

## ORDINANCE NO. 15-\_\_

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ESTABLISHING A STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA, DOES ORDAIN AS FOLLOWS:

#### **SECTION 1: FINDINGS**

The City Council finds and declares that:

- A. The City of Goleta 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
- B. The City of Goleta wishes to advance the use of solar energy by all of its citizens, businesses and industries; and
- C. The City of Goleta seeks to meet the climate action goals set in the Climate Action Plan and by the State; and
- D. Solar energy creates local jobs and economic opportunity; and
- E. The City of Goleta recognizes that rooftop solar energy provides reliable energy and affordable pricing for its residents and businesses; and
- F. It is in the interest of the health, welfare and safety of the people of the City of Goleta to provide an expedited permitting process to assure the effective deployment of solar technology.

#### **SECTION 2: DEFINITIONS**

- A. A “solar energy system” means 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.
- B. A “small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
  2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of Goleta, paragraph (3) of subdivision © of Section 714 of the California Civil Code and all state and City of Goleta health and safety standards.
  3. A solar energy system that is installed on a single or duplex family dwelling.
  4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Goleta.
- C. “Electronic submittal” means the utilization of one or more of the following:
1. Email;
  2. The Internet;
  3. Facsimile.
- D. An “association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- E. A “common interest development” means any of the following:
1. A community apartment project.
  2. A condominium project.
  3. A planned development.
  4. A stock cooperative.
- F. “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.
- G. “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.
- H. For purposes of this ordinance, “significantly” has the same meaning as defined in paragraphs (1) and (2) of subdivision (d) of California Civil Code Section 714.

### **SECTION 3:           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 of Goleta, and expanding the ability of property owners to install solar energy systems. The Ordinance

allows the City of Goleta to achieve these goals while protecting the public health and safety.

**SECTION 4:           APPLICABILITY**

- A. This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the City of Goleta.
- 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 a new permit. Routine operation and maintenance or like-kind replacements shall not require a permit.

**SECTION 5:           SOLAR ENERGY SYSTEM REQUIREMENTS**

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City of Goleta, local fire department or district.
- 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.

**SECTION 6:           DUTIES OF BUILDING DIVISION AND BUILDING OFFICIAL**

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City of Goleta Website.
- B. Electronic submittal of the required permit application and documents 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.
- D. The City of Goleta's Building Division will implement a standard plan and checklist 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 system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

## **SECTION 7: PERMIT REVIEW AND INSPECTION REQUIREMENTS**

- A. The City of Goleta will implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. For applications that meet the requirements of the approved checklist and standard plan, the review process will be completed within a same day to three day timeframe, commencing upon receipt of a complete application, depending on the type of application submitted.
- 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. 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.
- D. Where the adopted California Building Standards Code conflict with prescribed code requirements found in the most recently adopted California Solar Permitting Guidebook, the code requirements found in the California Solar Permitting Guidebook shall control.
- E. A building official may require an applicant to apply for additional land use related permits if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. This decision is appealable to the City of Goleta Planning Commission.
- F. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- G. If an application is denied, the building official shall make written findings based upon substantial evidence in the record that the proposed installations would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The finding shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
- H. "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 of Goleta on another similarly situated application in a prior

successful application for a permit. The City of Goleta shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

- I. Only one inspection shall be required for small residential rooftop solar energy systems eligible for expedited review.
- J. The inspection shall be done in a timely manner and may include a consolidated inspection.
- K. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Ordinance.

**SECTION 8.            EFFECTIVE DATE.**

This ordinance shall take effect on the 31st day following the date of its final adoption.

**SECTION 9.            CERTIFICATION.**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

**INTRODUCED ON** the 20<sup>th</sup> day of October, 2015.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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PAULA PEROTTE, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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DEBORAH S. LOPEZ  
CITY CLERK

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TIM W. GILES  
CITY ATTORNEY