

ORDINANCE NO. 15-6

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 15 (BUILDINGS AND BUILDING REGULATIONS), IN ORDER TO ADD A NEW CHAPTER 15.115 (SOLAR ENERGY SYSTEMS) TO CREATE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS AS REQUIRED BY ASSEMBLY BILL 2188 (CHAPTER 521, STATUTES 2014)

WHEREAS, the City Council of Concord 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; and

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

WHEREAS, the City Council seeks to meet the climate action goals set by the City and the State; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses; and

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

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

Section 2. Concord Municipal Code Title 15 (Buildings and Building Regulations) is hereby amended by adding a new Chapter 15.115 (Solar Energy Systems), which reads as follows:
Chapter 15.115 (Solar Energy Systems)

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1 **1. PURPOSE**

2 The purpose of this chapter is to provide an expedited, streamlined solar permitting process
3 that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely
4 and cost-effective installations of small residential rooftop solar energy systems. This chapter
5 encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property
6 owners and the City, and expanding the ability of property owners to install solar energy systems.
7 This chapter allows the City to achieve these goals while protecting the public health and safety.

8 **2. DEFINITIONS**

9 **a.** A “Solar Energy System” means either of the following:

10 **i.** Any solar collector or other solar energy device whose primary purpose is to provide for the
11 collection, storage, and distribution of solar energy for space heating, space cooling, electric
12 generation, or water heating.

13 **ii.** Any structural design feature of a building, whose primary purpose is to provide for the
14 collection, storage, and distribution of solar energy for electricity generation, space heating or
15 cooling, or for water heating.

16 **b.** A “small residential rooftop solar energy system” means all of the following:

17 **i.** A solar energy system that is no larger than 10 kilowatts alternating current nameplate
18 rating or 30 kilowatts thermal.

19 **ii.** A solar energy system that conforms to all applicable state fire, structural, electrical, and
20 other building codes as adopted or amended by the City and all state and City health and safety
21 standards.

22 **iii.** A solar energy system that is installed on a single or duplex family dwelling.

23 **iv.** A solar panel or module array that does not exceed the maximum legal building height as
24 defined by the City of Concord Development Code.

25 **c.** “Electronic signature” means a digital signature or digital stamp that is issued by a certificate
26 authority approved by the California Secretary of State and which meets the requirements of
27 Government Code Section 16.5.

1 **d.** “Electronic submittal” means the utilization of one or more of the following:

2 **i.** Email;

3 **ii.** The Internet;

4 **iii.** Facsimile.

5 **e.** An “association” means a nonprofit corporation or unincorporated association created for the
6 purpose of managing a common interest development.

7 **f.** A “common interest development” means any of the following:

8 **i.** A community apartment project.

9 **ii.** A condominium project.

10 **iii.** A planned development.

11 **iv.** A stock cooperative.

12 **g.** “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact,
13 based on objective, identified, and written public health or safety standards, policies, or conditions as
14 they existed on the date the application was deemed complete.

15 **h.** “Reasonable restrictions” on a solar energy system are those restrictions that do not
16 significantly increase the cost of the system or significantly decrease its efficiency or specified
17 performance, or that allow for an alternative system of comparable cost, efficiency, and energy
18 conservation benefits.

19 **i.** “Restrictions that do not significantly increase the cost of the system or decrease its efficiency
20 or specified performance” means:

21 **i.** For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding
22 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or
23 decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as
24 originally specified and proposed.

25 **ii.** For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the
26 system cost as originally specified and proposed, or a decrease in system efficiency of an
27 amount exceeding 10 percent as originally specified and proposed.

1 **3. APPLICABILITY**

2 **a.** This chapter applies to the permitting of all small residential rooftop solar energy systems in
3 the City.

4 **b.** Small residential rooftop solar energy systems legally established or permitted prior to the
5 effective date of this chapter are not subject to the requirements of this chapter unless physical
6 modifications or alterations are undertaken that materially change the size, type, or components of a
7 small rooftop energy system in such a way as to require new permitting. Routine operation and
8 maintenance or like-kind replacements shall not require a permit.

9 **4. SOLAR ENERGY SYSTEM REQUIREMENTS**

10 **a.** All solar energy systems shall meet applicable health and safety standards and requirements
11 imposed by the state, the City, and local fire department or district.

12 **b.** Solar energy systems for heating water in single-family residences and for heating water in
13 commercial or swimming pool applications shall be certified by an accredited listing agency as
14 defined by the California Plumbing and Mechanical Codes.

15 **c.** Solar energy systems for producing electricity shall meet all applicable safety and performance
16 standards established by the California Electrical Code, the Institute of Electrical and Electronics
17 Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where
18 applicable, rules of the Public Utilities Commission regarding safety and reliability.

19 **5. DUTIES OF BUILDING DIVISION AND BUILDING OFFICIAL**

20 **a.** All documents required for the submission of an expedited solar energy system application
21 shall be made available on the publicly accessible City Website.

22 **b.** Electronic submittal of the required permit application and documents shall be made available
23 to all small residential rooftop solar energy system permit applicants.

24 **c.** Electronic signatures shall be accepted on all forms, applications, and other documents in lieu
25 of a wet signature.

26 **d.** The City shall adopt a standard plan and checklist of all requirements with which small
27 residential rooftop solar energy systems shall comply to be eligible for expedited review.

1 e. The small residential rooftop solar system permit process, standard plan(s), and checklist(s)
2 shall substantially conform to recommendations for expedited permitting, including the checklist and
3 standard plans contained in the most current version of the *California Solar Permitting Guidebook*
4 adopted by the Governor’s Office of Planning and Research.

5 f. All fees prescribed for the permitting of small residential rooftop solar energy system must
6 comply with Government Code Section 65850.55, Government Code Section 66015, Government
7 Code Section 66016, and State Health and Safety Code Section 17951.

8 **6. PERMIT REVIEW AND INSPECTION REQUIREMENTS**

9 a. The City shall adopt an administrative, nondiscretionary review process to expedite approval
10 of small residential rooftop solar energy systems within 30 days of the adoption on this chapter. The
11 City shall issue a building permit or other nondiscretionary permit within three (3) business days of
12 receipt of a complete application that meets the requirements of the approved checklist and standard
13 plan. The building official may require an applicant to apply for a use permit if the official finds,
14 based on substantial evidence, that the solar energy system could have a specific, adverse impact upon
15 the public health and safety. Such decisions may be appealed to the City Planning Commission.

16 b. Review of the application shall be limited to the building official’s review of whether the
17 application meets local, state, and federal health and safety requirements.

18 c. If a use permit is required, the building official may deny an application for the use permit if
19 the official makes written findings based upon substantive evidence in the record that the proposed
20 installation would have a specific, adverse impact upon public health or safety and there is no feasible
21 method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include
22 the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such
23 decisions may be appealed to the City Planning Commission.

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

26 e. “A feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes,
27 but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on
28 another similarly situated application in a prior successful application for a permit. The City shall use

1 its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of
2 subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code
3 defining restrictions that do not significantly increase the cost of the system or decrease its efficiency
4 or specified performance.

5 **f.** The City shall not condition approval of an application on the approval of an association, as
6 defined in Section 4080 of the Civil Code.

7 **g.** If an application is deemed incomplete, a written correction notice detailing all deficiencies in
8 the application and any additional information or documentation required to be eligible for expedited
9 permit issuance shall be sent to the applicant for resubmission.

10 **h.** Only one inspection shall be required and performed by the City for small residential rooftop
11 solar energy systems eligible for expedited review. A separate fire inspection may be performed if an
12 agreement with the local fire authority does not exist to perform safety inspections on behalf of the
13 fire authority.

14 **i.** The inspection shall be done in a timely manner and should include consolidated inspections.
15 An inspection will be scheduled within two business days of a request and the City will provide a two-
16 hour inspection window upon request by the permit holder.

17 **j.** If a small residential rooftop solar energy system fails inspection, a subsequent inspection is
18 authorized but need not conform to the requirements of this chapter.

19 **Section 3.** This Ordinance No. 15-6 shall become effective thirty (30) days following its
20 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
21 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
22 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
23 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's
24 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
25 once within fifteen (15) days after its passage and adoption, including the vote of the
26 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
27 Concord.

Timothy S. Grayson
Mayor

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2
3 ATTEST:

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5 _____
Joelle Fockler, CMC
City Clerk

6 (Seal)
7

8 Ordinance No. 15-6 was duly and regularly introduced at a regular meeting of the City Council
9 of the City of Concord held on July 7, 2015 and was thereafter duly and regularly passed and adopted
10 at a regular meeting of the City Council of the City of Concord on July 28, 2015, by the following
11 vote:

12 **AYES:** Councilmembers –

13 **NOES:** Councilmembers -

14 **ABSTAIN:** Councilmembers -

15 **ABSENT:** Councilmembers -

16 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
17 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.
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21 _____
Joelle Fockler, CMC
City Clerk
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