

THE CREST ARCHITECTURAL
RULES, REGULATIONS & GUIDELINES
for SOLAR ENERGY SYSTEMS

I. INTRODUCTION

These declarations are to protect every Homeowner's property value by ensuring a safe, well-kept and desirous place in which to live, which includes safety, liability and aesthetics involving after-construction equipment added to a Lot or a building.

The laudable goal of saving energy and incorporating equipment and systems into and on to homes or lots which do so has resulted in increased interest in the installation and use of solar energy devices and equipment. The Association does not want to do anything to prevent use of such devices, but feels it is important to ensure that such equipment is reasonably controlled as to safety, liability, appearance and location of installation, so as to protect neighbors and the community as a whole from dangerous or unsightly equipment and/or installation. Accordingly, in accordance with California Civil Code Section 714 and 714.1, the purpose of these Rules about solar energy devices and equipment is to reasonably control use and location to ensure safety and to protect home values and aesthetics in the community, without preventing their use.

II. POLICY

These rules, regulations and guidelines apply to all solar energy devices including without limitation solar panels and their associated components, solar tubes, solar skylights, wind turbines or other solar energy devices (**collectively referred to in this Rule as "devices" or "systems" or "equipment"**) which due to installation and use location are or may become "visible from neighboring property" above the fence line or other privacy barriers that may exist between neighboring yards and homes.

1. APPROVAL OF INSTALLATIONS

a.) The following items must be submitted to the Crest HOA Architectural Committee for review:

1. Detailed plans for installation and placement of any solar panel / energy device,
2. A solar site survey completed by a licensed contractor (California Civil Code Section 4746)
3. Completed Shared Roof Owner Notification form
4. Notarized maintenance responsibility forms

5. A copy of the completed City of Carlsbad building permit application
 6. A copy of the completed Solar Energy Disclosure Document with Supporting Information provided to owner by the solar energy system company as required by section 7169 of the California Business and Professions Code.
 7. A copy of the completed SDG&E Interconnection Application and Agreement for Customers with Solar and/or Wind Electric Generating Facilities of 30 Kilowatts or Less and for Customers Installing Energy Storage Paired with Such Generating Facilities.
- b.) **The owner must receive written approval from the Crest HOA Board of Directors prior to installation of any solar energy equipment or components.**
- c.) An illustrated brochure of the proposed system, which depicts the materials to be used, and drawings showing the location and number of collectors, the attachment to the roof structure, and the location of exterior system components, shall be submitted with the Architectural Request.
- d.) A San Diego County and/or City of Carlsbad Building Permit may be required for the installation of such device and ancillary equipment. The Association requires the Owner use an installer which is a licensed solar equipment contractor with the appropriate contractor's license. Owner is entirely and solely responsible for knowing what permits may be required, and obtaining any such permits before installation begins.
- e.) Homeowners are urged to check with their home builder or insurance company prior to installation of devices for how such installation may impact their roof warranty or other aspects of their structure. Neither the Architectural Committee nor the HOA Board of Directors is liable to the property owners from roof damage or for effects to roof warranties. The Association and its Board has no expertise or special knowledge regarding such systems and therefore the Association's approval for installation of any such device(s) or system is not a representation that the system chosen by an Owner is safe to use or is compatible with Owner's roof or other structures on the Lot or the Lot involved, and Owner assumes and bears all risks regarding installation and use of such a system.

2. TYPES

- a.) Only commercially or professionally made devices installed by a California licensed contractor holding a valid Solar System, Electrical, or General Contractor license are allowed. "Home made" devices will not be permitted due to the safety and liability aspects of such devices.
- b.) **Ground -mounted solar panels** in back yards are permitted and are

preferred.

c.) **Roof-mounted solar panels** are permitted so long as their installed location will not be seen from the street fronting the house. The Association realizes that for any houses located on corner lots where the back of the house or roof is visible from a side street, that installation of such devices on the back side roof may still be visible from the street abutting the side of Owner's lot, and installation on the back roof side of the house under these circumstances will not be considered a violation of these Rules).

d.) **Insurance Requirements:**

- 1.) Installers of solar energy systems will indemnify or reimburse the Crest HOA or its members for loss or damage caused by the installation, maintenance, or use of the solar energy system.
- 2.) Homeowners shall maintain liability insurance which will indemnify or reimburse the Crest HOA or its members for loss or damage to HOA maintained roofs caused by the installation, maintenance, or use of the solar energy system.
- 3.) Homeowners must provide a current copy of insurance certificate covering the installed solar energy system to the HOA Board of Directors within 14 days of installation by a licensed contractor.

