

Sunset Oaks townhomes



675 Picasso Terrace Sunnyvale, CA 94087 TEL (408) 735-8012 FAX (408) 735-8540

CHARTER OF SUNSET OAKS ARCHITECTURAL CONTROL COMMITTEE

RESOLUTION #27

ADOPTED: JULY 20, 1999
REVISED: FEBRUARY 19, 2003
REVISED: FEBRUARY 27, 2013

WHEREAS, it is in the best interest of the members of the Association to maintain architectural standards and to safeguard the members and the Association from the dangers of unauthorized changes or modification to the exterior of any unit and to the common area; and,

WHEREAS, the Declaration of Covenants, Conditions and Restrictions provide that there shall be an Architectural Control Committee,

NOW THEREFORE LET IT BE RESOLVED, that the Board of Directors establishes the Architectural Control Committee composed of Association members appointed by the Board of Directors. The duties, functions, composition, and the term of office of the Committee and its members shall consist of and be limited to the following:

FIRST: The Architectural Control Committee shall examine proposals for the construction, alteration, additions to or changes of any building, fence, wall, or other structure, commenced, erected, or maintained upon the properties within the jurisdiction of the Association. The Committee shall study plans and specifications of such proposals as to harmony of exterior design and location in relation to surrounding structures and topography. The Committee shall prepare a written statement of its findings, which shall be delivered by registered U.S. Mail to the party proposing the project; and a copy filed with the Board of Directors, within sixty (60) days after the plans and specifications have been submitted to the Committee. The Board of Directors, upon timely appeal of the Committee's decision by the proposing party, may review the Committee's action and sustain, reverse, modify or remand the decision.

SECOND: The Committee shall make periodic inspections of the properties under the jurisdiction of the Association to determine whether improvements, alteration or changes have been made or whether the properties are being used or activities conducted thereon in violation of the Declaration of Covenants, Conditions and Restrictions or the policies and rules of the Association. The Committee shall investigate any violation noted by the Committee or reported to it by any member of the Association. Following such investigation,

the committee shall prepare a written report of the findings, conclusions and recommendations that it shall file with the Board of Directors. The Board of Directors may subsequently authorize the Committee to take action on behalf of the Association to abate the violation.

THIRD: The Committee shall adopt guidelines for the conduct of its affairs. Such proposed guidelines shall be filed with and approved by the Board of Directors and posted as hereinafter designated (refer to pages 3 through 13).

FOURTH: The Committee shall consist of a chairperson and a minimum of two (2) members. The chairperson and members shall be appointed after each annual general membership meeting of the Association and shall serve from the close of such meeting until the close of the next annual membership meeting or until their successors have been appointed.

FIFTH: This resolution revokes and replaces Sunset Oaks Resolutions 8, 10, 15, 23 and 25; Sunset Oaks Christmas Decorations Guidelines, 1 1/1 9/97; Sunset Oaks Policy for Holiday Decorations, 8/16/95 and Sunset Oaks Patio Planting and Maintenance Policies, circa 1987.

IN WITNESS WHEREOF, the members of the Board of Directors have approved this resolution on this 27th day of February 2013.

Patti D. Selan, President

Nicholas Briggs, Vice-President

William B. Tom, Treasurer

Kathleen A. Schaefer, Secretary

David Ecsery, Director

Manish Rastogi, Director

Vacancy

Architectural Control Committee Resolution #27

Adopted: April 21, 1999
Revised: May 19, 1999
Revised: February 19, 2003
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1.0 INTRODUCTION

This Resolution establishes the rules by which the Board of Directors and Architectural Control Committee (ACC) enforce the CC&R's of Sunset Oaks Homeowners Association (SOHA). This Resolution replaces and revokes Resolutions 8, 10, 15, 18, 23, and 25. This Resolution also replaces and revokes the informal guidelines: "Patio Planting and Maintenance Policies" dated 7/1981, and "Policy for Holiday Decorations" undated circa 1997, and "Policy for Exterior Decorations" undated circa 1998. In the event any portion of this Resolution contradicts the CC&R's, the CC&R's will take precedence.

2.0 GENERAL PRINCIPLES

2.1 Non-exclusive Use Common Area

SOHA maintains the most stringent control over these areas, which we own and use in common.

2.2 Exclusive Use Common Area

SOHA exercises less control over the garage areas, which we own in common but use individually. SOHA authority is used to prevent an owner from imposing "a burden on the Association or neighbors."

