



AGENDA REPORT

Meeting Date: August 4, 2015
Item Number: E-2
To: Honorable Mayor & City Council
From: Raj Patel, Building Official *RP*
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
ESTABLISHING PROCEDURES FOR EXPEDITED PERMIT
PROCESSING FOR SMALL RESIDENTIAL ROOFTOP SOLAR
ENERGY SYSTEMS, AND AMENDING TITLE 9 OF THE
BEVERLY HILLS MUNICIPAL CODE
Attachments: Ordinance

RECOMMENDATION

Staff recommends that the City Council:

Introduce for first reading the attached ordinance which establishes an expedited, streamlined permitting process for small residential rooftop solar energy systems.

INTRODUCTION

In 2014, the State of California adopted Assembly Bill 2188 (2014, Muratsuchi, amending Government Code Section 65850.5 and Civil Code Section 714), which requires all local jurisdictions to adopt an ordinance to create an expedited, streamlined permitting process for small residential rooftop solar energy systems on or before September 30, 2015.

Small residential rooftop solar energy systems include solar photovoltaic systems that are less than 10 kilowatts alternating current and solar thermal systems that are less than 30 kilowatts. AB 2188 requires that the expedited, streamlined

permitting process substantially conform to the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

DISCUSSION

Assembly Bill 2188 amended Government Code Section 65850.5 to require all local jurisdictions to adopt an ordinance by September 30, 2015, which establishes an expedited, streamlined process for permitting and inspection of solar energy rooftop systems for single-family and duplex residential dwellings.

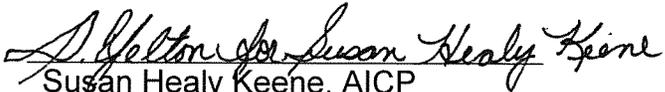
This process includes the establishment of a checklist substantially conforming to the checklist requirements contained in the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research, and which contains objective requirements for the installation of a solar energy systems and a process for electronic submittal of permit applications. The content of the checklist requires the permit applicant to provide information relating to features of the existing residential dwelling, the proposed location of the solar panels or array, number of panels, kilowatt rating of the system, roof material, roof pitch, roof framing members, mounting hardware, inverter location, electrical disconnect location, routing of conduit, and clearances, in order to demonstrate compliance with all applicable building and fire safety laws. The checklist will also assist the applicant in confirming that the height of the solar energy system will comply with applicable height limits in the City's Zoning Ordinance. Additionally, Section 65850.5 limits the City to conducting only one inspection of the solar rooftop system. The law does allow for additional inspections if the initial inspection fails to find the system to be in compliance with all applicable laws.

Staff recommends that the City Council adopt the attached ordinance in order to satisfy AB 2188's requirement that all local agencies adopt an ordinance creating an expedited, streamlined permitting process for small residential rooftop solar energy systems on or before September 30, 2015.

FISCAL IMPACT

There is no immediate financial impact or budget action necessary as a result of the recommended action.

Approved by:


Susan Healy Keene, AICP
Director of Community
Development Department

Attachment 1

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
ESTABLISHING PROCEDURES FOR EXPEDITED PERMIT
PROCESSING FOR SMALL RESIDENTIAL ROOFTOP SOLAR
ENERGY SYSTEMS, AND AMENDING TITLE 9 OF THE BEVERLY
HILLS MUNICIPAL CODE**

WHEREAS, the State of California and the City of Beverly Hills have consistently promoted and encouraged the use of solar energy systems; and

WHEREAS, the State of California recently adopted Assembly Bill 2188, which requires local agencies to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems will facilitate timely and cost-effective installation of solar energy systems and help reduce the City's reliance on environmentally damaging fossil fuels.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Article 1 of Chapter 1 of Title 9 of the Beverly Hills Municipal Code is hereby amended by adding a new Section 9-1-105 to read as follows:

**“9-1-105: EXPEDITED PERMITTING PROCESS FOR SMALL
RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS:**

A. Definitions:

1. “Small residential rooftop solar energy system” means a system that meets all of the following criteria:

a. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal; and

b. 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 (3) of subdivision (c) of Section 714 of the Civil Code; and

c. A solar energy system that is installed on a roof of a single or duplex family dwelling; and

d. A solar panel or module array that does not exceed the maximum legal building height as defined or prescribed in this Code.

2. 'Solar energy system' has the same meaning as 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 redesignated from time to time.

3. 'City's adopted checklist' means and refers to a checklist of requirements with which small residential rooftop solar energy systems must comply in order to be eligible for expedited review pursuant to this Chapter. The checklist shall substantially conform to the recommended process and checklist contained in the current California Solar Permitting Guidebook, as adopted by the Governor's Office of Planning and Research. The City's adopted checklist shall be published on the City's website.

B. A small residential rooftop solar energy system permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and shall be promptly processed, consistent with the recommended process contained in the current California Solar Permitting Guidebook as adopted by the Governor's Office of Planning and Research. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the City's adopted checklist, and are consistent with the requirements of this Chapter, the Building Official shall, consistent with Government Code Section 65850.5(b), approve the application and issue all necessary permits. Such approval does not authorize an applicant to connect the small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such authorization from the local utility provider. If the Building Official determines that the permit application is incomplete, a written correction notice shall be issued, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. Consistent with Government Code Section 65850.5, a solar energy system permit shall not be conditioned on the approval of such system by an 'association', as that term is defined in Civil Code Section 4080.

C. Consistent with Government Code Section 65850.5, the Building Official shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentation. 'Electronic submittal' shall mean by email, Internet, or FAX. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

D. The Building Official shall require only one inspection for small residential rooftop solar energy systems eligible for expedited review as provided in this Chapter. Such inspection shall be performed in a timely manner. If the small rooftop solar energy system fails the single inspection, an additional inspection may be conducted at the applicant's expense.

E. To the maximum extent permitted by law, the provisions of this Chapter shall supersede and govern in the event of any conflict or inconsistency between this Chapter and any other provision of this Code or any ordinance of the City.”

Section 2. Exemption from the California Environmental Quality Act. The City 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 Municipal Code text amendments adopted herein 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 C.C.R., Sections 15307 and 15308.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 4. The City Clerk shall certify to the adoption of this Ordinance.

Section 5. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage, and shall become operative on September 18, 2015.

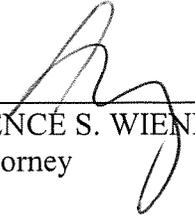
Adopted:
Effective:

JULIAN A. GOLD, M.D.
Mayor of the City of
Beverly Hills, California

ATTEST:

_____ (Seal)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

 (CF)

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

Mahdi Aluzri
Interim City Manager