NEPENTHE ARCHITECTURAL REVIEW COMMITTEE MINUTES
Thursday, October 3, 2024
3:00 P.M.

The October 3, 2024, Thursday, 3:00 pm meeting was canceled because of lack of business, leading to this month's business being conducted via email only.

Members participating: Alan Watters, chairperson; Allen Davenport; Paul Serafimidis.

Also copied: Brian Coates, Board Liaison.

A. Introductions.

B.1. Homeowner requests not voted on:

1. **2274 Swarthmore Drive –** Overheard Trellis. Requested for this 2000 model is the construction of an overhead trellis. The contractor is to be The Hard Part Tile & Repair, of Elk Grove. A City permit is required. Further description and detail about the design of the trellis has been requested.

B.2. Homeowner Requests Recommended to be Approved: (With conditions if so noted; with all votes unanimous unless otherwise noted.)

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Board Action Requested. Special consideration is necessary for B.2.3 because, its being the first of its type, the ARC has not yet been authorized to recommend full approval.

1. The ARC voted to urge the Board to approve the Tesla Powerwall component of this application, after the Board approved the rest of the application at its last Board meeting, in September. (The B.2.3 application summary and Addendum A are carried over from September's Minutes.) Please seen Addendum B for a summary of information and opinions obtained in the last month.
2. The ARC asks the Board to authorize it to in future recommend approval of such high-capacity storage batteries that would be part of a solar energy system, and to make any concomitant and necessary changes to the guiding Solar Energy Systems legal document.
3. The ARC wants the Board to know that it is seeking to establish that the original approval of this document was signed by the Board secretary (because the working copy is unsigned). The General Manager was first emailed about this matter on September 6, 2024.

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2. **307 Dunbarton Circle –** Skylight replacement. Requested on an emergency basis for this 2200 model is the replacement of a very old, leaking skylight with one of the same size; installed will be one Velux dual-pane, low-E, Fixed Curb

Mount skylight model FCM 2222 0004 of size 22.5" x 22.5".
https://www.solarskylights.com/velux-22-1-2-in-x-22-1-2-in-fixed-curb-mount-skylight-fcm-2222/?srsltid=AfmBOorHLSDVfoL8YPSBahxpS8hrAgxYseZs9BjxmeO6L-9WWotu4HPp
This location is in the roof over the sink in the master bathroom, as indicated on the floor plan attached. The contractor is to be Snook Skylights, who has installed all the skylights approved in Nepenthe in the last several years. Voting was conducted by email with all committee members voting yes by October 9, 2024. **Approval recommended with Conditions: 1. Nepenthe's Roof Penetration policy will apply: the homeowner will assume responsibility for any water intrusion through the roof in the area of this skylight installation; and 2. A copy of the finalized City Building permit is to be submitted to the Nepenthe Office.**

3. **302 Elmhurst Circle –** Solar Energy System Requested for this 5500A model is the installation of a solar-powered, photovoltaic energy system but with the addition of a battery to store the electricity, a Tesla Powerwall 3 battery. When Nepenthe began approving these solar energy systems in 2018, the systems did not store the electricity generated but transferred excess electricity to the electric utility. It is believed that this would be the first such system in Nepenthe with a large-capacity lithium-ion battery. The Board has authorized the Committee to approve only the earlier systems without a battery; therefore, the Committee will not be voting and making a recommendation on the battery portion of this application.

   The contractor is to be Ilumine-i Electrical Engineering Consultants, of Austin, TX, the first installation by this contractor. The system shall have 16 REC SOLAR REC420AA PURE-R (420W) modules (PV panels) mounted on the sloped shed roof of the garage. No conduit nor wiring is to be mounted on the exterior, but rather will be run on the interior of the garage. There are three components that are to be mounted on the exterior of the garage: an A.C. disconnect, a new electric meter, and a rapid shut-down switch. And, as mentioned previously, a Tesla Powerwall 3 storage battery is to be mounted inside the garage. It will have a special heat-detection sensor mounted above it on the interior garage wall. This sensor will sound within the garage and within the house, as it is to be connected to the smoke alarm inside the house. Please see Addendum A for a detailed discussion of these matters.

   Voting was conducted by email with all committee members voting yes by September 22, 2024: the ARC recommends approval of all components of the system except the battery as this committee has not authorization to approve the battery. We recommend that the Board ensure that the homeowner has the appropriate insurance in place, and that the Board give a conditional approval with the proviso that a signed copy of the approved city permit must be submitted to the HOA prior to the start of construction.

B.2.A. Homeowner Requests Approved via Emergency Approvals:

4. **710 Dunbarton Circle –** Emergency replacement of the HVAC system is requested for this 5500A model. Installed with be a Trane 2-stage split-installation heat pump and air handler, along with the replacement of other system components. The outdoor heat pump compressor is to remain in the same location. The refrigerant line set piping is to be reused, so no new piping, nor wiring, will need to be installed on top of the exterior siding. The contractor is to be Jaguar Heating & Air, Inc. A City permit is required. Voting was conducted via email with all committee members voting yes on October 24, 2024. Installation was scheduled for October 29. **Approval recommended with Condition: that after installation and the City inspection are completed, a copy of the finalized sign off be submitted to the Nepenthe office.**

5. **1330 Vanderbilt Way –** Emergency replacement of the HVAC system is requested for this 5000A model. Installed with be a 3.5-ton, 14-SEER 2-stage split-installation heat pump and air handler, along with the other system components. The outdoor heat pump compressor is to remain in the same location. The refrigerant line set piping is to be reused, so no new piping, nor wiring, will need to be installed on top of the exterior siding. The contractor is to be Thomas and Sons Heating and Air. A City permit is required. Voting was conducted via email with all committee members voting yes on October 26, 2024. **Approval recommended with Condition: that after installation and the City inspection are completed, a copy of the finalized sign off be submitted to the Nepenthe office.**

B.2.B. Homeowner Requests Not Recommended for Approval: none.

