

ORDINANCE 1017 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES, STATE OF CALIFORNIA, ADDING CHAPTER 17.20 OF TITLE 17 TO THE MUNICIPAL CODE, TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, the City Council of the City of El Paso de Robles 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 residents; and,

WHEREAS, it is in the interest of the health, safety and welfare of the residents of the City to provide an expedited permitting process for small rooftop solar systems to assure the effective deployment of solar technology, in accordance with the requirements of AB 2188; and,

WHEREAS, the City Council held a public hearing on August 18, 2015 and introduced the ordinance for first reading; and,

NOW, THEREFORE, the City Council of the City of El Paso de Robles, State of California, does ordain as follows:

SECTION 1. Chapter 17.20 of Title 17 of the City of El Paso de Robles Municipal Code, is added to read:

Chapter 17.20: SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

17.20.010 - Applicability and Purpose.

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

17.20.020 - Definitions.

The definitions set forth below shall be applicable to the provisions in this Chapter.

“**Director**” means the City’s Community Development Director.

“**Electronic submittal**” means the utilization of one or more of the following:

- A. Email;
- B. The Internet;
- C. Facsimile.

“**Small residential rooftop solar energy system**” means a solar energy system which meets all of the following:

- A. Is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;

- B. 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;
- C. Conforms to 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;
- D. Is installed on a single or duplex family dwelling;
- E. The panel or module array does not exceed the maximum legal building height as defined by the City.

“**Solar energy system**” has the meaning set forth in paragraph (1) and (2) of subdivision (1) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

“**Specific, adverse impact**” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

17.20.030 - Small Residential Rooftop Solar System Requirements.

- A. A solar energy system that qualifies as a small residential rooftop solar energy system, as defined in this Article, shall be processed in accordance with the terms of this Article.
- B. A small residential rooftop solar energy system shall meet applicable health and safety standards and requirements imposed by the state and the City.
- C. The Director shall, prior to September 30, 2015, adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, which shall include standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which small residential rooftop solar energy systems must comply with to be eligible for expedited review.
- D. 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.

17.20.040 - Applicant Obligations.

Prior to submitting an application, the applicant shall:

- A. Verify, to the applicant’s reasonable satisfaction, through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
- B. At the applicant’s cost, verify to the applicant’s reasonable satisfaction, using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads.

17.20.050 - Electronic Processing.

- A. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on a publicly accessible City website.
- B. Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system

permit applicants. The City's website shall specify the permitted method of electronic document submission.

- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

17.20.060 - Application Review.

- A. An application that City staff determines satisfies the information requirements contained in the City's checklist(s) for expedited small residential rooftop solar system processing, including complete supporting documents, shall be deemed complete.
- B. 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.
- C. After City staff deems an application complete, City staff shall review the application to determine whether the application meets local, state, and federal health and safety requirements.
- D. Unless the Director determines a use permit is warranted, City staff shall issue a building permit or other nondiscretionary permit within a reasonable period of time after receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Article.
- E. The Director may require an applicant to apply for a use permit if the Director finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decision may be appealed to the Planning Commission.
- F. The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

17.20.070 - Use Permit and Development Review.

- A. If a use permit or Development Review is required, the Director, Planning Commission or Development Review Committee may deny an application for the use permit if the Director, Planning Commission or Development Review Committee makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decision may be appealed to the City Council.
- B. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- C. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation does not significantly increase the cost of the system or decrease its efficiency or specified performance in excess of the following:
 1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
 2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

17.20.080 - Inspections.

- A. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.
- B. The inspection shall be done in a timely manner.
- C. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Article.

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on August 18, 2015, and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of September, 2015 by the following roll call vote:

AYES: Gregory, Hamon, Reed, Strong, Martin
NOES:
ABSTAIN:
ABSENT:



Steven W. Martin, Mayor



Shonna Howenstine, Deputy City Clerk