

ORDINANCE NO. 702

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA APPROVING AN AMENDMENT TO THE CARPINTERIA MUNICIPAL CODE AND COASTAL DEVELOPMENT PERMIT (PROJECT NO. 15-1763-ORD) TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

The City Council of the City of Carpinteria (“City”) ordains as follows:

WHEREAS, the City Council of the City of Carpinteria 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

WHEREAS, the City Council wishes to advance the use of solar energy by all residents, businesses and industries; and

WHEREAS, the City Council seeks to meet the sustainability and climate action goals set by the City of Carpinteria and the State of California; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Carpinteria to provide an expedited permitting process to assure the effective deployment of solar technology.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARPINTERIA DOES HEREBY ORDAINED that the City Council of the City of Carpinteria hereby approves the addition of Chapter 15.29, Solar Energy Permitting, to the Carpinteria Municipal Code.

SECTION 1. RECITALS

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. ADDITION OF CHAPTER 15.29 OF THE CARPINTERIA MUNICIPAL CODE

Chapter 15.29, Solar Energy Permits, is hereby added to Carpinteria Municipal Code to read as follows:

“CHAPTER 15.29, Solar Energy Permitting”

15.29.010	Title
15.29.020	Purpose and Intent
15.29.030	Definitions
15.29.040	Applicability
15.29.050	Solar Energy System Requirements
15.29.060	Duties of the Building Division and Building Official
15.29.070	Permit Review and Inspection Requirements

15.29.010 Title.

This Ordinance shall be known as the "Solar Energy Permitting Ordinance" of the City of Carpinteria and may be so cited.

15.29.020 Purpose and Intent.

The purpose and intent of this 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 Carpinteria and expanding the ability of property owners to install solar energy systems. The Ordinance allows the City of Carpinteria to achieve these goals while protecting the public health and safety.

15.29.030 Definitions.

For the purposes of this chapter certain terms and words are defined as follows:

- a. **Association.** An association means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- b. **Common Interest Development.** 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.

- c. **Electronic submittal.** Electronic submittal means the utilization of one or more of the following:
 - 1. Email;
 - 2. The Internet;
 - 3. Facsimile.
- d. **Small Residential Rooftop Solar Energy System.** 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 Carpinteria and all state and City of Carpinteria 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 Carpinteria.
- e. **Solar Energy System.** 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, electricity 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.
- f. **Specific, Adverse Impact.** 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.** 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. **Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.** Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

15.29.040 Applicability

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

15.29.050 Solar Energy System Requirements

- a. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state, the City of Carpinteria and the Carpinteria-Summerland Fire Protection 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.

15.29.060 Duties of the 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 City of Carpinteria website.
- b. Electronic submittal of the required permit application and documents by email, internet, or facsimile 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's Building Division shall adopt 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 systems must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016 and State Health and Safety Code Section 17951.

15.29.070 Permit Review and Inspection Requirements

- a. The City Building Division shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption of this Ordinance. The Building Division shall issue a building permit within three business days of receipt of a complete application that meets the requirements of the approved checklist and standard plan. 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, the official may impose conditions on the permit designed to mitigate or avoid such impacts. Such permit conditions may be appealed to the City of Carpinteria Planning Commission. All appeals pursuant to this Section shall be conducted in accord with Section 14.78.030 of the Code.
- 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. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- d. The building official may only deny an application for a permit if the official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
- e. "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 Carpinteria on another similarly situated application in a prior successful application for a permit. The City of Carpinteria 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 defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

- f. The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- g. 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.
- h. Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review.
- i. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two [2] business days of a request and provide a two- [2-] hour inspection window.
- j. 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 3. EFFECTIVE DATE

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the ordinance; and before the expiration of fifteen (15) days following passage, this Ordinance shall be published once with the names of the members of the City Council voting for and against the same in the Coastal View News, a newspaper of general circulation, published in the City of Carpinteria.

SECTION 4. PUBLICATION

The City Clerk shall certify as to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 6. CEQA EXEMPTION

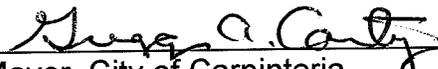
The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines §15060(c)(3) (this activity is not a "project" as defined in §15378).

SECTION 7. LIMITED EFFECT

Except as explicitly provided herein, all other provisions of Title 15 shall remain unchanged and in full force and effect.

PASSED, APPROVED AND ADOPTED this 27th day of July 2015, by the following called vote:

AYES: COUNCILMEMBERS: Nomura, Stein, Shaw, Carty
NOES: COUNCILMEMBER(S): None
ABSENT: COUNCILMEMBER(S): Clark



Mayor, City of Carpinteria

ATTEST:



City Clerk, City of Carpinteria

I hereby certify that the foregoing Ordinance was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 27th day of July 2015.



City Clerk, City of Carpinteria

APPROVED AS TO FORM:



Peter N. Brown, on behalf of
Brownstein Hyatt Farber Schreck, LLP
acting as City Attorney of the City of Carpinteria