3. LOCATION / PLACEMENT

Ground-Mounted Solar Panels

a.) The equipment must be installed in the owner's rear yard with no portion of the unit exceeding six feet in height from the ground below it. If it is visible from the street, then the equipment must be painted to match, or the color of the materials used must match, the color of the home, fence line or surrounding landscape as directed by the Architectural Committee.

b.) Ground-mounted solar collectors shall be within the setback lines in accordance with San Diego County Codes / HOA CC&R's and concealed from neighbor's view to the extent reasonably possible.

c.) No ground mounted devices or their components should be affixed to a block wall or wood fence.

Roof-Mounted Solar Panels

a.) Roof-mounted systems must be installed so that the panels are flush-mounted and centered on the back side of house.

b.) If an alternative placement location is necessary in order for the energy device to reasonably work as intended (so that any loss of efficiency or capability

is no more than 10%), the Architectural Committee must consider the ability of the device to properly work regarding its location. If the location which would be required under these Rules would result in the device losing 10% or more of its efficiency or energy generating capability, then the Committee should approve the Owner's preferred location if that location is truly necessary under the factors set out in this subsection. Solar panels should be installed as far as possible to the rear of the house. The front slope of the roof of the house should not be used. A letter from the Solar Energy Company certifying the location on the front slope of the roof is the only usable location without reducing the effectiveness of the solar system by more than 10 per cent is required to install the solar system on the front facing slope of the roof.

- c.) Solar panels should be an integrated part of the roof design and mounted directly to the roof deck or if mounted on or over the existing roof tile, should be flush with the slope of the roof. Solar units must not break the roof ridgeline.
- d.) Solar panels should be positioned as low as possible on the roof extending wider rather than higher on the roof plane. The solar panels, piping or any exposed part of the installation may not be higher than the roof peak.
- e.) Visibility of devices and their components must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the Architectural Committee.

4. CONSTRUCTION / FINISH

- a.) All roof mounted equipment, (excluding the face of the solar panels), must match the color of the roof material. This includes wind turbines, solar skylights and other equipment. Exposed surfaces such as any frame or supports for panels but excluding the exposed collector panel face itself must be painted to match, or the color of the materials used must match, the surface on which it is mounted.
- b.) All exterior plumbing lines shall be painted to match, or the color of the materials used must match, the color of adjacent roof material and walls. Aluminum trim, if used and visible, should be anodized or otherwise color treated to blend into the surroundings as much as possible.

5. MAINTENANCE

- a.) Homeowners will ensure that all surfaces of such devices or equipment, whether painted or colored materials, are properly and timely maintained to prevent peeling and cracking of paint or loss of coloration or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the community.
- b.) **Homeowner and each successive homeowner of the solar energy system is responsible for all of the following:**
 - 1. **Costs for damage to the common area, exclusive use common area,**

or separate interests resulting from the installation, maintenance, repair, removal, or replacement of the solar energy system.

- 2. Costs for the maintenance, repair, and replacement of solar energy systems until it has been removed and for the restoration of the common area, exclusive use common area, or separate interest after removal.**
- 3. Disclosing to prospective buyers the existence of any solar energy system of the owner and the related responsibilities of the owner under section 4746 or the California Civil Code.**
- 4. Costs for the repair or replacement of roofing/building materials as required under the installed solar energy panels, components, supports, and equipment.**

III. INFRACTIONS

Once a violation has been reported and confirmed, the violating homeowner shall be notified in writing, and, if not corrected in a timely manner, fines may be imposed and assessed according to The Crest HOA fining policy.

At the Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Additional fines will continue to be imposed and accrue while the legal action is in process if the homeowner remains in violation of this Rule or any other provisions of the Association's governing documents.

The opportunity to appeal the Board's decision is available under the Association's Rules and Regulations on "Appeal Process".

IV. Fines

- 1) First Offense - \$10/day
- 2) Second Offense - \$25/day
- 3) Third and All Subsequent Offenses - \$50/day. The Association will bill the violating Homeowner the applicable fines at such time and for such periods as the Association considers reasonable.

All fines imposed by the Association upon an owner which remain unpaid for 60 days shall automatically constitute a lien on the lot and all its improvements, and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's governing documents and the laws of the State of California. The Association may file a formal lien with the county in order to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorney fees, incurred by the

Association in the imposition and collection of such unpaid fine(s).

V. Rule Enforceability

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

These solar energy rules were adopted by the Crest Board of Directors on 26 May 2021 at a regularly convened Board Meeting after completing a required 28 day homeowner comment period.