



**Nepenthe Association**

# **Rules for Home Improvements**



<b>Purpose .....</b>	<b>4</b>
<b>The Process.....</b>	<b>5</b>
<b>Frequently Asked Questions .....</b>	<b>7</b>
<b>Home Improvement Rules .....</b>	<b>9</b>
<b>Air Conditioner, Furnace, and Heat Pump</b>	<b>9</b>
<b>Antenna; Satellite Dish</b>	<b>9</b>
<b>Attic Ventilation and Exhaust Fans</b>	<b>11</b>
<b>Awnings and Shade Sails</b>	<b>11</b>
<b>Chimney Caps</b>	<b>13</b>
<b>Communication and Cable Wiring</b>	<b>13</b>
<b>Exterior Security Lighting</b>	<b>13</b>
<b>Exterior Window - Sun Screens</b>	<b>15</b>
<b>Exterior Window - Security including window bars</b>	<b>16</b>
<b>Flag Installation</b>	<b>16</b>
<b>Floral Trellis</b>	<b>16</b>
<b>Front Door</b>	<b>16</b>
<b>Front Screen Door</b>	<b>17</b>
<b>Garage Door – Passage (“Man door”), New</b>	<b>17</b>
<b>Garage Door – Passage (“Man door”), Replacement</b>	<b>17</b>
<b>Garage Door - Vehicle Sectional Roll-Up</b>	<b>17</b>
<b>Gas Line and Gas Meter</b>	<b>17</b>
<b>Gutters and Downspouts</b>	<b>18</b>
<b>Handrails</b>	<b>18</b>
<b>Mailbox</b>	<b>20</b>
<b>Mail Slot, Use and Replacement</b>	<b>20</b>
<b>Microwave Ovens</b>	<b>21</b>
<b>Patio Hardscape, Planter Areas, and Rainwater Drainage</b>	<b>21</b>
<b>Patio Pool</b>	<b>23</b>
<b>Patio Structures or Improvements: Shed/Outbuilding/Free-Standing Structure</b>	<b>23</b>
<b>Overhead Trellis (Overhead Patio Cover)</b>	<b>24</b>
<b>Security Camera</b>	<b>26</b>
<b>Security Systems, and Alarm Bell Boxes, Exterior Mounted</b>	<b>28</b>
<b>Skylight</b>	<b>28</b>

**Solar Energy Roof Panels** 28

**Solar Tube** 29

**Windows – Replacement** 30

**Windows - New Window (where none existed before)** 32

**Wiring & Pipe Installations – Exterior or Exposed** 33

**Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)** 33

## 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 (on architectural control) in the CC&Rs of Nepenthe Association, last revised and adopted in 2019.

Article IV, Section 4.6 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 improvements should be consistent with the architectural and aesthetic 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 architectural design and maintaining a harmonious aesthetic and recognizing that since the 1970s when our homes were constructed, building materials have changed and new building products are now available. The ARC encourages homeowners to bring forward new, more 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 Nepenthe Office and online at [www.nepenthehoa.com](http://www.nepenthehoa.com).

The list of rules cannot include every possible project scenario, so please contact the Nepenthe Office for guidance if your project is not on the list. If you have any questions on the submission or approval process, please contact the Nepenthe Office and/or the ARC.

**Note: In addition to these Nepenthe rules, all homeowners must comply with applicable City and County requirements for building permits. A listing of required building permits can be found here: <https://www.cityofsacramento.gov/community-development/building/permit-services/required-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 a list of most of the improvements requiring an application, please check the Table of Contents page.

**The ARC will not review any Home Improvement Application until it receives a complete application with all required information and completed forms and questionnaires associated with the home improvement. Residents are encouraged to call the Nepenthe Office with questions and/or reach out to ARC for support.**

### Procedure:

***If you are going to follow the Rules' criteria exactly:***

1. Review the rules for the improvement you are requesting.
2. Complete the application form(s) and attach all required information. Please include a summary statement of the improvement you plan to make. Different types of improvements will each need their own application form.
3. Submit the application form and required documents to the Nepenthe Office.

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

1. Review the rules 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 factors the Committee will consider for non-standard changes.
3. Submit detailed information with the application form and include a statement of explanation of the proposal.
4. Attend an ARC meeting to present your plans.

### Approval:

1. For certain basic changes (such as replacing a garage door according to rules), the Nepenthe Office may be able to approve your application immediately, with no further approvals needed.
2. Otherwise, the 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 given the ARC emergency authority to allow certain improvements to begin following the ARC's approval and prior to the Board's later 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 Rules and completes an improvement without necessary Board approval, the Board may, among other disciplines, 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. Also, installation of windows, skylights, solar generating panels, or heating and cooling systems require evidence of a building permit from the City of Sacramento, such as a copy of the permit or a screenshot of the permit from the City's website being supplied to the Nepenthe Office.

