

**ORDINANCE NO. 22-15 N.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND ADDING  
CHAPTER 6.47 TO THE RICHMOND MUNICIPAL CODE TO PROVIDE AN  
EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL  
ROOFTOP SOLAR SYSTEMS**

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**WHEREAS**, the City Council of the City of Richmond 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 of Richmond and the State; and

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

**WHEREAS**, 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 Richmond to provide an expedited permitting process to assure the effective deployment of solar technology; and

**WHEREAS**, under Title 14 of the California Code of Regulations, Section 15061(b)(3), this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND** does ordain as follows:

**SECTION I.** Article VI of the Richmond Municipal Code is hereby amended by adding the following Chapter:

**Chapter 6.47 – PERMIT PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

**Sections:**

**6.47.010 – Definitions.**

**6.47.020 – Purpose.**

**6.47.030 – Applicability.**

**6.47.040 – Solar Energy System Requirements.**

**6.47.050 – Duties of Building Official.**

**6.47.060 – Permit Review and Inspection Requirements.**

**Section 6.47.010 – 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; or
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; and
  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 defined by the City.
- C. “Electronic submittal” means the utilization of one or more of the following: email, the internet, and/or facsimile.
- D. An “association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- E. A “common interest development” means any of the following: a community apartment project; a condominium project; a planned development; or a stock cooperative.
- F. “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.
- G. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- H. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:
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.

**Section 6.47.020 – 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 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. It allows the City to achieve these goals while protecting the public health and safety.

**Section 6.47.030 – Applicability.**

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.

**Section 6.47.040 – 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 its fire department.
- 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.

**Section 6.47.050 – Duties of Building Official.**

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the City of Richmond Planning and Building Services Department website.
- B. Electronic submittal of the required permit application and documents by through the City's online permit system shall be made available to all small residential rooftop solar energy system permit applicants.
- C. An applicant's electronic signature shall be accepted on forms, applications, and other documents in lieu of a wet signature.
- D. The Building Official will develop and post on the City's website a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review. This plan and checklist will generally conform with the recommendations contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
- E. The fee for each permit shall be as set forth in City's adopted fee schedule and will comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

**Section 6.47.060 – Permit Review and Inspection Requirements.**

- A. The City of Richmond Planning and Building Services Department shall use an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems on or before September 30, 2015. The Department shall issue a building permit or other nondiscretionary permit within three business days of receipt of a complete application that meets the requirements of the approved checklist and standard plan. The building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission.
- 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. If a use permit is required, a building official may deny an application for the use permit if the 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. Such decisions may be appealed to the Planning Commission.
- D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- E. "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 subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.
- F. Approval of an application under this Chapter shall not be conditioned on the approval of an association, as defined in Section 4080 of the California Civil Code.
- G. 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.
- H. Only one inspection shall be required and performed by the Building Official or his/her designee for small residential rooftop solar energy systems eligible for expedited review.

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An inspection will be scheduled within two (2) business days of a request and provide a four-hour inspection window.

- I. 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 II.** Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

**SECTION III. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

**SECTION IV. Effective Date.** All applications filed after or pending upon the date of final passage and adoption of this Ordinance shall be subject to this Ordinance. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

First introduced at a regular meeting of the City Council of the City of Richmond held August 3, 2015. Passed and adopted on September 15, 2015, by the following vote:

AYES: Councilmembers Bates, Beckles, McLaughlin, Martinez, Pimplé, Vice Mayor Myrick, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

TOM BUTT  
Mayor

Approved as to form:

BRUCE GOODMILLER  
City Attorney

State of California }  
County of Contra Costa : ss.  
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 22-15 N.S.**, passed and adopted by the City Council of the City of Richmond at a special meeting held on September 15, 2015.

  
Pamela Christian, City Clerk of the City of Richmond