



**Nepenthe Association**

# **Architectural Review Committee Guidelines and Home Improvement Application**



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## Purpose

Certain alterations (termed an improvement or modification) to the exterior of a house or unit in the Nepenthe Association require the homeowner to submit an application to and receive approval from the Association. This process and the role of the Architectural Review Committee (ARC) are governed by Article IV (architectural control) in the CC&Rs of Nepenthe Association, last revised and adopted in 2015.

Article IV, Section 4. of the CC&Rs calls for “improvements that [are] in harmony with the external design of other structures and/or landscaping.” Furthermore, it states that “proposed improvement(s) ... will ... be consistent with the architectural and esthetic standards prevailing within” the Nepenthe Community. While the CC&Rs directs the Architectural Review Committee to consider the quality of workmanship and materials proposed, it also mandates consideration of the harmony of the proposed improvements among the existing structures.

The ARC seeks to strike a balance between adhering to the original design and maintaining a harmonious aesthetic and recognizing that since our homes were constructed in the 1970s, building materials have changes and new building products are now available. The ARC encourages homeowners to bring forward new and efficient products such as energy efficient heating and cooling systems, double-glazed windows and doors, and different wood-like products for trellises.

The ARC is committed to recommending such new products or methodologies to the Board of Directors for approval.

This document outlines the current standards for improvements within Nepenthe. This information will be available in the office and online at [www.nepenthehoa.com](http://www.nepenthehoa.com).

The application forms are to be found at the end of the document. If you have any questions on the submission or approval process, please contact the office.

**Note: In addition to these Nepenthe criteria, all homeowners must comply with applicable City and County requirements for building permits.**

## The Process

If you wish to make any exterior changes to your unit that, in general, will be visible to the community, alter the siding on your home or create interior changes that alter the roof, you must receive approval from the Architectural Review Committee (ARC) and the Board of Directors. For the complete list of improvement requiring an application, please check the Table of Content page.

### Procedure:

#### ***If you are going to follow the Guideline's criteria exactly:***

1. Review the rules for the improvement you are requesting.
2. Complete the application form(s) and attach all required information.
3. Submit the application form and required documents to the Nepenthe Office.

#### ***If you want to do something outside the current criteria or if your improvement is not addressed in the criteria:***

1. Review the criteria for the improvement you are requesting, if applicable.
2. Consider meeting with a member of the ARC, if you would like assistance in understanding what it is the Committee will consider for non-standard changes.
3. Submit detailed information with the application form
4. Attend an ARC meeting to present your plans.

### Approval:

1. For certain basic changes (such as replacing a garage door according to criteria), the office may be able to approve your application immediately.
2. ARC will review your project and make a recommendation to the Board of Directors.
3. Final approval is provided by the Board of Directors. *The Board of Directors has allowed certain improvements to begin based on emergency ARC approval prior to the formal Board consent. The Nepenthe Office is aware of these exceptions.*
4. You may not begin work until you receive approval in writing from the Nepenthe office. Documents will be mailed to you.

### Denial:

Should the ARC deny your application, you may request a direct review of your application by the Board of Directors. Contact the Nepenthe office to request a Board review.

If the homeowner disregards the ARC Guidelines directions and completes an improvement without necessary Board approval, the Board may levy a Special Individual Assessment against the owner and require the work to be corrected.

### After Completion:

After you have completed the approved work, you must notify the Nepenthe office by completing and returning the Notice of Completion form. In certain cases, you must have a completion inspection. These cases are identified on the application form.

### Time Frame:

Article IV of the Nepenthe HOA CC&Rs describes in detail the procedures and time frames for architectural improvements or modifications requested by the owner. In general, once a completed

application has been filed with the office, the ARC should make a recommendation of approval or denial that should be included on the next Board meeting agenda.

When an approval has been granted, the owner has one year in which to start the improvement or mediation. The work should be completed within one year from when work commenced.

## Frequently Asked Questions

- **How long does approval take?**

Roughly four to five weeks, or possibly longer, depending on when you turn in your application. So, please plan ahead. Why does it take so long? Once the ARC recommends approval, the application then goes to the Board at its meeting the following month.

- **Do I have to attend the meeting of the Architectural Review Committee (ARC)?**

In general, no. If the application is routine and for an improvement listed in the *Guidelines*, and if the application is complete, one need not attend the ARC meeting. However, if the Committee has questions, they may suggest you attend. Sometimes talking face to face is the easiest way to communicate about complicated matters.

- **Can I see a sample of a completed application packet that was approved?**

Yes. The office has sample applications for certain improvements that you may look at.

- **After reviewing the Architectural Guidelines, if I still have questions about my project and what may be required, may I request to speak with a member of the ARC before submitting my application packet?**

The ARC is always happy to speak with a homeowner and answer questions. Ask at the office, and an ARC member will reach out to you.

- **Where do I find a floor plan of my home?**

You can obtain a copy on paper from the office. Nepenthe's website has your home's floor plan built into it: if you go to [nepenthehoa.com](http://nepenthehoa.com) and click on "Interactive Community Map" and find your home and click on it, a window opens up with a download button that will deliver the original floor plan illustration from the developer as a .pdf. (Unfortunately, currently there is an error for some 5000 and 5500 model homes: the wrong 5000 model plan has been substituted. The office can supply the correct floor plan on paper or as a .pdf document file.)

- **Can I start work after the ARC meeting?**

In general, no. The ARC itself does not have the final say. Once the ARC approves an application, it goes to the Board at its meeting on the first Wednesday of the following month. However, for certain emergency improvements, such as replacing broken HVAC systems, the Board has granted the ARC emergency power to fully approve your application, so that you can start work as soon as possible.

- **I don't know anything about the technical specifications, such as the diameter of refrigerant line sets or low-voltage control wires. Instead, can I just have my contractor talk directly to a member of the ARC?**

Generally, the ARC prefers that the homeowner communicate with the contractor to obtain answers. Because ultimately the Home Improvement Application is a legal agreement between the homeowner(s)

and the association, it is best if the homeowner understands and makes the decisions about all the details that go into a project.

- **How do I know if my improvement application was approved?**

There is no need to attend the Board meeting at which your application is on the agenda unless it is new, unusual or controversial and if Board members are likely to want further information about it. The morning after the meeting, you can contact the office to check. The office will mail out a formal letter of approval, accompanied by the Notice of Completion (NOC) form, which should arrive in several days.

- **What happens if I've completed a project without approval?** See below.

### **The Process for an Unauthorized Improvement**

- 1) The Nepenthe office will send you a notice of violation letter and will request from you an application and Notice of Completion for the unapproved modification.
- 2) The application and NOC shall then be submitted to the ARC for a recommendation on whether the modification would have been approved under the specific criteria documented in the *Architectural Guidelines*. If the modification would not have been approved, the ARC will provide an explanation of why approval would not have been granted.
- 3) The ARC's recommendation will be submitted back to the office to be included in the next Board meeting packet for Board discussion and approval or denial.

## **The Architectural Criteria**



**1. Air Conditioner, Furnace and Heat Pump – Board Approval Required (A Supplemental HVAC questionnaire must also be submitted, which may be obtained from the management office or [www.nepenthehoa.com](http://www.nepenthehoa.com).)**

A new exterior air conditioner compressor unit or new exterior heat pump compressor unit shall be located outdoors in the same area as the existing compressor unit which it is replacing. All refrigerant piping shall be reused or replaced by new lines concealed in the same manner as the existing lines were concealed. Any new electrical wiring contained in conduit shall be concealed as described above. No refrigerant piping nor electrical conduit shall be exposed. New furnace blowers, air handlers and evaporative coils shall be concealed within the residence in the same manner as the existing unit. "Through-the-roof vents and caps" shall be painted to match the roof or other vents.

Note: Subject to Committee and Board approval, the fence section adjacent to the new outdoor air conditioner compressor or new heat pump compressor unit may be moved outward to create a larger area to allow for adequate ventilation. If you are requesting such a fence relocation, please submit manufacturer's specifications along with a sketch showing the relocated fence.

A copy of the final approved building permit, if required, shall be submitted upon completion of the work.

**2. Antennas; Satellite Dishes – Office Approval Only *Adopted July 5, 2017***

Depending upon the location and their visibility, satellite dishes and antennas can impact the look and character of our neighborhood, ultimately impacting desirability and home values. One of the primary charges of the Architectural Review Committee (ARC) is to provide guidance to homeowners and to take appropriate steps to preserve and maximize our neighborhood and home values. The Board has approved this Guideline in order to implement the specific terms of Section 3.11 of our CC&Rs.

Approval:

Prior to installation of a satellite dish or antenna, residents (owner of property) are required to submit an application to the Management Office for review and approval. Residents are encouraged to consult with and work with the Office in order to determine the best location. In the event the installation requested does not meet the current guidelines under the CC&Rs, the application may be referred to the ARC for further review.

Type and Size:

Only satellite dishes and antennas that are permitted under the Telecommunications Act of 1986 and regulations promulgated by the Federal Communications Commission as a result of this Act may be installed.

Acceptable satellite dishes and antennas include: (i) an antenna designed to receive direct broadcast satellite service, including direct-to-home satellite service, that is one meter (i.e. 3.28 ft.) or less in diameter, (ii) an antenna designed to receive video programming service, including multichannel multipoint distribution service, instructional television fixed service, including multichannel multipoint distribution service, and which is one (1) meter (i.e. 3.28 ft.) or less in diameter or diagonal measurement, (iii) an antenna designed to receive television broadcast signals, and (iv) a mast supporting an antenna described in items (i), (ii), (iii) above.