2.3 Association Maintained Private Property

Homeowners own the property outside their units out to the drip line of the roof; however, this area is maintained by SOHA, e.g. gardening and painting. SOHA does not seek to impose unreasonable restrictions on owners' normal use of their own property, but does impose some restrictions for aesthetic reasons, and to avoid undue interference with SOHA maintenance activities.

2.4 Owner Maintained Private Property

Homeowners own and maintain the property inside their units, their patios, and their balconies. SOHA does not seek to impose unreasonable restrictions on owners' normal use of their own property, but does impose some restrictions for aesthetic reasons, to prevent one homeowner impinging on the rights of another, and to avoid undue interference with SOHA maintenance activities.

2.5 Aesthetics

An item located on or in the owner's private property may be deemed aesthetically offensive if it is not in compliance with Section 5.09 of the CC&R's as amended by a vote of the Membership in August 2010. SOHA will not in the course of checking for CC&R compliance, examine parts of private property not normally visible i.e., SOHA will not peer into windows, or patios, climb onto higher vantage points, or walk off sidewalks.

2.6 Safety

For safety reasons, no item(s) that could cause a spark or flare or fire shall be hung on or placed in Association Property.

3.0 HOUSE INTERIOR

Window coverings clearly visible from the common area should be of harmonious appearance. A beige or neutral tone is preferred, and any light or pastel color is acceptable. Strong vivid colors are discouraged, and if these are desired for the interior, SOHA suggests using a curtain liner or sheers to lessen the exterior impact.

4.0 HOUSE EXTERIOR

4.1 Air Conditioners

Central air conditioners may be properly installed with the condenser located on the patio or on the designated A/C pad, with prior ACC approval. Replacement of existing central air conditioners with no changes to exterior plumbing does not require ACC approval.

Note: *Window air conditioners are not allowed.*

Under certain circumstances, homeowners with end-units have the additional option to place the A/C pad in the Common Area. Homeowners should consult with the Association Manager for details regarding this option.

4.2 Attachments

As defined in Article 4 of the CC&R's, the homeowners own their unit exterior. SOHA owns and maintains the exterior paint and architectural design and many attachments can damage it or interfere with maintenance. Therefore, the only exterior attachments allowed are those explicitly listed in this Resolution, or those for which specific permission is granted. The homeowner is responsible for any damage to his own property (e.g. stucco or fascia), SOHA property (e.g. fences), or property of neighbors which may be caused by the homeowner's attachment(s). Because of safety concerns, no items may be hung on or attached to the outside of the balcony railing. SOHA is not responsible for loss or damage to any attachments during maintenance.

4.3 Decorations

Decorations for religious and national holidays are allowed on and in homeowner's property, and on the inside of fences. Decorations are not allowed in the common area, or in the Association maintained planting beds. In particular, decorations are not allowed on the outside of fences, neither attached nor draped down the fence or attached to the outside of a balcony. However, one holiday wreath will be allowed on the exterior patio gate using a wreath hanger, both of which must be removed within seven days of said holiday. SOHA is not responsible for loss or damage to decorations or any other attachments.

Religious and National holiday decorations may be displayed beginning three (3) days before until seven (7) days after said holiday. Decorations may be displayed

beginning three (3) days before Thanksgiving until seven (7) days after New Year's Eve.

All holiday lights must be approved by Underwriters Laboratory (UL). Any exterior lighting must be plugged into a Ground Fault Circuit Interrupter (GFCI).

Front door decorations, such as wreaths, welcome plaques or doorknockers are allowed year round. These front door decorations must be aesthetically pleasing and harmonizing with the exterior. Wreaths may not exceed twenty (20) inches in diameter. Welcome plaques may be up to fifteen (15) inches wide or eighteen (18) inches high.

At the May 4, 2005 Annual Meeting, the Membership was asked "Should Torans be permitted to hang above a unit owner's front door throughout the complex?" After a vote of 115 nays and 9 ayes, the Membership voted to prohibit Torans.

4.4 Doors

4.4.1 Screen Doors

Newly installed screen doors or security screen doors must be of a color approved by the Board to be compatible with the SOHA color scheme. Replacement exterior screen doors, which open directly into the Common Area, must be of an approved design and color. Screen doors behind fences may be any reasonable color and design, with prior ACC approval.

