



Rancho Santa Fe Association

Board of Directors Meeting

Staff Report – Request for Board Action

Date: February 4, 2020

By: Maryam Babaki, Building Commissioner

Item: Update Regulatory Code Chapter 33, Solar System Regulation

Executive Summary:

The Rancho Santa Fe Building Department is continuing the work of updating the Regulatory Code. In observance of the California State laws regarding solar systems and California Solar Rights Act, staff made modifications to Chapter 33, Solar Regulations for Board approval. The current proposed regulation has been reviewed by the Association Counsel and is attached for the Board review. Also included in this report and on the advice of the Association Counsel is a “Modification of the Internal Procedure for Submittal and Approval of the Solar Applications.” This modification is an acknowledgment of the California Civil Code 714 that takes precedence over the Rancho Santa Fe Governing Documents and the Residential Design Guidelines and specifies procedures for application evaluation.

Modification of the Internal Procedure for Submittal and Approval of the Solar Applications in

The following is the Counsel recommended procedure for Solar Applications:

Upon submittal of a Solar application, staff will perform a preliminary check of whether the solar system is compliant with the siting, configuration, and screening requirements of the Rancho Santa Fe Governing Documents and the Residential Design Guidelines. Solar systems deemed compliant will be forwarded to the Art Jury for review consistent with major construction permit process. If the solar system, as specified, is not compliant with the Governing Documents (e.g. encroaches into a setback or a 25% slope), staff will determine whether the location, as specified is the most efficient. In making this determination, staff may consult with the necessary professional consultant(s) to determine whether relocation or reconfiguration will decrease the efficiency by more than 10% or increase the cost by more than \$1000 (as provided for in Civil Code section 714). Once staff determines that the solar

system is specified most efficiently, staff will forward the application to the Art Jury, along with its determination and recommendation(s) regarding compliance with Civil Code section 714. If the Art Jury disagrees with staff recommendations the Art Jury shall articulate the reasons to reject such recommendation.

Fiscal Impact:

There are no Fiscal impacts at this time.

Recommendation:

Staff recommends the following:

- Action: Approve new Regulatory Code Chapter 33 for Posting
- Approve the “Modification of the Internal Procedure for Submittal and Approval of the Solar Applications.”
- **Attachments:** Attachment A

ATTACHMENT A

SOLAR SYSTEM REGULATION

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 and require issuance of an Association permit prior to construction or installation.

§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 Association and the Art Jury.

§33 .0303 For any roof mounted solar energy system application, an accurate, vicinity map, site plan, roof plan and architectural building elevations detailing the solar panel installation and any ancillary equipment are required.

§33 .0304 For any ground mounted solar energy system application, an accurate vicinity map, and a site plan detailing the solar panel installation and its ancillary equipment are required. A landscape plan detailing the screening of the system and the ancillary equipment is required. At the request of the Art Jury, staking of the solar panel array may be required.

§33.04 Design and Placement.

~~§33.0401 Where reasonably possible, and without incurring substantial additional expense or significantly reducing the efficiency of the system, solar energy systems should be ground mounted.~~

§33.0402 A solar energy system, including any ancillary equipment, must be screened from the direct view of roadways and other Covenant properties, and is subject to both aesthetic review by the Art Jury, and other requirements as detailed in this Rancho Santa Fe Regulatory Code §42 – Landscape Regulation.

§33 .0403 After installation, new trees or shrubs placed on neighboring properties must be compliant with the California State Solar Shade Control Act” California Public Resources Code §25980.

§33.0404 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 .040401 Panel material should be dark in color.

§33.040402 Glazing and cover plates should be treated to reduce the light reflectance.

§33.040403 Plumbing and electrical lines should be concealed.

§33.040404 All exposed metal including the structural supports should be painted a non-reflective dark or black color.

§33.0404.05 Height of panels on roof-top installations should not exceed 6 inches above the plane of the roof and should be parallel to the plane of the roof in a contiguous rectangular or regular geometry with no visually prominent cutouts. ~~Placement on flat roofs is preferred so long as the panels are hidden by roof parapet wall.~~

§33.0404.06 Height of ground mounted installations should not exceed 5 feet from top of the mounting post or 8 feet from the ground. Panels should be placed in a uniform contiguous pattern.

§33.05 Installation. Where reasonably possible, and without significantly reducing the efficiency of the system or significantly increasing the costs, solar energy systems, whether ground mounted or roof mounted, should be sited respecting the Rancho Santa Fe Protective Covenant, Code of Regulations and Residential Design Guidelines specifically with regard to preserving natural landforms, set-back requirements and restricted (25%) slopes and with sensitivity to one's neighbors' interests. Siting, screening, and configuration should be done with the assistance of the Art Jury. In compliance with State Law, if modifications, or obtaining a variance, would significantly decrease efficiency or increase costs, approval may be granted by the Art Jury without further conditions.

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