Location:

The location of a satellite dish or antenna should be unobtrusive and not overhang a neighbor's

property or the Association's Common Areas. This requirement, however, is not intended to unreasonably delay installation, unreasonably increase the cost of installation, maintenance or use, or prevent the reception of an acceptable quality signal. We are all neighbors here and must recognize that the actions we take regarding our own property may impact a neighbor and the enjoyment of their property. Homeowners are encouraged to speak to neighbors and Association Management about the appropriate location before installing a satellite dish or antenna.

Installation:

The Association requests that residents consult with the installer(s) to determine the best location on the owner's property that will conform to these guidelines per the application submitted.

The Association is aware that many installers (because of lack of time, lack of proper equipment, or employment guidelines) will place antennas or satellite dishes in the most convenient location for the installation company and not take the time to consider what is best for the owner or the Association.

If owners have questions about the proper location of their satellite dishes, the Management Office should be contacted for guidance before the dish is installed.

Any permitted satellite dish or antenna must be installed within the boundaries of the owner's property and may not be installed on or extend into Common Area or an adjacent property.

It is recommended that antennas or dishes be securely installed on the rear sides of residences or garages to minimize visual impact and mitigate overhanging Common Areas or a neighboring property. Dishes are not to be attached to roofs or chimneys.

All wiring and materials associated with the dish or antenna should be concealed and as unobtrusive as possible. All wiring and materials associated with the satellite dish or antenna shall be painted with the same exterior paint to match the buildings along which they run. Dishes, masts, and antennas need not be painted over.

All installations must be in accordance with all applicable building, fire, electrical and related codes. All installations shall be in accordance with the manufacturer's installation specifications.

A satellite dish or antenna may be attached to free-standing yard post so long as the height of both post and dish or antenna is below the fence line.

Maintenance and Removal:

Homeowners are wholly responsible for any maintenance associated with the antenna or satellite dish for the duration of its life and are responsible for its removal.

Upon removal, homeowners are responsible for restoring the location where the satellite dish or antenna was installed, appropriately filling and repainting any penetrations of siding or fascia boards, and for removing all wiring and materials associated with the dish or antenna.

**3. Attic Ventilation and Exhaust Fans – Board Approval Required**

In the 2000s Nepenthe replaced the original cedar shake roof design with one created by Advanced Roof Design that utilizes a non-flammable "Presidential" composite shingle with a 50-year warranty. Both for the peaked-type and shed-type roofs, the design incorporates a passive ventilation feature

in which the air enters through “eyebrow” vents low on the roof slope and exits high under a row of shingles at the top of the roof. Some homeowners have found their attic too hot.

Nepenthe does not allow a wind-powered roof turbine ventilator nor a roof-mounted attic fan that perforates the roof. Instead, as a solution, Advanced Roof Design came up with a design for a gable-mounted (that is, mounted on the inside of the side wall under the roof) attic ventilation fan that will cool the attic. It is electrically powered and typically automatic and is mounted behind a rectangular, louvered gable vent installed in the wall. Ask the office has more specific information. The “whole house”-type fan is mounted in a ceiling to exhaust interior air into the attic. Because it is not mounted in and does not affect exterior siding or the roof, Nepenthe does not regulate the whole house fan, and leaves installation up to the homeowner.

#### **4. Awnings and Shade Sails – Board Approval Required**

Installing exterior retractable patio awnings and structurally anchored shade sails are considered architectural alterations to a home’s exterior and therefore require prior approval of the Board. Also approved have been fabric canopies that slide on their support wires.

##### **Retractable patio awnings**

Retractable awnings allow residents to have shade and enjoy sun when they wish.

##### *General specifications:*

- Awning style – Lateral arms open and close horizontally under the awning canopy
  - Retraction – manual or motorized
- Widths – 8 feet to 20 feet
- Projection – 7 feet to 11 feet 8 inches

Fabric Selections: Solid, lighter-colored earth tones which are complementary to the residence exterior paint

##### *Installation*

Retractable awnings may be mounted on the siding in the area above patio windows and doors and below the horizontal flashing between panels on two story residences. Awning installation must allow for future removal for maintenance (painting and replacement) of exterior siding.

##### **Shade Sails**

Shade Sails (aka Sun Sails) with the right design provide shade to patio areas. The sail is typically anchored to a residence, garage, or free-standing wooden posts no more than 8½ feet in height which are embedded in concrete footings. Shade sails are considered temporary tension structures which may be taken down seasonally.

The perimeter of each sail is designed with a catenary curve inwards towards the center of the sail to control the fabric tension. Shade sails have reinforced webbing around the edges and marine stainless-steel Delta or D-Rings at each corner. When properly anchored and tensioned, this curve or gore helps eliminate fabric wrinkles, sagging and flapping in the heaviest of winds.

##### *General specifications:*

- Style – Triangle or rectangle
- Widths – Variable depending on location of installation
- Fabric Selections -- Solid-color, lighter-colored earth tones which are complementary to the residence exterior paint

### *Installation*

Shade sails may be mounted on residences in the area above patio windows and doors and below the horizontal flashing between panels on two-story residences. Sail installation must allow for future removal for maintenance (painting and replacement) of exterior siding. Sails may not be anchored above horizontal flashing between panels on two story residences. Mounting anchors must be securely installed, and sealed to prevent moisture intrusion, through exterior paneling into structure framing.

### **Applications**

Applications for retractable awnings and shade sails must include a full description of the proposed installation as well as samples of the selected awning or sail fabric.

## **5. Burglar or Security Systems, and Alarm Bell Boxes mounted on exterior – Board Approval Required for Hard Wired Systems ONLY**

Typically, new security systems now no longer use an external alarm bell box. If needed, alarm boxes shall be installed on exterior siding in an unobtrusive location within the homeowner's fenced patio area. *Exceptions to this rule will be allowed only in cases where it can be demonstrated that placement of the box in the general location stated above will significantly impede operation of the alarm system.*

Because of the variation in the house and patio layouts, location of the alarm box shall be considered on a case-by-case basis by the Committee.

Alarm boxes shall be painted the same color as the exterior of the house or garage on which they are placed, at the homeowner's expense. *Exceptions this rule will be considered only in cases where the alarm box cannot be seen from the common area or from a neighbor's window or patio.*

Small decals or signs indicating that the home is protected by an alarm system, size not to exceed 3" x 8", may be placed on a lower corner of the first-floor windows or another location approved by the Association.

Wireless and wired-on-the-interior-only alarm systems need no application unless adding video surveillance and cameras. \*See Section 24. Security Cameras

## **6. Chimney Caps – Office Approval Only**

The original section of Nepenthe (in the northeast) has roofs with wooden chases, while the much larger, later section has masonry chimneys of brick.

Chimneys with a wooden chase house a round flue that requires a round cap. The round cap and the chase must be painted the color of the structure.

Masonry chimneys must have a cap that will conform to the exterior shape of the chimney, normally a square or rectangular cap.

Caps should be a dark brown or black matte finish.

## 7. Exterior Security Lighting

### 7.a. Exterior Lighting on Garage Walls Outside Fence Line – Board Approval Required

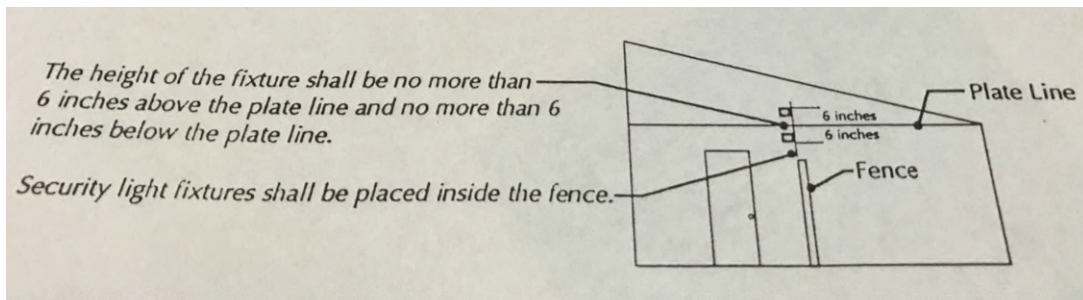
Application is required. The security light fixture must be a bullet-style with one or two bulbs that are adjustable so that the light can be directed downwards, with a shield over the bulbs. A motion-sensor feature is not allowed; the lamp must stay on continuously.

The fixture should be bronze, dark brown or an unobtrusive color tone that is compatible with the color of the dwelling.

The homeowner must specify the make and model of the fixture and submit a drawing, picture or photocopy of its appearance. All wiring and/or conduit must be concealed within the structure.

Security light fixtures must be placed inside the fence line. (See Criteria 5.b. for fixtures located on the front of the garage or outside the fence line.)

The height of the fixture shall be no more than 6 inches above or 6 inches below the plate line (flashing line between vertical siding panels). The angle of the light shall be adjusted to avoid shining on to other properties, alleys, streets, or into the eyes of motorists or pedestrians.



### 7.b. Exterior Lighting on Garage Walls Outside Fence Line – Office Approval Only

The approved light fixture is WAC Lighting's WS-W20506-BZ Scoop LED Outdoor Wall Light Fixture, One Size, Bronze. This fixture is available from [www.amazon.com](http://www.amazon.com) or from local store Lumens Light and Living, located at 2028 K Street, Sacramento. Lumens offers a discounted price for Nepenthe owners.