4.4.2 Storm/Screen Doors

Storm/Screen Door combination is allowed. Contact the Manager for the approved design.

4.4.3 Exterior Doors

Exterior entry doors must be of a design and color approved by the Board.

4.5 Flags

4.5.1 United States Flag

One normal size (3 x 5) United States flag is permitted. Flags and standards are subject to the policies set forth for Attachments (*See Section 4.2*) and Aesthetics (*See Section 2.5*) above. Flag standards may be attached to your fence posts, which is the preferred method, and painted to match the fence, or attached to the front of your house painted to match the stucco or wood trim. Flags and standards must be kept properly maintained.

4.5.2 Decorative Flags

Decorative flags must be kept within homeowner's property.

4.6 Signs

4.6.1 No Soliciting Signs may be obtained from the office for a nominal charge, and may be posted on doors and/or fences. These must be of harmonious size and appearance.

4.6.2 Use Other Gate Signs may be obtained from the office for a nominal charge, and may be posted on doors and/or fences. These must be of harmonious size and appearance.

4.6.3 Real Estate Signs One ("For Sale" or "For Rent") is allowed per unit, not exceeding four (4) square feet in size and conforming to applicable statutes. The sign may be displayed in the window, or staked in the common area with the stake no wider than two (2) inches. Please refer to Section 5.06 of the CC&R's.

4.6.4 Political Signs are allowed per applicable statutes and Section 5.06 of the CC&R's. The homeowner is responsible for any damage caused by the signs. It is recommended that homeowners consult with the Association Manager regarding the location of underground gas, electrical and water services before erecting a sign.

4.7 Wind Chimes

Wind chimes are allowed as long as their sound does not cause an annoyance to a neighbor.

4.8 Bird Feeders

Bird feeders must be hung in such a manner to prevent the seed from falling into the Association maintained planting beds. Birdseed creates weeds, which creates additional work for the landscape crew and wasted Association dollars.

4.9 Satellite Dishes and Antennas

Satellite dishes and Antennas are allowed per FCC regulations and SOHA guidelines. (See Section 6.04 of the CC&R's). A Request to Install a Satellite Dish form is available on the website www.sunsetoaks.org or from the Manager. The form must be filled out and returned before the installation of a dish. This will ensure that all safety and aesthetic concerns have been met, and that a professional installation was performed.

4.10 Balconies

4.10.1 Storage

Balconies must be kept reasonably neat, uncluttered, and aesthetically pleasing, and may not be used for storage (e.g., chairs are allowed). The storage of personal items such as boxes, laundry, and bicycles is not allowed.

4.10.2 Privacy Slats

Privacy Slats are allowed for the balcony using the approved design plan, which is available from the Association Manager

4.10.3 Safety

For safety reasons, no item(s) may be hung or attached on the outside the balcony railing area. No objects may be placed on the balcony railings. All hanging items/plants must hang within the balcony floor area and must not extend beyond the balcony railing.

4.11 Plant Containers

Residents may place plant containers on their private property on the cement slab, which is under the drip line of their roof or balcony. Containers must not be placed in the "Association maintained property", nor may containers obstruct a clear pathway to the door to present a tripping hazard. Containers may not be taller than 14". Dead plants must be removed and replaced.

Plant containers, seen from the common area, must be terra cotta, brown colored, white or hunter green.

The containers must be light enough in weight to be easily moved when necessary for maintenance of the resident's structure. No biodegradable containers or wooden barrels will be allowed. Containers and plants must be kept in good condition.

4.12 Hoses

Residents may place garden hoses on their private property under the roof drip line of their unit to facilitate maintenance of their personal container plants. Hoses must be green or black and no longer than sufficient for use in watering those plants. Hoses must be kept neatly coiled and out of the common area when not in use. Hoses should never be draped over gas or water pipes or hose bibs because the weight could cause breakage of the pipes.

4.13 Exterior Lighting

Residents may replace their exterior lights on front/rear patios with an "approved" light fixture. Details and specifications are available from the Manager.

5.0 GARAGE

Use of garages is described in the Association CC&R's, Article 5, Section: 5.05B.