**Time Frame:**

Article IV of the Nepenthe CC&Rs describes in detail the procedures and time frames for architectural improvements or modifications requested by the owner. In general, once a complete application has been submitted to the Nepenthe Office and evaluated as acceptable by Office Staff, the ARC will review it and make a recommendation of approval or denial that will 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 modification. The work should be completed within one year from when work commenced.

## Frequently Asked Questions

### **How long does approval take?**

Approval roughly takes four to five weeks, or possibly longer, depending on when the application is considered complete by the Nepenthe Office. So, please plan ahead. Why does it take so long? Once the ARC recommends approval, the application then goes to the Board for review at the next monthly board meeting.

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

In general, no, the resident does not need to attend an ARC meeting. If the application is routine and for an improvement listed in the *Rules*, and if the application is complete, one need not attend the ARC meeting. However, if the Committee has questions, they will reach out to you via phone and email; they may suggest you attend the meeting. 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 Nepenthe Office has sample applications for certain improvements that you may look at.

### **After reviewing the *Rules for Home Improvements*, 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 Nepenthe Office, and an ARC member will reach out to you.

### **Where do I find the floor plan of my home?**

You can obtain a copy on paper from the Nepenthe Office. Nepenthe's website has your home's floor plan built into it: if you go to [www.nepenthehoa.com](http://www.nepenthehoa.com) and click on "Interactive Community Map" (<https://nepenthehoa.com/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 file.

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

No. In general, work should not start until the Board formally approves the ARC recommendation. The ARC itself does not have the final say. Once the ARC recommends approval for 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?**

The ARC prefers that the homeowner communicate with the contractor to obtain answers to specification questions. Most contractors are willing to also provide diagrams and schematics which

minimize the number of open questions. 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 Nepenthe Office to check. The Nepenthe 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 rules documented in the *Rules for Home Improvement*. 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 Nepenthe Office to be included in the next Board meeting packet for Board discussion and approval or denial.

# Home Improvement Rules

## Air Conditioner, Furnace, and Heat Pump

**Board Approval Required. A Supplemental HVAC questionnaire must also be submitted, which may be obtained from the Nepenthe Office or [www.nepenthehoa.com](http://www.nepenthehoa.com).**

These components of an HVAC system require ARC review and Board approval: Heat pump, furnace (gas or electric); air conditioner; ductless, mini-split in-wall air conditioning and/or heating system; as well as any other heating, ventilation, and air conditioning (HVAC) system components that perforate, alter or affect the exterior wall siding, roofing or fencing.

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 vertical runs of refrigerant piping shall be reused or replaced by new lines concealed underneath the siding. All vertical runs of new electrical wiring shall be concealed as described above. All exterior conduit, junction boxes and disconnects shall be painted to match siding. New furnace blowers, air handlers and evaporator 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 can be moved outward to create a larger area to allow for adequate ventilation. If you are requesting such a fence modification or relocation, please submit the manufacturer's specifications along with a sketch showing the fence change. Cutting holes in or removing entire sections of the fence is not allowed; however, removal of alternate vertical slats for ventilation may be approved by the ARC.

There may be situations where the new exterior air conditioner compressor cannot be located in the same area as the original unit. The ARC requests that those applications include a detailed diagram with dimensions and measurements depicting the placement of the new unit, the pad and piping/electrical chase (cover), along with identification of the distance the unit will be from the siding, fencing and any walkways.

A copy of the City building permit (or screenshot of City's website), if required, shall be submitted upon completion of the work along with the Notice of Completion (NOC).

## Antenna; Satellite Dish

### **Nepenthe Office Approval Only**

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 Rule 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 Nephenthe Office for review and approval. Residents are encouraged to consult with and work with the Nephenthe Office to determine the best location. In the event the installation requested does not meet the current Rules under the CC&Rs, the application may be referred to the ARC for further review.

The review process will include referring to Section 207 of the Telecommunications Act of 1996. This section is referred to as the Over the Air Reception Devices (OTARD) rule.

<https://www.fcc.gov/media/over-air-reception-devices-rule>

The rule applies to the following types of antennas:

- (1) A "dish" antenna that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, including a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services.
- (2) An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite, including a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services.
- (3) An antenna that is designed to receive local television broadcast signals.

In addition, antennas covered by the rule may be mounted on "masts" to reach the height needed to receive or transmit an acceptable quality signal (e.g., maintain line-of-sight contact with the transmitter or view the satellite). Masts higher than 12 feet above the roofline may be subject to local permitting requirements for safety purposes.

### **Location**

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

Residents should consult with a professional installer(s) or at minimum become knowledgeable regarding placement for best reception. Placing an antenna is a balance between reception, safety, aesthetics and keeping equipment off Common Areas.

The Association is aware that many installers (because of lack of time, lack of proper equipment, or employment Rules) 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, or antennas the Nepenthe Office should be contacted for guidance *before* installation.

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 Areas 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 if possible or otherwise be 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 a free-standing yard post but should only be as high as needed to get acceptable reception, preferably no higher than the height of 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.

## **Attic Ventilation and Exhaust Fans**

### **Board Approval Required**

Wind-powered roof turbine ventilators and roof-mounted attic fans that perforate the roof are not allowed. Advanced Roof Design, who designed the Association's last roofing replacement, 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 Nepenthe Office for more specific information. Another type of fan is the "whole house"-type fan 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.

## **Awnings and Shade Sails**

### **Board Approval Required**

The installation of 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. Another shade structure approved has been a fabric canopy that slides on its support wires.

## **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.

### **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. For motorized awnings the power cord may be securely mounted to the siding and painted to match the 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 8 1/2 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 inward 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 complement 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.

## Chimney Caps

### **Nepenthe 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 contain 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 made of a durable material and have a dark brown or black matte finish.

## Communication and Cable wiring

### **Nepenthe Office Approval Only**

Wiring for telephone, cable television service, fiber optic cable, and other electronic communication wires can be installed on top of the siding on the exterior.

Because of the variation in the house and patio layouts, location of the alarm box shall be wireless of the home. 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 over 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.

If at some future time, 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.

## Exterior Security Lighting

### **Exterior Lighting on Garage Walls Inside Fence Line**

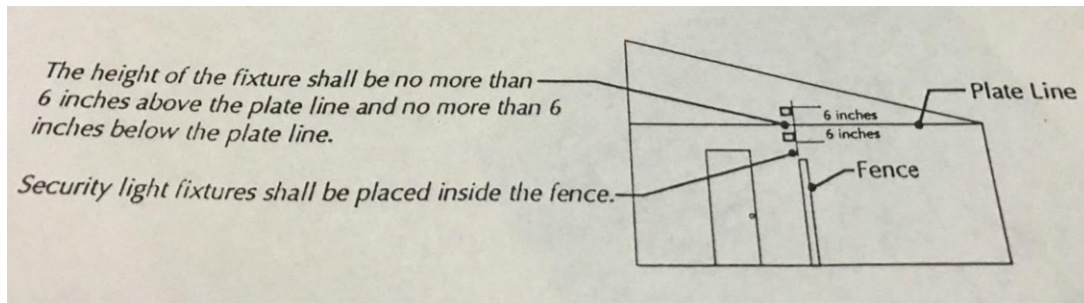
#### **Board Approval Required**

This type of fixture is designed to illuminate the walkways on both sides of a backyard gate.

The security light fixture must be 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 when manually turned on.

The fixture must be bronze, dark brown or an unobtrusive color 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.

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.



### Exterior Lighting on Garage Walls Outside Fence Line

#### Nepenthe Office Approval Only

This type of fixture is useful for adding light to a driveway and alley area. The approved light fixture is WAC Lighting's WS-W20506-BZ Scoop LED Outdoor Wall Light Fixture, One Size, Bronze. A photo of the approved light fixture is shown below.



Light source/bulb must be fully shielded. The 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.)



### **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.

### **Exterior Window - Sun Screens**

#### **Board Approval Required**

For shading windows by an exterior device, only sunscreens are permitted. No bamboo or any film or film-like material applied to the glass shall be allowed to shade windows on the outside of the home. No roll-up blinds are allowed. No awnings shall be allowed to shade windows on the outside of the home except above windows and sliding glass doors inside fenced patio areas. Refer to [Awning](#) and [Shades Sails](#) sections for specific rules.

The only exterior shade permitted is a sunscreen: 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 by a sunscreen on any exposure where a sunscreen is placed, except windows and sliding glass doors inside fenced patio areas.

## **Advertising**

No advertising markings of any kind are allowed on the sunscreens. The Association does not certify the effectiveness of the material; rather, the Association's only responsibility is to approve the outside visual acceptability of the material.

## Exterior Window - Security including window bars

### **Board Approval Required**

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

## Flag Installation

### **Board Approval Required**

Please refer to *Nepenthe Association Community Rules (4.4.1. Signs {CC&Rs Sec. 3.5})* for the restrictions and the criteria to be met for flag installations. Appropriate information shall be included in the application packet submitted for review and recommendation by the ARC. This document can be found at <http://NepentheHOA.com>

## Floral Trellis

### **No Approval Required**

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 either freestanding or affixed to a wall. If the trellis is mounted on an exterior wall or on the dividing wall functioning as a fence, it shall be removable and not permanently attached to the siding to allow for siding removal and painting of the structure.