Photo of approved light fixture:



Light source/bulb must be fully shielded. Angle of light beam shall face downward perpendicular to the ground. Fixture lighting brightness shall be approximately 800 lumens (60w equivalent) when

controlled by a manual ON and OFF switch; and approximately 450 lumens (40w equivalent) when automatically reactivated by a motion sensor; not to exceed six hours of total night operation. Lighting color shall be warm white (not to exceed 3000K = kelvins). Light fixture installation shall be hardwired with wiring and/or conduit concealed within the garage structure.

Fixture placement shall be centered above the garage's house number plaque, with the bottom of the fixture installed 66 inches above the bottom edge of the building siding. There should be at least 3 inches, but no more than 4 inches, between the top of the address number plaque and the bottom of the light fixture. (In some instances, this may require relocation of the house number plaque to accommodate the light fixture and meet this requirement.)

Photo showing correct placement:



### **7.c. Exterior Lighting Mounted Below Fence Line – No Approval Required**

Backyard and patio light fixtures mounted below the fence line so that they are not visible from outside the patio area may be installed by homeowners without prior committee approval, provided the light does not have a negative impact on the common area or neighboring units.

### **8. Exterior Window-Sun Screens – Board Approval Required**

Only sun screens are permitted to shade windows. No bamboo, awnings or material, including any film or film-like material applied to the glass other than the following, shall be allowed to shade windows on the outside of the home. No roll-up blinds are allowed.

The only shade permitted is a sun screen: a screen held by a frame and fastened over the existing window. The screen material is generally a fiberglass mesh in charcoal color only.

Mounting Hardware: the mounting hardware should be of metal, in a black walnut finish (or similarly dark brown or black color) or should be painted to match the frame, and should be attached as flush as possible to the window surface.

Placement: All windows must be covered on any exposure where a sun screen is placed, except windows and sliding glass doors inside fenced patio areas.

Advertising: No advertising markings of any kind are allowed on the sun screens. The Association does not certify the effectiveness of the material; rather, its only responsibility is to approve the outside visual acceptability of the material.

#### **9. Exterior Window-Security including window bars – Board Approval Required**

Requires specific justification which must include complete design information and application.

#### **10. Floral Trellis or Overhead Trellis (Patio Cover) – Board Approval Required**

**Paint Color:** All trellises may be painted either the exterior color of the house or Cocoa Brown, the color of the fencing.

**Maintenance to an existing trellis:** Maintenance and repair to a trellis already in place does not require an application to the ARC nor Board approval and is the homeowner's responsibility.

**The Cost of Installation, Maintenance, Repairs and Replacement:** All costs of acquisition, installation, maintenance, repair or replacement of other building components related to this trellis installation shall be borne by the owner when incurred. This includes removal and re-installation necessitated by Association maintenance such as repair of siding, fences and painting.

**10.1 Floral Trellis.** A floral trellis is a single-plane vertical structure, like a lattice, that supports a shrub. It may be visible above the fence line, and freestanding or affixed to a wall. If the trellis is mounted on an exterior wall or on the dividing wall functioning as fence, it shall be removable and not permanently attached to the siding in order to allow for siding removal and painting of the structure. **Note:** Committee and Board approval are not required.

**Overhead Trellises:** This type of trellis (or patio cover) is three-dimensional, constructed of beams, is attached to the house, and shades the patio. Nepenthe's original builder offered two designs of trellis, the large and the small, which are described as follows.

The trellis shall be constructed of wood (for aluminum see 8.5 below regarding Aluminum Trellises) of smooth or rough grade. Redwood or cedar wood is recommended. The posts shall be 4' x 4' (or 6" x 6") and approximately 8-1/2 feet in height after installation. The posts shall be set on a metal post base and embedded in a concrete pier. Pressure-treated wood is recommended. The wood of the post shall be set two inches or more above the dirt grade. There shall be a 2" x 6" ledger beam mounted to the siding 6" above the trim of the sliding glass door and sealed with caulk across the top (note detail in diagram). The trellis shall not be covered with any plastic sheet, bamboo, canvas, or any other material. However, 2" x 2" rails spaced every 3-1/2" may be placed perpendicularly to the cross beams.

A building permit shall be secured, if required. The homeowner shall contact the building department and include the response in the request.

**10.2 Large Trellis:** (See Exhibit A) There shall be two support beams, 4" x 6" or one support beam, 4" x 8". The support beam shall be parallel to the dwelling. The support beams shall be bolted to the outside of the posts with the bottom approximately 18" from the top of the post, allowing about 6" of post to be visible once cross beams are mounted on top. All cross beams, 4" x 6," shall be affixed above the support beams and shall be perpendicular to the sliding door and attached to the ledger by metal brackets. Cross beams shall not be attached by an S wire and shall not be attached below the support beams. Cross beam ends shall extend approximately 15" beyond the support beam and be equidistant from each other with approximately 20" centers.

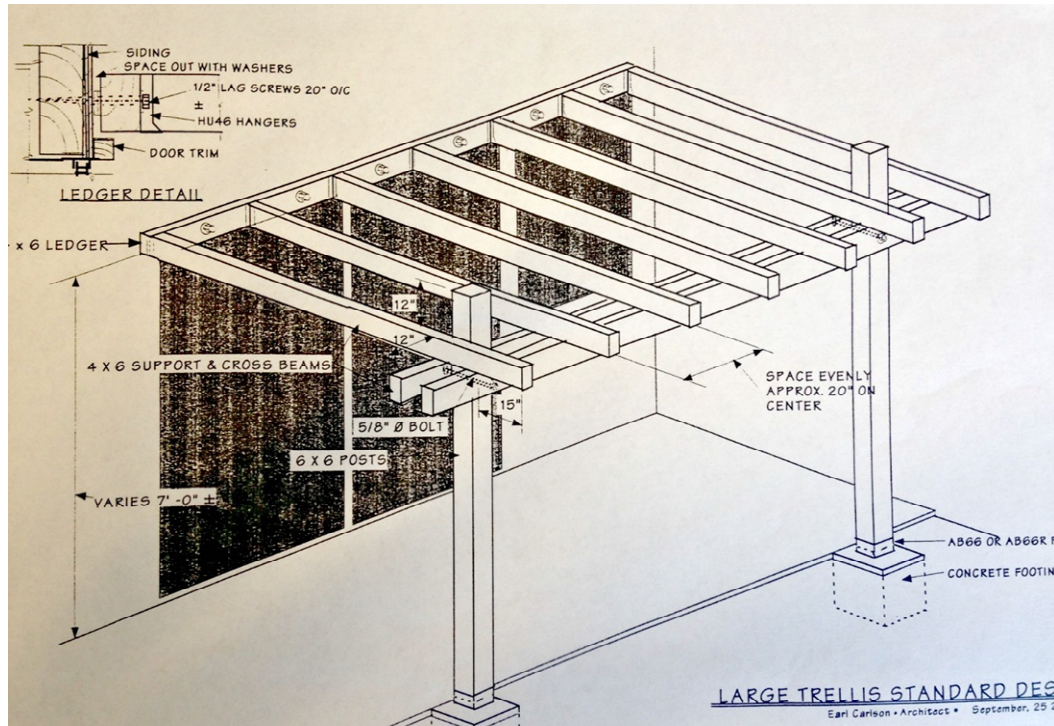


Exhibit A

**10.3 Small Trellis:** (See Exhibit B) There shall be four support beams, 4" x 6". There shall be one support beam bolted to each side of each of the two posts. The support beams shall be perpendicular to the dwelling. These four support beams shall attach to the ledger above the sliding door by metal brackets. The bottom of the support beam shall be placed approximately 18" from the top of the post, allowing about 6" of post to be visible once cross beams are placed on top. All cross beams, 4" x 6," shall be placed above the support beams and shall be parallel to the dwelling. Cross beams shall not be attached by an S wire and shall not be attached below the support beams. Cross beam ends shall extend approximately 10" beyond the support beam.



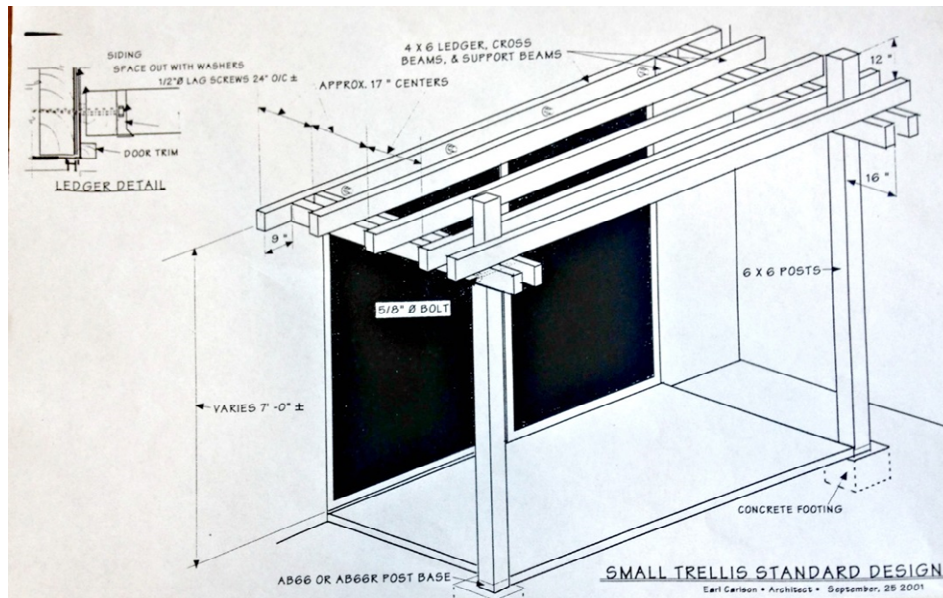


Exhibit B

**10.4 Pre-Manufactured Aluminum Trellis:** An aluminum trellis or patio cover will be considered by the Committee and the Board provided it conforms closely to the above specifications noted in sections 8.2 and 8.3 for dimensions and configuration. The manufacturer’s specifications and a color chart must be provided for committee consideration.

