



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** July 14, 2015
From: Patrick Carroll, Building and Safety **Item No:** 14
 Building Official
Subject: INTRODUCE ORDINANCE NO. 470, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, ADDING CHAPTER 8.38 TO TITLE 8 (BUILDINGS AND CONSTRUCTION) OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO PERMITTING OF SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

1. **Move** to waive the reading of Ordinance No. 470 in its entirety and read by title only.
2. **Introduce** Ordinance No. 470, an Ordinance of the Town Council of the Town of Apple Valley, California, Adding Chapter 8.38 to Title 8, (Buildings and Construction) of the Town of Apple Valley Municipal Code Relating to Permitting of Small Residential Rooftop Solar Systems

SUMMARY:

Section 65850.5(a) 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. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

Section 65850.5(a) 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. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The Town Building and Safety and Planning Departments currently expedite the review of such applications by reviewing plans and applications in less than 10 (10) days. The Town, by current process, already expedites the review of such applications as stated in the California Civil Code, Section 714(a)(2)(B).

The Town, however, needs to adopt the ordinance mandated by Section 65850.5(g)(1). The attached ordinance is intended to satisfy that requirement. The ordinance codifies the requirements of Section 65850.5(g)(1), directing the Town's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review and authorizing the Building Official to administratively approve such applications.

FISCAL IMPACT:

There is no anticipated fiscal impact, as the costs would be recovered through existing building permit fees. As noted, the Building Division is currently providing expedited review of applications for small residential rooftop solar systems.

ATTACHMENTS:

1. Ordinance No. 470
2. Eligibility Checklist
3. AB2188

ORDINANCE NO. 470

INTRODUCE ORDINANCE NO. 470 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, ADDING CHAPTER 8.38 TO TITLE 8 (BUILDINGS AND CONSTRUCTION) OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO PERMITTING OF SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

The Town Council of the Town of Apple Valley does hereby ordain as follows:

SECTION 1. That Chapter 8.38 of the Town of Apple Valley Municipal Code is hereby added to read as follows:

Chapter 8.38

PERMITTING SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Sections:

- 8.38.010: Purpose.**
- 8.38.020: Definitions.**
- 8.38.030: Small Residential Rooftop Solar System Requirements.**
- 8.38.040: Application Review.**
- 8.38.050: Electronic Access to Permit Information and Submittals.**
- 8.38.060: Inspection.**

8.38.010 Purpose.

The intent of this Article is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by Assembly Bill 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This Article will increase the deployment of residential solar distributed generation, provide solar customers greater installation ease, improve the Town and State's ability to reach its clean energy goals, and generate additional employment in the Town and State. The Article allows the Town to achieve these goals while protecting public health and safety.

8.38.020. Definitions.

The following definitions shall be applicable to the provisions in this Article.

A FEASIBLE METHOD TO SATISFACTORILY MITIGATE OR AVOID THE SPECIFIC, ADVERSE IMPACT. A method that 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 meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

Solar Energy System. A solar energy system as defined in California Code of Regulations, Title 24.

Small Residential Rooftop Solar Energy System. A solar energy system, which meets all of the following:

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

ii. A solar energy system that (1) conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town; (2) all state health and safety standards; and (3) 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.

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

iv. A solar panel or module array that does not exceed the maximum legal building height as defined by the Town.

SPECIFIC, ADVERSE IMPACT. 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.

8.38.030. Small Residential Rooftop Solar System Requirements.

(a) All small residential rooftop solar energy systems shall comply with the applicable standards and requirements for solar energy systems as set forth in the Town Municipal Code as well as the California Code of Regulations, Title 24.

(b) The small residential rooftop solar system permit process, standard plan(s), and checklist(s), shall substantially conform to the recommendations for expedited permitting, including the checklists 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.

8.38.040. Application Review.

(a) Upon confirmation that the application is complete, staff shall review the application to ensure that the small residential rooftop solar energy system meets local, state, and federal health and safety requirements. The Building Official may require an applicant to apply for a use permit pursuant to the Town Development Code, if the Building Official finds, based on substantial evidence, that the small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety.

(b) Staff shall issue a building permit or other nondiscretionary permit within a reasonable time following receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Article.

(c) Staff's approval of an application shall not be based or conditioned on the approval of an association, as defined in California Civil Code § 4080.

8.38.050. Electronic Access to Permit Information

(a) The Building Official shall make the checklist, permit application and sample documentation required for a small residential rooftop solar energy system available on a publicly accessible website.

(b) Pending software installation, adaptation and security testing, an applicant may submit the application and related documentation for a small residential rooftop solar energy system by electronic submittal, as specified on the Town website. Electronic signatures shall be accepted by the Town on all electronic submittals in lieu of a wet signature, in conformance with California Government Code § 16.5 and 2 California Code of Regulations § 22000 *et seq.*

8.38.060. Inspection.

(a) One inspection shall be required and performed by staff for small residential rooftop solar energy systems eligible for expedited review.

(b) The inspection shall be done in a timely manner.

(c) 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.

SECTION 2. Except as specifically amended or revised by the provisions of this ordinance, the provisions of the Town of Apple Valley Municipal Code shall remain in effect.

SECTION 3. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 4. Effective Date. This ordinance shall take effect the 30th day of September as required by Assembly Bill 2188.

SECTION 5. 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, and to this end, the provisions of this ordinance are declared to be severable.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 28th day of July, 2015.

Attest:

Larry Cusack, Mayor

La Vonda M-Pearson, CMC, Town Clerk

Approved as to form:

Approved as to content:

John Brown, Town Attorney

Frank W. Robinson, Town Manager



**Town of Apple Valley
Building & Safety**

ELIGIBILITY CHECKLIST FOR ROOFTOP SOLAR PV FOR ONE AND TWO-FAMILY UNDER 10KW

GENERAL REQUIREMENTS

- A. System size is 10 kW AC CEC rating or less Y N
- B. The solar array is roof-mounted on one- or two-family dwelling or accessory structures Y N
- C. The solar panel/module arrays will not exceed the maximum legal building height Y N
- D. Solar system is utility interactive and without battery storage Y N
- E. Permit application is completed and attached Y N
- F. Solar system shall be placed on an approved permitted structure Y N
- G. Site diagram showing the arrangement of panels on the roof or ground, north arrow, lot dimensions and the distance from property lines to adjacent buildings/structures existing & proposed Y N

ELECTRICAL REQUIREMENTS *(provide a single line diagram to include items A thru E)*

- A. No more than four photovoltaic module strings are connected to each Maximum Power Point Tracking (MPPT) input where source circuit fusing is included in the inverter Y N
- 1) No more than two strings per MPPT input where source circuit fusing is not included Y N
- 2) Fuses (if needed) are rated to the series fuse rating of the PV module Y N
- 3) No more than one non-inverter-integrated DC combiner is utilized per inverter Y N
- B. For central inverter systems: No more than two inverters are utilized Y N
- C. The PV system is interconnected to a single-phase AC service panel of nominal 120/220 VAC with a bus bar rating of 225 A or less Y N
- D. The PV system is connected to the load side of the utility distribution equipment Y N
- E. A Solar PV Standard Plan and supporting electrical calculations is completed and attached Y N
- F. Licensed C-10 or C-46 Contractor may prepare & sign PV plans only if they are performing the Work, otherwise plans shall be prepared by a licensed California civil engineer Y N

STRUCTURAL REQUIREMENTS

- A. Structural Criteria, pursuant to CBC 1603.1 and supporting documentation is attached Y N
- B. Note on plans, Engineer of Record (EOR) shall provide a structural observation report that identifies any deficiencies that to the best of the structural observer's knowledge have not been resolved pursuant to CBC 1704.5.1 Y N
- C. Roof covering shall be Class A, in a non-deteriorated state and no more than 2 roof layers Pursuant to CBC1506.3 Y N
- D. Installation of PV racking and standoffs are in compliance with Table 1 & 2 or part 3 of PV Tool Kit for standoff spacing and roof rafter spans Y N