## Front Door

### **Nepenthe 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 other, much larger 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 Nepenthe 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.

Only the approved colors may be used. There are a variety of color choices. Please check with the Nepenthe Office for a list of updated, approved colors.

## Front Screen Door

### **Nepenthe 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 the list of approved doors in a separate flyer available at the Nepenthe Office. If you are requesting a design not available with the Nepenthe Office documentation, an application to the ARC will be required.

## Garage Door – Passage (“Man door”), New

### **Nepenthe Office Approval Only**

(This refers to creating a side door to the garage for humans where none existed originally.) The new door must be in the prevailing style: flush, having no windows. The door must open into the fenced backyard.

## Garage Door – Passage (“Man door”), Replacement

### **No Approval Required**

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

## Garage Door - Vehicle Sectional Roll-Up

### **Nepenthe Office Approval Only**

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

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

## Gas Line and Gas Meter

### **Board Approval Required**

A homeowner may install gas service. The gas line pipe from the gas meter is to enter the residence at a height of no less than 12 inches or more than 18 inches above the level of the ground. Gas line piping for connection from the meter to appliances, HVAC systems, or fireplaces shall be installed within the walls and attic space of the residence and shall not be affixed to or installed 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 designated for vents, usually “back” or alley half of the roof. If the current City code does not permit installation in such a 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 the flashing and flues on the roof to be painted the same dark color as existing roof vents. Nepenthe’s roof intrusion policy applies: 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.

## Gutters and Downspouts

### **Board Approval Required**

Gutters and downspouts have been installed on homes either by the original builder or by the Association and should provide adequate drainage. The Association provides maintenance for gutters and downspouts with one exception.

If the gutters and downspouts have not been altered from the way they were installed by the original builder or the Association, the Association will maintain them, cleaning them out if they become clogged. If, within a fenced backyard patio, the bottom of the downspout has been connected to a buried drain pipe that transports the water underground out to the Common Area, then the homeowner becomes responsible for maintenance of that downspout and drain pipe.

If a homeowner should wish to replace the gutters, the new 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 the Common Area.

No other style gutter or downspout is acceptable. Gutter guards and screens are not permitted. In 2014, the Board adopted a policy banning gutter guards because ultimately they create more problems than they solve.

