

ORDINANCE NO. 06-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 15 OF THE ORANGE MUNICIPAL CODE BY ADDING CHAPTER 15.18 TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS.

WHEREAS, the City Council of the City of Orange recognizes the importance of encouraging the installation and use of solar energy systems; and

WHEREAS, California Government Code Section 65850.5 provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and minimize the permitting costs of such systems; and

WHEREAS, California Government Code Section 65850.5 requires that, on or before September 30, 2015, every city must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City of Orange General Plan includes goals and policies in its Natural Resources Element, and actions in its Implementation Plan that lead development practices in the City toward a higher level of sustainability, energy conservation, and a resulting long-term reduced community wide contribution to human factors that may influence climate change; and

WHEREAS, this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 (Class 8-Actions by Regulatory Agencies for the Protection of the Environment) because it is an action to adopt an ordinance to assure maintenance, enhancement or protection of the environment, where the regulatory process involves procedures for the protection of the environment and does not involve construction activities or the relaxation of standards.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Orange as follows:

SECTION I:

Title 15 of the Orange Municipal Code is hereby amended, adding Chapter 15.18 to the Municipal Code, establishing an expedited, streamlined permitting process for small residential rooftop solar systems, which shall read as follows:

Chapter 15.18 - SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS EXPEDITED PERMIT PROCESS

15.18.010 — 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 the public health and safety.

15.18.020 — Definitions.

The following words have the following meaning, 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 email or submittal via the internet.
- D. "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.

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:

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 (\$1,000.00) or decreasing the efficiency of the system by an amount exceeding 10 percent, as originally specified and proposed.

For Photovoltaic Systems, an amount not to exceed one thousand dollars (\$1,000.00) 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.

15.18.030 – 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. Design review may be required for historic properties as determined by the Community Development Director.

15.18.040 – 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.

15.18.050- Applications and Documents.

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the City website.
- B. Electronic submittal of the required permit application and documents by email, or the internet shall be made available to all small residential rooftop solar energy system permit applicants.
- C. The City's Building and Safety Division shall adopt a standard plan and checklist of all requirements small residential rooftop solar energy systems must comply with 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.

15.18.060- Permit Review and Inspection Requirements.

- A. The Chief Building Official shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Division shall issue a building permit on the same day for over-the-counter applications or within 1 business day for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The Chief Building Official may require an applicant to apply for an Administrative Use Permit 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.
- B. Review of the application shall be limited to the Chief Building Official's determination of whether the application meets local, State, and Federal health and safety requirements.

- C. If an Administrative Use Permit is required, the city may deny such application if it makes written findings based upon substantive 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. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Planning Commission.
- 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. "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 on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of California Civil Code Section 714 defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.
- 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 resubmittal.
- G. Only one inspection shall be required and performed by the Building and Safety Division for small residential rooftop solar energy systems eligible for expedited review.
- H. The inspection shall be done in a timely manner and should include consolidated inspections.
- I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

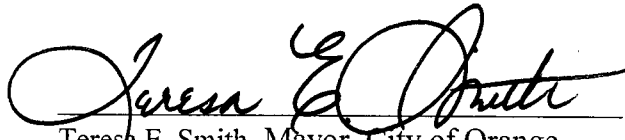
SECTION II:

Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

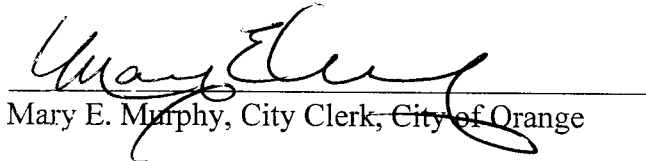
SECTION III:

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least fifteen (15) days prior to the City Council meeting at which this Ordinance is to be adopted. A summary of this Ordinance shall also be published once within fifteen (15) days after its passage in a newspaper of general circulation in the City of Orange. The City Clerk shall post in the Office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against the Ordinance in accordance with Government Code Section 36933.

ADOPTED this 11th day of August, 2015.


Teresa E. Smith, Mayor, City of Orange

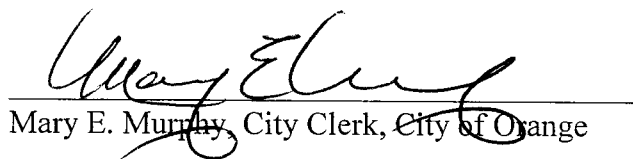
ATTEST:


Mary E. Murphy, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, MARY E. MURPHY, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 14th day of July, 2015, and thereafter at the regular meeting of said City Council duly held on the 11th day of August, 2015, was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS: Alvarez, Whitaker, Smith, Murphy, Nichols
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: None
ABSTAIN:	COUNCILMEMBERS: None


Mary E. Murphy, City Clerk, City of Orange