6.0 PARKING

6.1 Parking Rules and Regulations are defined in the Association CC&R's, Article 5, Sections 5.03 and 5.04 and in Resolution 29. In summary, each resident may park two (2) vehicles in SOHA parking areas: one in an assigned garage plus one outside in off-street parking (driveway) with an assigned SOHA parking tag. All vehicles must be registered with the SOHA office. A car parked in off-street parking without a tag may

be ticketed or towed. This applies to extra cars you may own, and to your guests. If you are ticketed, a fine may be assessed. If you or your guests are towed, you must pay the cost of towing and storage. To avoid the cost, inconveniences, and embarrassment, remember: you may only park one registered car in SOHA off-street parking areas, and only with a parking tag displayed hanging from the vehicle's rear-view mirror.

6.2 Vehicle Storage: Uncovered parking spaces may not be used for vehicle storage, which is defined as parking for longer than seventy-two (72) hours. Moving a vehicle from one parking street space to another does not initiate a new 72-hour period. The City of Sunnyvale requires a vehicle be driven at least one-mile. If a vehicle must be parked for longer than seventy-two hours, such as during out-of-town travel, it is required that notification be given to the Association office.

6.3 Uncovered Parking Spaces: Vehicles may not park to extend over parking space divider lines. Vehicles may not park to extend either the front or the back bumper into the landscaping. This is to protect plants and sprinkler heads from damage. If your car has a long rear overhang, you should drive forward into the parking space. Conversely, if your car has a long front overhang, you may not be able to pull forward until your wheel touches the curb. Vehicles may not park to extend out of a parking space into the driveway. Very large vehicles, which do not fit into the available width or depth of a parking space, may not park in uncovered parking spaces.

6.4 Vehicle Covers used in off-street parking spaces must be of a commercial manufacture and shall 1) be of a subdued color that reasonably blends with the surroundings; 2) be fitted, installed, and secured so as to prevent undue sagging and flapping in the wind; 3) be maintained in good condition; 4) be suitably marked with the vehicle's license number in easily readable characters three to four inches high when viewed from the rear; and 5) be suitably marked with the owner's Sunset Oaks parking permit number when viewed from the front.

7.0 PATIO

7.1 Plants

Plants visible to the common area must be well maintained. All dead plants must be removed and replaced.

7.1.1 General

The purpose of this section is to decrease homeowners' liability to repair damage to fences, buildings, sidewalks, and/or patio cement caused by plants in their patios. Patio plants must be alive and must not be allowed to grow into the common area or into neighbors' patios. Plants must be maintained at a reasonable patio plant size, and any plant droppings must be confined to your own patio. Homeowners are responsible for any maintenance costs caused by their plants or root damage to concrete or sewer lines.

7.1.2 Trees

Homeowners need to select trees for patio planting with extreme care. Today's small tree may become tomorrow's giant and expensive problem.

Appropriate patio trees should not have excessive fruit or debris that falls, be small, have root systems that will not crack cement, not invade and clog sewer lines, be confined to the homeowner's patio, nor interfere or extend to their neighbors property or the common area, not unduly block their neighbor's sunlight, and not come in contact with any structures. Ask your nurseryman about the availability of miniature varieties of trees.

7.1.3 Vines

Vines covering the spaces in the upper portion of the fence offer privacy and beauty, but require constant maintenance. For an alternative, see fence privacy slats in paragraph 8.0 below. Vines must be confined to trellises and the upper portion of the fence, and must be kept pruned back from above the fence, sticking out through the spaces in the fence, and growing out through fence boards. Residents are advised to routinely reduce vines in bulk to avoid offering homes to snails and other pests.

7.1.4 Recommendations

The most important information to give your nursery when discussing a tree for your patio is the size of your patio, the size of the planting bed, the available room for growth, and the proximity of fences, buildings, and neighbors. This information is vital to select an appropriate tree for your confined space.

"Container gardening" may offer a solution for some homeowners. Check with your nursery for trees that grow successfully in containers and barrels.

The following list offers a few suggestions from local nurseries. These trees all tend to grow to appropriate size and have well-mannered root systems. Homeowners will need to research their other attributes in making their selection.

Trees: Japanese maple (deciduous, colorful foliage), Japanese dogwood (deciduous, fruit, flowering, colorful foliage, fragrant), Dwarf citrus (deciduous, fruit, flowering, colorful foliage, fragrant), Japanese crape myrtle (deciduous, flowering, colorful foliage), Sweet bay (evergreen, fruit), Tea trees (evergreen, flowering), Photinia fraseri (evergreen, flowering, colorful foliage).

