

# Agenda Report

September 21, 2015

**TO:** Honorable Mayor and City Council

**FROM:** Planning & Community Development Department

**SUBJECT: PREPARATION OF ORDINANCE SETTING FORTH AN EXPEDITED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS AS REQUIRED BY GOVERNMENT CODE SECTION 65850.5**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that actions proposed herein are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule); and
2. Direct the City Attorney to prepare an ordinance within 30 days that establishes an expedited permitting process for small residential rooftop solar energy systems.

## **EXECUTIVE SUMMARY:**

In 2014, the State of California adopted Assembly Bill 2188 (2014, Muratsuchi, Codified as Government Code Section 65850.5 and Civil Code Section 714), which requires all local jurisdictions to adopt an ordinance to create an expedited permitting process for small residential rooftop solar energy systems.

Small residential rooftop solar energy systems include solar photovoltaic systems that are less than 10 kilowatts alternating current or solar thermal systems that are less than 30 kilowatts thermal. AB 2188 requires that the expedited streamlined permitting process be substantially in conformity with the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

Although the ordinance will not be adopted until shortly after the September 30, 2015 deadline, the City is already providing services that meet the requirements outlined in AB 2188. In an effort to streamline the permitting process, the City provides the following for projects that fall within the respective category: non-discretionary over the

counter permit approvals, one-time inspection requirement performed within one business day, and a published checklist that details all applicable requirements. Staff does not anticipate any adverse impact as a result of delayed adoption of the ordinance.

### **BACKGROUND:**

Section 65850.5 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. In furtherance of this objective, the California Legislature adopted AB 2188 which requires that every city and county must adopt an ordinance that creates an expedited process for permitting applications for small residential rooftop solar energy systems.

AB 2188 defines a small residential rooftop solar energy system as one that meets all of the following requirements:

- (1) Is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
- (2) Conforms to all applicable state fire, structural, electrical and other building codes as adopted by the City of Pasadena and the State of California, and all City of Pasadena and State of California health and safety standards.
- (3) Is installed on a single or duplex family dwelling.
- (4) Does not exceed the maximum legal building height as defined by the City of Pasadena.

“Solar energy systems” are defined as per Civil Code Section 801.5 as either of the following:

- (1) 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.
- (2) 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.

The following is a list of the major requirements of AB 2188:

- (1) The City must adopt a checklist of all applicable requirements, which is to be posted on the City’s website. The checklist must substantially conform to the most current version of the California Solar Permitting Guidebook adopted by the Governor’s Office of Planning and Research, but with flexibility to modify based on local conditions.
- (2) The City must include the option of submitting permit applications electronically, unless the City determines that it is unable to authorize the acceptance of an electronic signature on submittals, in which case, the ordinance must state the reasons for the city’s inability to accept electronic signatures.
- (4) Approval of permits must be made by a non-discretionary, administrative review process, once it is confirmed that the application is complete and meets the checklist requirements.

- (5) The Building Official's review is limited to a review of whether the application meets local, state and federal health and safety requirements.
- (6) A use permit is required only if the Building Official finds, based on substantial evidence that the solar energy system could have a specific, adverse impact on public health and safety.
- (7) If a use permit is required, the application for the use permit may only be denied if the building official makes written findings that the proposed installation would have a specific, adverse impact on public health or safety and there is no feasible alternative to satisfactorily mitigate or avoid the impact.
- (8) Denial of the use permit is appealable to the Planning Commission.
- (9) Any condition imposed on the use permit must be limited to mitigation of the specific adverse health and safety impact that prompted the requirement for a use permit, and at the lowest cost possible.
- (10) If the application is deficient, a written correction notice is required.
- (11) Only one inspection of the small residential rooftop solar system may be conducted; however, a subsequent inspection is allowed if a solar energy system fails inspection.

The ordinance will incorporate all elements required by AB 2188. With regard to the electronic submittal of application forms, the Planning and Community Development Department does not presently have the technological capability of accepting electronic signatures and application forms. Therefore, per the requirements of AB 2188, the City's proposed ordinance will state the reasons why electronic submittals will not be permitted under Pasadena's AB 2188 ordinance. Work is underway for the implementation of a new Land Management System that would provide a full array of eServices, including electronic permit application submittal. It is anticipated the City will be able to provide electronic plan submittal services in FY 2018.

#### **COUNCIL POLICY CONSIDERATION:**

The proposed contract furthers City Council's strategic plan goals of ensuring public safety and increasing conservation and sustainability. Additionally, it furthers the City's mission to deliver exemplary municipal services.

#### **ENVIRONMENTAL ANALYSIS:**

This project is exempt from CEQA review pursuant to State CEQA Guidelines Section 15061 (b) 3. This contract is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to the provisions of CEQA.

**FISCAL IMPACT:**

There is no fiscal impact as a result of this action.

Respectfully submitted,



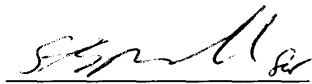
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