FIRE SAFETY REQUIREMENTS

- A. Clear access pathways to the structure is provided Y N
- B. Fire Classification solar system is provided Y N
- C. All required markings, warning signs and labels are provided Y N
- D. A diagram of the roof layout of all panels, modules, 3'-0" clear access pathways and approximate locations of electrical disconnecting means and roof access points is completed and attached Y N
- E. Provide screening or approved alternate to prevent debris from collecting under the panel array Y N

Notes:

1. *These criteria are intended for expedited solar permitting process.*
2. *If any items are checked NO, revise design to fit within Eligibility Checklist, otherwise permit application will be subject to the standard process.*

REV 5/2015 (MP)

An act to amend Section 714 of the Civil Code, and to amend Section 65850.5 of the Government Code, relating to solar energy.

[Approved by Governor September 21, 2014. Filed with Secretary of State September 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2188, Muratsuchi. Solar energy: permits.

(1) Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law states that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires a solar energy system for heating water to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would specify that these provisions address a statewide concern. The bill would additionally require a city, county, or city and county to adopt, on or before September 30, 2015, in consultation with specified public entities an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems, as specified. The bill would additionally require a city, county, or city and county to inspect a small residential rooftop solar energy system eligible for expedited review in a timely manner, as specified. The bill would prohibit a city, county, or city and county from conditioning the approval of any solar energy system permit on approval of that system by an association that manages a common interest development. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications to be certified by an accredited listing agency, as defined.

Because the bill would impose new duties upon local governments and local agencies, it would impose a state-mandated local program.

(2) Existing law prohibits any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document from effectively prohibiting or restricting the installation or use of a solar energy system. Existing law exempts from that prohibition provisions that impose reasonable restrictions on a solar energy system that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance. Existing law defines the term "significantly," for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 20% of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$2,000 over the system cost or a decrease in system efficiency of an amount exceeding 20%, as specified. Existing law requires a solar energy system for heating water subject to the provisions

described above to be certified by the Solar Rating Certification Corporation or another nationally recognized certification agency.

This bill would instead define the term “significantly,” for these purposes, with regard to solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, to mean an amount exceeding 10% of the cost of the system, not to exceed \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, and with regard to photovoltaic systems that comply with state and federal law, an amount not to exceed \$1,000 over the system cost or a decrease in system efficiency of an amount exceeding 10%, as specified. The bill would require a solar energy system for heating water in single family residences and solar collectors for heating water in commercial or swimming pool applications subject to the provisions described above to be certified by an accredited listing agency, as defined.

(3) Existing law requires an application for approval for the installation or use of a solar energy system to be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and prohibits the approver from willfully avoiding or delaying approval. **Existing law requires the approving entity to notify the applicant in writing within 60 days of receipt of the application if the application is denied, as specified.**

The bill would instead require the approving entity to notify the applicant in writing within 45 days of receipt of the application if the application is denied, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) In recent years, the state has both encouraged the development of innovative distributed generation technology and prioritized the widespread adoption of solar power as a renewable energy resource through programs such as the California Solar Initiative.

(b) Rooftop solar energy is a leading renewable energy technology that will help this state reach its energy and environmental goals.

(c) To reach the state’s Million Solar Roofs goal, hundreds of thousands of additional rooftop solar energy systems will need to be deployed in the coming years.

(d) Various studies, including one by the Lawrence Berkeley National Laboratory, show that, despite the 1978 California Solar Rights Act, declaring that the “implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems

is not a municipal affair ... but is instead a matter of statewide concern,” the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions and, contrary to the intent of the law, is both an “obstacle” to the state’s clean energy and greenhouse reduction goals and a “burdensome cost” to homeowners, businesses, schools, and public agencies.

(e) The United States Department of Energy, through its SunShot Initiative, has distributed millions of dollars in grants to local and state governments, including California jurisdictions, and nonprofit organizations to reduce the costs of distributed solar through streamlined and standardized permitting.

(f) A modernized and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state’s ability to reach its clean energy goals, and generate much needed jobs in the state, all while maintaining safety standards.