**11. Front Door – Office Approval Only**

The original section of Nepenthe (in the northeast, bounded by American River Drive, Commons Drive and Swarthmore Drive) has front doors in a six-panel colonial style; the much larger, other section has front doors in a flush (that is, plain) style.

Accordingly, the replacement front door must be the same style as the original door, six-panel colonial or flush, as appropriate, and must not contain windows. The office can approve this application.

Note: For a home with a front door within a fenced patio area (such as Models 2200 and 2300), where the front door is largely obscured from view from the common area, front doors other than a solid type may be considered.

Paint color choices: Only the approved colors may be used. There are a variety of color choices. Please check with the office for a list of updated, approved colors. Some of the approved colors are available from Dunn-Edwards Paint at 6770 Folsom Blvd.

**12. Front Screen Door – Office Approval Only**

For use with the front door, a variety of screen doors, storm doors and security doors have been approved in the past. Please see list of approved doors locally available in separate flyer available at the office. If requesting a design not available with the office documentation, an application to the ARC will be required.

**13. Garage Door – Passage (“Man door”), New – Office Approval Only**

(This refers to creating a side door to the garage for humans where there is not one originally.) The new door must be in the prevailing style: flush, no windows.

**14. Garage Door – Passage (“Man door”), Replacement – No Approval Required**

(This refers to the side door for humans.) Replacement door must be same style as original door: flush, no windows.

**15. Garage Door - Vehicle Sectional Roll-Up – Office Approval Only**

The office can approve this application. The style of garage door to be used is that constructed with four individual horizontal sections and shall have exterior surface of hot-dipped galvanized steel with wooden grained texture; flush style with no raised panels, no windows and no grooves between sections. When the door is closed, the four sectional panels must all be in the same vertical plane.

Available from several vendors.

The initial painting of the door is the homeowner’s responsibility. Contact the office to obtain the name of your home’s exterior paint color. Subsequent re-painting will occur during the normal paint cycle.

All other maintenance of the door shall be the owner’s responsibility. Panels and wooden trim must be kept in good condition, and the door kept closed except when automobiles are entering and exiting the garage.

**16. Gas Line and Gas Meter – Board Approval Required** *Last updated 8/2/17*

The gas line from the gas meter is to enter the residence at a height of no less than 12” or more than 18” above ground line. Gas line piping for connection from the meter to appliances, HVAC systems, or fireplaces shall be installed within walls and attic space of the residence and shall not be affixed to or exposed on the exterior of the residence.

Gas line installations and flues for gas appliances must meet City codes as approved by City inspectors. Flues for gas appliances are preferred to be installed in roof areas originally designed for vents. If current City code does not permit the aforementioned location, flues will be allowed in other roof areas.

The meter and piping on the house’s exterior are to be painted the same exterior color as the house, and flashing and flues on the roof to be painted the same color as existing roof vents.

Any roof penetrations after roof replacement may void Nepenthe’s roof warranty, and therefore any resulting water damage shall be the responsibility of the homeowner.

**17. Gutters and Downspouts – Board Approval Required**

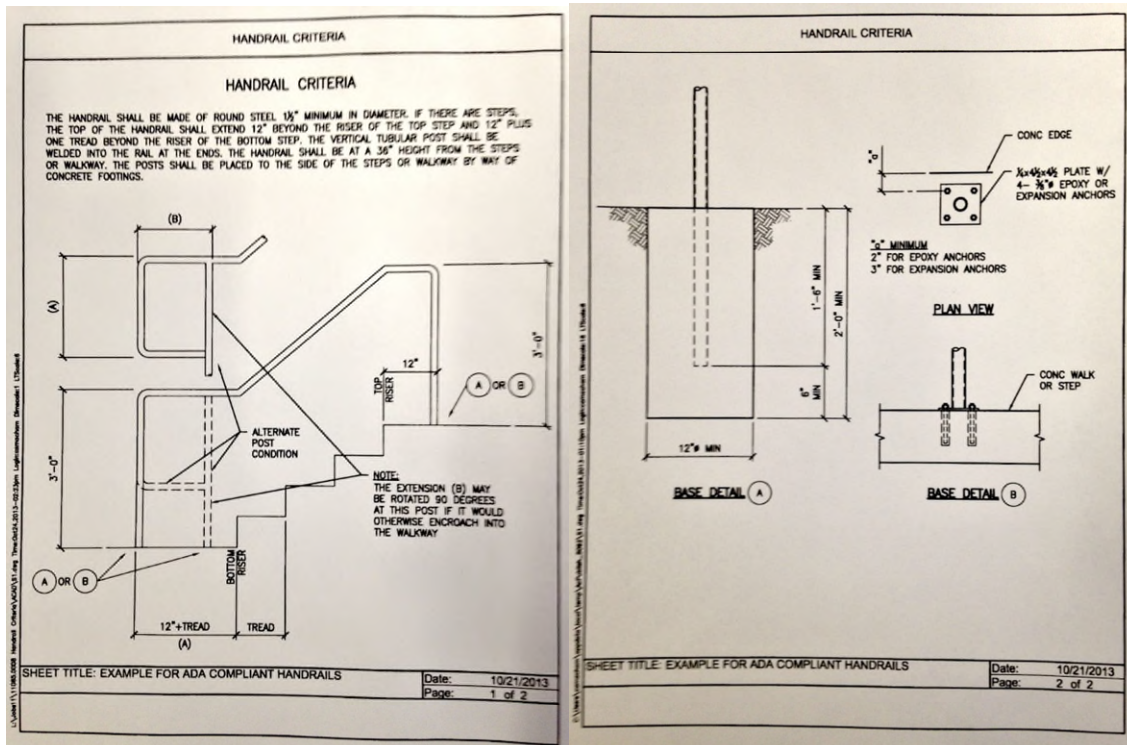
Gutters must be of the same galvanized, rectangular type and color as currently installed on surrounding Nepenthe homes. Older installations have 5-1/2 inch deep gutters, while newer Association installations in conjunction with re-roofing measure 7-1/2 inches deep. Rainwater discharge from downspouts shall not adversely affect any neighboring property or common grounds.

No other style gutter or downspout is acceptable. Gutter guards and screens are not permitted.

## 18. Handrails – Board Approval Required

Nepenthe’s handrail design has been created to be in keeping with A.D.A. requirements. The handrail shall be made of round steel 1-1/2 inches in diameter. If the walkway contains steps, the top of the handrail shall extend 12 inches beyond the riser of the top step and 12 inches plus one tread beyond the riser of the bottom step. (See diagram below.)

The vertical tubular post shall be welded into the rail at the ends. The handrail shall be at a 36” height from the steps or walkway. The posts shall be placed to the side of the steps or walkway by way of new concrete footings, not affixed into the existing walkway concrete. The handrail shall be painted black.



## 19. Mail Box – Office Approval Only *Last update adopted 2/3/21*

A curbside mailbox, with or without a separately installed locking mechanism, must be compatible with other mailboxes in the community in size, color and installation. A list of approved curbside mailboxes is available from the management office.

## 20. Mail Slot, Use and Replacement – Board Approval Required *Last update adopted 7/5/17*

The US Postal Service (USPS) will not deliver mail into any mail drops in an area where the rural-type mailboxes are required, as in our association. The USPS may allow for an exception to this roadside mailbox delivery based on a physician’s determination of medical necessity. New mail slot installation requires prior HOA approval. Submit a Home Improvement Application with the “approved” USPS application attached. The mail slot may be installed on either side of the garage door. The outside bottom of the slot must measure 39” from the bottom edge of the siding of that panel, and the slot should be centered between the vertical frames.

Exterior mail slot plates must be of metal with a black, dark bronze or dark walnut matte-like finish. The design must conform to those originally installed (see illustrations below) and shall be about 3” tall by 10-13” wide. If studs must be cut to install or widen the mail slot, the wall opening should be reframed to maintain structural integrity. No wood trim is to be altered or removed in order to accommodate the mail drop. **Replacement of an existing exterior mail slot plate does not require approval if an approved product is used. All others require prior association approval.**



Baldwin Model # 0012 Letter Box 3” X 10” Plate  
Oil-Rubbed Bronze (#120)  
Spring-aided lid keeps out weather and debris  
Backed by a lifetime mechanical warranty  
Home Depot On-Line Order: \$42.53 (May 2017)

Deltana Bronze Mail Slot 13" w/ Interior Frame  
Oil-Rubbed Bronze – Model MS211U10B  
or Black – Model MS211U19  
Amazon: \$49.42; kbAuthority 42.31 (May 2017)

Schlage 2” x 11” opening, overall plate 3.5” x 13”  
Aged Bronze (brass highlights) Model SC620B-716  
Order Online: Amazon, True Value, Home Depot,  
ACE, Lowes, Schlage. \$33-53 (May 2017)

## 21. Patio Hardscape, Planter Areas, and Rainwater Drainage – Board Approval Required

*Adopted 1/2020*

Good neighbors keep their patio enclosures in a healthy, neat, and attractive manner. The homeowner is responsible for maintenance and improvements within the fenced or enclosed patio areas on the lot (CC&R 5.2(b)), including the horizontal hard surfaces (for example, poured concrete or brick/stone pavers), landscaping (for example, trees, shrubs, surface mulching, and raised planter boxes, if present) and related surface drainage. The Association is responsible for maintenance, repair and replacement of exterior wood siding and fences separating patios from common areas and neighboring yards (CC&R 5.1(a) and 5.2(c)), except in instances in which the homeowner’s negligent maintenance or improper improvement actions may be determined to be the cause for any wood dry rot and/or termite damage, including water or landscape intrusion into an adjoining residential lot/structure (CC&R 5.3(a)).

