



# City Council Staff Report

DATE: October 7, 2015

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1885 PROVIDING FOR AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65850.5

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

---

## SUMMARY:

The City Council will consider adoption of Ordinance No. 1885.

## RECOMMENDATION:

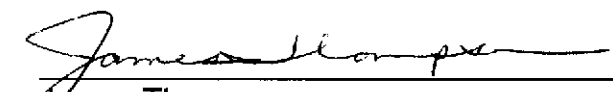
Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1885, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 8.100 TO TITLE 8 OF THE PALM SPRINGS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS."

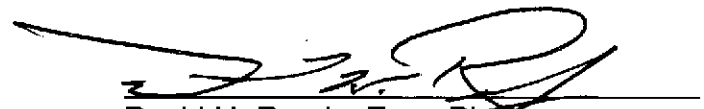
## STAFF ANALYSIS:

On September 2, 2015, Ordinance No. 1885 was introduced for first reading, as noted below:

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1885, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 8.100 TO TITLE 8 OF THE PALM SPRINGS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS." **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.

  
James Thompson  
City Clerk

  
David H. Ready, Esq., Ph.D.  
City Manager

/kdh

Attachments: Ordinance No. 1885

Item No. **2.D.**

ORDINANCE NO. 1885

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 8.100 TO TITLE 8 OF THE PALM SPRINGS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

**City Attorney Summary**

This ordinance adopts 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.

**The City Council of the City of Palm Springs ordains:**

**SECTION 1.** Chapter 8.100 is hereby added to Title 8 of the Palm Springs Municipal Code to read as follows:

**Chapter 8.100**

**SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM PERMITS**

- 8.100.010 Intent and purpose.
- 8.100.020 Definitions.
- 8.100.030 Applicability.
- 8.100.040 Solar energy system requirements.
- 8.100.050 Applications and documents.
- 8.100.060 Permit review and inspection requirements.

**8.100.010 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.

### **8.100.020 Definitions.**

For the purpose of carrying out the intent of this chapter, words, phrases, and terms shall be deemed to have the meaning ascribed to them in the following sections covering definitions.

"Building Department" means the Building and Safety Department of the City of Palm Springs.

"Director" means the Building and Safety Director for the City of Palm Springs, or the Building and Safety Director's designee.

"City" means the City of Palm Springs.

"Expedited permitting" and "expedited review" means the process outlined in Section 8.100.060 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 not larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal, and
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 Palm Springs and all State of California health and safety standards, and
3. A solar energy system that is installed on a single or duplex family dwelling, and
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Palm Springs.

"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.

### **8.100.030 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.

**8.100.040 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.

**8.100.050 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. The Building Department shall develop and implement a checklist of all requirements with which small residential rooftop solar energy systems shall comply with to be eligible for expedited review. The 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.

C. 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.

**8.100.060 Permit review and inspection requirements.**

The Building Department shall implement the following administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications:

A. Review of an application for a small residential rooftop solar energy system shall be limited to the Director's review of whether the applicant meets local, state and federal code requirements.

B. For an application for a small residential rooftop solar energy system that meets the requirements of the City's checklist, the Building Department shall issue a building permit or other non-discretionary permit or authorization within three (3) business days.

C. 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.

D. 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. Such decisions may be appealed to the Planning Commission pursuant to the appeals process specified in Section 8.04.340(b) of this Code.

E. 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. Such decisions may be appealed to the Planning Commission pursuant to the appeals process specified in Section 8.04.340(b) of this Code.

F. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

G. Approval of an application shall not be conditioned upon the approval of an association, as defined in Section 4080 of the California Civil Code.

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
STEPHEN P. POGNET, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF LAGUNA HILLS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 1885 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the September 2, 2015, and adopted at a regular meeting of the City Council held on the October 7, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

JAMES THOMPSON, CITY CLERK  
City of Palm Springs, California