



**Agenda Item C.2**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: October 20, 2015**

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**TO:** Mayor and Councilmembers

**FROM:** Jennifer Carman, Planning and Environmental Review Director

**CONTACT:** Tim W. Giles, City Attorney

**SUBJECT:** Adoption of an Ordinance Establishing a Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems

**RECOMMENDATION:**

Conduct the first reading (by title only and waive further reading) and adopt Ordinance No. 15-\_\_ entitled "An Ordinance of the City Council of the City of Goleta, California, Establishing a Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems."

**BACKGROUND:**

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. To further that objective, AB 2188 was signed into law in September 2014. This law established Section 65850.5(g)(1) of the California Government Code that requires that 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.

A "small residential rooftop solar energy system" is defined as a photovoltaic system of 10 kilowatts or less that is installed on a single or duplex family dwelling, which conforms to all applicable State fire, structural, electrical, and building codes adopted by the City, and does not exceed the maximum legal building height as defined by the City's zoning.

Permitting procedures for small rooftop solar energy systems must substantially conform with the recommendations contained in the most updated version of Office of Planning and Research's Solar Permitting Guidebook. Some of these recommendations are:

- Cities are required to post permitting requirements and documents online. They must also accept permit applications by internet, email, or fax and accept electronic signatures.
- Cities may only require one inspection for solar energy systems that are eligible for expedited review.
- A homeowners Association (HOA) must approve or deny an application to install or use a solar energy system in writing within 45 days. If a denial is not made within 45 days, then the application will be deemed approved unless there was a reasonable request for further information.
- Cities must not condition the approval of a solar energy system permit on the approval of an association as defined by Civil Code Section 4080.
- Permit fees for residential solar systems of 15 kilowatts or less at \$500.

The City of Goleta currently has a very quick turn-around time on small residential solar projects with most applications processed in five working days or less. Additionally, the City's plan check service utilizes a solar plan check list to expedite review. Although many solar companies have already begun using the plan standards spelled out in the State's Office of Planning and Research Solar Permitting Guidebook, which facilitates review, unfortunately, not all communities have been as customer service oriented as the City of Goleta, prompting the State to now dictate terms for approval process and timelines.

The attached Ordinance is intended to satisfy State requirements. The Ordinance includes the requirements of Section 65850.5(g)(1), such as developing a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

#### **DISCUSSION:**

As discussed above, the City has independently taken many of the actions at the administrative level required in Section 65850.5(g)(1), including providing a single combined inspection for residential solar system installations.

The ordinance also requires the Building Division to issue permit approval or denial on the same day for over-the-counter applications, or between one and three days for those instances where over the counter approval is not authorized or feasible. For those projects that cannot be issued over-the-counter, the one to three day turnaround time is faster than our typical building permit review of 5 to 10 working days. The net effect of this change is that small residential rooftop solar permits that cannot be issued over-the-counter will assume a higher priority than other types of permit reviews. Depending on volume, the expedited review requirement could either necessitate that Willdan obtain

additional staff support in order to comply with the law or result in delays to process of other permits.

**CEQA:**

This proposed Ordinance has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and it has been determined that the adoption of this Ordinance is exempt from the requirements of the CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) [14 C.C.R. § 15061(b)(3)] which sets forth the rule that "CEQA" applies only to projects which have the potential for causing a significant effect on the environment. Additionally, pursuant to California Public Resources Code Section 21080.35(a), CEQA generally does not apply to the installation of a solar energy system on the roof of an existing building.

**FISCAL IMPACTS:**

There is no fiscal impact to the City as the current fee structure for a residential solar panel permit typically results in a fee below the \$500 maximum. The fee is now capped at \$500 per State mandate.

**ALTERNATIVES:**

The City Council could decline to move forward on this Ordinance and declare the City's existing process in compliance with AB 2188.

Reviewed by:



\_\_\_\_\_  
Tim W. Giles  
City Attorney

Approved By:



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Michelle Greene  
City Manager

**ATTACHMENTS:**

1. Ordinance No. 15-\_\_\_ entitled "An Ordinance of the City Council of the City of Goleta, California, Establishing a Streamlined Permit Process for Small Residential Rooftop Solar Systems."