

THE SPLASHER

Check us out online at www.shadowbrook.org

Notes from your ACC

- If you are changing the appearance of the exterior of your home – including, but not limited to, landscaping, roofing, remodeling, painting or siding – you must contact Shadow Brook’s Architectural Control Committee (“ACC”) at acc@shadowbrook.org **prior to commencing** any work.

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Message From Your HOA Board

Hello Shadow Brook:

As a Homeowners Association, Shadow Brook has governing documents including CCR’s, By Laws and Rules & Policies as defined by Davis-Stirling. Over the course of time, some of the Rules and Policies have become outdated and or contain slight inconsistencies.

The ACC and Board has completed an extensive review of our Rules and Policies in order to update, clarify and provide consistency across the various documents. As a result, modifications and additions have been proposed to previously approved and posted policies.

The purpose of this Splasher is to communicate the Draft revisions to three Rules and Policies. Please note that the proposed changes are indicated on each document for your reference.

Next Steps:

Over the next 30 days, you are encouraged to review the documents and provide feedback to the Board. There are several ways to communicate your input to the Board:

- Send comments to board@shadowbrook.org
- Attend the next Board Meeting [Tuesday November 28, 7pm at Bret Harte Middle School]
- Provide comment to any Board Member
- Send written comment to: Shadow Brook Board, P.O. Box 20271 San Jose CA 95160

The Board will review all comments and discuss the proposed changes at the November Board Meeting. The outcome of the Board Meeting will either be 1) An additional 30-day review period if significant input warrants; 2) A vote to implement the changes and enact the new Rules.

Reminder from the Board

We will be holding our next General Meeting on Tuesday, November 28th at 7PM at Bret Harte Middle School located at 7050 Bret Harte Dr.

All HOA documents including financial statements, ACC Process, Rules, CCR’s etc. are on the shadowbrook.org website.

Draft

Shadow Brook Remodel RulePolicy

This RulePolicy has been created in accordance with Shadow Brook CCR's. ~~The intent of the CCR's is to maintain the appearance of the neighborhood.~~

The following Rulesguidelines are meant to provide guidance for evaluating future requests for remodels in Shadow Brook. The objective is to balance ~~homeo~~Owner rights to remodel their homes with community concerns about visual impact and architectural balance, and minimize the effect on the immediate neighbors as to their privacy and enjoyment of their backyards.

Prior to beginning an exterior remodeling project, the Owner shall provide the ACC the architectural design plans, including front elevation drawings, a description and examples of external materials to be used, and paint color codes and samples. Please submit this material to the ACC 6 weeks prior to commencing work on the project to provide the ACC sufficient time to review the project.

1. The total percentage of Lot coverage shall not exceed 33%. This will allow space for a buffer zone in the back yard to maintain separation from neighboring homes. ~~Special consideration can be given if there are not homes on the outside of the back fence or side fence.~~
2. The expansion shall not go beyond existing setbacks.
3. If a second story is added to a previous one story house, the second story shall be done with visual setbacks, front to back and side to side. This will avoid a boxlike appearance that is not deemed to be consistent with the architectural look of the Shadow Brook neighborhood.
4. If a second story is to be added, the placement of windows and the type of glass (clear, frosted, obscure) in this second story shall take into account the privacy of the neighboring yards.
5. The front elevation shall contain architectural trim elements that must be approved by the ACC.~~are attractive and consistent with the former front elevation details.~~
6. The materials used for the remodel shall meet all Shadow Brook requirements.
7. The colors chosen shall be approved in advance by the ACC.
8. The front yard shall be re-landscaped in accordance with the HOA Rules and Policies.~~an attractive manner.~~

DRAFT

ACC AND HOA RELATED RULES/POLICIES

The Shadow Brook Swim Club and Homeowners Association Covenants, Conditions, and Restrictions (CC&Rs) are mutually beneficial restrictions which are designated to protect the Owners of Shadow Brook. The enforcement of these CC&R's ensures the most appropriate development and maintenance of all properties and enhances the value of all homes within Shadow Brook. In conjunction with the CC&R's and Bylaws, the rules, policies and procedures stated below are part of the governing documents of the Shadow Brook Swim Club and Homeowners Association.

Architectural Control Committee ("ACC") Approval for New Construction: Any ACC approval (for exterior remodeling, new construction, landscaping, etc.) is effective for six (6) months from approval date. After that time approval is considered expired and you must resubmit your plans.

Antenna Policy:

Only antennas for the reception of broadcast TV, FM, and Satellite broadcast antennas (i.e., "dish" antennas 39.31 inches or less in diameter) are permitted. All other types of antennas are not allowed. It is requested that the antennas for broadcast reception not be attached to the front walls of the residence or near the front roof eave of the residence. If you have any questions, please contact the ACC who may be able to advise as to placement.

