

ORDINANCE NO. 04(2015)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, ADDING CHAPTER 15.04 TO TITLE 15 OF THE DIAMOND BAR MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

**A. RECITALS**

THE CITY COUNCIL OF THE CITY OF DIAMOND BAR, CALIFORNIA, HEREBY FINDS AND DETERMINES AS FOLLOWS:

1. On September 21, 2014, Governor Brown signed Assembly Bill 2188, an act to amend Section 714 of the California Civil Code and Section 65850.5 of the California Government Code, relating to solar energy, ("AB 2188"), in furtherance of the State's policy to promote and encourage the use of solar energy systems and to limit obstacles to their use.
2. Subsection (g)(1) of California Government Code Section 65850.5 provides that, on or before September 30, 2015, every city must adopt an ordinance that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems.
3. The City Council of the City of Diamond Bar seeks to implement AB 2188 through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems.
4. The City Council of the City of Diamond Bar finds that it is in the interest of the health, welfare and safety of the public to provide an expedited, streamlined permitting process to encourage the effective development of solar technology.
5. The City Council of the City of Diamond Bar finds that this Ordinance will have the effect of encouraging the installation of small residential rooftop solar energy systems and minimizing barriers, obstacles, and costs of obtaining permits for their installation.

THE CITY COUNCIL OF THE CITY OF DIAMOND BAR DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Chapter 15.04 is hereby added to Title 15 of the Diamond Bar Municipal Code to read as follows:

## **Chapter 15.04. – SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM PERMITS**

### **Sec. 15.04.010. – Intent and purpose.**

The intent and purpose of this chapter is to adopt an expedited, streamlined solar permitting process to achieve timely and cost-effective installations of small residential rooftop solar energy systems in compliance with California Government Code Section 65850.5. This chapter is designed to encourage the use of solar systems by removing barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install solar energy systems. This chapter allows the City to achieve these goals while protecting the public health and safety.

### **Sec. 15.04.020. – Definitions.**

The definitions in this section shall govern the construction of this chapter, and any permits issued under this chapter, unless otherwise apparent from the context.

*Building Department.* The Building and Safety Division of the City of Diamond Bar.

*Director.* The Community Development Director for the City of Diamond Bar, or his or her designee.

*Electronic submittal.* The utilization of one or more of the following:

1. Email;
2. The Internet; or
3. Facsimile

*Expedited permitting and expedited review.* The process outlined in Section 15.04.060 Permit review and inspection requirements.

*Feasible method to satisfactorily mitigate or avoid the specific, adverse impact.* This includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the City on another similarly situated application in a prior successful application for a similar permit.

*Small residential rooftop solar energy system* means all of the following:

1. A solar energy system that is not 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 all State of California 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 this Code.

*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, space cooling or water heating.

*Specific, adverse impact.* 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.

**Sec. 15.04.030. – Applicability.**

This chapter applies to the permitting of all small residential rooftop solar energy systems in the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter 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 with no structural alterations shall not require a permit.

**Sec. 15.04.040. – Solar energy system requirements.**

- (a) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the City and the State of California.
- (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.

**Sec. 15.04.050. – Applications and documents.**

- (a) All documents required for the submission of a small residential rooftop solar energy system application shall be made available on the City website.
- (b) Electronic submittal of the required application and documents via email, the City's website, 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 Building Department shall develop and implement a standard plan and checklist of all requirements for which small residential rooftop solar energy systems shall be eligible for expedited review. The standard plan and checklist shall substantially conform to 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.
- (e) All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with California Government Code Sections 65850.55 and 66015 and California Health & Safety Code Section 17951.

**Sec. 15.04.060. – Permit review and inspection requirements.**

- (a) The Building Department shall implement the following administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications.
  - (1) Review of an application for a small residential rooftop solar energy system shall be limited to the building official's review of whether the applicant meets local, state and federal health and safety requirements.
  - (2) For an application for a small residential rooftop solar energy system that meets the requirements of the City's checklist and standard plan, the Building Department shall issue a non-discretionary permit within three (3) business days of the filing of the application and payment of the permit fee.
  - (3) If an application for a small residential rooftop solar energy system 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 permitting shall be sent to the applicant for resubmission, within three (3) business days of the filing of the application and payment of the permit fee.
- (b) The Director may require an applicant to apply for a use permit if the Director finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. The Director shall issue such a decision in writing within three (3) business days of an application meeting the

requirements of the City's checklist and standard plan. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 22.74 of this Code.

- (c) The Director may not deny an application for the use permit unless the Director 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 specific, adverse impact. The Director's decision may be appealed to the Planning Commission pursuant to Chapter 22.74 of this Code.
- (d) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- (e) Approval of an application shall not be conditioned upon the approval of an association, as defined in Section 4080 of the California Civil Code.
- (f) Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.
  - (a) 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.
  - (b) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this subdivision.

## **SECTION II:**

The adoption of this Ordinance is not a project within the meaning of the California Environmental Quality Act in that it will not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, in that it alters only the manner in which a small residential rooftop solar energy system is approved and/or is exempt pursuant to Title 14, California Code of Regulations, section 15303, as new construction of an accessory structure to an existing residence.

## **SECTION III:**

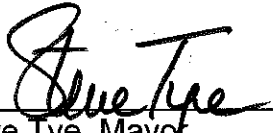
If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

## **SECTION IV:**

The City Clerk shall certify to the passage and adoption of this Ordinance and

shall cause a certified copy of this Ordinance to be posted within fifteen (15) days after this Ordinance is passed and adopted, in the Office of the City Clerk and two additional public places, together with the vote for and against the same.

PASSED, APPROVED, AND ADOPTED BY THE DIAMOND BAR CITY COUNCIL  
THIS 4th DAY OF August, 2015.

  
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Steve Tye, Mayor

I, Tommye Cribbins, City Clerk of the City of Diamond Bar, do hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Diamond Bar held on the 21st day of July, 2015 and was finally passed at a regular meeting of the City Council held on the 4th day of August, 2015, by the following vote:


AYES: Council Members: Herrera, Lin, Tanaka, MPT/Lyons,  
M/Tye

NOES: Council Members: None

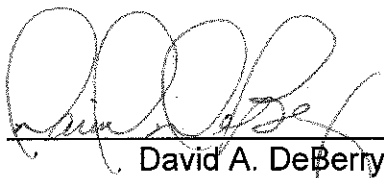
ABSENT: Council Members: None

ABSTAIN: Council Members: None

ATTEST:

  
\_\_\_\_\_  
Tommye Cribbins  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
David A. DeBerry  
City Attorney