

Sugarloaf HOA Policy on Solar Power

Introduction

The Sugarloaf Homeowners Association recognizes that there is likely to be Association member interest in installing solar paneled power systems. Since these systems by nature must be installed external to the home, the Association has developed this policy to aid members (homeowners) in developing their solar projects within Association expectations, thereby minimizing the time for project review and approval by the HOA Architectural Control Committee and/or Association Board of Directors. The Association's Board of Directors recognizes the benefits of renewable energy sources, including solar, to overall energy programs within our society, and is committed to working effectively with owners proposing solar power projects.

Background on HOA Architectural Change Requirements and California's Treatment of Residential Solar Power Systems

The 1978 California Solar Rights Act (http://www.parks.ca.gov/?page_id=25664) establishes the legal right to a solar easement, defines which solar energy systems are covered by its provisions, and limits local governments from adopting ordinances that would unreasonably restrict the use of solar energy systems.

Civil Code Section 714 of the Solar Rights Act allows covenants, conditions and restrictions (CC&Rs) to impose reasonable restrictions on solar energy systems. Reasonable restrictions include those that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance or allow for an alternative system of comparable cost, efficiency and energy conservation benefits. Civil Code Section 714(d)(1)(B) further defines reasonable restrictions as "requirements imposed that do not exceed \$2000 in cost or decrease performance by more than 20%, in general." For example, a recommendation to reposition a photovoltaic panel on a roof would be unreasonable if the performance of that panel dropped to below 80% of the performance achieved in the originally proposed location, or if the cost of installing the panel in the recommended location increased by \$2000 or more from the originally proposed location.

Civil Code Section 714(e) further provides that "whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and shall not be willfully avoided or delayed."

Assembly Bill AB2473 subsequently amended Section 714 [714(c)(3)] to read "A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability."

Sugarloaf HOA Solar Power Systems Policy Elements

Based on the Solar Rights Act and its provisions, specifically including Section 714, the Sugarloaf Homeowners Association has established the following policy elements regarding the installation of residential solar power systems by members of its Association on units within the Sugarloaf development:

1. Per CC&Rs Section 6 (Architectural Control), all solar power system projects must be approved in writing by the Board, or the Architectural Control Committee, prior to commencing any construction activities on the exterior of the residence. It is highly recommended that Association approval be obtained prior to seeking necessary city permits (the city may not issue permits without evidence of Association approval).
2. The Association recognizes that solar panel installations can be roof-mounted or surface (ground or walls of the residence) mounted. The Association has a strong preference for solar panels to be installed either a) on existing roof space or b) mounted to ground or walls in the rear of the residence not visible from the front of the residence (“drive-up view”). Given that, for purposes of energy capture efficiency, roof panels may need to be installed on roofs facing in specific directions relative to the sun, the Association will not identify any requirements regarding which existing roof areas must be used. Proposals to install solar panels on the ground surfaces or walls of the residence visible from the front of the residence are discouraged. Any such proposals must include justification showing that it is not possible to achieve sufficient energy capture (defined as up to 100% of historic electric usage averaged over at least one year) with existing roof space or rear grounds or rear wall surfaces.
3. The Association requires that roof-mounted panel designs be intended to conform to existing roofline geometry. A key element of maintaining architectural harmony within the development is to avoid deviations from existing rooflines within a given unit and across connected units. Accordingly, designs which do not have the solar panels retaining the same angle as the existing roofline are to be avoided. The panel distances above the existing roof surfaces are to be minimized, as practically possible. Any exposed electrical conduit must be colored (e.g., powder coated) to be color-matched to the roof or other background (wall, fascia).
4. Solar Power System applications for approval must include photos (simulated okay) or drawings showing the specific proposed panel layouts and the location of any inverter hardware, or other system infrastructure, which is located on the exterior of the residence. The application must also identify the photovoltaic panel manufacturer and model number (specification sheet would be ideal). The project application must be signed by all owners within an attached set of homes indicating that each owner within the attached group has been notified of the proposed project.