



# City of Santa Barbara California

## PLANNING COMMISSION STAFF REPORT

**REPORT DATE:** November 5, 2015  
**AGENDA DATE:** November 12, 2015  
**PROJECT ADDRESS:** 3407 Sea Ledge Lane (MST2015-00100)  
**TO:** Planning Commission  
**FROM:** Planning Division, (805) 564-5470, extension 2687  
 Beatriz Gularte, Senior Planner *BEG*  
 Suzanne Riegler, Associate Planner *(SR)*

### I. PROJECT DESCRIPTION

The project consists of the installation of a 249 square foot photovoltaic system to be mounted on the roof of an existing two-story residence. The residence is located on a one-acre bluff top parcel.

### II. REQUIRED APPLICATIONS

The discretionary applications required for this project is a Coastal Development Permit (CDP2015-00003) to allow the proposed development in the Appealable Jurisdiction of the City's Coastal Zone (SBMC §28.44.060).

**APPLICATION DEEMED COMPLETE:** 10/13/15  
**DATE ACTION REQUIRED:** 1/11/16

### III. RECOMMENDATION

If approved as proposed, the project would conform to the City's Zoning and Building Ordinances and policies of the General Plan and Local Coastal Plan. The addition of solar panels to the existing residence will not increase the building height by more than a foot. In addition, the size and massing of the project are consistent with the surrounding neighborhood. Therefore, Staff recommends that the Planning Commission approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



Recent changes in Government Code 65850.5 restricts the review of the solar system design to public health or safety issues. The State law is silent with respect to conflicting state legislation. Staff consulted with the Ventura office of the California Coastal Commission and it was determined that the project requires a Coastal Development Permit because the project involves a risk of adverse environmental effect as provided in Section 13250 of Title 14 of the California Administrative Code because the property is located within 50 feet of the coastal bluff. Although not specifically stated in either State Law, the law that is most protective of the environment prevails. In addition, the city's recently adopted a Solar Energy System Review Process ordinance (Exhibit D) that states that coastal review is required per SBMC § 22.91.020.C3.

#### **A. ZONING ORDINANCE**

The project includes the installation of a rooftop photovoltaic system on an existing legal structure that is located outside of the required setbacks and will not result in the expansion of the buildings footprint. The proposed building height will not exceed the maximum allowed building height of 30-feet.

At the time of preparation of this report, Staff is following up on an enforcement case involving removal of pavement in the fire access turnaround area, removal of vegetation, and discarding of vegetation and other debris over the bluff face. This investigation may result in the need for an additional coastal development permit. A condition of approval has been added requiring that an application be submitted within the next sixty-days.

The City's Solar Ordinance SBMC §22.91.030.C.4, under Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems, allows for the solar energy system to be permitted and constructed; even if code violations exist elsewhere on the property if the solar energy system does not rely on any structures that are in violation with the code and the building inspection does not discover a life-safety hazard, SBMC § 22.91.020.C.4 or 22.91.030.C.4.

#### **B. GENERAL PLAN CONSISTENCY**

The installation of solar panels is consistent with the General Plan policies for renewable energy. Specifically, Environmental Resources Policy ER6.6 that states: "Solar Energy. Encourage the use of solar photo-voltaic arrays on new construction, redevelopment, and significant remodel projects, as appropriate, taking into consideration project scale and budget, building size, orientation, roof type, and current energy use."

#### **C. LOCAL COASTAL PLAN**

An LCP amendment has not been approved for the recently updated General Plan. Therefore, the previous General Plan Land Use Designation acts as the Local Coastal Plan Land Use Designation. This project site has a Land Use Designation of Residential (1 du /acre). The site is located in the Campanil neighborhood that is bordered on the north by Arroyo Burro Creek; on the south by the Pacific Ocean; on the east by the City limits line; and on the west by Hope Ranch. This neighborhood is characterized as large parcels which are either vacant or contain single-family dwellings.

