

## ORDINANCE NO. 560

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADDING CHAPTER 15.22 TO TITLE 15 OF THE HAWAIIAN GARDENS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

WHEREAS, on September 21, 2014, Governor Brown approved Assembly Bill 2188 ("AB 2188") (An act to amend Section 714 of the California Civil Code, and to amend Section 65850.5 of the California Government Code, relating to solar energy) in furtherance of the State's policy to promote and encourage the use of solar energy systems and to limit obstacles to their use; and

WHEREAS, 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; and

WHEREAS, the City Council of the City of Hawaiian Gardens seeks to implement AB 2188 through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council of the City of Hawaiian Gardens 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; and

WHEREAS, the City Council of the City of Hawaiian Gardens 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; and

WHEREAS, the City Council of the City of Hawaiian Gardens introduced Ordinance No. 560 at its regular City Council Meeting of July 14, 2015.

NOW THEREFORE, the City Council of the City of Hawaiian Gardens does ordain as follows:

**SECTION 1.** Chapter 15.22 is hereby added to Title 15 of the Hawaiian Gardens Municipal Code to read as follows:

## Chapter 15.22

### SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM

#### 15.22.010 Intent and purpose.

The intent and purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with AB 2188 (Chapter 521, Statutes 2014; California Government Code Section 65850.5) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter is designed to encourage the use of solar systems by removing unreasonable 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.

#### 15.22.020 Definitions.

As used in this chapter:

"Building Department" means the Building and Safety Division of the Community Development Department of the City.

"Building Official" means the Community Development Director of the City, or the Community Development Director's designee.

"City" means the City of Hawaiian Gardens.

"Electronic submittal" means the utilization of one or more of the following:

1. Email
2. The Internet
3. Facsimile

"Expedited permitting" and "expedited review" means the process outlined in Section 15.22.060, Permit review and inspection requirements.

"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 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 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 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 permitted by City regulations, including Title 18 of this Code (Zoning Code) and the provisions of Title 15 (Building Codes).

"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" 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.

#### **15.22.030 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.

#### **15.22.040 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.

**15.22.050 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's 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 with which small residential rooftop solar energy systems shall comply to 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.

**15.22.060 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.
- B. 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.
- C. 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 building permit or other non-discretionary permit or authorization within three (3) business days.

- D. If an application for a small residential rooftop solar energy system is deemed in complete, 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.
- E. The Community Development Director may require an administrative review process if it finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the City Planning Commission in accordance with Section 18.100.170 of this Code.
- F. The Community Development Director may not deny an application for an administrative review process required under subdivision (E) above unless the Community Development 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. Such decisions may be appealed to the City Planning Commission in accordance with Section 18.100.170 of this Code.
- G. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- H. Approval of an application shall not be conditioned upon the approval of an association, as defined in Section 4080 of the California Civil Code.
- I. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.
  - 1. 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.
  - 2. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements made applicable to the first inspection.

**SECTION 2.** The Mayor or presiding officer of the City Council is hereby authorized to affix his/her signature to this Ordinance signifying its adoption by the City Council.

**SECTION 3.** The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law, or in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five

(5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of City Clerk.

**SECTION 4.** This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days from the date of its final passage and adoption.

**SECTION 5.** If any chapter, section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance, or the application thereof to any person, 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 or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, section, subsection, subdivision, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional.

PASSED AND ADOPTED at a regular meeting of the City Council on the 28<sup>th</sup> day of July, 2015.

  
\_\_\_\_\_  
Barry Bruce, Mayor

ATTEST:

  
\_\_\_\_\_  
Suzanne Underwood, City Clerk

**CITY OF HAWAIIAN GARDENS  
CITY CLERK'S OFFICE  
CERTIFICATION**

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS  
CITY OF HAWAIIAN GARDENS )

I, Suzanne Underwood, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 560**, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on **JULY 14, 2015**, and that thereafter, said Ordinance was duly adopted and passed at a Regular meeting of the City Council on this **28<sup>TH</sup> day of JULY, 2015** by the following votes as the same appears on file and of record in the Office of the City Clerk.

**AYES:**        BRUCE, RIOS, FARFAN, GOMEZ, RODRIGUEZ,  
**NOES:**        NONE  
**ABSENT:**    NONE  
**ABSTAIN:**   NONE

  
\_\_\_\_\_  
SUZANNE UNDERWOOD  
CITY CLERK/RECORDS MANAGER



**CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT**

Agenda Item No.: B-4

Meeting Date: 7/14/2015

City Manager: [Signature]

CITY OF HAWAIIAN GARDENS

ACTION:

- Approved
- Denied
- Amended
- Receive & File
- Other

Direct Reading

VOTE: 5-0

DATE: 7/14/2015

**TO:** Honorable Mayor and Members of the City Council  
**THROUGH:** Ernesto Marquez, City Manager  
**FROM:** Joseph Colombo, Community Development Director

**SUBJECT:** INTRODUCTION OF ORDINANCE NO. 560 ADDING CHAPTER 15.22 TO TITLE 15 OF THE HAWAIIAN GARDENS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

**DATE:** July 14, 2015

**SUMMARY**

On September 21, 2014, Governor Brown approved Assembly Bill 2188, which amended section 65850.5 of the Government Code relating to solar energy systems to promote and encourage the use of solar energy systems and to limit obstacles to their use. Section 65850.5 of the Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limited obstacles to their use and by minimizing the permitting costs of such systems. This law requires that on or before September 30, 2015, the City must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The new law basically mandates that a faster administrative review process be established for small residential rooftop solar energy systems that meet certain qualifications. The attached ordinance codifies the requirements of AB 2188 and incorporates them into a new Chapter 15.22 of Title 15 of the Code.

**FISCAL IMPACT**

None at this time. The law permits the City to establish fees to recover the costs of processing permits.

**RECOMMENDATION**

Staff recommends that the City Council introduce Ordinance No.560, read by title only and waive further reading.

**ATTACHMENTS**

Ordinance No. 560



**CITY OF HAWAIIAN GARDENS  
CITY COUNCIL  
STAFF REPORT**

Agenda Item No. 4  
Meeting Date: 7/28/2015  
City Manager: [Signature]

CITY OF HAWAIIAN GARDENS

**ACTION:**

- Approved
- Denied
- Amended
- Receive & File
- Other

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Ernesto Marquez, City Manager

**FROM:** Joseph Colombo, Community Development Director

**SUBJECT:** **SECOND READING AND ADOPTION OF ORDINANCE NO. 560 ADDING CHAPTER 15.22 TO TITLE 15 OF THE HAWAIIAN GARDENS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

**DATE:** July 20, 2015

**VOTE:** 5-0  
**DATE:** 7/28/2015  
2nd Reading

**SUMMARY**

On September 21, 2014, Governor Brown approved Assembly Bill 2188, which amended section 65850.5 of the Government Code relating to solar energy systems to promote and encourage the use of solar energy systems and to limit obstacles to their use. Section 65850.5 of the Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limited obstacles to their use and by minimizing the permitting costs of such systems. This law requires that on or before September 30, 2015, the City must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

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**FISCAL IMPACT**

None at this time. The law permits the City to establish fees to recover the costs of processing permits.

**RECOMMENDATION**

Staff recommends that the City Council conduct second reading and adopt Ordinance No.560.

**ATTACHMENTS**

Ordinance No. 560