The 2016 California Residential Code (Title 24 Part 2.5) specifies building standards within these areas that will help avoid insect and rot damage, as well as intrusion into neighboring properties. Additional HOA guidelines follow:

### Patio Hard Surface:

- Surface grading (drainage slope) within 10 feet of a structure wall or adjoining residence party wall/fence shall fall at a minimum of two percent or about an inch for every 4 feet of patio hardscape (CRC R401.3 Drainage).

- Exterior wood siding, sheathing, and wall framing shall have a minimum clearance of at least 2 inches measured vertically from the top of the final hardscape surface to the siding (CRC R317.1 Protection of Wood and Wood-Based Products from Decay).
- Any hardscape surface finish visible from neighboring properties or a common area shall be of an unobtrusive texture, pattern and color compatible with the color of the dwelling and natural stone.

Patio Planter Areas: Residential lot drainage is a responsibility of the homeowner. Any change to original patio planter areas can impact established lot drainage patterns. A rain gutter and surface water drainage plan must be provided for any change to the size or shape of existing patio flower/landscape beds, proposed installation of curb edging to existing planter areas, or construction of raised planting beds. Where planter boxes are installed adjacent to wood siding, a minimum horizontal air space of 6 inches shall be maintained between planter and the wall to provide access for ongoing debris removal and siding maintenance.

Patio Rainwater Drainage: All Nepenthe lots were originally graded to provide adequate positive rainwater drainage. Any redirecting of rainwater from a downspout located within an enclosed patio area can impact original approved drainage patterns. Any changes must address proper erosion control, including prevention of sedimentation or damage to property adjacent to the lot (Sacramento City Code 40.300). A plan must be provided before installing buried extensions to gutter downspouts. The buried downspout extension should slope about one inch for every 8 feet, provide clean-out access within the patio area, and the pipe discharge end should not extend into the common area. If, in order to achieve gravity drainage, the buried discharge end must extend into the commons area, it will be necessary for the homeowner to explain why in the application. The discharge shall not be directed towards an adjacent property or walkways. The appearance of the discharge end shall be aesthetically nonintrusive to the commons area landscape.

#### Patio Landscaping: Trees, Shrubs, and Plants

All exterior landscaping located within the fenced or enclosed patio areas on the lot are the responsibility of the homeowner, including planting, maintenance, repair and removal. Landscaping shall not extend into an adjoining residential lot or over an adjoining structure. Fences must be kept free from vegetation (for example, ivy or other climbing plants) to prevent persistent wood moisture leading to cracking and rot.

#### Patio Soil & Mulching

A layer of mulch buffers soil from the heat, keeps weeds out, and prevents soil compaction. However, mulch material also RETAINS WATER AND ATTRACTS BUGS (e.g., termites). Direct or close contact between mulch and wood can result in significant damage. According to CRC R317.1 - Protection of Wood and Wood-Based Products from Decay, exterior wood siding, sheathing, and wall framing should have a minimum clearance of at least 6 inches measured vertically from the top of the soil and/or mulch. Codes do not set a minimum clearance between the bottom of fence boards and the soil and/or mulch, so homeowners should attempt to work towards a clearance of 6 inches. However, there should be *no* contact between the soil/mulch and wooden structures.

Association siding and patio fence replacement due to wood dry rot and/or termite damage is a steadily increasing cost, leading to annual increases in Association monthly fees. The Association is responsible for maintaining the siding-to-soil clearance for walls and fences facing the Common Area. However, within the enclosed patio area this responsibility is assumed by the homeowner. All homeowners are asked to immediately eliminate any patio soil and/or mulch contact with structure siding or patio fence and move towards incremental and continuous compliance with the minimum soil/mulch clearance requirements for exterior wood siding, sheathing, and wall framing.

### Patio Landscape Irrigation

Irrigation systems for patio landscaping can provide effective water usage if properly installed and maintained. Sprinklers' spray must be directed away from structure siding and fences to prevent wood rot. Overwatering drowns plants while inviting bugs (e.g., termites). Broken irrigation lines and sprinkler heads can lead to adjoining-property and common-area damage, leading to homeowner responsibility for repairs.

## **22. Patio Pool – Board Approval Required**

This refers to homeowners creating a hot tub, in-ground soaking tub, or swimming pool within their backyard. All pumps and other noise-producing equipment must be located inside the garage on the side opposite the closest neighboring house. The pool and equipment, along with electrical wiring and conduit, must not be visible from the street or common area. Pool equipment must be situated so that it does not prohibit the parking of two vehicles in the garage.

After construction of the pool or spa, all of the common area that affected by this construction will be restored to its original condition, including plants and fence. Note: Builder must keep area neat and clean during construction. No soil or other debris can be washed down the storm drains.

## **23. Patio Structures or Improvements: Shed or Outbuilding, or Free-Standing Structure; Fence top clear**

For a pool in the backyard, see 22. Patio Pool

For antenna or satellite dish, see 2 Antenna or Satellite Dish

For awnings or shade sails or shade canopies, see 4. Awnings and Shade Sails

For patio concrete and planter beds, see 21. Patio Hardscape

For a trellis or patio cover, see 10. Floral and Overhead Trellis

### Fence Line Requirement – Keep clear above or outside

So as to limit unwanted visual impacts, no non-Architectural-Application-approved structures or appurtenances shall be visible above the backyard fence line. This includes ladders, woodpiles, tarps, etc. Exceptions independently growing trees and shrubs that grow above the fence height, and patio umbrellas, and other permitted improvements mentioned below or elsewhere.

If a structure is erected within the fenced backyard area and can be seen over the fence, the Association will require that it be applied for and approved; certain other structures of lower height also require an application, namely, a backyard pool, or a shed or outbuilding.

**Spacing from fence:** Note that no matter what type of backyard improvement or structure may be placed upon the ground permanently, it must be located at least 1 ½ feet (18 inches) away from the backyard fence, in order to allow access for fence repair, unless it can easily be moved out of the way.

Patio Structures:

This section deals with an installation that is permanent and can be seen above the fence line and is not addressed in a *Guidelines* section of its own: for example, garden decorative features or ornamental structures, rock walls, art installations and/or walls; free-standing shade structures; saunas or other building-like structures for containing people.

Tents, tent-like structures and garden canopies supported by a three-dimensional framework are not permitted.

Patio umbrellas have no restrictions on height, size or color. The only permitted free-standing shade structure is a patio umbrella secured in an appropriate-sized umbrella stand.

**Shed or Outbuilding – Board Approval Required**

The height of the shed or outbuilding is not to exceed the height of the backyard fence. The structure shall not be attached to any wall or fence and must be 18 inches away from a fence or exterior wall, in order to provide access for siding or fencing replacement/repair or painting.

**Garden Decorative Structures – Board Approval Required**

Permanent garden decorative features, such as rock walls, fountains, art installations, art walls, or sculptures that are visible above the fence top will be considered on a case-by-case basis.

**24. Security Cameras – Board Approval Required** *Adopted 11/1/17*

Installing exterior security system and cameras is considered an architectural alteration to a home's exterior and therefore requires prior approval of the Architectural Review Committee and Board of Directors. The installation will only be approved after neighbors' rights to privacy and "quiet use and enjoyment" of their property has been considered and neighbors have acknowledged the proposed installation.

In instances where a neighbor objects to the proposed installation, the Board of Directors may ask for advice from the association attorney who will review the application and the basis for the objection before rendering a decision on the application. Any expenses incurred by the association will be the responsibility of the applicant.

**Applications**

Applications to install an exterior security system and cameras must include the following:

- a plot plan showing the locations of cameras in relation to the residence, neighboring structures and common areas;
- specifications on the size, camera shape and camera angles;
- a diagram showing the field of view for each of the cameras;
- pictures of the exterior locations where cameras will be mounted

The Architectural Review Committee may require a new application and neighbor acknowledgement if there are any changes made to the initial application. Such changes include, but are not limited to, altering the location, equipment or field of view of the camera(s).

### **Security systems**

Security systems may be wireless or hard wired. If hard wired, wiring shall be run within the wall of the residence. A small penetration, properly caulked to prevent moisture intrusion, in siding is permissible to accommodate hardwired systems. \*See 5. Burglar Alarms

### **Camera Types**

There are a variety of cameras available. Typical types are Dome, Turret and Bullet cameras. Only infrared (IR) motion detecting cameras are permissible for night viewing. Cameras requiring bright light illumination for night viewing will not be approved.



Dome Camera



Turret Camera



Bullet Camera

The camera type utilized will be dependent on the location of the installation. The camera's exterior housing shall be painted to match the color of the exterior surface on which the camera is mounted. Residents are encouraged to utilize a licensed security system vendor to assist in selecting the proper camera for the proposed location.

### **Placement of camera(s)**

Home security cameras need to be mounted in the least intrusive or visible locations, and may be focused only on the resident's property. The height of cameras shall be no more than 6 inches above or 6 inches below the plate line (flashing line between vertical siding panels) and no higher than 102" above ground level at highest point. Cameras may never be directed at windows of adjacent residences, neighboring property (for example, patio areas) or common areas, with the exception that security cameras may be placed on garage exteriors with the camera angle limited to the front edge of the garage reaching to the owner's mailbox in common area.

### **Security System Signage**

Security system signs affixed to fences, gates, residences and mailbox posts are not permissible. Small decals or signs indicating that the home is protected by an alarm system, size not to exceed 3" x 8", may be placed on a lower corner of the first-floor windows or another location approved by the Association.

## **25. Skylights (also see Solar tubes) – Board Approval Required**

Skylights, opening or non-opening, are permitted. Frames shall be the dark brown or a similar dark color. Only flat, rectangular skylights are permitted.

The highest point of the skylight from the roof surface shall be no greater than 12 inches. The skylights should be positioned so that installation can avoid cutting the top chords of roof trusses.



Glass panes shall be of safety glazing and translucent or tinted gray or bronze. No other color nor reflective glazing will be allowed.

Any roof penetrations after roof replacement may void Nepenthe's new roof warranty, and therefore any resulting water damage shall be the responsibility of the homeowner.

**26. Solar Energy Roof Panels – Board Approval Required** *Last updated 9/2/18*

**Please meet with the ARC before developing plans or submitting an application for approval.**

Thermal solar systems and Photovoltaic (PV) panels must be installed by a registered contractor as determined by the California Solar Energy Industries Association and the California Energy Commission.

Thermal Solar Systems, as for heating water for a pool, must be of dull black, non-reflective material, including all piping, brackets, fittings, clamps, etc. The piping into the roof shall be immediately adjacent to the manifold. The owner is to maintain the installation in a uniform black appearance. Specific justification for an area greater than 120 square feet shall be provided. A photo or drawing showing the roof panel size and proposed location must be submitted.

Photovoltaic (electricity-generating) systems must meet these requirements:

1. The peripheral equipment, including any conduit, inverter, etc., associated with the installation of roof solar panels shall be located in an area that will minimize the visual and esthetic impact on the community. The first locations to be considered shall be the interior walls of the garage or inside the patio fence line.
2. Supports for the solar panels shall not impose a dead weight concentrated load exceeding 150 lbs. anywhere on the supporting roof.
3. Continuous supports for the solar panels shall not impose a dead load exceeding 75 lbs. per ft. on the supporting roof.
4. Continuous supports for the solar panels that are installed perpendicular to the roof slope shall have a drainage gap at 10 ft. maximum.
5. A building permit shall be secured prior to submission of the application to the Nepenthe HOA. The homeowner or the solar system contractor shall submit a permit application to the City Building Department and include evidence of the approved permit in the application.

**Homeowner's Responsibilities for Rooftop Solar Systems**

1. The homeowner shall be aware that penetrations of the roofing for the new solar panel installation or re-installation compromises the warranty for the roofing and that the homeowner will be responsible for the cost of any damage to the building's structure and interior due to water leakage caused by said penetrations.
2. The homeowner will be responsible for additional costs related to the removal and replacement of the solar panel system that will be required for future roofing replacements or repairs.
3. The homeowner will be responsible for additional costs related to the removal of rooftop debris, whether during regular rooftop cleaning by the HOA or for special cleaning required to clear debris that has collected under or around panels.

An additional legal agreement form is required for Solar Energy Roof Panels applications and is available from the management staff or [www.nepenthehoa.com](http://www.nepenthehoa.com).

**27. Solar Tubes (also see Skylights) – Board Approval Required** *Last updated 11/2/18*

Solar tubes must be no larger in size than 12 inches in diameter and may not contain an exhaust fan. The versions containing a lamp or light for lighting the room below at night are permitted.

The brand Solatube has been previously approved by the ARC, along with others.

Any roof penetrations after roof replacement may void Nepenthe's new roof warranty, and therefore any resulting water damage shall be the responsibility of the homeowner.

**28. Windows – Replacement – Board Approval Required (A supplemental windows questionnaire must also be submitted, which may be obtained from the management office or [www.nepenthehoa.com](http://www.nepenthehoa.com).)** *Last updated 2/3/21*

Nepenthe's CC&Rs requires exterior improvements to be consistent with the original architectural and harmonious with the aesthetic design standards. To increase the likelihood of approval by the committee and the Board, Nepenthe recommends the owners discuss window options with a member of the Architectural Review Committee prior to submitting an application.

There exist two architecturally different sections of Nepenthe: the older is in the northeast and is bounded by American River Drive, Commons Drive, and Swarthmore Drive; outside of this area is the slightly newer, much larger area.

As with other building design elements, windows design differs between the two architecturally different sections of Nepenthe. Excluding patio sliding doors, the original section of Nepenthe (in the northeast) has some sliding windows that are asymmetrically divided vertically into 1/3 - 2/3 or 1/4 - 3/4, while others are 1/2 - 1/2; the much larger section of Nepenthe uses only 1/2-1/2 divisions vertically for most windows.

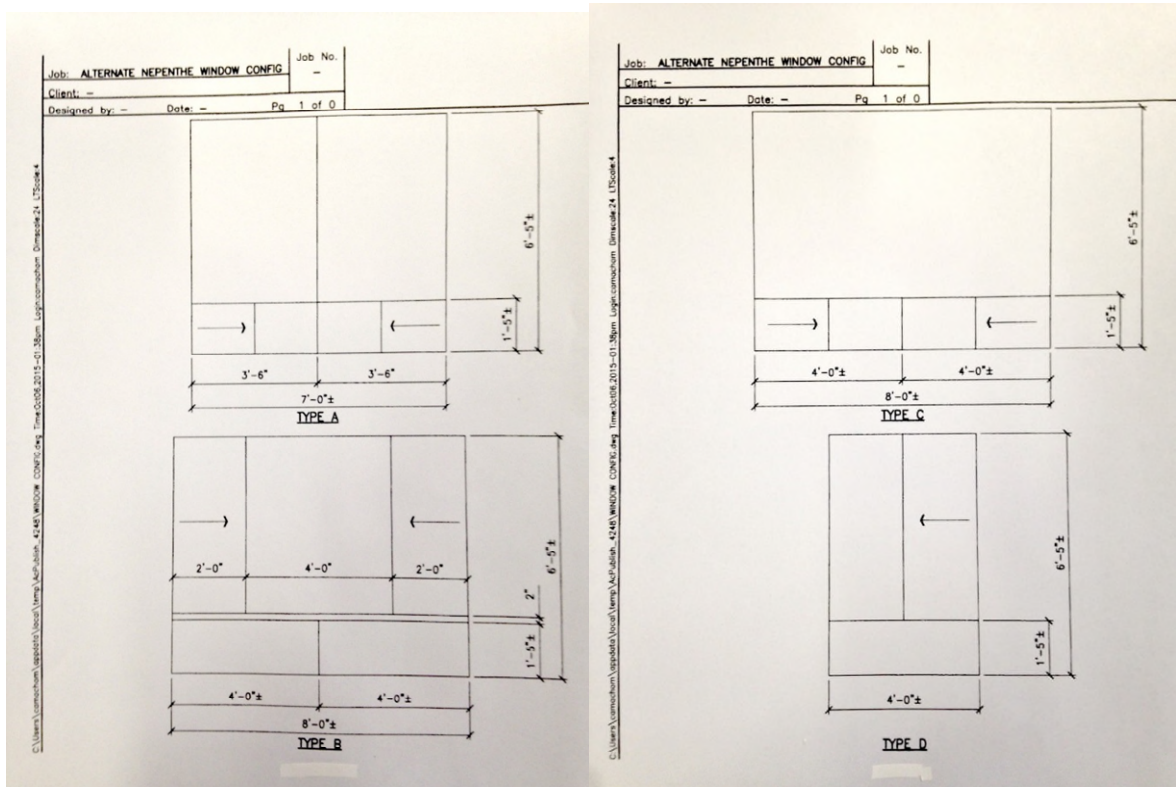
**28.1 Frame and Configuration**

**Frames:** The replacement window frames' outside appearance must be similar to that of the original Blomberg metal windows frame in frame size/thickness (including horizontal rail and vertical stile components), block (non-decorative) frame shape, and minimal frame exposure appearance. That is, the exposed, visible portion of the replacement window frame must be of essentially the same dimension ("width") as the original sliding door or window's dimension, including the kitchen greenhouse windows. The window frame's exterior color shall be a very dark brown close to the original color of the original Blomberg windows' frame color: Blomberg's shade is called "Dark Walnut" while other manufacturers call it "Bronze" or "Dark Bronze."

**Configuration:** All sliding window frames on any one elevation of a house must be of the same style and appearance, as of a single manufacturer's product. Vertical frame divisions are recommended to be replaced in the same configuration as that of the original windows (including the asymmetrical 1/3 – 2/3 configurations). If homeowners wish to change the vertical frame divisions from the existing configuration, they may choose one of the following [see diagram]:

1. For windows with an overall width of 7' (84 inches) and greater, the vertical frame divisions may be configured at quarter/half/quarter, to ease opening.
2. For windows with an overall width of up to 6' (72 inches), the vertical frame divisions are to be configured at half/half.
3. If the windows on the first and second stories are a "matched set" with one centered above the other, the replacement windows must also match in style and configuration.

