



Rancho Santa Fe Association

Board of Directors Meeting

Staff Report – Request for Board Action

Date: December 5, 2019

By: Maryam Babaki, Building Commissioner

Item: Introduction of new Rancho Santa Fe Regulatory Code, Solar Systems

Executive Summary:

This year, California became the first state to require all new homes to have solar power. The mandate, which comes from the California Energy Commission (CEC), will take effect in 2020. 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. The addition of a Rancho Santa Fe Association Solar Energy Regulatory Code will provide the members with information and regulation in this area.

Background / Discussion:

The State of California has promoted and encouraged the use of solar energy systems for several decades now. But in 2020 California will actually require all new homes to have solar power. Part of the motivation for the new policy is California's ambitious goal to be producing 50% of the state's energy from renewable sources by 2030. All homes that apply for a construction permit after January 1, 2020 must have solar power. 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. (see California Solar Permitting Guidebook, 4th Ed Winter 2019; California Residential Building Code, Title 24). In accordance with California law and policies, the Rancho Santa Fe Association (the "Association") Building Department proposes that the Board adopt new regulations to facilitate the installation of solar systems while preserving the rural character of the community, rare landscape features and quality of architecture and improvements.

Process for Introduction of a New Code:

Upon approval by the Board, the notice of the new code section will be posted for 30 days in a prominent location that is accessible to all Members, which has been designated for the posting of general notices by the Rancho Santa Fe Association in the annual policy statement. The locations designated for posting of a “General Notice” or notice by “General Delivery” are:

- (1) The Association Office: 17022 Avenida de Acacias, Rancho Santa Fe, California 92067
- (2) The Rancho Santa Fe Post Office: 16956 Via de Santa Fe, Rancho Santa Fe, California 92067

Notice should include purpose and effect, text of rules and set a deadline for written comments at least 28 days later.

At the Board meeting following the completion of the 30-day notice period, the Board must open the floor to Member input regarding the proposed amendment. This item must be on the agenda. The Board is to consider all comments, and vote to approve or not. Since this is a proposed new code to a governing document, it must get owner votes. If the proposed new code is approved, the Board must send notice to the whole community of the details within 15 days of the decision.

Fiscal Impact:

There is not a Fiscal Impact on the Association.

Recommendation:

Staff recommends that the Board adopt the new Solar Systems Regulatory Code and authorize staff to notice the community of the proposed new Regulatory Code.

Attachment 1: proposed: Rancho Santa Fe Association Regulatory Code Chapter 33, Solar Systems

ATTACHMENT 1

PROPOSED

CHAPTER 33

SOLAR ENERGY SYSTEMS

§_.01 Definitions.

§_.0101 A “solar energy system” is the complete set of all components for converting sunlight into electricity through the photovoltaic process, including the array of panels, inverter(s), and the balance of system components required to enable the system to effectively deliver power to reduce a building’s consumption of electricity through the utility grid.

§_.0102 “Solar voltaic panels” absorb sunlight with photovoltaic cells, generating direct current (DC) energy and convert it to usable alternating current (AC) energy through inverter technology. AC energy is distributed through the residence’s electrical panel.

§_.0103 “Solar water heating units” concentrate the suns energy using reflective devices such as troughs or mirror panels to produce heat that is used to generate electricity.

§_.0104 A “roof mounted unit” means the solar racking system is installed directly onto the roof.

§_.0105 A “ground mounted unit” means the solar racking system is mounted on top of pole(s) placed in the ground.

§_.02 Scope. The installation of a solar energy system is considered “major construction” pursuant to Rancho Santa Fe Regulatory Code § 31.0309.

§_.0201 All new residential property construction governed by the Rancho Santa Fe Protective Covenant is required to have a solar energy system. (Effective January 1, 2020).

§_.0202 All solar energy systems are subject to review by the Art Jury.

§_.0203 All solar energy systems require issuance of an Association permit prior to construction or installation.

§_.0204 An accurate, to scale, site plan, roof plan and architectural building elevations detailing the solar panel installation are required with any roof mounted solar energy system application.

§_ 03. 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 follow:

§_ .0301 The Association may require provisions for the maintenance, repair or replacement of roofs or other building components.

§_ .0302 The Association may require that installers indemnify the Association and pay for any damage.

§_ .0303 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.

§_ .0304 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.

§_ .0305 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.

§_ .0306 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.

§_ .04 Solar Energy System Size and Type.

§_ .0401 A solar energy system shall meet all applicable health and safety standards and requirements imposed by state and local laws and permitting authorities.

§_ .0402 On new residential construction, a solar energy system shall be of sufficient size to net out the annual kilowatt hour energy usage of the dwelling. (Effective January 1, 2020).

§_ .05 Design and Placement.

§_ .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.

§_ .0502 After installation, trees or shrubs on neighboring properties may not be placed that would cast a shadow on more than 10% of the collector absorption area from 10:00 am to 2:00 P.M. ("Solar Shade Control Act" California Public Resources Code §25980)

§_ .0503 Panel material shall be dark in color.

§_ .0504 Glazing and cover plates shall be treated to reduce the light reflectance.

§_ .0505 Plumbing and electrical lines must be concealed.

§_ .0506 All exposed metal including the structural supports shall be painted a nonreflective dark or black color.

§_ .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.

§_ .0601 Ground Mounted:

Grading shall be kept to a minimum

Support structure shall be small and low without compromising efficiency

Maximum height for the solar energy system is 5 feet.

System is subject to building setback requirements for accessory buildings

§_ .0602 Roof Mounted:

Solar voltaic panels must be installed parallel to the roof plane

Support structure shall be small and low without compromising efficiency

§_ .0602.1 Sloped roofs: Panels shall be mounted flush with the roofing material.

No support structure shall be visible below the panels.

§_ .0602.2 Flat roofs:

Height of the solar system off of the roof shall be kept as low as reasonably possible.

Maximum height for the solar energy system is 5 feet.

Panels elevated above a flat roof surface require a parapet wall consistent with the design of the structure, and of sufficient height, to block views of the system.

§_ .0603 Roof mounted solar water heating units: Storage tanks shall be at ground level.

§_ .09 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.