Home Maintenance Policy:

Because Shadow Brook homes were built around 1970, some components of the original construction have been routinely replaced throughout the properties in the process of maintaining the residences and the desirable appearance of Shadow Brook. Replacement of the following components, with materials equal to or better than the original material, are part of normal maintenance and do not require ACC approval.

1. Replacement of exterior windows with equal or better windows. Double pane windows are commonly installed as replacements.
2. Replacement of concrete driveways with equal or better concrete driveways. Any change to the features of the driveway, including size, color, shape or materials, must be approved by the ACC.
3. Replacement of exterior doors or garage doors with equal or better garage doors. Roll-up garage doors are to be painted to match the existing color of the residence unless otherwise approved by the ACC.
4. Replacement of rain gutters and down drains with equal or better material. The replacement gutters and down drains are to be painted to match the existing color of the residence unless otherwise approved by the ACC.

5. Replacement of entry walks with equal or better materials. Any change to the features of the walkway, including color, size, shape or materials, must be approved by the ACC.

6. Replacement of existing siding with equal or better siding. Any change to the features of the siding, including color, material, size, positioning or general aesthetics must be approved by the ACC.

7. Replacement of existing fencing with equal or better materials. Any change to the features of the fencing, including material, color, size, positioning or general aesthetic must be approved by the ACC.

Painting Policy:

The Shadow Brook Swim Club Covenants, Conditions, and Restrictions (CC&Rs) are mutually beneficial restrictions which are designated to protect the homeowners of the Shadow Brook subdivision. The enforcement of these CC&RS ensures the highest and best development of all properties and enhances the value of all investors. In the spirit of the CC&Rs, the ACC shall inspect homes for exterior paint condition and enforce the following policy:

Prior to repainting, the Owner must receive should achieve color approval from the ACC on the color and finish (flat or matte) by completing and submitting and ACC Request Form. The ACC maintains a book of approved colors which is the basis for approval. If the color choice is not represented in the color book, the Owner may request special approval from the ACC. Approval by the ACC will require a majority vote and is based on the color's ability to enhance and beautify the existing neighborhood. In the event a color is not approved, the Owner may petition the Shadow Brook Board for approval at the next scheduled monthly board meeting.

The Owner of any home deemed by the entire ACC committee to be in need of repainting shall be notified in writing of such need. The Owner shall have 30 days from the date of the letter to respond in writing with a plan outlining the work timeline and what color scheme (ACC approved) shall be used. All painting work must be completed within 90 dayssix months of receiving the initial notice from the ACC, provides written notification of the work timeline. The following criteria shall be used to evaluate the paint conditions of the home (as seen from the street or from a neighboring home) in the Shadow Brook subdivision:

1. Areas of cracked or peeling paint;
2. Large areas of mold or mildew;
3. Large cracks or holes in the exterior stucco;
4. Areas of rust on any rain gutter or wrought iron;
5. Paint condition that has degraded or oxidized.

Failure to gain ACC approval prior to painting your home may result in the need to repaint consistent with Shadow Brook guidelines at the homeOwner's expense.

Landscaping Policy:

Each Owner shall have the obligation to maintain in sound and attractive condition the parking strip (area between sidewalk and street that borders the property) in the front and on the side of their Lot, their driveways and walkways, and their landscaping and fencing that is visible from the street. Prior to commencing any landscaping project, including changes to fencing, driveways and walkways, the Owner must receive approval from the ACC after completing and submitting an ACC Request Form. Failure to gain approval prior to any landscaping project may result in the need to re-landscape at the Owner's expense.

The ACC shall periodically review landscaping and fencing within Shadow Brook and may require Owners to make improvements. The ACC will notify the Owner in writing if any improvement work is necessary. The Owner shall have 30 days from the date of the ACC's notification to respond in writing with a plan to complete the work within 90 days of receiving the initial notice from the ACC. The items below identify the responsibilities of the Owner with regard to landscaping. A homeowner's landscaping is very subjective, therefore, the ACC will not attempt to define what sound and attractive landscaping is. The policy below defines what is NOT acceptable as landscaping for parking strips (areas between sidewalk and street that borders the property), front yards, and side yards (corner lots) for the homes.

1. No completely bare soil or dirt;
2. No substantial areas of dead grass or weed patches; or
3. No bare soil or dirt shall be evident where decorative rock or bark is being used.

The items below identify the responsibilities of the Shadow Brook homeowner with regards to landscaping.