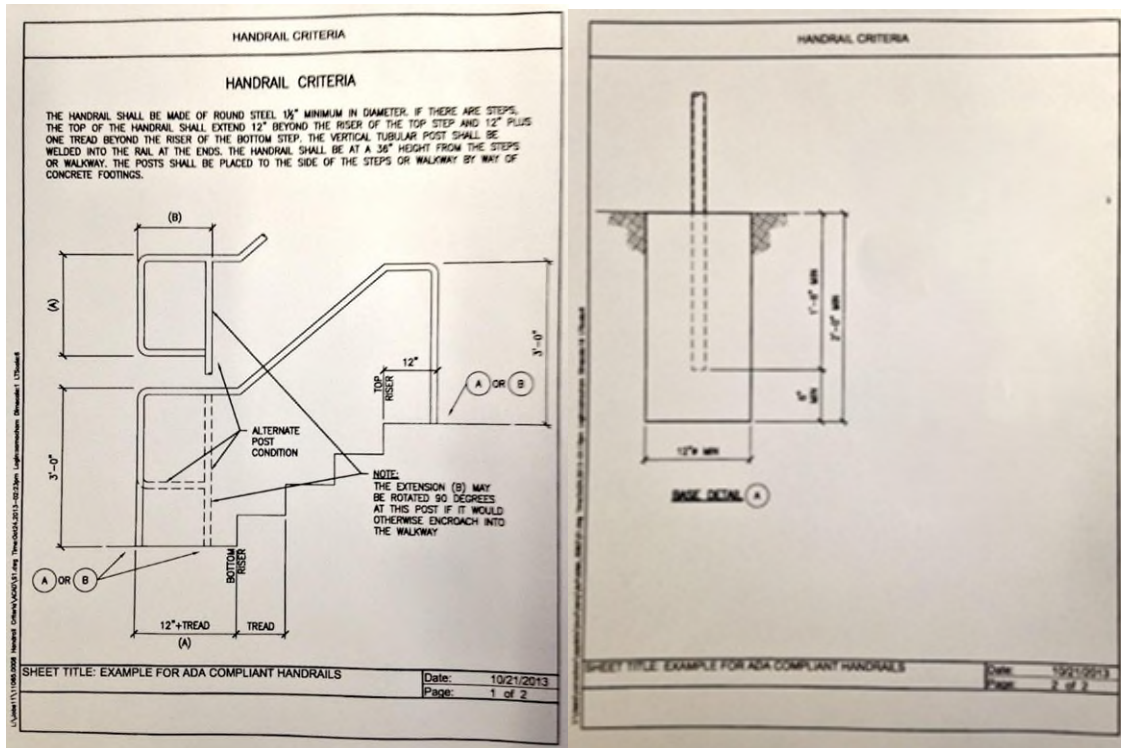
## Handrails

### **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 where the handrail is to be installed 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 and not affixed into the existing walkway concrete. The handrail shall be painted black.



## Mailbox

### Nepenthe Office Approval Only

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 Nepenthe Office.

## Mail Slot, Use and Replacement

### Board Approval Required

New mail slot installation requires HOA approval. Residents are to submit a Home Improvement Application for ARC review. The mail slot may be installed on either side of the garage door. The outside bottom of the slot must measure 39 inches 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 inches tall by 10-13 inches wide. If studs must be cut to install or widen the mail slot, the wall opening should be re framed 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.**



*For Example:*

Baldwin Model # 0012 Letter Box 3" X 10" Plate  
Oil-Rubbed Bronze (#0012102) or  
Black (#0012102)

Deltana Bronze Mail Slot 13" w/ Interior Frame  
Oil-Rubbed Bronze – Model MS211U10B  
or Black – Model MS211U19

Schlage 2" x 11" opening, overall plate 3.5" x 13"  
Aged Bronze (brass highlights) Model 620-716

March 2024

## Microwave Ovens – New Circuitry Requirements

### No Approval Required

When a microwave oven is to be added in the kitchen in a permanent, hardwired installation, current building codes require a new, dedicated circuit just for this appliance. For most house models, it would be difficult to run new wiring from the circuit breaker panel into the kitchen because the rear wall space in between the studs is already occupied by patio sliding doors, windows, and existing circuitry. If this new wiring circuit for a microwave cannot be readily concealed within a wall, new wiring within a conduit is allowed to be installed on top of the siding on the rear 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 of conduit, 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.

## Patio Hardscape, Planter Areas, and Rainwater Drainage

### Board Approval Required

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 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. Neperthe Rules 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).

- 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 exterior siding or wood fencing, a minimum horizontal air space of 18 inches shall be maintained between planter and the wall to provide access for ongoing debris removal and siding maintenance.

### **Patio Rainwater Drainage**

All Nephenthe 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 (as required by the Sacramento City Code). 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 Common 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 non intrusive to the common 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.

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.

## 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 was affected by this construction must be restored to its original condition, including plants and fences. Note that the contractor must keep the area neat and clean during construction. No soil or other debris can be washed down the storm drains.

A copy of the City building permit (or screenshot of City's website), shall be submitted upon completion of the work along with the Notice of Completion (NOC).

## Patio Structures or Improvements: Shed/Free-Standing Structure

### Board Approval Required

- For a pool in the backyard, see [Patio Pool](#)
- For antenna or satellite dish, see [Antenna](#) or Satellite Dish
- For awnings or shade sails or shade canopies, see [Awning](#) and Shade Sail
- For patio concrete and planter beds, see [Patio Hardscape](#)
- For a trellis or patio cover, see [Floral](#) and Overhead [Trellis](#)

### Fence Line Requirement

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 are 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 and exterior siding, 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 *Rules* 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* – Board Approval Required

The height of the shed 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.

## Overhead Trellis (Overhead Patio Cover)

### **Board Approval Required**

All costs of acquisition, installation, maintenance, repair, or replacement of other building components related to an overhead trellis 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.

### **Maintenance to an existing trellis**

Maintenance and repair to a trellis already in place is the homeowner's responsibility and does not require an application to the ARC nor Board approval unless the configuration or material for individual elements is revised substantially, such as hollow aluminum in lieu of wood members. Trellises may be painted either the exterior color of the house or the color of the fencing.

### **Installation of a new Overhead Trellis**

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 trellises, the large and the small, which are described as follows.

The trellis shall be constructed of wood (for aluminum, see [Aluminum Trellis](#) below) of smooth or rough grade. Redwood or cedar wood is recommended. The posts shall be 4 ft x 4 ft (or 6 inches x 6 inches) and approximately 8-1/2 feet in height after installation. The posts shall be set on a metal post base

which is 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 inches x 6 inches ledger beam mounted to the siding 6 inches 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 inches x 2 inches rails spaced every 3-1/2 inches may be placed perpendicularly to the cross beams.