Window styles not allowed are the double-hung, casement or awning hinged, or jalousie window.



### 28.2 Trim

The wooden trim pieces surrounding the windows likewise differ between the two architecturally different sections of Nepenthe. The original section of Nepenthe (in the northeast) features the narrowest wooden trim pieces to the left and right (running typically between 3 1/4" to 3 15/16" wide); a wider piece at the top (3 7/8" to 4" wide); and the widest piece at the bottom ((5 1/4" to 5 7/8" wide). The much larger, later Nepenthe section uses only 1 1/4"-wide trim pieces on all four sides of a window. After the windows are installed, the wooden trim must be replaced with either the original trim or new trim pieces of the original dimensions and in the original location.

### 28.3 Glass -- Clear or low-E:

The replacement windows shall have glass that is colorless or "clear," or with a low-energy coating. Other than the low-E glass itself, no frosted privacy coating, film, decorative pattern, reflective material, or tinting may be applied to any window surface.

#### **28.4 Retrofit Versus New-Construction Windows:**

Retrofit windows are designed for installation into the existing outer aluminum frames already attached to the studs within the walls. The contractor does not have to remove any home exterior materials, like siding, and replacement windows are measured to tightly fit into the existing outer frame.

Not allowed are Flush Fin (aka Z-bar) retrofit window frames nailed onto the face of house siding.

Replacement patio sliders and “new construction”-type windows (if preferred) will require the complete removal of the existing frame nailed to the home structure. For patio slider replacement, the procedure is as follows:

- Replace any newly exposed dry-rotted structural framing (for example, the slider bottom wood plate);

- Attach wood trim pieces identical in size, material and paint color to the original.

For new construction replacement windows, the procedure is as follows:

- Remove exterior materials and nail new window frame fins to exposed studs;

- Replace any newly exposed dry-rotted structural material (for example, sill wood plate, trim);

- Install new window flashing and replacing any damaged weather barrier material;

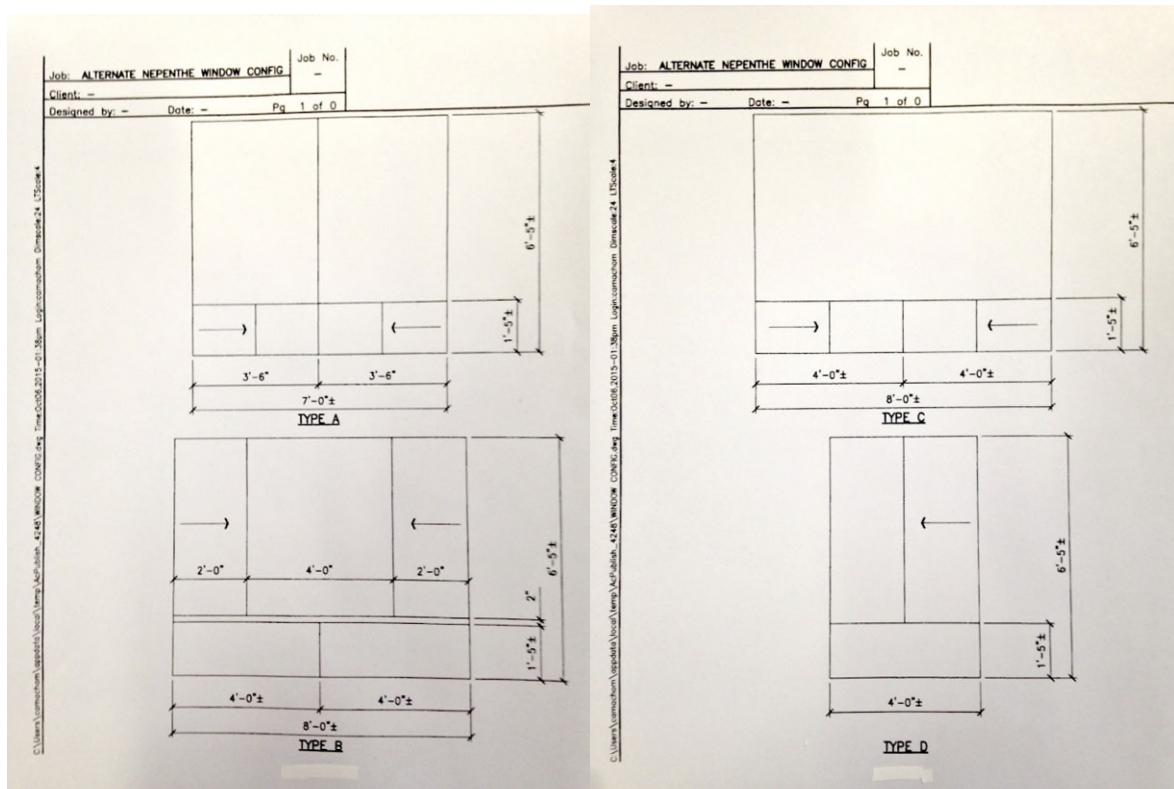
- Install siding and trim that is identical in size, material and paint color to the original.

**28.5 Kitchen or Garden Window:** For the replacement of an existing greenhouse window with another, the replacement’s style and design shall be similar to the Bloomberg Series HP 680 Greenhouse Window, which was originally installed in some houses, and comply with frame and glass criteria above. As an option, a kitchen greenhouse window may be replaced with a sliding window of the same opening height and width that matches the product line of adjacent windows.

**28.6 Patio Door Configuration:** This refers to creating a doorway onto the patio or converting an original patio sliding door into a swing or hinged door. For the replacement of a patio sliding door, the requirements are the same as windows description above, except wider frames similar to the original Blomberg sliding doors are necessarily used. Difficult-to-slide patio doors may be replaced with doors and/or windows. Swing opening, hinged doors are permitted so long as a modern appearance is maintained consistent with original architectural design standards. Referred to as French doors, they consist of a glass pane throughout their length. Divided window panes are acceptable only where not visible from adjacent residential properties or commons areas. Replacement screens should be similar to the originals. Detailed construction elevation drawing must be submitted with the application.

**29. Windows - New Window (where none existed before) – Board Approval Required**

Where a window is to be created where none existed before, the proposed window must not significantly alter the original architectural design appearance of the house as viewed from the street or other common area, from a neighboring residential unit, or above the enclosed patio fence line. It must not intrude on the outlook or privacy of other residential units. It must be rectangular, compatible with the exterior design of the unit, and match the existing windows in shape, detail, color and trim. The frame and glass must comply with the criteria above in this section. A detailed plan and elevation showing location and window dimensions must be submitted.



**30. Wiring & Pipe Installations – Exterior or Exposed - Board Approval Required *Adopted 7/5/17***

- For heating & cooling systems (HVAC), refer to Section 1. Air Conditioner, Furnace and Heat Pump
- For solar energy roof panels, refer to Section 26. Solar Energy Roof Panels
- For gas line installation or extension, refer to Section 16. Gas Line & Meter
- For satellite dish installation, refer to Section 2. Antennas & Satellite Dishes
- For cable TV installation, refer to Section #TBA
- For video security systems, refer to Section 24. Security Cameras
- For security systems without video, refer to Section 5. Burglar and Security Systems and Alarm Boxes

If your proposed improvement was not included above, the criteria below apply.

#### Utility, power or plumbing installation

No new pipes or piping for plumbing are allowed to be installed on the surface of the siding so that these pipes would be exposed on the exterior walls.

New electrical wiring, via wires alone or wires contained in conduit, is not allowed to be installed on the surface of the siding, save for the exception below.

When a microwave oven is to be added in the kitchen in a hardwired installation, updated building codes require a new, dedicated circuit just for this appliance. For most models, it would be difficult to run new wiring from the circuit breaker panel into the kitchen because the exterior wall space in between the studs is occupied with patio sliding doors and windows and existing circuits. If this new wiring for a microwave cannot be readily concealed within a wall, new wiring within conduit is allowed to be installed on top of the siding on the rear exterior wall. It should be placed so as to be as unobtrusive as possible but also so as to not impede removal of the siding. Where possible, conduit shall be placed next to trim boards or into the grooves of the siding. For a horizontal run, for instance, placing the conduit on top of the plat line divide between the first and second floors is often unobtrusive. Where concealment is not possible, all conduit, wiring and equipment must be located so as to have minimal visibility.

#### Communications wiring

Wiring for telephone, cable television service, and other electronic communication wires, fiber optic cable, etc. is allowed to be installed on the exterior, on top of the siding. Where possible, wires shall be placed next to trim boards or inserted into the grooves of the siding. Where concealment is not possible, all wiring and equipment must be located so as to have minimal visibility.

Such wiring cannot be run on or stretched on top of the shingles of the roof. All such installations shall be securely attached to the building without sags in the wires, or loosely hanging or extra lengths and shall be maintained for its duration of use. It is the homeowner's responsibility to see that these wiring installations are painted the exact color of the home's exterior.

Should the installation and its wiring or conduit be removed, homeowners are responsible for restoring the exterior location where the improvement was installed, for appropriately filling and repainting any penetrations of siding or fascia boards, and for removing all wiring and materials associated with equipment.

