

ORDINANCE NO. 15-0022

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
ADDING CHAPTER 9.06 (SOLAR ENERGY SYSTEM
PERMIT EXPEDITING) TO TITLE 9 (BUILDING
REGULATIONS) OF THE MANHATTAN BEACH
MUNICIPAL CODE TO PROVIDE AN EXPEDITED,
STREAMLINED PROCESS FOR SMALL RESIDENTIAL
ROOFTOP SOLAR SYSTEMS

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City Council hereby finds, determines, and declares that:

A. The State of California and the City of Manhattan Beach ("City") have consistently promoted and encouraged the use of small residential rooftop solar energy systems by all of its citizens, businesses and industries;

B. The City Council seeks to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems;

C. The City Council seeks to meet the climate action goals set by the City and the State;

D. Solar energy creates local jobs and economic opportunity;

E. The City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses;

F. It is in the interest of the health, welfare and safety of the people of Manhattan Beach to provide an expedited permitting process to assure the effective deployment of solar technology; and

G. AB 2188 requires the City to adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems prior to September 30, 2015.

SECTION 2. Title 9 (Building Regulations) of the Manhattan Beach Municipal Code ("MBMC") is hereby amended to add a new Chapter 9.06, Solar Energy System Permit Expediting, as follows:

**"Chapter 9.06
SOLAR ENERGY SYSTEM PERMIT EXPEDITING**

9.06.010 Purpose
9.06.020 Definitions

- 9.06.030 Solar Energy System Requirements
- 9.06.040 Duties of the Community Development Department and Building Official
- 9.06.050 Permit Review and Inspection Requirements
- 9.06.060 Conflict of Provisions

9.06.010 – Purpose

The purpose of this Chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Chapter encourages and promotes the use of solar systems by removing unreasonable barriers and obstacles to their use, 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.

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 shall not require a permit.

9.06.020 – Definitions

A. 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. A “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 duplex family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as provided in MBMC Title 10 (Planning and Zoning), Chapter 10.60.

C. An "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

D. A "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.

E. "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.

9.06.030 – 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, and the local utility provider's electricity grid.

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.

9.06.040 – Duties of the Community Development Department and Building Official

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

B. Electronic submittal of the required permit application and documents by email, the Internet, 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 Community Development Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

E. 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.

9.06.050 – Permit Review and Inspection Requirements

The Community Development Department shall process, on an expedited basis, applications for small residential rooftop solar energy systems as follows.

A. Non-discretionary Building Permit. The Building Official shall issue a building permit or other nondiscretionary permit upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. Review of the application shall be limited to an administrative, nondiscretionary review as to whether the application meets local, state, and federal health and safety requirements. The permit shall be issued the same day for over-the-counter applications or within three business days for electronic application, unless the building official requires an applicant to apply for a solar use permit pursuant to subsection B.

B. Solar Use Permit.

1. If the Building Official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the Building Official can require the applicant to apply for a "Solar Use Permit."

2. The Building Official can:

a. Conditionally approve the application. Any condition or mitigation measure imposed on the application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. 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 Civil Code Section 714(d)(1)(A) and (B) defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance; or

b. Deny the application if the Building Official 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, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.

3. The applicant may appeal to the Planning Commission the Building Official's decisions to require a Solar Use Permit, conditionally approve, or deny the application.

C. Approval of Association Not Required. The City shall not condition approval of an application on the approval of an association.

D. Incomplete Application. 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.

E. Only One Inspection. Only one consolidated inspection shall be required and performed by the Community Development Department for small residential rooftop solar energy systems eligible for expedited review in a timely manner.

F. Failed Inspection. 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.

9.06.060 – Conflict of Provisions

In the event of any conflict between this Chapter and any other provision of this Code, this Chapter shall control.”

SECTION 3. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

SECTION 4. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

PASSED, APPROVED AND ADOPTED _____, 2015.

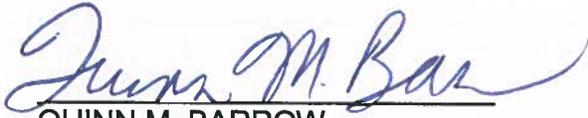
AYES:
NOES:
ABSENT:
ABSTAIN:

MARK BURTON
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:



QUINN M. BARROW
City Attorney