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

### Large Trellis: (See Exhibit A)

There shall be two support beams, 4 inches x 6 inches or one support beam, 4 inches x 8 inches. 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 inches from the top of the post, allowing about 6 inches of post to be visible once cross beams are mounted on top. All cross beams, 4 inches x 6 inches, 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 inches beyond the support beam and be equidistant from each other with approximately 20-inch centers.

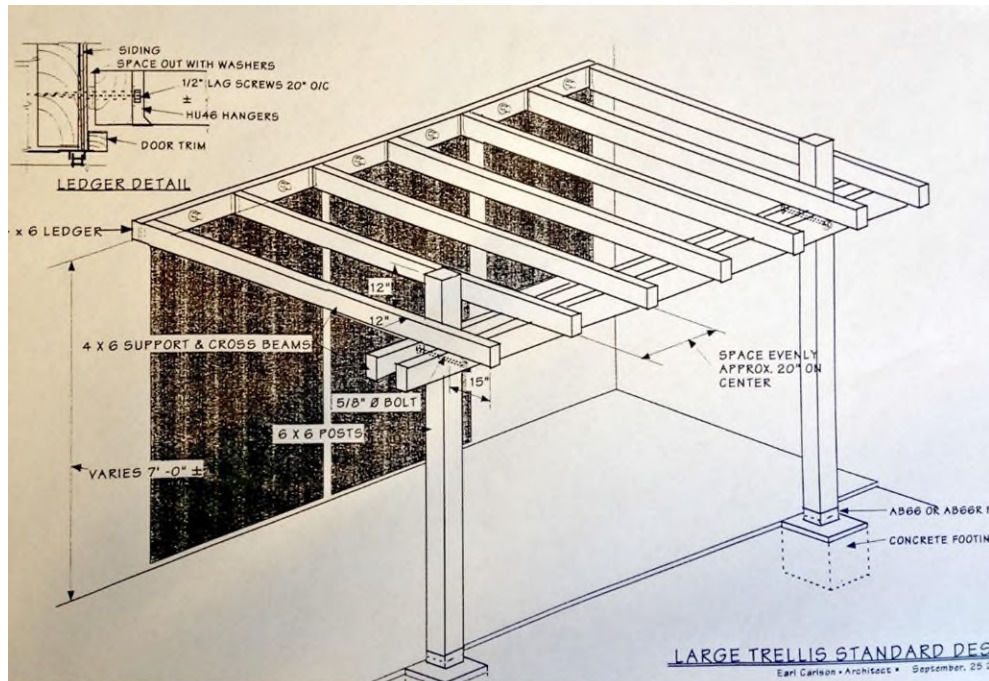
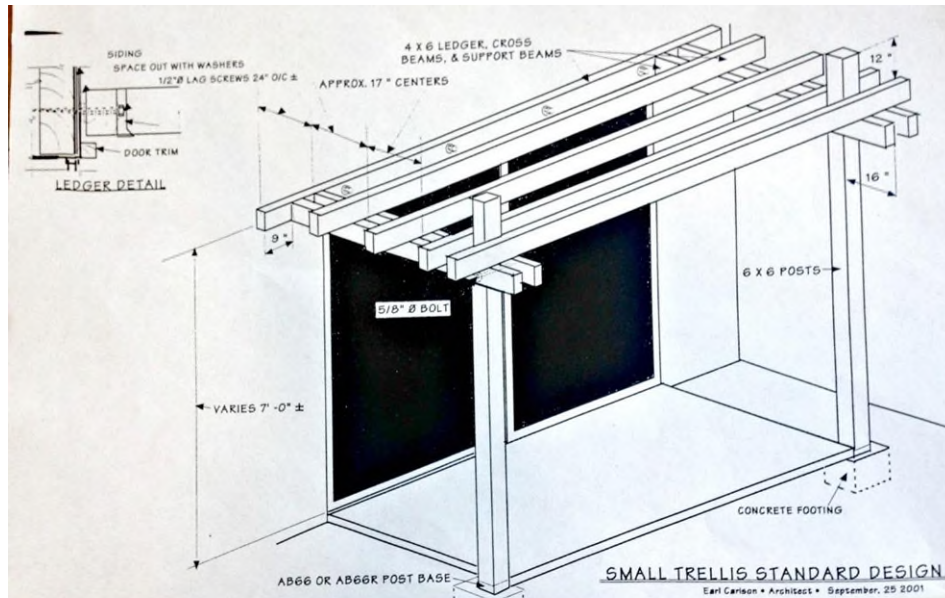


Exhibit A

### Small Trellis: (See Exhibit B)

There shall be four support beams, 4 inches x 6 inches. 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 inches from the top of the post, allowing about 6 inches

of post to be visible once cross beams are placed on top. All cross beams, 4 inches x 6 inches, 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 inches beyond the support beam.



