

REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

JUNE 19, 2018

TITLE:

**ORDINANCE SECOND READING: UPDATING
SOLAR STREAMLINING ORDINANCE FOR
SOLAR ENERGY SYSTEMS, ESTABLISH
REVISED MAXIMUM FEES AND FOR
THERMAL ENERGY SYSTEMS, EXTENDING
APPLICABILITY OF LIMITS AND EXTENDING
REPEAL DATE TO JANUARY 1, 2025
{STRATEGIC PLAN NO. 5,1}**

A handwritten signature in black ink, appearing to read "Sarmiento", is written over a horizontal line.

CITY MANAGER

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1st Reading
- ☐ Ordinance on 2nd Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For _____

CONTINUED TO _____

FILE NUMBER _____

RECOMMENDED ACTION

Place ordinance on second reading and adopt.

DISCUSSION

On June 5, 2018, the following ordinance was introduced for first reading and City Council authorized publication of title by a vote of 5-0 (Martinez and Sarmiento absent):

ORDINANCE NO. NS-2950 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE UPDATING SOLAR STREAMLINING ORDINANCE FOR SOLAR ENERGY SYSTEMS

In 2012, Assembly Bill 1801 amended the California Government Code (Section 65850.5) to promote the installation and use of solar energy by removing obstacles to, and minimizing costs of solar permitting. This Code Section was further amended in 2014 by Assembly Bill 2188 (AB2188), also known as the solar streamlining act, which required that every city must adopt an ordinance that created an expedited, streamlined permitting process for small residential rooftop solar energy systems. Further amending the law, effective January 1, 2018, the State Assembly enacted Assembly Bill 1414 (AB1414), revising definitions and establishing maximum permit fees applicable to solar energy systems within the existing law.

The changes brought about by AB1414, the proposed ordinance amendment will append to Chapter 8 of the Santa Ana Municipal Code to include: revising the definition of "solar energy system" to specify that a design feature additionally includes any photovoltaic device that is integrated into a building, expanding to building components including, but not limited to, windows, siding, and roofing shingles or tiles, establishing revised maximum permit fees for solar

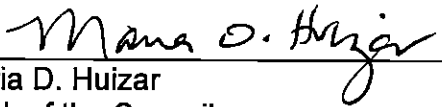
energy systems, establishing maximum permit fees for thermal energy systems, extending the applicability of the limits on solar energy system fees and extending the repeal date to January 1, 2025.

STRATEGIC PLAN ALIGNMENT

Approval of this item supports the City's efforts to meet Goal #5 - Community Health, Livability, Engagement & Sustainability, Objective #1 (Establish a comprehensive community engagement initiative to expand access to information and create opportunities for stakeholders to play an active role in discussing public policy and setting priorities).

FISCAL IMPACT

There is no fiscal impact associated with this action.



Maria D. Huizar
Clerk of the Council

Exhibit: 1. Ordinance No. NS-2950

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA AMENDING CHAPTER 8 OF THE SANTA ANA
MUNICIPAL CODE UPDATING SOLAR STREAMLINING
ORDINANCE FOR SOLAR ENERGY SYSTEMS

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS
FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems.
- B. The City Council of the City of Santa Ana 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.
- C. In September of 2015, the City adopted an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5 that created an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- D. Effective January 2018, Assembly Bill 1414 expanded the definition of "solar energy system" and extended the applicability of Section 65850.5 of the California Government Code to create an expedited, streamlined permitting process for all solar energy systems through January 1, 2025.

Section 2. Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to 14 California Code of Regulations section 15061(b)(3), which is applicable if it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. As a result, a Notice of Exemption will be filed upon adoption of this ordinance.

Section 3. ARTICLE XII of Chapter 8 of the Santa Ana Municipal Code is hereby amended such that it reads as follows:

Sec. 8-2511 - Solar Energy System Review Process.

(a) Definitions.

As used herein the following terms shall mean the following:

1. Electronic Submittal - shall mean the utilization of one or more of the following: e-mail, internet or facsimile.
2. Solar easement - shall mean the right of receiving sunlight across real property of another for any solar energy system. Any instrument creating a solar easement shall include, at a minimum, all of the following:
 - (1) A description of the dimensions of the easement expressed in measurable terms, such as vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector, device, or structural design feature may not be obstructed, or a combination of these descriptions;
 - (2) The restrictions placed upon vegetation, structures, and other objects that would impair or obstruct the passage of sunlight through the easement; and,
 - (3) The terms or conditions, if any, under which the easement may be revised or terminated.
3. Solar energy system – shall mean 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 for water heating.
 - (2) A structural design feature of a building, including either of the following:
 - (A) Any design feature 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) Any photovoltaic device or technology that is integrated into a building, including, but not limited to, photovoltaic windows, siding, and roofing shingles or tiles.

(b) Applicability.

This chapter applies to the permitting of all solar energy systems. 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 solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

(c) Eligibility.

1. The Building Department shall adopt a standard plan and checklist of all requirements which solar energy systems shall comply with to be eligible for expedited review.
2. The solar energy 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.
3. Prior to submitting an application, the applicant shall:
 - i. Verify to the City's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the 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.
 - ii. 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.

(d) Review / Issuance Process.

1. An application that satisfies the information requirements in the checklist pursuant to Section (c)(2) above, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
2. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits.
3. City building permit approval does not authorize an applicant to connect the solar energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from

the local utility provider.

4. If the property is located within a historical district, is listed on any historic register or has entered into a Mills Act Agreement, the applicant shall schedule a consultation with the Planning Manager or his/her designee pertaining to the proposed work.

(e) Inspections.

1. For a solar energy system eligible for expedited review, only one inspection shall be required.
2. If a solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

Section 4. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

ADOPTED this _____ day of _____, 2018.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia Carvalho, City Attorney

By: 
Lisa Storck
Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-XXXX to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2018, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Clerk of the Council
City of Santa Ana