C. Old Business: None.

D. New Business: None.

E. Estoppel Inspections: A number of inspections were performed by Committee members.

F. Notices of Completion: Some signed.

Respectfully submitted, Alan Watters

Addendum A: Discussion of 302 Elmhurst application

Background:

In September, 2018, Nepenthe had its attorney draw up the "Solar Energy System Installation" agreement in response to the rise of the solar photo voltaic, electricity-generating panels technology and the requests for installation by Nepenthe homeowners. The way the systems worked at that time was that any excess electricity generated that would not be used by the home would be immediately routed to the electric utility.

Now, a recent advance in technology is the creation of lithium-ion storage batteries that would save electricity made by the solar panels for eventual use in the home. To our knowledge, Nepenthe has not as yet approved any solar panels installations using these batteries, so this application would be the first.

The Nepenthe Board, thus, has not specifically authorized the Architectural Review Committee to recommend approval of such batteries, so the Committee will not be making a recommendation for approval of the Tesla Powerwall 3 battery portion of this application.

Safety and risks of battery fire:

Assessing any risks of fire from the Powerwall 3 battery overheating is beyond the expertise of this Committee. Such risk would seem miniscule. Yet it comes to mind as Tesla battery fires tend to undue publicity. Guarding against such a possibility, this installation is to include a heat detector monitor that will be mounted on a wall high above the battery in the interior of the garage: when triggered it sounds an audible alarm, and it will be electrically connected to a smoke alarm within the house so that when triggered, this indoor smoke alarm will also sound to alert the homeowner. The Board may want to recommend that the HOA's insurance agents and attorney offer opinions.

Timing of installation:

Three exterior hardware components are planned to be installed on the exterior of the garage, but their electrical connections will be entirely within the wall and not mounted on top of the siding. This house is to undergo siding maintenance around December 9. At least one siding panel on the garage, the one housing the original electric meter and circuit breaker, has been marked for replacement. Thus, the ARC has pointed out to the homeowners that if they can wait until after the siding is replaced and painted, they will not have to bear

any cost associated with removing the hardware from the siding before replacement.

Bush alteration:

The possible alteration of a common-area bush in front of the existing circuit breaker and electric meter on the side of the garage to facilitate installing new hardware will need the input from the Grounds Committee and possible coordination with management. The Grounds chair has already been notified.

Timeline for meeting requirements:

When the Board approves the application, the Secretary for the Association will sign the legal agreement, etc., on p. 5. The ARC chair is also to sign where indicated.

After the Board approves the application, 14 days later the homeowner will submit proof of their personal insurance liability per the legal agreement requirement.

After the Board approves the application, the city can issue a permit, a copy of which is to be submitted to the Nepenthe office before any installation can start.

After the entire installation and City inspection are completed, a copy of the finalized permit should be submitted to the Nepenthe office.

ADDENDUM B: Discussion of 302 Elmhurst application storage battery.

Created October 21, 2024

At its meeting on October 2, 2024, the Board approved this application except for the storage battery. Since this Board meeting on October 2, 2024, further questions have been asked and information about the proposed Tesla Powerwall 3 has been received.

1. Opinion from Nepenthe's attorney relayed via email from General Manager Nicole Marks on October 10:
   "I did confirm with the Association's general counsel [Darren Bevan] that he does not foresee any issues in approval of this Powerwall battery. He stated that these batteries still go through review from the city and building departments, as long as they are approved properly by the city, he does not see any issues in the Association approving them."

2. And in a further shared opinion relayed via email from General Manager Nicole Marks on October 15:

"I just spoke to the Association's General Counsel, Darren Bevan, and he recommends **full approval of this application.** He believes the liability risk to the Association is higher if the Association denies this application, he states the Association has no right to deny it. "

3. ARC chair Alan Watters conferred with Nepenthe Construction Manager Paul Reeves about the proposed storage battery and its placement. Mr. Reeves had no problem with it, pointing out that the City building department has rules and will be overseeing the installation via the permit process.

4. ARC chair Alan Watters asked the City building department about the storage battery and received the following emailed reply from Jason Queener:

"Tesla Powerwall and all other Energy storage systems must be listed and tested to UL9540A standards. This standard means they are safe to install in garages that are finished with sheetrock. They can be on any wall in the garage but must be 3ft from the door that enters the dwelling unit's habitable space. I assure you they do meet the CRC, CEC, and CFC building code requirements. Tesla among other installers prefers them in a garage as they are out of the sun, and it may prolong the life of the batteries. It is also sometimes the only place to install them as on the exterior they must be 3 feet from windows and doors that

enter or exit a habitable space, and they must be 3 feet from the property lines and or any other obstacles. “

Sincerely,

Jason Queener

Electrical Plan Review

Phone: (916) 597-7653

Building Division Website