These shrubs may be trained as patio trees: Azalea (evergreen, flowering), Bottlebrush (evergreen, flowering), Fuchsia (flowering), Hibiscus Rosa sinensis (evergreen, flowering), Osmanthus fragrans (evergreen, flowering, very fragrant), Raphiolepis (evergreen, flowering), Xylosma congestum (evergreen).

7.2 Trellises, Stakes, Lattice, and Other Plant Supports

Trellises, Stakes, Lattice, and other plant supports may not extend above the top of the fence. *See caution in paragraph 8.0 regarding attachments to fences.*

7.3 Covers

Patio covers are allowed only with prior approval of SOHA. Plans for one particular design, installation, and color, are available from the office. Any alterations to those plans require written approval by SOHA. The homeowner is responsible for the maintenance and painting of the patio cover. Paint for patio covers is available through the Association Manager.

7.4 Maintenance

If you maintain a clear space of at least six (6) inches between your plants and the fence, then maintenance such as repair and painting of the fence can be accomplished with little risk of damage to your plants; any such damage will be repaired by SOHA. However, we recognize that it is not always desirable to leave such a gap since the entire width of many patio flowerbeds is only thirty inches. Therefore, a resident may locate plants closer to the fence with the understanding that maintenance personnel will use reasonable care in performing their tasks. If such plants are damaged or destroyed, then the resident, not SOHA, is responsible. If you decide to locate plants closer than 6 inches from the fence, use common sense. The closer they are to the fence, the more likely they are to be damaged. When you receive notification of scheduled maintenance of your fence, relocate or protect your plants as much as possible to minimize possible damage to them.

7.5 Furniture

Any normal patio furniture and accessories are allowed, e.g. chairs, tables, umbrellas, grills, planters, and etcetera. Umbrellas must be contained within the patio area.

7.6 Storage

Items may not be stored on patios, which are an eyesore seen from the common area; *See Aesthetics in Section 2.5*. Storage containers may not be higher than the bottom of the holes in the fence, or than the top of the fence if fence openings are covered by privacy slats or vines.

7.7 Laundry and Clotheslines

For aesthetic reasons, no clotheslines or laundry shall be visible above the solid portion of the fence.

8.0 PATIO FENCES

8.1 General

Only approved items may be attached to the Association owned and maintained patio fences. Nothing may be placed on top or between the slats of the fence. When installing attachments, take care not to damage the fence. If, in the sole judgment of SOHA, any fence attachment is the cause of damage to the fence necessitating maintenance, then the Homeowner is responsible for the cost of that maintenance/repair. See paragraph 4.2.

Ropes, string, etc. are not allowed to be tied around the slats of the patio fence in order to support plants and/or a clothesline. Lattice, is allowed, but must be painted to match fence.

Patio gates must be latched closed when not in use. This practice will protect the fence from slamming on windy days, and help avoid unnecessary repairs.

8.2 Privacy Slats

Homeowners, who desire patio privacy, may wish to consider one of the approved designs for fence privacy slats as an alternative to vines, which can be high maintenance--requiring frequent trimming. The privacy slats must be painted to match the fence. There are two sizes permitted: a four-inch privacy slat, or a six-inch privacy slat, which may be installed by SOHA upon request at the expense of the homeowner.

8.3 Gate Locks

With appropriate submission of an ACC Alteration Request or request or notification to the Board, homeowners may install a lock(s) on their fence gate(s). Please note that fences are not rigid structures and settlement may occur over time. Homeowners are responsible for any repairs resulting from settlement or otherwise, even if the lock was installed by a previous owner. Locks should be of a harmonious color to blend in with the fence. SOHA will give at least 3 days notice to the homeowner if the Association needs to access the homeowner's property through the gate.

Doorknobs are not permitted.

8.4 Doorbells

Homeowners may install a doorbell on their fence post. Doorbells should be of a harmonious color to blend in with the fence. The homeowner is responsible for the costs of installation and maintenance plus any damages caused by the bell.

9.0 PRIVATE PROPERTY MAINTAINED BY THE ASSOCIATION

9.1 General

SOHA maintains private property around the house, under the house drip line, and outside the patio and homeowners may not place any personal items in these areas.

10.0 COMMON AREA

10.1 General

Except as specifically permitted, residents may not place any personal items in the common area, including but not limited to: plant containers, landscape decorations, chairs, lounges, toys, bicycles, pet houses and pet food dishes. Laundry should not be hung from common area trees or placed on common area shrubs.