

CHAPTER 33

SOLAR ENERGY SYSTEMS

33.01 Authority and Purpose. The State of California promotes and encourages the use of solar energy systems. The State allows homeowners' associations to impose reasonable restrictions on solar energy systems that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. In accordance with California law and policies (see California Solar Permitting Guidebook, 4th Ed Winter 2019; California Residential Building Code, Title 24). The Rancho Santa Fe Homeowners Association (the "Association") has adopted the following regulations to facilitate the installation and maintenance of solar systems while preserving the rural character of the community, rare landscape features and quality of architecture and improvements.

33.02 Definitions.

33.0201 As defined in Civil Code Section 801.5, "Solar Energy System" means either of the following:

- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
- (2) A structural design feature of a building, including either of the following:
 - (A) Any design features whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
 - (B) Any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles.

33.0202 A "roof mounted unit" means the solar panel array is installed directly onto the roof.

33.0203 A "ground mounted unit" means the solar panel array is mounted on top of pole(s) placed in the ground.

33.03 General Requirements. The installation of a solar energy system is considered "major construction" pursuant to Rancho Santa Fe Regulatory Code 31.0309.

33.0301 Per California State Law, all new residential construction is required to have a solar energy system.

33.0302 All solar energy systems are subject to review by the Art Jury.

33.0303 All solar energy systems require issuance of an Association permit prior to construction or installation.

33.0304 A solar energy system shall meet all applicable health and safety standards and requirements imposed by state and local laws and permitting authorities.

33.0305 On new residential construction, a solar energy system shall be of sufficient capacity to be compliant with California State Law.

33.0306 Application Requirements

33.030601 Roof Mounted Systems: An accurate, to scale, site plan, vicinity map, roof plan and architectural building elevations detailing the solar panel installation and all ancillary equipment are required with any roof mounted solar energy system application except when found by the Art Jury as not necessary to evaluate the application.

33.030602 Ground Mounted Systems: An accurate, to scale, site plan, vicinity map, topography map, installation cross section and landscape plan detailing the solar panel installation and all ancillary equipment are required with any ground mounted solar energy system application, except when found by the Art Jury as not necessary to evaluate the Application.

33.04 Common Area Roofs and Carports. Members may install solar energy panels on common area roofs of the building in which the owner resides, or a garage or carport adjacent to the building that has been assigned to the owner for exclusive use, subject to additional requirements as follows, subject to the discretion of the Association.:

33.0401 The Association may require provisions for the maintenance, repair or replacement of roofs or other building components.

33.0402 The Association may require that installers indemnify the Association and pay for any damage.

33.0403 The Association may require a site survey showing panel placement and equitable allocation of usable area among owners sharing the same roof garage or carport.

33.0404 Applicants must notify each owner of a unit in the building on which the installation will be located of the application to install a solar energy system.

33.0405 The Member owner and each successive Member owner must maintain a homeowner liability coverage policy at all times and provide the Association with the corresponding certificate of insurance within 14 days of approval of the application and annually thereafter.

33.0406 The Member owner must disclose to prospective buyers the existence of the solar energy system and their responsibilities to pay any damage to the common areas.

33.05 Design and Placement. Design and placement of all Solar Energy Systems as outlined in the following sections 33.05 and 33.06 shall be subject to the discretion of the Art Jury.

33.0501 A solar energy system, including any ancillary equipment, must be screened from the direct view of roadways and other Covenant properties both

subject to aesthetic review by the Art Jury and are subject to other requirements as detailed in this Rancho Santa Fe Regulatory Code 42 – Landscape Regulation.

33.0502 After installation, trees or shrubs placed on neighboring properties must be compliant with the California State Solar Shade Control Act” California Public Resources Code 25980.

33.0503 Where reasonably possible, and without incurring substantial additional expense or significantly reducing the efficiency of the system, solar energy systems must adhere to the following:

33.0503.01 Panel material shall be dark in color.

33.0503.02 Glazing and cover plates shall be treated to reduce the light reflectance.

33.0503.03 Plumbing and electrical lines must be concealed.

33.0503.04 All exposed metal including the structural supports shall be painted a non-reflective dark or black color.

33.06 Installation. Where reasonably possible, and without incurring substantial additional expense or significantly reducing the efficiency of the system, solar energy systems shall be ground mounted.

33.0601 Ground Mounted:

33.0601.01 At the discretion of the Art Jury, story poles or staking of the solar panels may be required. A topographic map depicting the location of the system is required.

33.0601.02 Solar panel location and landscape screening is subject to the Art Jury aesthetic review. Landscaping to screen the solar energy system from critical view must be proposed, approved by the Art Jury, installed and maintained. A landscape plan is required.

33.0601.03 Grading shall be kept to a minimum and panels should be

located to follow the natural landforms of the site except as approved by the Art Jury.

33.0601.04 Solar Panels should be arranged in a regular geometry and is subject to Art Jury aesthetic review. Support structure shall be small and low without compromising efficiency.

33.0601.05 Solar Energy System is subject to building setback requirements except as approved by the Art Jury upon a finding that the location in the building setback is the most aesthetic and practical location for the system.

33.0601.06 The maximum height off the ground level for the solar panels shall be five (5) feet, ~~unless~~ except as approved by the Art Jury upon Art Jury finding that the taller system is necessary and can be adequately screened from critical view of the neighboring properties and public right of way.

33.0601.07 Installation of the Solar Energy System on 25% restricted slopes as defined in 41.0304 is preferred. The Art Jury at its discretion may approve installation onto restricted slopes when the Art Jury finds this location is aesthetically acceptable and the most or only practical location for a ground mounted solar system on the property.

33.0602 Roof Mounted: Roof-mounted systems when at all possible should be located on flat roofs with a parapet wall of sufficient height and consistent with the design of the structure, to block views of the system. Support structure shall be small and low without compromising efficiency.

33.0602.01 Sloped Roofs: Solar panel arrangement is subject to Art Jury aesthetic review. The solar panels shall be arranged in a contiguous, rectangular or regular geometry on the roof with no visually prominent cutouts, voids, irregular shapes or patterns except as approved by the Art Jury. ~~Solar panel arrangement is subject to Art Jury aesthetic review.~~

33.0602.01.01 Panels shall be installed parallel to the roof plane and project no more than is minimally required, not to exceed six (6) inches, above the finished roofing material or as approved by the Art Jury.

33.0602.01.02 Solar voltaic panels must be installed parallel to the roof plane.

33.0602.01.03 Support structure shall be small and low without compromising efficiency.

33.0602.02 Roof Mounted Solar Water Heating Units: Storage tanks shall

be at ground level.

33.07 Maintenance. Owners shall not permit their solar panels to fall into disrepair and become unsightly. Owners shall be responsible for repainting or replacement if the exterior surface of solar panels or their support structure deteriorates. All critical view landscaping must be properly maintained.

33.08 Architectural Review. All applications for the installation of solar energy systems must be processed within 45 days from receipt of the application. The processing of the application may be delayed upon an Art Jury reasonable request for additional information.

