

City of La Quinta

CITY COUNCIL MEETING: July 21, 2015

STAFF REPORT

AGENDA TITLE: INTRODUCE ORDINANCE TO EXPEDITE PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS AND ADD CHAPTER 8.90 TO THE LA QUINTA MUNICIPAL CODE

RECOMMENDATION

- A. Move to take up Ordinance No. ____ by title and number only and waive further reading.
- B. Move to introduce at first reading, Ordinance No. ____ adding Chapter 8.90 of Municipal Code Title 8 relating to residential regulations.

EXECUTIVE SUMMARY

- Governor Brown signed Assembly Bill 2188 (AB 2188) into law on September 21, 2014, requiring the establishment of an expedited permitting process for small residential solar systems of 10 Kilowatts or less on or by September 30, 2015.
- The proposed Municipal Code language ensures compliance with AB 2188, representing an expedited streamlined permitting process for small residential solar systems.

FISCAL IMPACT – None.

BACKGROUND/ANALYSIS

On September 21, 2014, Governor Brown signed AB 2188 into law requiring the establishment of an expedited permitting process for small residential solar systems of 10 Kilowatts or less on or by September 30, 2015. The current requirement allows 60 days for processing permits and AB 2188 reduced that time to 45 days.

In order to reflect this change, new language is proposed for Title 8 (Building and Construction) of the Municipal Code. AB 2188 also requires establishment of a checklist identifying eligibility requirements for expedited review. The Building Division currently uses a checklist to inform and guide applicants through the application process, which will be amended as necessary to ensure compliance with the State's "California Solar Permitting Guidebook" and will be published on the City's website. The checklist will be brought forward to Council as a separate matter.

The City's permit operations currently comply with the newly-mandated permit processing time periods. The Building Division processes and reviews all solar energy applications within 14 days of receipt. Application submittals for residential use can be

submitted via email; however, an online submittal will be available in September 2015 via the eTrakit system, which will allow for processing within a one- to three-day time period.

ALTERNATIVES

As the proposed changes will bring the City's Municipal Code into compliance with State law, staff does not recommend an alternative.

Report prepared by: Burt Hanada, Building Official

Report approved by: Les Johnson, Community Development Director

ORDINANCE NO. 2015-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA ADDING CHAPTER 8.90 OF THE LA QUINTA MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, on September 21, 2014, the governor signed Assembly Bill 2188 (Stats. 2014, Ch. 521) into law; and

WHEREAS, Assembly Bill 2188 provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is a matter of statewide concern; and

WHEREAS, Assembly Bill 2188 amended section 714 to the California Civil Code, and section 65850.5 to the California Government Code; and

WHEREAS, Section 65850.5 to the California Government Code now provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The above recitals and true and correct and incorporated herein.

SECTION 2. This Ordinance shall be known as the “Residential Solar Panel Permit Streamlining Ordinance.”

SECTION 3. Chapter 8.90 shall be added to the La Quinta Municipal Code as written in Exhibit A attached hereto.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published within fifteen (15) days after passage in accordance with law, and shall cause this Ordinance and its certification, together with proof of publication, to be entered into the Book of Ordinances of the City of La Quinta.

PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this ___ day of _____, 2015 by the following vote:

NOES:

ABSENT:

ABSTAIN:

LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. ___ which was introduced at a regular meeting on the __ day of _____, 2015, and was adopted at a regular meeting held on the __ day of _____, 2015, not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution No. 2014-013.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on _____, 2015 pursuant to Council Resolution.

SUSAN MAYSELS, City Clerk
City of La Quinta, California

EXHIBIT A

CHAPTER 8.90 Standards for small residential rooftop solar energy systems.

8.90.010 Purpose and intent.

- A. The purpose of this section is to create an expedited, streamlined permitting process for small residential rooftop solar energy systems, in accordance with California Civil Code section 714 and California Government Code section 65850.5.
- B. It is also the purpose of this Section to promote and encourage the use of solar energy systems and to limit obstacles to their use, in accordance with the standards adopted by the City pursuant to this section and State law.
- C. It is hereby declared that in any instance where the provisions of this Section conflict with any applicable State law or regulation, such State law or regulation shall govern.

8.90.020 Definitions.

The following definitions shall govern the meaning of words and phrases used herein:

- A. “Checklist of Requirements for Small Residential Rooftop Solar Energy Systems” or “Checklist” means the rules, regulations, guidelines, and checklist adopted by resolution of the City Council that sets forth implementing and additional requirements for small residential rooftop solar energy systems consistent with Section 65850.5 of the Government Code.
- B. “Director” means the director of the City’s Community Development Department, or successor City official or department responsible for the implementation of this section, as may be identified from time to time, in the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems.
- C. “Electronic submittal” means the utilization of one or more of the following:
 - 1. e-mail,
 - 2. the internet,
 - 3. facsimile.
- D. “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 and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.
 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.
- E. "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.

8.90.030 Development Standards.

In addition to the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems, the following standards shall apply to each small residential rooftop solar energy system:

- A. Solar energy systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.
- B. 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.
- C. The Community Development Department may from time to time revise the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems as long as any revisions are consistent with the most recently adopted resolution of the City Council adopting the Checklist, and are consistent with Section 65850.5 of the Government Code.
- D. The Checklist of Requirements for Small Residential Rooftop Solar Energy Systems shall be made available to the public during regular business hours at the Community Development Department and by posting the Checklist on the City's Internet web site.

8.90.040 Application Requirements; Signatures.

The applicant may submit the permit application and associated documentation to the City's Community Development Department by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. For electronic submittal, the City shall accept an electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant to the extent permitted by law and to the extent such electronic submittal complies with the requirements set forth in this section and the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems.

8.90.050 Review.

Review of the application to install a solar energy system shall be limited to the Community Development Department's review of whether the application meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. If the Director of the Community Development Department makes a finding based on substantial evidence, that a solar energy system could have a specific, adverse impact upon the public health and safety, the City may require the applicant to apply for a conditional use permit or other applicable license or permit.

8.90.060 Approval Requirements.

- A. An application that satisfies the requirements of this section and the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems shall be deemed complete upon confirmation by the Director of the Community Development Department that the application and supporting documents are complete and meet the requirements of this section and the Checklist. Upon the Director's determination that an application is complete, the City's Community Development Department shall approve the application and issue all required permits or authorizations. Upon receipt of an incomplete application, the Director shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- B. If the City denies the application, the City shall make written findings based upon substantial evidence in the record that the proposed installation 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 findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
- C. The decision of the Director of the Community Development Department pursuant to paragraphs (1) and (2) above may be appealed to the Planning

Commission pursuant to Section 9.200.120, and, if a subsequent decision of the Planning Commission is sought, may be appealed to the City Council pursuant to Chapter 2.04 of this code.

8.90.070 Inspections.

For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be performed if the City does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this section.

8.90.080 Approval by Association Not Required.

The City shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.