



MEMORANDUM

TO: CITY COUNCIL

FROM: TERESA MCCLISH, COMMUNITY DEVELOPMENT DIRECTOR *TMC*

BY: JOHNATHAN R. HURST, BUILDING OFFICIAL

SUBJECT: CONSIDERATION OF INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING SECTION 15.04.030 TO TITLE 15 OF THE MUNICIPAL CODE REGARDING EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

DATE: SEPTEMBER 22, 2015

RECOMMENDATION:

It is recommended that City Council introduce the proposed Ordinance adding section 15.04.030 to Title 15 of the Arroyo Grande Municipal Code regarding expedited permitting procedures for small residential rooftop solar systems.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no anticipated fiscal impact as the costs would be recovered through existing building permit fees. As noted, the Building Division is currently providing expedited review and electronic submittal of applications for small residential rooftop solar systems.

BACKGROUND:

In 2014, the State passed AB 2188 (Expedited Solar Permitting Act), which modified the existing Solar Rights Act and requires every city and county to adopt an ordinance that creates an expedited solar permitting process for small residential rooftop solar systems by September 30, 2015. Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems.

ANALYSIS OF ISSUES:

The City currently expedites the review of residential solar applications by reviewing and issuing applications through email and electronic format. The City also currently can accept and approve such applications at the building counter or electronically through the City's fax. By this process, the City currently meets many of the requirements of this State mandated ordinance. However, the proposed ordinance will bring the City in

CITY COUNCIL

CONSIDERATION OF INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING SECTION 15.04.030 TO TITLE 15 OF THE MUNICIPAL CODE REGARDING EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

SEPTEMBER 22, 2015

PAGE 2

compliance with the additional requirements imposed by AB 2188. The ordinance codifies the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically, directing the City's Building Official to develop a standardized checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, making all documents available on the City's website, and authorizing the Building Official to administratively approve such applications within a reasonable period of time.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

- Introduce the Ordinance as recommended;
- Modify and introduce the Ordinance; or
- Do not introduce the Ordinance and instead provide direction to staff.

ADVANTAGES:

The proposed Ordinance will constitute compliance with State law governing small residential rooftop solar systems, increase the deployment of solar distributed generation, as well as assist the State in reaching its clean energy goals.

DISADVANTAGES:

None identified by staff.

ENVIRONMENTAL REVIEW:

The Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) because the project involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code Section 65850.5 and Civil Code Section 714.

PUBLIC NOTIFICATION AND COMMENT:

A notice of public hearing was published in the Tribune on Friday, September 11, 2015. The Agenda was posted at City Hall on Thursday, September 17, 2015. The Agenda and report were posted on the City's website on Friday, September 18, 2015.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING SECTION 15.04.030 TO TITLE 15 OF THE MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, the City Council of the City of Arroyo Grande seeks to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its citizens, businesses and industries; and

WHEREAS, the City Council seeks to meet the climate action goals set by the City of Arroyo Grande and the State of California; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Arroyo Grande to provide an expedited permitting process to assure the effective deployment of solar technology.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Arroyo Grande as follows:

SECTION 1: The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: Section 15.04.030 is hereby added to the Arroyo Grande Municipal Code as follows:

“SECTION 15.04.030 SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM REVIEW PROCESS

15.04.030 Small Residential Rooftop Solar Energy System Review Process

1. DEFINITIONS

- a. A "Solar Energy System" means either of the following :
 - i. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage,

- and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
- ii. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- b. A "small residential rooftop solar energy system" means all of the following :
- i. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 - ii. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and all state and City health and safety standards.
 - iii. A solar energy system that is installed on a single or duplex family dwelling.
 - iv. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.
- c. "Electronic submittal" means the utilization of one or more of the following :
- i. Email;
 - ii. The Internet;
 - iii. Facsimile.
- d. "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

2. PURPOSE

The purpose of the Ordinance is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The Ordinance encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. The Ordinance allows the City to achieve these goals while protecting the public health and safety.

3. APPLICABILITY

- a. This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the City.
- b. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

4. SOLAR ENERGY SYSTEM REQUIREMENTS

- a. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state the City, and the Five Cities Fire department.
- b. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- c. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California 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.

5. DUTIES OF BUILDING DIVISION

- a. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City website.
- b. Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.
- c. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature. However, the final permit must be signed at the

counter until the City develops an electronic permit issuance registration.

- d. The Building Division shall adopt standard plan(s) and checklist(s) of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- e. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
- f. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

6. PERMIT REVIEW AND INSPECTION REQUIREMENTS

- a. The City shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Division shall issue a building permit or other nondiscretionary permit the same day for over-the-counter applications or within 1-3 business days for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan.
- b. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.
- c. The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- d. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

ORDINANCE NO.

PAGE 5

- e. Only one inspection shall be required and performed for small residential rooftop solar energy systems eligible for expedited review.
- f. The inspection shall be done in a timely manner and should include consolidated inspections.
- g. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

SECTION 3: This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) because the project involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code Section 65850.5 and Civil Code Section 714. Upon adoption of this Ordinance, the City Clerk shall file a Notice of Exemption pursuant to 14 CCR § 15062.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

SECTION 5: A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6: This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this _____ day of October, 2015.

JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

DIANNE THOMPSON, CITY MANAGER

APPROVED AS TO FORM:

HEATHER K. WHITHAM, CITY ATTORNEY