SEC. 2. Section 714 of the Civil Code is amended to read:

714. (a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of, or any interest in, real property, and any provision of a governing document, as defined in Section 4150 or 6552, that effectively prohibits or restricts the installation or use of a solar energy system is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on solar energy systems. However, it is the policy of the state to promote and encourage the use of solar energy systems and to remove obstacles thereto. Accordingly, 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.

(c) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the Government Code.

(2) Solar energy systems used for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the Plumbing and Mechanical Codes.

(3) A solar energy system for producing electricity shall also 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.

(d) For the purposes of this section:

(1) (A) For solar domestic water heating systems or solar swimming pool heating systems that comply with state and federal law, “significantly” means 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.

(B) For photovoltaic systems that comply with state and federal law, “significantly” means 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.

(2) “Solar energy system” has the same meaning as defined in paragraphs (1) and (2) of subdivision (a) of Section 801.5.

(e) (1) Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed.

(2) For an approving entity that is an association, as defined in Section 4080 or 6528, and that is not a public entity, both of the following shall apply:

(A) The approval or denial of an application shall be in writing.

(B) If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

(f) Any entity, other than a public entity, that willfully violates this section shall be liable to the applicant or other party for actual damages occasioned thereby, and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars (\$1,000).

(g) In any action to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney’s fees.

(h) (1) A public entity that fails to comply with this section may not receive funds from a state-sponsored grant or loan program for solar energy. A public entity shall certify its compliance with the requirements of this section when applying for funds from a state-sponsored grant or loan program.

(2) A local public entity may not exempt residents in its jurisdiction from the requirements of this section.

SEC. 3. Section 65850.5 of the Government Code is amended to read:

65850.5. (a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city, county, or city and county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city, county, or city and county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) Solar energy systems for heating water in single family residences and solar collectors used for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

(3) A solar energy system 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.

(g) (1) On or before September 30, 2015, every city, county, or city and county, in consultation with the local fire department or district and the utility director, if the city, county, or city and county operates a utility, shall adopt an ordinance, consistent with the goals and intent of subdivision (a), that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. In developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. An application that satisfies the information requirements in the checklist, as determined by the city, county, and city and county, shall be deemed complete. Upon confirmation by the city, county, or city and county of the application and supporting documents being complete and meeting the requirements of the checklist, and consistent with the ordinance, a city, county, or city and county shall, consistent with subdivision (b), approve the application and issue all required permits or authorizations.

Upon receipt of an incomplete application, a city, county, or city and county 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) The checklist and required permitting documentation shall be published on a publically accessible Internet Web site, if the city, county, or city and county has an Internet Web site, and the city, county, or city and county shall allow for electronic submittal of a permit application and associated documentation, and shall authorize the electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant. In developing the ordinance, the city, county, or city and county shall substantially conform its expedited, streamlined permitting process with the recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research. A city, county, or city and county may adopt an ordinance that modifies the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. If a city, county, or city and county determines that it is unable to authorize the acceptance of an electronic signature on all forms, applications, and other documents in lieu of a wet signature by an applicant, the city, county, or city and county shall state, in the ordinance required under this subdivision, the reasons for its inability to accept electronic signatures and acceptance of an electronic signature shall not be required.

(h) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection, except that a separate fire safety inspection may be performed in a city, county, or city and county that does not have an agreement with a local fire authority to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

(i) A city, county, or city and county shall not condition approval for any solar energy system permit on the approval of a solar energy system by an association, as that term is defined in Section 4080 of the Civil Code.

(j) The following definitions apply to this section:

(1) "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 a city, county, or city and county on another similarly situated application in a prior successful application for a permit. A city, county, or city and county 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.

(2) "Electronic submittal" means the utilization of one or more of the following:

(A) Email.

(B) The Internet.

(C) Facsimile.

(3) "Small residential rooftop solar energy system" means all of the following:

(A) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

(B) A solar energy system that 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.

(C) A solar energy system that is installed on a single or duplex family dwelling.

(D) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

(4) "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(5) "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.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.