Because the site is located within fifty feet of the edge of a coastal bluff in the Appealable Jurisdiction of the Coastal Zone, a Coastal Development Permit (CDP) is required for the installation of photovoltaic panels on the existing single family residence. In order to approve the CDP, the photovoltaic panels must be found consistent with both the City's Local Coastal Plan and the California Coastal Act. The project is located in Component One of the

City's Local Coastal Plan (LCP) which stretches from the city's westerly boundary, adjacent to Hope Ranch, east to Arroyo Burro Creek, and extending inland 1,000 yards.

The major coastal issues in this area that are applicable to projects in Component One include hazards of seacliff retreat, drainage, maintaining and providing public access both vertically and laterally along the bluffs, maintenance of existing public views of the coast and open space, protection of archaeological resources and neighborhood compatibility.

**Hazards and Seacliff Retreat** - The General and Local Coastal Plans strive to eliminate or reduce the hazards created by bluff loading and drainage related issues, which contribute to bluff erosion and undercutting of the slope. It is not expected that the installation of the photovoltaic system would significantly worsen the bluff loading. The applicant provided structural calculations prepared by Civil Engineer Saeid Mohammadi of Verengo Solar Plus! and dated November 7, 2014. The report assessed house geometry, design loads, seismic loading, wind loading, roof structural check, racking system check, and the seismic check. The Local Coastal Plan also states that new development on the top of a sea bluff shall be placed at such distance away from the edge of bluff that normal rates of erosion will not adversely affect the structure during its expected lifetime. This policy is implemented by locating new development outside the 75-year geological setback to protect bluffs from erosion and maintain the natural topography of the bluffs. While the existing residence is constructed at the bluff top, the installation of a minor design feature on an existing structure that covers only a small portion of the existing roof as a result the installation is not likely to extend the lifespan of the structure. There is also a rock revetment located along the toe of the slope, below the residence which provides additional protection from wave-induced erosion.

**Other Coastal Issues** - Drainage will not be affected by the installation of the photovoltaic system. The site does not serve as a public facility, recreation area, or public coastal access point. The photovoltaic panels will not inhibit public views because although the project site is visible from the beach the residence is built below a second step of the bluff from and the project site cannot be seen from Cliff Drive, which is the nearest public street. The project would not significantly change the pattern of development of single family homes in the area.

For these reasons, the project can be found consistent with the applicable policies of the California Coastal Act, the Local Coastal Plan, and all implementing guidelines.

## **VI. ENVIRONMENTAL REVIEW**

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303, New Construction or Conversion of Small Structures, which allows for the construction of new structures.

## **VII. FINDINGS**

The Planning Commission finds the following:

### **A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)**

1. The project is consistent with the policies of the California Coastal Act because the installation of photovoltaic panels will not add risk to life or property and will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area in a way that would require protective devices that would substantially later natural landforms along the bluff and cliff. The addition of the photovoltaic system

will not result in extending the life of the residence and will not contribute to increased rates of erosion on the bluff, as described in Section V. of the Staff Report.

2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the solar is minor rooftop equipment on a permitted residence and the improvement will not be visible from a public viewing location, as described in Section V of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, received March 3, 2015
- D. SBMC §22.91 Solar Energy System Review Process
- E. Applicable General Plan or Local Coastal Plan Policies



## PLANNING COMMISSION CONDITIONS OF APPROVAL

3407 SEA LEDGE LANE  
COASTAL DEVELOPMENT PERMIT  
NOVEMBER 12, 2015

I. In consideration of the project approval granted by the Planning Commission and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:

1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
2. Record any required documents (see Recorded Conditions Agreement section).
3. Permits.
  - a. Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
  - b. Submit an application for and obtain a Public Works Permit (PBW) for all required public improvements and complete said improvements.

Details on implementation of these steps are provided throughout the conditions of approval.

