

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Susan Emery
Dept:	City Manager	Dept:	Community Development
Subject:	INTRODUCTION AND FIRST READING AMENDING TITLE 18 OF THE GARDEN GROVE MUNICIPAL CODE TO PROVIDE EXPEDITED, STREAMLINED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS		
		Date:	August 11, 2015

OBJECTIVE

The purpose of this report is to request that the City Council adopt the attached Ordinance that will amend Title 18 of the Garden Grove Municipal Code to provide expedited, streamlined permitting procedures for small residential rooftop solar energy systems.

BACKGROUND/DISCUSSION

In September 2014, the Governor signed into law Assembly Bill 2188 (Muratsuchi) Solar Energy Permits. AB 2188 is codified in Section 65850.5 of the California Government Code, which states, "It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use." Further, this Section states that it is the intent of the Legislature to "encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems." In the furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, local jurisdictions must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The City currently expedites the review of such applications by reviewing the permitting applications within three (3) business days, in many instances over the counter, depending on staff availability. The City, however, needs to adopt an ordinance mandated by Section 65850.5(g)(1). The attached Ordinance is intended to satisfy that requirement, and codifies the requirements of Section 65850.5, such as developing a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, allowing for electronic submittals, and authorizing the Building Official to administratively approve such applications.

INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING TITLE 18 OF  
THE GARDEN GROVE MUNICIPAL CODE TO PROVIDE EXPEDITED, STREAMLINED  
PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY  
SYSTEMS

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FINANCIAL IMPACT

There is no anticipated fiscal impact as the costs would be recovered through existing building permit fees.

RECOMMENDATION

Staff recommends that the City Council take the following action:

- Introduce and conduct the first reading of the attached Ordinance amending Title 18 of the Garden Grove Municipal Code to provide an Expedited, Streamlined Permitting Procedure for Small Residential Rooftop Solar Energy Systems per AB 2188



SUSAN EMERY  
Assistant City Manager



By: Alana Cheng  
Senior Administrative Analyst

Attachment: Ordinance

Recommended for Approval



Scott C. Stiles  
City Manager

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING CHAPTER 18.56 TO TITLE 18 OF THE GARDEN GROVE MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

**City Attorney Summary**

*This Ordinance creates an expedited, streamlined permitting process for small residential rooftop solar energy systems as required by State Law.*

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, as set forth in Government Code Section 65850.5(a), it is the policy of the State of California that local agencies encourage the installation of solar energy systems by removing obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, as set forth in Government Code Section 65850.5(g)(1), cities shall adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the ordinance must substantially conform with the recommendations set forth in the *California Solar Permitting Guidebook*, including the use of a checklist of all requirements that, if complied with, requires cities to approve the application and issue the necessary permits; and

WHEREAS, the City Council of the City of Garden Grove finds that it is in the interest of the health, welfare and safety of the public to provide an expedited permitting process to encourage the effective development of solar technology.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Title 18 of the Garden Grove Municipal Code, entitled "Building Codes and Regulations", is hereby amended to add Chapter 18.56, entitled "Permitting Process for Small Residential Rooftop Solar Energy System" commencing with Section 18.56.010 and concluding with Section 18.56.060 to read in its entirety as follows:

Chapter 18.56  
Permitting Process for Small Residential Rooftop Solar Energy System

## Sections:

- 18.56.010 Intent and Purpose
- 18.56.020 Applicability
- 18.56.030 Definitions
- 18.56.040 Solar Energy System Requirements
- 18.56.050 Applications and Documents
- 18.56.060 Permit Review and Inspection Requirements

## 18.56.010 Intent and Purpose

The intent and purpose of this chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Right Act and AB2188 (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.

## 18.56.020 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 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.

## 18.56.030 Definitions.

- A. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. "Common interest development" means any of the following:
  - 1. A community apartment project
  - 2. A condominium project
  - 3. A planned development

4. A stock cooperative

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

1. Email

2. The Internet

3. Facsimile

D. "Expedited permitting" and "expedited review" means the process outlined in Section 15.56.060 Permit Review and Inspection Requirements.

E. "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 of Garden Grove and all State of California health and safety standards.
3. A solar energy system that is installed on a single or two- family (duplex) dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of Garden Grove.

F. "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.

#### 18.56.040 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 buildings, or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing Code and the California 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.

18.56.050      Applications and Documents.

- A. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on the City's publicly accessible website.
- B. Electronic submittal of the required permit 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 Services Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply with to be eligible for expedited review.
- E. The small residential rooftop solar system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
- F. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections 65850.55 and 66015, and Health and Safety Code Section 17951.

15.56.060      Permit Review and Inspection Requirements.

- A. The Building Services Division shall implement an administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications.
- B. Review of the application shall be limited to the Building Official's review of whether the application meets local, state and federal health and safety requirements.
- C. For an application that meets the requirements of the approved checklist and standard plan for a small residential rooftop solar energy system, the Building

Services Division shall issue a building permit or other nondiscretionary permit within three (3) business days.

- D. The City shall not condition the issuance of a building permit on the approval of an association as defined in Section 4080 of the Civil Code.
- E. 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 Services Division 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 chapter.

SECTION 2: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance 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. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law. This Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the      day of      2015.