

HILLER HIGHLANDS FOUR ASSOCIATION

SOLAR SPECS/PROCEDURES

General

Section 714 of the California Civil Code, dealing with solar energy systems in Planned Unit Developments, applies to Hiller Highlands Four Association (“HHIV” or “Association”). Under the Code, the Association may adopt such reasonable rules/restrictions/requirements governing solar installations as it deems to be in the best interests of the community and homeowners, which is the spirit in which the specifications outlined below have been developed. However, consistent with California Civil Code Section 714 and Section 714.1, the Association is prohibited from requiring, and shall not require, an Owner to install an alternative solar energy system that unreasonably increases the cost or decreases the energy efficiency of the originally proposed solar energy system.

Preservation of views* is extremely important to all of our homeowners as well as visible esthetics, thus, in developing the HHIV specifications regarding solar energy installations, the primary objective is to minimize visual impact to the extent possible, consistent with requirements of a viable solar energy system. The rules also recognize accommodations necessary for maintenance requirements for the roof and siding of adjacent units.

***Note:** Item #2 under General Conditions in the HHIV Architectural Rules provides: “All construction must conform to provisions of the “1992 View Line Study” by Bryan and Murphy, Engineers, Planners, and Surveyors, which was compiled at the Board's request. This provides a 5'7" person (assuming an eye level at 5'4") standing at the primary view windows of a residence an unobstructed view over the 30-degree primary view cone with a 4 degree declination. Standard chimneys are not considered obstructions.” A copy of the full study is available from the Architectural Control Committee (“ACC”) upon request.

HHIV homeowners may install solar systems, provided the proposed installation is pre-approved by the Association. To be approved, the installation must meet the requirements outlined in the HHIV specifications which follow, as well as City of Oakland Building Code and other permitting requirements. Solar energy installations are not permitted in HHIV’s Common Area, unless the Owner makes his/her case as to why any portion of the Common Area may be necessary to access for that Owner’s proposed solar energy system to operate.

These rules apply to all solar energy systems, which includes any system established for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

Specifications

Solar Collector Panels

- The Association strongly prefers that solar panels be installed on the plane of the roof (flush mounted). In no case may any part of a solar panel structure extend beyond the roof line.
- Metal trim, if used and visible in the panel installation, shall be of a low reflective dark color.
- The installation of solar panels may not interfere with reasonable access to adjacent property for the purpose of routine maintenance and repair. For example, in some cases it may be necessary for the solar panels to be “set back” from the property line where the roof abuts the adjacent unit(s) in order to leave an area that is free of solar panels to allow access to the side of the neighboring unit(s) for painting or other maintenance/repair.
- Solar panels and all associated equipment must be firmly secured to the roof and/or building exterior in accordance with applicable building codes.

Other Components

Solar energy systems have components in addition to solar panels, including racking, modules, and inverters.

To the greatest extent feasible, all components shall be located in the interior of the residence; however, if it is necessary to install components on the building exterior, they must be installed in the least visible location feasible and painted to match the surface to which they are mounted.

Conduit and Exterior Wiring

Any conduit and wiring on the exterior of the residence must be installed in a location and manner that minimizes visibility to the extent feasible. It must be neatly and securely fastened, and installed to follow natural lines in the building, such as placement next to vertical or horizontal trim pieces, or next to the lap in horizontal siding. Any visible exterior conduit must be painted to match the surface to which it is mounted. Please refer to the painting rules for specific instructions. Any portion of the conduit which protrudes or runs above the roof line is to be painted dark grey.

A. Prior Notice of Neighbors Required before Installation.

1. Installation of a solar energy system requires the prior notification of the Owners of (a) adjoining residences, and (b) adjacent residences whose “line of sight” may be affected (collectively, “Neighbors”).
2. The Owner seeking to install the solar energy system shall request, and the Association shall promptly provide, the 1992 View Line Study by *Bryan and Murphy; Engineers, Planners, and Surveyors*; so that the Owner, working with his/her solar energy system contractor and/or engineer, can determine which adjacent residence Owners should be notified and determine compliance with this *Study*.

3. Upon notification, Neighbors shall have thirty (30) calendar days in which to request a formal meeting before the ACC with the Owner seeking to install the solar energy system present. Such a request shall be made **only if** informal discussions with the Owner and/or ACC do not resolve the Neighbor's concerns.
4. Resolution of any conflict that arises from this proposed installation shall be conducted in accordance with the dispute resolution provisions of the CC&Rs.

B. Prior Notice of Architectural Control Committee Required before Installation.

1. Installation of a solar energy system requires the prior notification and approval of the ACC. Such approval shall not be unreasonably withheld by the ACC. An Owner shall notify the ACC in writing of his/her intention to install a solar energy system. In addition to the requirements set forth in the Architectural Control Rules and the CC&Rs, an Owner must provide the ACC with the following information:
 - a. At least two (2) copies of the proposed plans and specifications for the solar energy system and components (including, but not limited to, racking, modules, and inverter) as well as installation requirements, maintenance requirements, and dimensions of the system;
 - b. Placement of solar energy system and all components; specifically showing the arrangement of the solar panels on the residence roof and specify the proposed set-back from the property line of adjacent home(s);
 - c. Name and contractor's license number of solar energy system installer, including two (2) copies of the contractor's brochure or website materials showing the look of the proposed solar installation;
 - d. Confirm compliance with the aesthetic criteria outlined in these Rules; specifically:
 1. Specify that any visible metal trim used in the solar panel installation is, or will be, color treated (anodized or painted) in a dark color;
 2. Show the proposed routing and location of all conduit that runs on the exterior of the residence and the diameter of the conduit (e.g., half-inch, three quarter inch, etc);
 3. Specify that the conduit will be painted to match the mounting surfaces to which it is affixed and that conduit protruding/running above the roof is painted dark grey;
 4. Specify that the other system components are located in the interior of the residence;
 - e. A written statement containing (1) a list of the names and addresses of the Neighbors who have been advised of the proposed installation, (2) questions or concerns (if any) expressed by Neighbors and (3) any

pending questions or concerns that have not been addressed and resolved between the Owner and Neighbor(s).

2. In all other respects, the provisions of the CC&Rs and Architectural Control Rules shall apply with equal force to the installation of solar energy systems.
3. After submission of all items outlined in Section B(1), above, the ACC shall have sixty (60) calendar days to respond to the Owner's request to install a solar energy system. The ACC shall act reasonably and in good faith in making its determination. The ACC may: (a) approve unconditionally; (b) approve conditionally; or (c) disapprove the proposed installation.
4. If the ACC fails to respond within sixty (60) calendar days, the proposed installation shall be deemed approved by the ACC and the Owner may proceed.
5. When the ACC's written response to the Owner's proposed installation is either (a) a conditional approval or (b) a disapproval, the ACC shall include an explanation for its decision. If a conditional approval is issued, the ACC's written response shall also include direction as to how the Owner should modify the proposed installation to obtain an unconditional approval.
6. The ACC shall be entitled to determine that a proposed installation is unacceptable, even if the same or a similar alteration or modification has previously been approved for use at another location if factors such as visibility from roads, Common Area or other residences, or prior adverse experience with the product or components used, mitigate against approval.
7. The decision of the ACC may be appealed to the Board by the Owner seeking installation of a solar energy system.
8. The Owner shall inform the ACC when each of the following milestones occur or are anticipated to occur:
 - a. Permit is issued by City of Oakland (The city may request confirmation from HHIV that the installation plan has been approved by HHIV).
 - b. Installation work is to commence.
 - c. Final inspection is signed off by City of Oakland (a copy of this shall be provided to HHIV).

C. Other Homeowner Responsibilities

Damage to Common Area; Indemnification of Association

Item 13 under the Rules, Regulations & Procedures section of the HHIV Architectural Rules provides:

"If any damage occurring to the Common Area landscape and streetscapes is the result of work done to an individual unit such as painting, roofing, or construction, all costs related to the repair of the plantings will be responsibility of the homeowner. Payments are due upon receipt of billing by the Association."

This rule would apply in the event of Common Area damage resulting from the solar installation work. If the homeowner intends to hold the contractor responsible to reimburse him/her for payments made to HHIV under this rule, it is recommended the contractor be advised of this prior to finalizing the contract and that this be put in writing.

The Association and Owner shall enter into a separate agreement which shall:

1. cause the Owner to indemnify the Association, the Board, Management, and legal counsel for the Association, from any and all loss or damage to the Common Area resulting from the installation, maintenance, and/or use of the Owner's solar energy system; and
2. cause the Owner to reimburse the Association for any and all loss or damage to the Common Area resulting from the installation, maintenance, and/or use of the Owner's solar energy system.

Damage to Neighbors' Residences

In the event there is damage to Neighbors' residences resulting from the solar installation work, the Neighbor shall look to the Owner of the solar energy system and or his/her contractor for the cost of repairs. An Owner seeking to install a solar energy system is hereby advised to review carefully his/her contract with the solar energy system installer/contractor to determine whether or not the installer/contractor carries adequate insurance coverage to cover such events.