B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on **TBD** is limited to the installation of 294 square feet roof mounted, solar system signed by the chairperson of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Coastal Bluff Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from waves during storms and erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.
3. **Geotechnical Liability Limitation.** The Owner understands and is advised that the site may be subject to extraordinary hazards from landslides, erosion, retreat, settlement, or subsidence and assumes liability for such hazards. The Owner

## EXHIBIT A

unconditionally waives any present, future, and unforeseen claims of liability on the part of the City arising from the aforementioned or other natural hazards and relating to this permit approval, as a condition of this approval. Further, the Owner agrees to indemnify and hold harmless the City and its employees for any alleged or proven acts or omissions and related cost of defense, related to the City's approval of this permit and arising from the aforementioned or other natural hazards whether such claims should be stated by the Owner's successor-in-interest or third parties.

4. **Community Development Department.**

- a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.

C. **General Conditions.**

1. **Abatement of Violations.** The property owner shall submit an application to abate outstanding violations within sixty (60) days of receiving a notice of violation.
2. **Construction Parking.** All construction parking is limited to areas designated for parking and shall not contribute to the loading on the bluff top or the blocking of fire access lanes.
3. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
4. **Approval Limitations.**
  - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
  - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Planning Commission.
  - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.
5. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and

independent contractors (“City’s Agents”) from any third party legal challenge to the City Council’s denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively “Claims”). Applicant/Owner further agrees to indemnify and hold harmless the City and the City’s Agents from any award of attorney fees or court costs made in connection with any Claim.

Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of being notified of a lawsuit regarding the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City’s sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City’s Agents from independently defending any Claim. If the City or the City’s Agents decide to independently defend a Claim, the City and the City’s Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

**NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:**

The Planning Commission action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.





# City of Santa Barbara California

Exhibit B: The site plan for 3407 Sea Ledge has been distributed separately.

A copy of the plans is available for viewing at the Planning and Zoning Counter, 630 Garden Street, Santa Barbara, CA between the hours of 8:30 A.M and 4:30 P.M. Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates.



RECEIVED  
MAR 03 2015

CITY OF SANTA BARBARA  
PLANNING DIVISION

Dear Planning Commission,

I am seeking a conditional use permit and need planning commission approval for a PV project. The proposed project is a roof mounted photovoltaic system that is 14 modules, 3.50 KW, and is located on the SE part of the home. The roof face area is 668.31 square feet, and the solar array will be 250 square feet. There will be no removal of existing trees or significant vegetation. The land use to the south is a beach area, to the west and east is a bluff area, and to the north are residential houses. The proposed project does not include added exterior lighting. It would not create smoke or odors. It would not create new noise source. Geotechnical studies have not been prepared. Constraint studies have not been prepared. There are no designated recreational trails traversing the project site. It is located on a bluff looking over the ocean. City of Santa Barbara provides water to the site. There will be no demolition. The estimated duration of construction activity is about a 1 day. The number of workers is about 5 to 6. The equipment necessary is solar modules, racking systems, conduit wire, inverters, ladders, meters, and piping. The staging area would be the Southwest roof area of the house. The drainage is controlled by a drainpipe that goes down the canyon and rills on the bluff face slowing bluff erosion from water flowing over the bluff edge. The project would not involve the usage or disposal of hazardous materials. Our proposed project goals are simply to put a 250 square solar PV array on the roof of the house. There would be no destruction or demolition and it would be done in a day. Our project goals are to lower the customer's utility bill and make less an impact on the environment.

RECEIVED  
MAR 03 2015

2-25-15

Verengo Solar

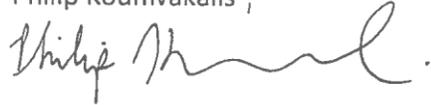
20285 S Western Avenue

Torrance, CA 90501

CITY OF SANTA BARBARA  
PLANNING DIVISION

I, Philip Koumvakalis, permit coordinator, compiled the tenant mailing labels.

