

The Villages Association Rules

AC RULES

D-31 Backup Electric Power Systems

Backup Electric Power Systems shall be allowed to be installed at a villa in either Common Area or Limited Common Area or interior Garage area. The Architectural Committee and the Association Board of Directors may provide conditional approval only upon the applicant complying with all the following conditions of this rule. Also, all conditions required by the City of San Jose Building, Planning, Fire, and HazMat departments must be met and a City of San Jose Building Permit issued when required.

1. An Owner Alteration Request, signed by the owner, including complete plans and specifications, must be submitted to the Architectural Committee for approval. The application shall include written comments by the owners of adjoining villas, (within field of view, as applicable and as designated by the Committee). In obtaining comments from adjoining villa owners, the applicant shall provide plans (site plan and/or elevation views as applicable) in sufficient detail to enable those owners to assess the visual and/or aesthetic impact of the modification. Comments from these adjoining villa owners will be given full and careful consideration by the Committee. Final plans shall be drawn to scale upon substantial paper and of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to provisions of this rule.
2. Definitions.
 - a. Battery backup systems: Professionally designed, permanently installed and testing laboratory approved systems designed to seamlessly switch power from utility fed electrical lines to backup battery systems at time of outage and from battery backup systems to the utility fed electrical lines when power is restored. The units must be professionally installed by State of California licensed contractors and inspected by City of San Jose Building Department. Architectural Committee approval will be required. They can be installed on the interior wall of a garage, see definition (g) or on the exterior walls of the villa.
 - b. Individual portable dedicated single use battery backup system: A rechargeable portable backup battery that powers a single item such as a CPAP, compact refrigerator, or other medical device. (Many systems can be recharged from portable solar panel systems or a vehicle.) Architectural Committee approval and City of San Jose Building Department approvals are not required. If there is a question, contact the AC Administrator.
 - c. Backup fossil fuel generator: A unit designed to provide temporary power to designated appliances and other items within the villa if there is a power outage. The generator is fueled by natural gas, gasoline, propane, or diesel fuel.

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- d. Screening: A visual structure built around the unit to enable the unit to be hidden from view of the neighbors.
 - e. dBA: The measurement of sound level generated by the backup generator when it is in operation. The maximum level allowed at the nearest point on adjoining villa(s) is 60 dBA. A qualified acoustical professional must evaluate the proposal, at the applicant's expense, to assure compliance. See definition (f).
 - f. Resident with Disability: To qualify as a resident with a disability that requires continuous power to their dwelling they must demonstrate to the Architectural Committee and The Association Board of Directors the following: (1) that the resident is disabled, (2) that the resident's disability requires uninterrupted electrical power (e.g., requires electrically powered breathing assistance or requires medication that must be refrigerated) and (3) that battery backup systems presently on the market cannot fulfill their medical power needs. The Association Board of Directors must grant an exception to the rule prohibiting a temporary generator in Common Areas if needed to accommodate the request. Simply providing a doctor's note stating the resident is disabled may be insufficient – the resident must be able to show the nexus between the disability and the request for temporary backup power. The ABOD can restrict the size/capacity of the generator to what is necessary to accommodate the disability. The exception allowed by the ABOD will be terminated for the following reasons: (1) when the medical need no longer exists for the resident needing the exception, (2) the resident needing the exception no longer resides at the property.
 - g. Interior space: Living area and the garage that is fully enclosed are considered interior space for this rule.
3. Battery backup systems as defined in Definition (a) **WILL** be allowed with the following conditions being met:
- a. A City of San Jose Building Permit must be issued and finalized and delivered to the AC Administrator prior to final connection of the system. (See Definition (b) for possible exception.)
 - b. If the system will be connected to the villa's electrical panel the panel must be of sufficient capacity to handle the system connections or be upgraded to become compliant.
 - c. The unit must be a fully integrated system which has been testing laboratory approved for the installation being applied for.
4. Backup fossil fuel portable generator systems, as defined in Definition (c) above, **WILL NOT** be allowed for any Association villas (Except for Resident with Disability cases as defined in 'Definition (f) above). Among the reasons for this decision are storage of fuels, temporary electrical cord placement and

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overheating, power transfer problems related to utility company power being reinitiated, sound disturbance (dBA level) to neighbor's units, exhaust and carbon monoxide fumes, etc.