4. Landscaping should not obstruct the sidewalk, or street, either vertically ~~or~~ horizontally;
5. All fencing shall be maintained in a structurally sound condition and the color, style and material must be approved by the ACC;
6. No driveway or entry walkway may be surface-painted any color. Integrated color concrete driveways and entry walkways may be allowed if approved by the ACC.
7. Any landscape lighting other than traditional low voltage landscape lighting must be approved by the ACC.
- ~~1. —~~ 8. Weed block material must be covered completely such that it does not show through the landscape material (e.g. decorative bark, mulch, rocks or grass)
- ~~2. —~~
- ~~3. —~~ Homeowners shall provide a written plan and timeline within 30 days after being contacted by an ACC member for any major re-landscaping (e.g. removal of lawn for weed control);
- ~~4. —~~ Landscaping removed for weed control shall be replaced within one year of removal, provided that item (2) above has been adhered to.

Roofing Policy:

General Guidelines - The roofing ~~rule policy~~ purpose is to preserve the aesthetic quality of the neighborhood based on the original plan of the development. In particular, approved materials will be based on the standard of maintaining a "shake" or "tile-like" appearance. Prior to installing a new roof, the Owner must achieve approval from the ACC [after completing and submitting an ACC Request Form](#). Approval by the ACC will require a majority vote and is based on the roofing material and color's ability to enhance and beautify the existing neighborhood, as well as its consistency with the general guideline. In the event a roof is not approved, the Owner may petition the Shadow Brook Board ~~for approval at the next scheduled monthly board meeting.~~

Specific Decisions:

1. Replacing a roof with heavy or medium wood shake is automatically approved.
2. The ACC will not maintain a list of manufacturers, colors and styles. Instead, the ACC will consider the widest possible selection based on the general guideline. This allows the ACC to consider new materials as they are brought to the marketplace.
3. Roofing color will be approved based on the current process and criteria for exterior color schemes.
4. Heavy weight fiberglass asphalt shingle roofing material of ~~two layer or~~ a three layer type fiberglass construction (-e.g., "Tri-Laminate"), weighing 450 or more pounds per square, having or simulating a "shake like look," and having available a 50 year warrantee (-or a lifetime warrantee equivalent to or prorated over 50 years) qualifies for approval by the ACC. Lower weights of this material do not qualify.

Failure to gain [ACC](#) approval prior to installing your roof may result in the need to remove and replace ~~the your~~ roofing [material](#) at the [Owner's homeowner's](#) expense ~~to be consistent with Shadow Brook guidelines.~~

Siding ~~and Exterior Policy:~~

[Prior to replacing or installing new siding or changing the exterior of the home, the Owner must receive approval from the ACC after completing and submitting an ACC Request Form.](#)

1. Siding will only replace existing horizontal siding.
2. Siding must simulate a board of five inches or wider.
3. Color of the siding must be approved by the ACC consistent with the existing paint [rules policy](#) ~~(flat or matte finish).~~
4. Siding must be of [vinyl, cement](#) or wood material.
5. Siding must be "beaded" or "Dutch lap" style

Other Miscellaneous Items:

1. [All garbage, green waste and recycling bins are to be stored in a location that is not visible from the street.](#)

2. Only outdoor or patio furniture may be placed outdoors if it is visible from the street
 3. Window shades, blinds, or curtains visible from the street must be maintained in good condition. Materials not designed for window treatments (e.g. newspaper or aluminum foil) may not be used to cover windows visible from the street.
 4. Temporary storage units (e.g. storage pods) visible from the street or from a neighbor's Lot are permitted for no longer than 30 days within a 365 day period.
 5. Backyard sheds/storage containers visible from the street must be maintained in good condition and must conceal the contents therein such that the stored contents are not visible from the street.
 6. Dumpsters are not permitted on the street, front yard, or driveway for longer than 1 week. Longer durations related to home remodels or new construction will be taken into consideration by the ACC during the related approval process.
 7. All Lots shall have ACC approved fencing along the back and side yards such that the backyard is not visible from the street.
 8. Vehicles that are not legally operable on the public streets or that appear to be inoperable due to vehicle condition may not be parked or stored on any Lot (including the driveway) in the setback area, or on a public street within the boundaries of Shadow Brook.
 9. Any vehicle, camper, boat, aircraft or trailer that is parked or stored on any Lot behind the setback area shall not be visible from the street.
 10. Vehicles parked on a Lot must be parked on a paved surface, and vehicles parked on a Lot must be parked on a driveway and not on walkways adjacent to the driveway. A well-maintained planting area must exist between driveways that are next to each other.
- All Owners must immediately notify the Shadow Brook HOA when they rent their homes, and must provide the appropriate contact information to the relevant HOA representative so the HOA can communicate effectively with the renter.

Draft

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
3. Minimum of 3 quarters of an inch of sand infill

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 HomeeOwners' 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 HomeeOwner of its decisions in this regard, while also providing an opportunity to the HomeeOwner for a hearing before the Board if the HomeeOwner disagrees with the decision. HomeeOwners 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.