

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

An Ordinance of the City Council of the City of )	
Lafayette Adding Chapter 3-10 to the Lafayette )	
Municipal Code to Establish a Streamlined Building )	Ordinance No. 642
Permit Process for Small Residential Rooftop Solar )	
Energy Systems )	

**WHEREAS**, by September 30, 2015, every city and county must adopt an ordinance creating an expedited permitting process for small residential rooftop solar energy systems of 10 kilowatts or less, pursuant to State Assembly Bill No. 2188, which amended portions of the Solar Rights Act of 1978; and

**WHEREAS**, on July 6, 2015, the Contra Costa County Board of Supervisors adopted Ordinance No. 2015-13, adding Chapter 718-12 to Title 7 Building Regulations, to establish an expedited permitting process for small residential rooftop solar energy systems of 10 kilowatts or less; and

**WHEREAS**, Country Costa County provides building plan check and building permitting on behalf the City of Lafayette; and

**WHEREAS**, it is beneficial for the City of Lafayette to adopt an ordinance consistent with Contra Costa County's Ordinance to establish an expedited permitting process for small residential rooftop solar energy systems of 10 kilowatts or less, pursuant to State Assembly Bill No. 2188; and

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

**Section 1. Chapter 3.10 Added.** Chapter 3-10 of the Lafayette Municipal Code is added in full to read as follows:

**"Chapter 3-10 SOLAR ENERGY SYSTEMS**

**Sections:**

**3-1001 Building permit required.**

**3-1002 Review of applications for small residential rooftop solar energy systems.**

**3-1003 Requirements cumulative.**

**3-1001 - Building permit required.**

(a) A building permit is required to install a solar energy system. "Solar energy system" has the meaning set forth in Civil Code section 801.5.

(b) An application for a building permit to install a solar energy system will be processed in accordance with Government Code section 65850.5.

**3-1002 - Review of applications for small residential rooftop solar energy systems.**

The following expedited, streamlined permitting process applies to applications for a building permit to install a small residential rooftop solar energy system:

(a) Application. The building official will make the following available on the City's website: the City's standard building permit application form; and the City's standard small residential rooftop solar energy system plan form and checklist, which will substantially conform to the plan form and checklist in the most current version of the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research. The checklist will include all requirements that a small residential rooftop solar energy system must meet to be eligible for review and approval under this section. An application to install a small residential rooftop solar energy system may be submitted electronically.

(b) Application review. An application will be deemed complete if the building official determines that the application includes all of the information and documents required by the standard application form, the standard plan form, and the standard checklist. If an application is deemed incomplete, the building official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the building official will perform an expedited review of the application and all submittals in substantial conformance with the timeline set forth in the then-current edition of the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research.

(c) Permit issuance. A building permit will be issued following the building official's approval of an application for a small residential rooftop solar energy system and after all required fees have been paid. If the application was submitted electronically, the permit may be issued electronically.

(d) Inspection and authorization to operate. As soon as practicable after the applicant notifies the building official that a small residential rooftop solar energy system has been installed under a building permit, the building official will inspect the system to verify compliance with the building permit. If the building official determines that a system was not installed in compliance with a building permit, the building official will notify the permittee of the actions needed to comply with the building permit and will conduct additional inspections as necessary. No small residential rooftop solar energy system may be operated unless the building official verifies in writing that it complies with the building permit.

(e) For purposes of this section, a "small residential rooftop solar energy system" means all of the following:

(1) The solar energy system is no larger than 10 kilowatts alternating current nameplate rating, or 30 kilowatts thermal; and

(2) The solar energy system, including its installation, conforms to all applicable fire, structural, electrical, and other building codes as adopted or amended by the City in Title 3 of this Code and applicable requirements of Civil Code Section 714; and

(3) The solar energy system is located on a rooftop of a detached single-family dwelling or a duplex, which includes flush mounted systems; and

(4) The solar panel or module array, when installed on a rooftop, does not exceed the building height limit of the zoning district in which it is located.

\*Consistent with the California Solar Permitting Guidebook prepared by the Governor's Office of Planning & Research, the City of Lafayette prefers and encourages flush-mounted solar panels, defined as installed parallel to the roof and not more than ten inches from the roofline.

**3-1003 - Requirements cumulative.**

The requirements of this chapter are in addition to any other applicable requirements of this Code, and any requirements of a utility provider, that must be satisfied before a solar energy system may be installed or operated.