**Exhibit B**

**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 above for dimensions and configuration. The manufacturer’s specifications and a color chart must be provided for committee consideration.

**Security Camera**

**Board Approval Required**

Installing an 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.

**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 revised application 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).

### Camera Types

There are a variety of cameras available. Typical types are Doorbell, Spotlight, Floodlight, Dome, Turret and Bullet cameras. For night viewing, only infrared (IR) motion-detecting cameras or ones with brief bright illumination are permissible. A camera with a dark-colored housing is preferred over one with a white housing.



Dome  
Turret  
Bullet

Camera  
Camera  
Camera  
Floodlight

Camera



Spotlight Camera

Doorbell Camera

The camera type utilized will be dependent on the location of the installation. 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 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 inches above ground level at highest point. Cameras may never be specifically directed at neighboring properties or Common Areas, with the exception that these areas may be captured when the camera is motion activated.

### Security System Signage

Security system signs affixed to fences, gates, residences, and mailbox posts are not permitted. Small decals or signs indicating that the home is protected by an alarm system, size not to exceed 3 inches x 8 inches, may be placed on a lower corner of the first-floor windows or another location approved by the Association. One alarm company sign mounted on a stake be placed in the ground with a stake near the rear entrance of the home.

## Security Systems, and Alarm Bell Boxes, Exterior Mounted

### **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 ARC.

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 to 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.*

Wireless and wired-on-the-interior-only alarm systems need no application unless adding video surveillance and cameras. \*See Security [Camera](#).

## Skylight

(Also see Solar [Tube](#))

### **Board Approval Required**

Skylights, opening or non-opening, are permitted. Exterior frames shall be 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 roof warranty, and therefore any resulting water damage shall be the responsibility of the homeowner.

A copy of the City building permit (or screenshot of City's website), shall be submitted upon completion of the work along with the Notice of Completion (NOC).

## Solar Energy Roof Panels

### **Board Approval Required**

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:

- 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 exterior walls inside the patio fence line.
- Supports for the solar panels shall not impose a dead weight concentrated load exceeding 150 lbs. anywhere on the supporting roof.
- Continuous supports for the solar panels shall not impose a dead load exceeding 75 lbs. per ft. on the supporting roof.
- Continuous supports for the solar panels that are installed perpendicular to the roof slope shall have a drainage gap at 10 ft. maximum.
- A building permit shall be secured prior to submission of the application to the Association. 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**

The homeowner shall be aware that penetrations of the roofing for the new solar panel installation or reinstallation 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.

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.

The homeowner will be responsible for additional costs related to the removal of rooftop debris, whether during regular rooftop cleaning by the Association 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).

#### **Solar Tube**

(Also see [Skylight](#))

#### **Board Approval Required**

Solar tubes must be no larger in size than 14 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.

## Windows – Replacement

**Board Approval Required. A supplemental windows questionnaire must also be submitted, which may be obtained from the Nepenthe Office or [www.nepenthehoa.com](http://www.nepenthehoa.com).**

Nepenthe’s CC&Rs require exterior improvements to be consistent with the original architecture and harmonious with the aesthetic design standards. To increase the likelihood of approval by the ARC 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 section of Nepenthe.

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 section) 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.

A copy of the City building permit (or screenshot of City’s website), shall be submitted upon completion of the work along with the Notice of Completion (NOC).