5. Only Natural Gas Fueled systems that are permanently installed may be allowed for a villa. All other fossil fuel systems will not be allowed. The following requirements must be met.
 - a. Submittal using AC Application form. Section 7 requirements must be provided for review when the villa owner submits the application to the AC Administrator.
 - b. The Villages Maintenance Department approval must be given.
 - c. Architectural Committee approval must be given.
 - d. If the unit is to be installed in Common Area, see Section 10 for area vote requirements.
 - e. City of San Jose permits must be obtained, and the final inspection documents must be provided to the AC Administrator prior to operation.
6. Resident with Disability's backup power generators. See definition (f). Because the resident needs will vary greatly, the application will be handled on a case by case basis. Items that will be considered will be fuel storage, manner that power will be distributed from the generator to the needed elements, sound rating (dBA), fumes, etc. The Architectural Committee and the Association Board of Directors must, as part of their approval, waive the need for an area vote, as defined in Section 11(c)(i), if the unit must be placed in common area.
7. Submittal requirements. The following are the minimum required submittal items that must be provided at the time that the application is submitted for review. Additional items may be requested by staff, the Architectural Committee or the Association Board of Directors during the review process.
 - a. For exterior unit installations:
 - i. A plot plan showing the subject villa that is to receive the system. Include the location, address and separation distances of surrounding buildings and villas and their relationship to the system. Show the location of the existing and proposed utility disconnect, electrical main panel and any subpanels. Show the path for any electrical wiring. Show that the unit complies with all manufacture's clearance to other elements.
 - b. If the proposal includes a fossil fuel generator provide the following information:
 - i. For the applicant's villa give the horizontal distance to nearest doors, windows, patios and decks. Show the concrete pad location and size. Provide the dBA rating per Definition (e) above from the edge of the concrete pad.

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- ii. For adjacent villas give the horizontal distance to nearest wall, doors, windows, patios and decks. Provided the dBA rating to each item, per Definition (e) above, from the edge of the concrete pad. Provide the clear setback distance to trees (stump & foliage), shrubs, fences and walks within 10 feet of the corners of the generator pad.
 - iii. Show the privacy screens location.
 - iv. Provide the dBA rating, per Definition (e) above, from the manufactures documentation.
 - v. Provide a report from a qualified acoustical professional stating the dBA value at the adjoining villa(s).
 - vi. Verify that the gas meter is adequately sized or will require upgrading.
 - c. Photographs of the applicant's unit with the location of the generator drawn in and photographs of the affected walls of the neighboring villas, including their windows and doors, with the horizontal distance measurement included at each location.
 - d. Detail showing any exposed wiring.
 - e. Show the location of any penetrations for wiring or piping into the walls and roof of the structure.
 - f. All project requirements of the City of San Jose in their 'Generators-Permit Requirements' handout must be satisfied. (Include a copy of the current City handout.)
 - g. Manufactures specification sheet, brochure and testing laboratory approval that shows the installation details and their rated dB (dBA) information for the unit.
8. Units placed on elevated decks must have a structural engineer's approval that the deck structure will support the weight of the unit. Hard-wired fossil fuel generators must be installed on a concrete pad per City of San Jose Code.
9. If the unit is to be placed on Limited Common Area or interior spaces, see Definition (g), at the applicant's villa.
- a. It must meet the code requirement for clearance to any operable doors or windows.
 - b. The maximum sound level of 60 dBA shall be measured horizontally from the nearest vertical plane of the generating devise to the closest edge of the exterior wall, deck/patio of each adjoining villa.

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10. If the unit is to be placed in the Common Area next to the applicant's villa:
 - a. It must meet the code requirement for clearance to any operable doors or windows.
 - b. The maximum sound level of 60 dBA shall be measured horizontally from the nearest vertical plane of the generating device to the closest edge of the exterior wall, deck/patio of each adjoining villa.
 - c. Since the unit and privacy screening is in the Common Area the applicant must meet the following:
 - i. After conditional approval by the Architectural Committee and Association Board of Directors, the owner must obtain 75% approval of all owners in his/her project per the prescribed procedures.
 - ii. All City of San Jose Planning department requirements and processes must be met and approved. All expenses incurred while working with the City Planning Department are to be paid only by the applicant.
11. It is the responsibility of the applicant to obtain the necessary City of San Jose Building Permit prior to starting the alteration. The applicant shall provide a copy of the application approved by the Architectural Committee when applying for the City of San Jose Building Permit. If the city requires modification of the plans, the applicant must submit the modified plans for approval to the Architectural Committee prior to starting construction. In any event, the applicant must submit a copy of the City of San Jose Building Permit to the Architectural Committee prior to starting work. Upon completion of the modification and as a condition of the Architectural Committee final inspection, a copy of the City of San Jose Building Permit shall be filed with the AC Administrator.
12. The repainting or any other special maintenance of the alteration shall be done at the owner's expense.
13. By signing the OWNER ALTERATION REQUEST, to which this rule is attached, the applicant agrees to the following:
 - a. If complaints arise concerning excessive sound or odor (as defined in The Villages Association Rule 2.10) the villa that has installed the unit will, at their own cost, provide 'as built' documentation that the installation complies with this rule. If it is found that the unit is not in compliance the

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system will need to be upgraded or removed at the owner's expense. The Village Association will be held harmless in these proceedings.

- b. If the building, including the alteration is damaged by fire or other casualty, and the Association rebuilds the damaged portions of the building, the rebuilding must be done in accordance with the provisions of the Governing Documents and Policies of the Board and insurance currently in place. If the alteration is rebuilt for any other reason, it must be done at the owner's expense.

Approved by the Board of Directors
Date: November 17, 2020