Philip Koumvakalis ,



## Chapter 22.91

### SOLAR ENERGY SYSTEM REVIEW PROCESS

#### Sections:

- 22.91.010 Definitions.**
- 22.91.020 Administrative Approval Process.**
- 22.91.030 Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems.**

#### 22.91.010 Definitions.

The following words and phrases as used in this Chapter 22.91 are defined as follows:

- A. "Electronic submittal" means the utilization of one or more of the following:
  - 1. e-mail, or
  - 2. the internet, or
  - 3. facsimile.
- B. "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 (b) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
- C. "Small residential rooftop solar energy system" is a solar energy system that satisfies all of the following elements:
  - 1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
  - 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 paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time;
  - 3. A solar energy system that is installed on a single residential unit or two-residential unit (as defined in Chapter 28.04 of this Code); and
  - 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.
- D. "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, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
- E. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health and safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Ord. 5713, 2015.)

#### 22.91.020 Administrative Approval Process.

The City shall administratively approve applications to install solar energy systems pursuant to the provisions of this Chapter 22.91. If an application for a solar energy system satisfies all of the requirements of the Small Residential Rooftop Solar Energy System checklist, the application shall receive expedited review pursuant to Section 22.91.030. Otherwise, all applications to install solar energy systems shall be processed pursuant to this Section 22.91.020.

- A. Application. Prior to submitting a solar energy system permit application and checklist to the City, 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 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. Verify that the existing electrical system's current or proposed configuration will accommodate all new photovoltaic electrical loads in accordance with the edition of the California Electrical Code in effect at the time the solar energy system permit application is submitted; and
  - 3. Verify that the proposal is exempt from, or otherwise complies with, the coastal development permit requirements pursuant to Public Resources Code 30610, Sections 13250 to 13253 of Title 14 of the California Administrative Code, and Chapter 28.44 of the Santa Barbara Municipal Code.



B. Extent of Review. The review of all applications to install a solar energy system shall be limited to the Building Official's review of whether the proposed solar energy system meets all health and safety requirements of local, state, and federal law, and the City Planner's review of applicable building height, open yard requirements, and zoning setbacks pursuant to Title 28 of the Santa Barbara Municipal Code. If the Building Official 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 shall require the applicant to obtain a Performance Standard Permit.

C. Standards for Solar Energy Systems. All solar energy systems proposed for installation within the City of Santa Barbara shall meet the following standards, as applicable:

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, including building height, zoning setback, minimum open yard, and permitted construction standards.

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.

4. Solar energy systems may be installed on a property with outstanding violations of the City's Municipal Code so long as both of the following requirements are satisfied:

a. The proposed solar energy system installation will not rely upon prior construction that was identified as a violation in an unresolved City notice or document; and

b. In the course of conducting the building inspection for a solar energy system, a health or life-safety hazard is not observed. Examples of such hazards include, but are not limited to, conditions that could lead to structural failure, electrical shock, and sanitary sewer failures.

D. Performance Standard Permit. In the case where the Building Official 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 solar energy system shall not be installed until a Performance Standard Permit has been issued for the solar energy system pursuant to Chapter 28.93 of this Code. The Performance Standard Permit shall require the installation or incorporation of methods or conditions necessary to minimize or avoid the specific, adverse impact.

E. Appeal. The Building Official's decision that a proposed solar energy system could have a specific, adverse impact upon the public health and safety is appealable in accordance with the following procedures:

1. Who May Appeal. The decision of the Building Official may be appealed to the Planning Commission by the applicant. No other persons can appeal.

2. Timing for Appeal. The applicant must file a written appeal with the Community Development Director no more than 10 calendar days following the Building Official's decision. The appeal shall include the grounds for appeal.

3. Grounds for Appeal. The decision of the Building Official may be appealed on the grounds that the Building Official's decision that a proposed solar energy system could have a specific, adverse impact upon the public health and safety is not supported by substantial evidence.

4. Scheduling an Appeal Hearing. The Community Development Department shall assign a date for an appeal hearing before the Planning Commission no earlier than 10 calendar days after the date on which the appeal is filed with the Community Development Director. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing.

5. Power to Act on the Decision at Appeal Hearing. The Planning Commission may affirm, reverse, or modify the Building Official's decision that a proposed solar energy system could have a specific, adverse impact upon the public health and safety in accordance with the following:

a. A decision to affirm the decision of the Building Official shall require a finding based on substantial evidence in the record that the proposed solar energy system could have a specific, adverse impact upon the public health and safety.

b. If the Planning Commission determines that there is not substantial evidence that the solar energy system could have a specific adverse impact upon the public health and safety, then the decision of the Building Official shall be reversed and the project shall be approved.

c. If the Planning Commission determines that conditions of approval would mitigate the specific adverse impact upon the public health and safety, then the decision of the Building Official shall be reversed and the project shall be conditionally approved. Any conditions imposed shall mitigate at the lowest cost possible, which generally means the permit condition shall not cause the project to exceed 10 percent of the cost of the small rooftop solar energy system or decrease the efficiency of the small rooftop solar energy system by an amount exceeding 10 percent.

6. The decision of the City Planning Commission is final. (Ord. 5713, 2015.)

## **22.91.030 Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems.**

In compliance with Government Code Section 65850.5, the City has developed an expedited and streamlined permitting process for qualifying Small Residential Rooftop Solar Energy Systems. The submittal requirements and review procedures for applications of Small Residential Rooftop Solar Energy Systems are as follows:

A. **Application Checklist.** In order to be eligible for expedited review, prior to submitting a solar energy system permit application and checklist to the City, 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 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. Verify that the existing electrical system's current or proposed configuration will accommodate all new photovoltaic electrical loads in accordance with the edition of the California Electrical Code in effect at the time the solar energy system permit application is submitted; and
3. Verify that the proposal is exempt from, or otherwise complies with, the coastal development permit requirements pursuant to Public Resources Code 30610, Sections 13250 to 13253 of Title 14 of the California Administrative Code, and Chapter 28.44 of the Santa Barbara Municipal Code.

B. **Application Submission.** The City accepts the submission of applications for Small Residential Rooftop Solar Energy Systems and the associated checklist and documentation in person at the Building Permit counter or by electronic submittal. The City shall accept signatures electronically for electronic submittals.

C. **Standards for Solar Energy Systems.** All solar energy systems proposed for installation within the City of Santa Barbara shall meet the following standards, as applicable:

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, including building height, zoning setback, minimum open yard, and permitted construction standards.
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.
4. Solar energy systems may be installed on a property with outstanding violations of the City's Municipal Code so long as both of the following requirements are satisfied:
  - a. The proposed solar energy system installation will not rely upon prior construction that was identified as a violation in an unresolved City notice or document; and
  - b. In the course of conducting the building inspection for a solar energy system, a health or life-safety hazard is not observed. Examples of such hazards include, but are not limited to, conditions that could lead to structural failure, electrical shock, and sanitary sewer failures.

D. **Application Review.** The Building and Safety Division shall confirm whether the application and supporting documents are complete and meet the requirements of the City's Small Residential Rooftop Solar Energy System checklist. The Building and Safety Division shall review applications for Small Residential Rooftop Solar Energy Systems within 24 working hours (3 working days) of submission. Mounting the solar panels on the plane of the roof with the California Solar Permitting Guide "Flush Mount" standards, will eliminate the need for confirmation of maximum building height.

E. **Complete Application.** An application that satisfies the information requirements specified in the City's Small Residential Rooftop Solar Energy System checklist shall be deemed complete.

F. **Incomplete Application.** If the Building and Safety Division determines that an application for a Small Residential Rooftop Solar Energy System is incomplete, the Building and Safety Division shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. Alternatively, if the Building and Safety Division determines that the proposed solar energy system, as proposed, will not qualify as a Small Residential Rooftop Solar Energy System, the Building and Safety Division may recommend that the applicant resubmit his or her application pursuant to Section 22.91.020.

G. **Permit Approval.** Upon confirmation by the Building and Safety Division that the application and supporting documents are complete and meet the requirements of the Small Residential Rooftop Solar Energy System checklist, the Building Official shall approve the application and issue all required permits or authorizations electronically.

H. **Inspections.** The installation of a Small Residential Rooftop Solar Energy System shall only require one building inspection which, if a fire inspection is required, shall be consolidated with the fire inspection. If the installation of the Small Residential Rooftop Solar Energy System fails the inspection, a subsequent inspection or inspections shall be required, at the applicant's expense, until the installation passes inspection or is cancelled and the solar energy system is removed to the satisfaction of the Building Official. (Ord. 5713, 2015.)



# APPLICABLE COASTAL AND GENERAL PLAN POLICIES

## PUBLIC RESOURCES CODE 30253

30253. New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

## LOCAL COASTAL PLAN

### GENERAL POLICIES

The applicable general policies of the Land Use Plan for the City's coastal zone are as follows:

- Policy 1.1            The City adopts the policies of the Coastal Act (Public Resources Code Sections 30210 through 30263) as the guiding policies of the land use plan.
- Policy 1.2            Where policies within the land use plan overlap, the policy which is the most protective of resources, i.e. land, water, air, etc., shall take precedence.
- Policy 1.3            Where there are conflicts between the policies set forth in the land use plan and those set forth in any other element of the City's existing General Plan or existing regulations, the policies of the land use plan take precedence.
- Policy 8.2            With the exception of drainage systems identified in Policy 8.1, no development shall be permitted on the bluff face except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.
- Policy 9.1            The existing views to, from, and along the ocean and scenic coastal areas shall be protected, preserved, and enhanced.

## EXHIBIT E

## APPLICABLE GENERAL PLAN POLICIES

### ENVIRONMENTAL RESOURCE ELEMENT

#### Environmental Resources Policy

ER6.6 Solar Energy. Encourage the use of solar photo-voltaic arrays on new construction, redevelopment, and significant remodel projects, as appropriate, taking into consideration project scale and budget, building size, orientation, roof type, and current energy use.

### SAFETY ELEMENT

#### Coastal Bluff Development

- S23. Coastal Bluff Development Guidelines. The following guidelines shall be used to evaluate proposed development on coastal bluffs:
- a. Setbacks from the bluff edge shall be adequate to address long-term erosion and slope stability issues.
  - b. Development, redevelopment, renovations, and additions on bluff top parcels shall be located and designed so that they will not be adversely affected by the long-term erosion of the adjacent cliff. A minimum period of 75 years shall be considered when evaluating the effects of bluff retreat over the life of a project. New development shall be placed at a distance away from the bluff edge such that the long-term erosion of the bluff will not seriously affect the structure during its expected lifetime.
  - c. All development, redevelopment, renovations and additions on bluff top parcels shall be located and designed so that erosion of the bluff at the project site or other locations will not be exacerbated. This includes, but is not limited to, locating and designing structures and other improvements to prevent a substantial increase in water percolation, weight placed near the bluff edge, and drainage over the bluff edge and down the cliff face.
  - d. For proposed new development which may become threatened by bluff erosion, coastal development permit conditions shall require demolition by owners in the event that failure of the structure due to future bluff erosion is deemed imminent by the City.
- S27. Loading. Development that will result in excessive weight to the top of the bluff (e.g., large structures, swimming pools, artificial fill, non-native vegetation etc.) should be discouraged.
- S30. Development on the Cliff Face. With the exception of drainage systems identified in Policy S26, no development shall be permitted on the cliff face except for engineered staircases or access ways to provide public beach access and pipelines for scientific research or coastal dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.