### **31. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) *Adopted by Board of Directors on April 8, 2020***

#### **a. Board Approval Required**

Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are permitted in the Nepenthe Association pursuant to applicable statutes and municipal codes. Before converting any existing residence and/or garage and starting any construction, homeowners are required to submit a Home Improvement Application to the Association for review by the Architectural Review Committee (ARC) and for approval by the Nepenthe Board of Directors. Unless specified in this policy, any capitalized terms used in this policy shall have the same meaning as defined in the Association's CC&Rs. Owners

must carefully plan the construction of an ADU and JADU and understand the requirements that are associated with such construction. The Association's approval of an ADU or JADU is conditioned on the Owner continuously maintaining the statutorily required uses associated with their ADU or JADU.

b. Documents required to accompany the Home Improvement Application

The ARC will not review a Home Improvement Application until it receives a complete application package with all required information listed in this policy.

In addition to submitting a complete Home Improvement Application with all required plans, specifications, and drawings, an Owner desiring to install an ADU or a JADU must include the following: (1) the appropriate Nepenthe model number floor plan with proposals marked, (2) a written description of the proposal, (3) an architectural modification plan and elevations, (4) an analysis and/or report from a licensed structural engineer that confirms the ADU or JADU will not negatively impact the adjacent building and structure, (5) an analysis and/or report from a licensed civil engineer or other qualified professional that the ADU or JADU will not negatively impact the Association's and adjacent lots' sewers, drain and water lines, (6) appropriate approvals from the city or county of construction plans prior to the initiation of construction, and (7) signed permits from any required city or county agency with jurisdiction over the project.

After construction of an ADU or JADU is completed, the Owner must inform the Association in writing, at which time the Association will have a home inspector inspect the new ADU or JADU, at the Owner's expense, and compare it to the plans as submitted. The Owner will then give a home inspection fee deposit of \$500.00 to the Association, with any remainder fee owing due once the ARC signs off on the Notice of Completion. The Association shall complete its home inspection within 90 days following notice. If the Association fails to complete its home inspection within the 90 days required, the Association's right to conduct a home inspection shall be deemed as waived by the Association.

The Association's approval of an ADU or JADU will require the requesting Owner to enter into a use agreement that is recorded against their Unit that details the permitted uses, which include, without limitation, the below required terms and conditions:

c. Owner Occupancy

An ADU or JADU is only permitted for an Owner-occupied Lot. If the Owner rents or otherwise leases their Residence and no longer resides in the Residence as their primary residence, the Association's approval of the ADU or JADU is rescinded.

d. Selling your Lot with an ADU or JADU

If the Owner of a Lot with a rented-out ADU or JADU wishes to sell that Lot, the Lot can be sold only to a buyer who intends to occupy the primary residence if that buyer intends to continue renting out the ADU or JADU. An ADU or JADU cannot be sold separately from the primary residence.

e. Setbacks

Construction of an ADU must comply with applicable building codes and setback limitations. The Association reserves the right to require the Owner to provide, at the Owner's expense, a survey of the Owner's plat to mark the boundaries of the Lot if a new ADU construction is planned within six (6) feet of the boundary line.

f. Fences and Party Walls

Existing fences and party walls must remain as originally constructed.

g. Detached Accessory Dwelling Units (ADUs)

Exterior appearance: Nepenthe's architecture style is termed the Third (or Second) Bay Tradition. Among its characteristics are simple, geometric volumes and an absence of ornament. Any new detached ADU construction is required to utilize similar architecture that will harmonize and remain aesthetically consistent with its primary residence in terms of color, materials, and style. Without limiting the foregoing, any new detached ADU construction is limited to a single story in height not to exceed sixteen (16) feet, utilize the same T-111-style siding as on existing exteriors, the same peaked or shed roof with same type of shingles, and maintain the same look as the original Blomberg windows (two-sash sliders with narrow "Dark Walnut" (a dark bronze or brown-black) visible frame widths (as is described elsewhere in the *Architectural Guidelines*)) as the primary residence. The color of the paint applied to new siding will remain the same as on the primary residence. All electrical, gas, plumbing or other infrastructure elements must be installed within the walls and is not permitted to run or otherwise be located on the exterior of the siding of the ADU. The gutter and downspout servicing a new roof must be of the same design as the existing ones. New construction will be in keeping with existing *Architectural Guidelines* for aspects that are governed by the *Architectural Guidelines*.

Responsibility for maintenance of siding and roof, and cleaning of roof and gutters: The Association will maintain the siding and roof of the detached ADU; however, the Board shall impose any costs associated with such maintenance to the Association as a Special Individual Assessment to the Owner of the Lot.

h. Residence Conversion -- modifying an existing house to contain an ADU or JADU

To maintain the cohesion of the appearance of Third Bay Tradition architecture style community, installation of a new window, sliding patio door, or entry/access door to the ADU or JADU, will be allowed only on an exterior wall within the fenced-in side yard or backyard of the Lot. The Association will not allow any other modifications of the exteriors of a Residence in connection with the construction of an ADU or JADU.

i. Garage Conversion -- converting a garage into an ADU or JADU

Garages are not to be torn down or removed.

Appearance: To maintain the residence's appearance of having an operating garage on its alley or street, Nepenthe requires that the original garage door must remain in the framed garage door opening and a partition wall must be constructed behind the garage door. The ARC may require the partition wall to include siding that matches the siding on the garage exterior. No windows are allowed in the garage door. No windows are allowed elsewhere in the partition wall constructed behind the garage door.

Windows and doors (man-doors) are allowed only on the two sides of the garage that face into the fenced backyards backyard area. The garage structure is to remain at its original height.

In order to ensure the Association can continue to fulfill its exterior maintenance obligations, which includes, without limitation, the painting of the garage door exterior and the partition wall that is constructed must allow for the garage door to open and close.



Exterior appearance: Any garage conversion construction is required to utilize architecture that will harmonize and remain aesthetically consistent with its primary residence in terms of color, materials, and style. Without limiting the foregoing, all the applicable conditions stated above in Section 5 shall apply, including, without limitation, the requirement for T-111 siding on the exterior, the need for the same paint color, the requirements for any peaked or shed roof to have the same type of shingles as the primary residence, and the same look of windows as described in the *Architectural Guidelines*.

The Association shall continue to be responsible to maintain the exterior of the garage and other requirements as outlined in the CC&Rs. The Board shall impose any added costs associated with such maintenance as a Special Individual Assessment to the Owner of the Lot.



Nepenthe Association, 1131 Commons Drive, Sacramento, CA 95825  
 916.929.8380 / [nepenthe@fsresidential.com](mailto:nepenthe@fsresidential.com)

## HOME IMPROVEMENT APPLICATION

Date:	Phone:
Name:	Email:
Address:	House Model:

**What improvement are you applying for? One improvement per application, please.**

These items can be approved in management office:	These items require ARC & Board approval:
Front door, per criteria	Air Conditioner / Heat Pump Replacement*
Screen door, from approved styles	___ Check if emergency approval is needed
Garage exterior man door, per criteria	Window or Patio Slider Replacement*
Garage vehicle door, per criteria	Window – new construction*
Antenna/Cable/Satellite Dish installations	Window – Sun Screens
Mail Box from approved styles	Skylights or Solar Tubes
Mail Slot, if replacing or approved by Postmaster	Solar Roof Panels (Thermal or Electric)*
Chimney Cap	Gas Line and Meter
Ring or Other Video Doorbell	Shade Structure – Awnings, Sails, Etc.
Outbuilding / Shed	Trellis (Patio Cover), Garden Feature
<b>If you have an improvement not listed, describe it here:</b>	Patio Hardscape / Planter Boxes
	Patio Pool / Spa and Equipment
	Attic Exhaust Fans
	Roof Vents – Installations and/or Relocations
	Security Camera and/or Lighting
	Hand Rail

**\*An Additional form is required for this type of improvement**

**Attach the following items to your application:**

- 1. Floor Plan and House Model (available at clubhouse or [www.NepentheHOA.com](http://www.NepentheHOA.com)) of your model showing the location of the proposed improvement.
- 2. Brochure and/or Specifications for proposed items.
- 3. Your contractor’s proposal (prices may be blacked out).

**Please read and sign below:**

I have read the Architectural Guidelines (available at clubhouse or [www.NepentheHOA.com](http://www.NepentheHOA.com)) and understand that the approval timeline can take up to 90 days.

\_\_\_\_\_  
 Signature Date

**The Architectural Review Committee recommends:**

___ Approval	___ Approval with Conditions	___ Disapproval
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Chair: \_\_\_\_\_ Date: \_\_\_\_\_

The Board of Directors will review for final approval at their next open session on \_\_\_\_\_.



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## HOME IMPROVEMENT NOTICE OF COMPLETION

**Homeowner: Submit this completed form to the Nepenthe Office within 2 weeks of completing the changes you have requested. Your application is not final until the office receives this form and the work has been approved.**

Name	
Address	
City	
Phone	
Email	

Date Architectural Application was submitted: \_\_\_\_\_

The work for this property that had previously been submitted to the Architectural Committee (ARC) and approved by the Board was completed on:

\_\_\_\_\_

We followed the work plan submitted and any restrictions or changes indicated by the ARC or Board of Directors of Nepenthe Association.

### **COLOR PICTURES OF THE COMPLETED IMPROVEMENT ARE REQUIRED WITH NOTICE OF COMPLETION**

**\*\* If you are unable to provide color photos, please contact office for assistance\*\***

Please describe below the work that was completed:

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

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#### **The Architectural Review Committee:**

Reviewed Work on _____	___ Approval	___ Disapproval *
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*Reason for Disapproval:
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ARC Chair/member Signature: \_\_\_\_\_ Date: \_\_\_\_\_