**Section 2. Effective Date.** This Ordinance becomes effective thirty (30) days after its adoption.

**Section 3. Compliance With California Environmental Quality Act.** The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

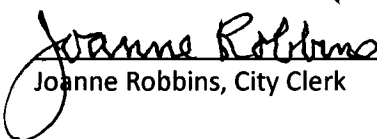
**Section 5. Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the City of Lafayette, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Lafayette held on October 26, 2015 and adopted and ordered published at a meeting of the City Council held on November 9, 2015 by the following vote:

AYES: B. Andersson, Reilly, M. Anderson, Mitchell and Tatzin  
NOES: None  
ABSTAIN: None  
ABSENT: None

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Joanne Robbins, City Clerk

  
\_\_\_\_\_  
Brandt Andersson, Mayor

# Contra Costa Times

175 Lennon Lane, Suite 100  
Walnut Creek, CA 94598  
925-943-8019

2010502

LAFAYETTE, CITY OF  
ATTN: ACCOUNTS PAYABLE  
3675 MT. DIABLO BLVD., #210  
LAFAYETTE, CA 94549-3793

## PROOF OF PUBLICATION

FILE NO. 10/26 Ord 642

In the matter of

### Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/17/2015

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 19th day of October, 2015.

Signature 

Legal No.

0005595472

**NOTICE AND SUMMARY OF  
PROPOSED ORDINANCE No. 642  
AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LAFAYETTE  
ADDING CHAPTER 3-10 "RESIDENTIAL  
ROOFTOP SOLAR ENERGY SYSTEMS" TO TITLE  
3 "BUILDING REGULATIONS" OF THE  
LAFAYETTE MUNICIPAL CODE**

Notice is hereby given that on Monday, October 26, 2015, the City Council of the City of Lafayette will consider adopting Ordinance No. 642 adding Chapter 3-10 entitled "Solar Energy Systems" to Title 3 of the Lafayette Municipal Code.

The following is a summary of the proposed regulations:

State Assembly Bill 2188, passed in 2014, requires local governments to adopt an ordinance to create a streamlined permitting process for small rooftop solar energy system projects. This state law requires that the streamlined process applies to all projects that meet the following qualifications:

1. The solar energy system 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 city, county or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code;
3. Is installed on a single-family or duplex family dwelling; and
4. Does not exceed the maximum legal building height as defined by the authority having jurisdiction.

On July 6, 2015, the Contra Costa County Board of Supervisors adopted Ordinance No. 2015-13 to establish an expedited permitting process for small residential rooftop solar energy systems.

To align with both State and County law, the City of Lafayette will allow small residential rooftop solar energy systems that meet these criteria to bypass the City's zoning plan check and instead to go directly to the Contra Costa County Building Inspection Department to get approval.

Note: The above is a summary of the major highlights of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Joanne Robbins, City Clerk  
CCT #5595472; Oct. 17, 2015

# Contra Costa Times

175 Lennon Lane, Suite 100  
Walnut Creek, CA 94598  
925-943-8019

2010502

LAFAYETTE, CITY OF  
ATTN: ACCOUNTS PAYABLE  
3675 MT. DIABLO BLVD., #210  
LAFAYETTE, CA 94549-3793

## PROOF OF PUBLICATION

### FILE NO. Joanne Robbins Ord 642

In the matter of

#### Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/13/2015

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 13th day of November, 2015.

Signature

Legal No.

0005616493

#### NOTICE OF ADOPTION ORDINANCE 642 OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE

At its regular meeting on Monday, November 9, 2015 the City Council of the City of Lafayette adopted Ordinance 642. The recorded vote of the City Council was as follows:  
AYES: B. Andersson, Reilly, M. Anderson, Mitchell and Tatzin  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### ORDINANCE 642 ADDED CHAPTER 3-10 "RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS" TO TITLE 3 "BUILDING REGULATIONS" OF THE LAFAYETTE MUNICIPAL CODE

The following is a summary of the proposed regulations:

State Assembly Bill 2188, passed in 2014, requires local governments to adopt an ordinance to create a streamlined permitting process for small rooftop solar energy system projects. This state law requires that the streamlined process applies to all projects that meet the following qualifications:

1. The solar energy system 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 city, county or city and county and paragraph (3) of subdivision (c) of Section 714 of the Civil Code;
3. Is installed on a single-family or duplex family dwelling; and
4. Does not exceed the maximum legal building height as defined by the authority having jurisdiction.

On July 6, 2015, the Contra Costa County Board of Supervisors adopted Ordinance No. 2015-13 to establish an expedited permitting process for small residential rooftop solar energy systems.

To align with both State and County law, the City of Lafayette will allow small residential rooftop solar energy systems that meet these criteria to bypass the City's zoning plan check and instead to go directly to the Contra Costa County Building Inspection Department to get approval.

Note: The above is a summary of the major highlights of the Ordinance. To obtain a full understanding of the Ordinance it should be read in its entirety. A certified copy of the full text of the Ordinance is posted in the City Clerk's office at 3675 Mount Diablo Blvd., Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Joanne Robbins, City Clerk  
CCT #5616493; Nov. 13, 2015