



Staff Report

Date: September 10, 2015
To: Mayor Hoertkorn and Ross Town Council
From: Sal Lucido, Contract Building Official
Subject: Streamlined Permitting Process for Small Residential Rooftop Solar Systems

Recommendation

Introduce Ordinance No. 667 to provide an expedited, streamlined permitting process for small residential rooftop solar systems within the Town of Ross, as required by the California Solar Rights Act, Government Code Section 65850.5.

Background and discussion

Assembly Bill 2188 (2014, Muratsuchi) (AB 2188) amended the California Solar Rights Act to encourage deployment of solar energy systems by reducing the costs and delays associated with local permitting processes. Every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as defined, on or before September 30, 2015 (Gov't Code § 65850.5(g)(1)).

Cities and counties are also required to adopt a checklist of all requirements that an applicant must comply with for a small residential rooftop solar energy system to be eligible for expedited review (Gov't Code § 65850.5(g)(1)). The streamlined permitting process and checklists must substantially conform to the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research (Gov't Code § 65850.5(g)(2)).

Cities may alter the checklist or deviate from the streamlining process outlined in the California Solar Permitting Guidebook in order to account for unique local climatic, geological, seismological, or topographical conditions. This ordinance adopts by reference, the California Solar Permitting Guidebook, which contains all of the checklists and standardized plans required by the Solar Permitting Guidebook, with no changes at this time. The ordinance allows the Building Official to update the checklists over time as needed.

As part of the expedited permitting process, cities and counties are now required to post the checklist and required permitting documents on a publically available website and allow for the electronic submittal of the permit application and all associated documents.

Please note that the expedited permitting process is only required for “small residential rooftop solar energy systems” which must meet all of the following requirements (Gov’t Code § 65850.5(j)(3)):

- The system is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
- The system conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, county, or city and county as well as the electrical safety and performance standards specified in Cal. Civil Code Section 714(c)(3).
- The system is installed on a single or duplex family dwelling.
- The solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

Fiscal, resource and timeline impacts

None.

Alternative actions

If the Town Council has any questions, this request may be delayed so staff can provide the necessary backup.

Environmental review (if applicable)

No environmental review is required because this text amendment will not result in any physical change to the environment, and in any event would qualify for Class 7 and Class 8 exemptions because it is designed to facilitate solar system deployment in furtherance of state environmental policies.

Attachments

- Ordinance No. 667

References

- California Solar Permitting Guidebook
http://www.opr.ca.gov/docs/California_Solar_Permitting_Guidebook_Spring_2015.pdf
- Office of Planning and Research
http://www.opr.ca.gov/s_renewableenergy.php

TOWN OF ROSS

ORDINANCE NO. 667

AN ORDINANCE OF THE TOWN OF ROSS ADDING CHAPTER 15.46 TO ROSS MUNICIPAL CODE, TITLE 15 BUILDINGS AND CONSTRUCTION, TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

The Town Council of the Town of Ross does ordain as follows:

SECTION 1: Chapter 15.46 is hereby added to Title 15, Buildings and Construction, of the Ross Municipal Code, which shall read as follows:

"Chapter 15.46

EXPEDITED REVIEW OF SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM PERMITS

15.46.010 Definitions.

(a) "Electronic submittal" shall have the same meaning as provided in the Solar Rights Act, Government Code § 65850.5(j)(2), as the same may be amended from time to time.

(b) "Small residential rooftop solar energy system" shall have the same meaning as provided in the Solar Rights Act, Government Code § 65850.5(j)(3), as the same may be amended from time to time.

15.46.020 Small residential rooftop solar energy system standard plan and permit application checklist.

(a) The Town 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. The small residential rooftop solar system 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.

(b) All documents required for the submission of a small residential rooftop solar energy system permit application, the standard plan(s), and checklist(s) shall be made available on the publicly accessible Town website.

(c) Electronic submittal of the required permit application and documents shall be available to all small residential rooftop solar energy system permit applicants. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature. Electronic permit applications shall be submitted through the method of electronic submittal specified by the Building Official.

15.46.030 Permit application review.

(a) An application that satisfies the information requirements in the checklist and standard plan 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) The Building Official shall issue a building permit the same day for over-the-counter applications or within 1-3 business days for electronic applications from the date of receipt of a complete application that meets the requirements of the approved checklist and standard plan, or as soon thereafter as may be practicable. 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.

(d) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

15.46.040 Inspection requirements.

(a) Inspection requests may be made by electronic submittal, as required by the Building Official.

(b) Only one inspection shall be required for small residential rooftop solar energy systems eligible for expedited review; except a separate fire safety inspection may be performed if the Town does not have a current agreement with the local fire authority to conduct a fire safety inspection on behalf of the fire authority.

(c) The inspection shall be done in a timely manner. The Building Official shall strive to schedule an inspection within two [2] business days of a request and provide a two- [2] hour inspection window.

(d) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Chapter. A re-inspection fee may be charged to the applicant."

SECTION 2: Standard Plans and Checklists. The Town hereby adopts the standard plans and checklist(s) of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review as contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research (http://www.opr.ca.gov/s_renewableenergy.php). The Building Official may amend and update the standard plan(s) and checklist(s) as needed for consistency with state law or to protect public health and safety.

SECTION 3: CEQA. The Town Council finds that the adoption of 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. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment. Additionally, the adoption of this ordinance is categorically exempt from further environmental review as a regulatory action taken to protect natural resources and the environment in support of state and local climate action goals pursuant to CEQA Guidelines, 14 California Code of Regulations, Sections 15307 and 15308.

SECTION 4: Statutory Construction & Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The Town Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 5: This Ordinance shall go into effect on thirty (30) days from its adoption, and shall be posted in three public places in Town.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Ross Town Council on the 10th day of September, 2015, and was adopted at a regular meeting of the Ross Town Council on the ___ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk