

## CHAPTER FIVE: PLANNING, ZONING, USE, AND DEVELOPMENT OF LAND AND IMPROVEMENTS

### Subchapter 5.05: Small Residential Rooftop Solar Energy Systems

#### 5.05.010 Applicability and Purpose.

(a) This Subchapter applies to the permitting of all small residential rooftop solar energy systems in the City. The purpose of this Section is to create an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014), to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Subchapter encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install small rooftop solar energy systems. This Subchapter allows the City to achieve these goals while protecting the public health and safety.

[History: Ord. 759, 10/14/15]

#### 5.05.020 Definitions.

*Building Official* means the Town's Building Official.

*Electronic Submittal* means the submission of materials via electronic mail.

*Small residential rooftop solar energy system* means a solar energy system that meets all of the following: (1) is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal; (2) conforms to all applicable State fire, structural, electrical, and other building codes as adopted or amended by the Town, and all State and local Health and Safety standards as adopted or amended by the Town; (3) is installed on a single or duplex family dwelling; and (4) the panel or module array does not exceed the maximum legal building height as defined by the Town.

*Solar energy system* means a solar energy system as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.

*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.

[History: Ord. 759, 10/14/15]

#### 5.05.030 Basic Requirements.

(a) A solar energy system that qualifies as a small residential rooftop solar energy system shall be processed in accordance with this Subchapter.

(b) Applications for small residential rooftop solar energy systems shall require a building permit or administrative use permit as set forth in this Subchapter.

(c) A small residential rooftop solar energy system shall meet applicable health and safety standards and requirements imposed by the state and the Town, and the Colma Fire Protection District.

(d) The Building Official shall, prior to September 30, 2015, adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, which shall include standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which small residential rooftop solar energy systems must comply with 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 and may be amended as otherwise necessary or advisable.

[History: Ord. 759, 10/14/15]

#### **5.05.040 Applicant Obligations.**

(a) Prior to submitting an application, the applicant shall:

(1) Verify, to the applicant's reasonable satisfaction, through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

(2) At the applicant's cost, verify to the applicant's reasonable satisfaction, using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

[History: Ord. 759, 10/14/15]

#### **5.05.050 Electronic Processing.**

(a) All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on a publicly accessible Town website.

(b) Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants. The Town's website shall specify the permitted method of electronic document submission.

(c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature in a manner specified on the Town's website.

[History: Ord. 759, 10/14/15]

### **5.05.060 Application Review.**

- (a) An application that the Building Official determines satisfies the information requirements contained in the Town's checklist(s) for expedited small residential rooftop solar system processing, including complete supporting documents, shall be deemed complete.
- (b) 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.
- (c) After the Building Official deems an application complete, he or she shall review the application to determine whether the application meets local, state, and federal health and safety requirements.
- (d) Unless the Building Official determines a use permit is warranted, the Building Official shall issue a building permit or other nondiscretionary permit within a reasonable period of time after receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Subchapter.
- (e) The Building Official may require an applicant to apply for a use permit if he or she finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. This decision may be appealed to the City Council.

[History: Ord. 759, 10/14/15]

### **5.05.070 Administrative Use Permit.**

- (a) If an administrative use permit is required, it shall be processed in accordance with this Section and the administrative use permit requirements contained in the Town's Zoning Ordinance.
- (b) The administrative use permit may be denied if written findings are made, 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.
- (b) Any condition imposed on an administrative use permit shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- (c) "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 Town on another similarly situated application in a prior successful application for a permit. The Town shall use its best efforts to ensure that the selected method, condition, or mitigation does not significantly increase the cost of the system or decrease its efficiency or specified performance in excess of the following:

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

(2) For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) 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.

*[History: Ord. 759, 10/14/15]*

#### **5.05.080 Inspections.**

(a) Only one inspection shall be required and performed by the Town for small residential rooftop solar energy systems eligible for expedited review. The inspection shall be done in a timely manner. A separate fire safety inspection may be performed by the Colma Fire Protection District, as determined by the Building Official.

(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 section.

*[History: Ord. 759, 10/14/15]*