### **Frame**

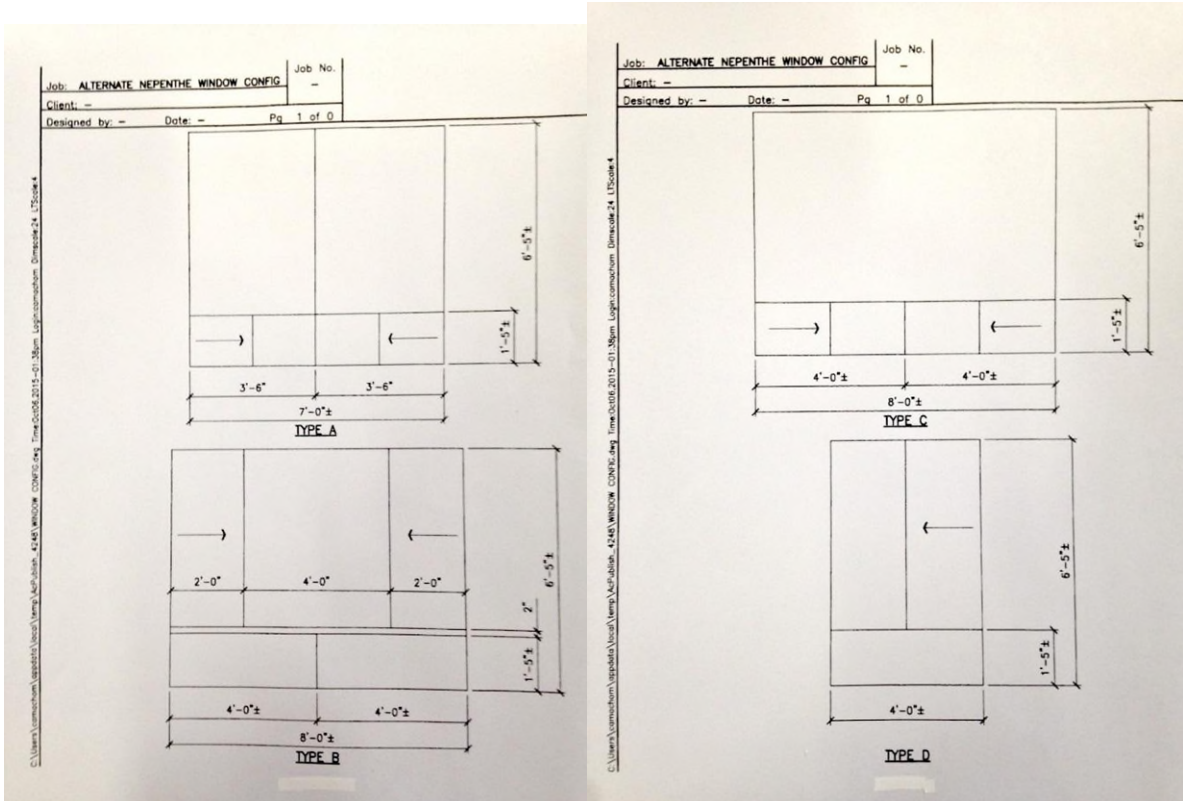
The replacement window frames’ outside appearance must be similar to that of the original Blomberg metal windows frame in frame size/thickness (including horizontal rail and vertical stile components), block (non-decorative) frame shape, and minimal frame exposure appearance. That is, the exposed, visible 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]:

- 1) For windows with an overall width of 7 ft. (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 ft. (72 inches), the vertical frame divisions are to be configured at half/half.

- 3) In two-story homes where the first- and second-story windows are centered one above the other, the replacement windows above and below must be identical in style and configuration.
- 4) Window styles not allowed are the double-hung, casement or awning hinged, or jalousie window.



**Diagram 1**

### 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 inches to 3 15/16 inches wide); a wider piece at the top (3 7/8 inches to 4 inches wide); and the widest piece at the bottom (5 1/4 inches to 5 7/8 inches wide). The much larger, later Nepenthe section uses only 1 1/4 inches-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.

### 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.

### 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.

### **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 Blomberg Series HP 680 Greenhouse Window, which was originally installed in some houses, and comply with frame and glass rules 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.

### **Patio Door Configuration Options**

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.

## **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 rules stated above in this section. A detailed plan and elevation showing location and window dimensions must be submitted.

A copy of the City building permit (or screenshot of City’s website), shall be submitted upon completion of the work along with the Notice of Completion (NOC).

## Wiring & Pipe Installations – Exterior or Exposed

### Board Approval Required

For heating & cooling systems (HVAC), refer to Air [Conditioner](#), Furnace and Heat Pump

For solar energy roof panels, refer to Solar [Energy](#) Roof Panels

For gas line installation or extension, refer to [Gas](#) Line & Meter

For satellite dish installation, refer to [Antenna](#) & Satellite Dish

For cable TV installation, refer to [Cable](#)

For video security systems, refer to Security [Camera](#)

For security systems without video, refer to [Security](#) Systems and Alarm Boxes

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

### Utility, electrical, or plumbing installation

No new pipes or piping for plumbing is 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 typically allowed to be installed on the surface of the siding.

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

### 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, the Owner is 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. The 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 conditional on the Owner continuously maintaining the statutorily required uses associated with their ADU or JADU.

### 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 on the plan, (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:

**a) 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.

**b) Selling the Residence and 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.

**c) 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.

**d) Fences and Party Walls**

Existing fences and party walls must remain as originally constructed.

**e) 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 16 feet, utilize the same T-111-style siding (or whatever siding material the Association may be currently using) 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 *Rules for Home Improvement*) 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 are 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 rules for aspects that are governed by the *Rules for Home Improvement*.

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.

**f) 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.

**g) 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 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, 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 shall apply, including, without limitation, the requirement for T-111 or similar approved 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 *Rules for Home Improvement*.

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.