <li>• Flat stone paths &lt; 3' wide</li> <li>• Mulch (or equivalent) &lt; 300 sq ft that maintains mixed planting/variable landscape look.</li> <li>• Planting flowers, etc, or bushes &lt; 6' mature height in existing beds</li> <li>• Tree replacement in same location as recently removed tree, with &lt; 10' mature height and no width increase</li> <li>• Tree removal</li> <li>• Vegetable garden in existing beds not visible from street</li> <li>• Edging between lawn and non-lawn areas</li> </ul>	<p>Landscaping that is beyond the list in the No Approval Required column, including, but not limited to, statues, water features, volunteer trees and bushes, and compost bins.</p> <p>Changes in overall layout of landscape (e.g. creating a largely xeriscape yard)</p> <p>Reducing grass area more than 300 square feet total, even in multiple steps</p>	<p><i>Consistent aesthetics with Devil's Thumb; minimize negative impact on neighbors; suggest natural variation (including hedges creating a natural boundary,) and minimize man-made look. An impenetrable perimeter vegetation barrier functioning as a fence is strongly discouraged.</i></p> <p><i>Avoid water features involving standing water, as that attracts mosquitoes and small animals, which then might attract large animals.</i></p>
<b>6. Driveway, walkway</b>	Replacing driveway or walkway with same color, layout and material.	New colors, layouts, or materials.	<i>Natural, unobtrusive materials and layout.</i>
<b>7. Roofing</b>	Roofing using a single pre-approved material (see DT website for list).	Roofing with material not on approved list or when using more than one material.	<i>Recommend using already approved materials; rounded/semi-circle profile shingles are discouraged.</i>
<b>8. Mailboxes</b>	Painting mailbox to match house color, or repainting with same color.	All new mailboxes and changes in existing mailboxes require approval, but designs very similar to other existing DT mailboxes, and certain minor changes, may be approved by ARC Chairperson without a request form. Check in advance.	<i>Original birdhouse style no longer required; design should be simple and unobtrusive while avoiding low-end black or plastic. In general, mailbox should complement house. Painted mailboxes typically match house color but other options may be considered. Matching the mailbox's roof to that of the house should be considered, but in many cases another material on the mailbox may be a better choice. Cedar shakes may be acceptable in some cases.</i>

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<b>9. Lighting</b>	<p>Replacing lighting with the same, if existing is compliant with City of Boulder Outdoor Lighting (dark-sky) Ordinance.</p> <p>Holiday lighting used according to Housekeeping Rules.</p>	<p>All new exterior lighting and replacement of non-compliant lighting require approval, but fixtures very similar to other existing fixtures in DT, and certain minor changes, may be approved by the ARC Chairperson without a request form. Check in advance. All other lighting, including festive lighting left in place for more than a few days, whether turned on or not.</p>	<p><i>Discuss with neighbors and minimize light pollution/trespass. Replacement lighting is required by City of Boulder Outdoor Lighting Ordinance to be Dark-Sky Compliant, and all non-compliant fixtures must be replaced by November 15, 2018.</i></p>
<b>10. Satellite dishes</b>	<p>No approval required, as dictated by FCC rules.</p>		<p><i>Find subtle location; minimize view from street, common properties or any neighbor.</i></p>
<b>11. Heating/cooling/radon mitigation systems</b>	<p>Installing solar PV or solar thermal panels that lie compatible with roof and are entirely black or dark gray in color and non-reflective; replacing air conditioners or evaporative coolers in same location.</p>	<p>Solar panels that do not lie compatible with the roof, are not entirely black or dark gray in color, or are reflective. All other new equipment or new locations, including A/C units, radon mitigation systems and vents, evaporative coolers, and covers if used. If height of cooler must exceed one foot above roof-line peak, written explanation from contractor must be provided.</p>	<p><i>Minimizing visual impacts to neighbors and view from street to the maximum extent possible is required. In some cases, it may be necessary to use landscaping or other solutions to minimize aesthetic impact. Minimize noise (City Code Title 5, sec 9). Evaporative coolers will be allowed subject to reasonable dimensions, placement, and external appearance. If in doubt about whether or not ARC approval is required, contact the ARC chairperson.</i></p>
<b>12. Recreation equipment</b>	<p>Portable play equipment including portable basketball hoops, in unobtrusive design and subtle</p>	<p>Fixed play and recreation equipment, including spas/hot tubs, trampolines, swing sets,</p>	<p><i>Use natural-looking materials, make unobtrusive, remove when no longer in use;</i></p>

	color.	fire pits, and basketball hoops.	<i>above ground pools are not allowed.</i>
<b>13. Fences</b>	As defined in Housekeeping Rules, fencing around new trees and shrubs during first growing season; temporary flower and vegetable garden fencing May 1 – Sep 30.	Fences to enclose part of a homeowner’s yard, patio, and/or ground-level deck contiguous to the house; complete fences around the yard are not permitted.	<i>Chain link, galvanized, or untreated wire materials are unacceptable. Suggested area is &lt;500 sq feet and fence should be unobtrusively constructed consistent with the house’s architecture and materials. Suggested height is under 5’. Fences defining property boundaries (except HOA or open space fences) are strongly discouraged and unlikely to be approved. Open space fences are normally open split rail and continuous with fences on adjacent lots.</i>

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<b>14. Retractable Clotheslines</b>	Approval is not required if not visible from streets or DTHA common property.	Any new support structure requires approval.	<i>Minimize visual impacts to neighbors, common areas and the neighborhood. See Housekeeping Rules and Guidelines for usage regulations.</i>
<b>15. Compost Containers</b>	Less than 4’ in width, 4’ in depth and 3’ above ground level	Containers exceeding dimensions in the No Approval Required column.	<i>Minimize negative impact to neighbors (view and odor). Should not be visible from any street, if feasible. “Compostables” recycling bins are different and are covered by Housekeeping Rules and Guidelines.</i>
<b>16. Other (tennis court, swimming pool, antennae, flag pole, house number, free standing structures, etc.)</b>	N/A	New or replacement	