

DRAFT FOR PUBLIC COMMENT

Subject: Proposed HOA Rule for Drought Landscaping

This Draft Rule was presented and discussed at the Shadow Brook General Meeting in November. After further research, discussion and Homeowner input the Board has finalized the attached Rule. This Rule will be voted on at the January Board meeting. Homeowner comments are welcome.

Shadow Brook HOA Drought Landscaping Rule

The purpose of this Rule is to define the criteria that Homeowners are required to adhere to when installing and or changing existing landscaping. This Rule is Board approved in accordance with Davis-Stirling Act and Shadow Brook's existing CCR's which require any Homeowner desiring to make changes to their existing front yard [or structure, painting, roofing etc.] to request review and approval of these plans from the Architectural Control Committee [ACC].

Native plant, low water landscaping

The ACC will require a plan describing the proposed changes including timeline and materials. The plan must include 1) a description of the plants/vegetation being used; 2) accommodation for mulching [or equivalent] between the plants and 3) a system for watering and maintaining the plants. The Homeowner is required to maintain the aesthetic appearance of the landscaping over the lifetime of the approved design. The Homeowner is required to maintain the original look of the plants/vegetation and prevent overgrowth of weeds and other intrusive plants.

Synthetic Turf Material and Installation

The Homeowner shall provide a description of the extent of the installation. Per City of San Jose code, there is a requirement that 50% of the front yard be landscaped. Once approved by the ACC, Homeowners are required to adhere to the specifications as defined in this Rule. In order to maintain a premium appearance in our neighborhood, the ACC will require that the product used meets the following minimum standards:

Material

1. Material- polyethylene
2. Turf height- minimum 1.5"
3. Pile facing- minimum 37 oz.
4. Color – Green
5. Must be lead free – Lead cannot be used including filler, pellets and turf

Installation/Preparation

1. Minimum of 3 Inches of Base/Foundation [AB]
2. Minimum of 3 Inches of fine or crushed granite or similar

Since synthetic turf can degrade over time or due to poor installation and or maintenance, the Homeowner is responsible to maintain the original appearance of the installation over the lifetime of the approved design. If the material becomes degraded in appearance - including but not limited to changes in color and/or structure, or evidence of poor workmanship - the Homeowner will be required to reinstall or remove the material. The reinstallation or replacement of synthetic turf, or reversion to natural grass or other vegetation, will be done at the Homeowners' expense.

Failure to Maintain Appearance

The ACC and/or Board of Directors will exercise discretion to determine if landscaping or synthetic turf needs to be repaired, reinstalled, or replaced due to changes in appearance or poor workmanship, and will notify Homeowner of its decisions in this regard, while also providing an opportunity to the Homeowner for a hearing before the Board if the Homeowner disagrees with the decision.

Homeowners are ultimately responsible and accountable for proper ground preparation and installation in addition to synthetic turf material selected. This Rule will be fully enforced by the Board of Directors.