

ORDINANCE NO. 909B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINCOLN, CALIFORNIA, ADOPTING AN ORDINANCE AMENDING TITLE 15 OF THE LINCOLN MUNICIPAL CODE BY THE ADDITION OF CHAPTER 15.05 SOLAR ENERGY SYSTEMS AND INSPECTIONS PROVIDING A STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS, AND FINDING THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Section 1.01.050 of the Lincoln Municipal Code provides for amendments to the Lincoln Municipal Code by the City council; and,

WHEREAS, the California Building Code was established to ensure safe buildings, structures, mechanical, plumbing, and electrical systems; and

WHEREAS, Assembly Bill 2188, requiring local agencies to have expedited permit processing for small residential rooftop solar energy systems, was passed by the California State Legislature and signed by the Governor; and

WHEREAS, the City of Lincoln wishes to advance the use of solar energy by all of its citizens and businesses; and

WHEREAS, the City of Lincoln recognizes that small residential rooftop solar energy will provide reliable energy for the City's residents and businesses; and

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

WHEREAS, the Planning Commission of the City of Lincoln held a duly noticed public hearing on September 16, 2015, and after considering the request, staff's analysis, and public input, voted to recommend that the City Council amend the City's Zoning Ordinance, more specifically and amendment to Lincoln Municipal Code Chapter 15.05 adding language to streamline the process for small residential rooftop solar systems; and,

WHEREAS, a public notice describing the proposed amendment to the Lincoln Municipal Code relative to Chapter 15.05 was published in the Lincoln News Messenger, a newspaper of general circulation, in accordance with section 6061 of the California Government Code.

NOW, therefore, the City Council of the City of Lincoln does resolve as follows:

Section 1. Pursuant to Section 1.6 of the City of Lincoln's Environmental Guidelines, the City of Lincoln's Community Development Director has reviewed the amendment to Lincoln Municipal Code Section 18.22.010 and determined that it is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines; which, therefore, provides under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and a Notice of Exemption will be recorded with the project; and,

Section 2. The City Council of the City of Lincoln hereby approves the ordinance amendment adding the following to Lincoln Municipal Code **Chapter 15.05 Solar Energy Systems and Inspections** in the form as shown on Exhibit A, attached hereto and incorporated by reference herein.

Section 3. This ordinance shall take effect thirty (30) days after its passage. Within fifteen (15) days of its passage, this ordinance shall be published once in the *Lincoln News Messenger*, a newspaper of general circulation within the City. In lieu of publication of the full text of this ordinance within fifteen (15) days after its passage, a summary of this ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to Government Code Section 36933(c)(1).

PASSED AND ADOPTED THIS 13th day of October, 2015, by the following roll call vote:

AYES: Councilmembers: Gilbert, Nader, Short, Joiner

NOES: Councilmembers: None

ABSENT: Councilmembers: Hydrick

Signed: Paul Joiner, Mayor

Attest: Gwen Scanlon, City Clerk

Chapter 15.05

Expedited Permit Process for Small Residential Rooftop Solar Systems

Sections:

15.05.010 - Purpose and intent.

15.05.020 - Definitions.

15.05.030 - Applicability.

15.05.040 - Solar energy system requirements.

15.05.050 - Applications and documents

15.05.060 - Permit review and inspection requirements

15.05.010 - Purpose and intent.

The purpose of the chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, CA Govt Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages 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 public health and safety.

15.05.020 - Definitions

As used in this chapter:

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, 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 or cooling, or for water heating.**

B. "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 and City health and safety standards.**
- 3. A solar energy system that is installed on a single or two family dwelling.**
- 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.**

C. "Electronic submittal" means the utilization of electronic e-mail, submittal via the internet or facsimile.

D. "Specific, adverse impact" means a significant, quantifiable, direct, 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.

E. "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.

F. "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.

15.05.030 - Applicability

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in 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 shall not require a permit.

C. A Certificate of Appropriateness and/or architectural review may be required for properties deemed historically significant as determined by the Community Development Director.

15.05.040 - Solar energy system requirements

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.

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.

15.05.050 - Applications and documents

A. All documents required for the submission of an expedited solar energy system application will be made available on the City website.

B. Electronic submittal of the required permit application and documents by email, or the Internet will be made available to all small residential rooftop solar energy system permit applicants.

C. The City's Building Department will implement a standard plan and checklist for all requirements with which small residential rooftop solar energy systems shall comply in order to be eligible for expedited review.

D. 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.

15.05.060 - Permit review and inspection requirements

A. The City Manager or his or her designee shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Department shall either approve or deny the issuance of a building permit, the issuance of which is nondiscretionary, on the same day for over-the-counter applications that meet the requirements of the approved checklist and standard plan and one-to three days for applications submitted by e-mail or facsimile.

B. Review of the application shall be limited to the Chief 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. A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes 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.

F. 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.

F. Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review.

G. The inspection shall be done in a timely manner and should include a single inspection.

H. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.