

# Nepenthe Association

## Architectural Criteria governing Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

[Adopted April 8, 2020]

### 30. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

#### 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 Criteria)) 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 Criteria for aspects that are governed by the Architectural Criteria.

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, Nephenthe 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 Criteria.

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.