



# City of Sebastopol Council Agenda Report

Agenda Report Reviewed by:  
City Manager *[Signature]*

Mayor  
Michael Kyes

Vice Mayor  
Robert Jacob

City Council  
John Eder  
Sarah Glade Gurney  
Patrick Slayter

City Manager/  
Attorney  
Larry McLaughlin

City Clerk  
Mary Gourley

**Meeting Date:** May 7, 2013  
**To:** Honorable Mayor and City Councilmembers  
**From:** Glenn Schainblatt Building Official  
**Subject:** Public Hearing - Introduction of Ordinance and Waiving of Further Reading Establishing a Mandatory Solar Photovoltaic Requirements Ordinance to Promote the Reduction of Green House Gas Emissions

Create Chapter 15.72 Mandatory Solar Photovoltaic Requirements  
**Recommendation:** That the City Council conduct the public hearing and introduce for first reading an Ordinance to Establish a Mandatory Solar Photovoltaic Requirements Ordinance to Promote the Reduction of Green House Gas Emissions  
Create Chapter 15.72 Mandatory Solar Photovoltaic Requirements

**Funding:** Currently Budgeted: \_\_\_ Yes \_\_\_ No x N/A  
The proposed ordinance does not have immediate impact on the City's finance. The City has an established permit system for inspection of the installation of solar photovoltaic systems, with an established fee structure. This ordinance does not affect the fee structure.

**Background**

In January 2002 the City of Sebastopol City Council joined with all the Sonoma County jurisdictions in pledging support to reduce green house gas emissions county wide as part of the National effort. In expressing their desire to reduce greenhouse gas emissions the City Councils finds that solar photovoltaic systems are readily available, and the use of these systems will promote the City's commitment to attaining it's goal of a 25% reduction of green house gas.

**Ordinance**

The City Council at their meeting of March 19, 2013, reviewed the proposed ordinance. Public comment was received as well as Council comment. The proposed ordinance revised to reflect these comments and changes.

All new residential and commercial buildings and residential additions, remodels and alterations that exceed seventy five percent of the structure will be required to install a solar photovoltaic system at the time of construction. The Council may establish an in lieu fee for projects that cannot achieve full compliance.



AGENDA ITEM NUMBER:

#5

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The current fee schedule allows any new project that submits for building permit application that includes a solar photovoltaic system will not incur any additional permit fees for the system.

## Chapter 15.72

### Mandatory Photovoltaic System Requirements

15.72.010	Findings
15.72.020	Purpose
15.72.030	When Required
15.72.040	Size
15.72.050	Exceptions
15.72.060	Proof of Compliance
15.72.070	Effective Date

#### **15.72.010 Findings**

- A. Reduction of Green House Gases is a stated goal of the City of Sebastopol. As a responsible environmental steward the City of Sebastopol is committed to policies and programs that conserve and use natural resources wisely.
- B. Solar Photovoltaic technology and equipment have become reasonably available.
- C. Therefore consistent with its authority as a municipal corporation and its responsibility to protect the public health, safety and welfare the City hereby enacts requirements for new construction and specified additions to existing structures to increase energy conservation and reduce green house gas emissions.

#### **15.72.020 Purpose**

This ordinance addresses installation of solar photovoltaic systems for all new commercial and residential building construction and specified additions to existing structures.

#### **15.72.030 When Required**

New commercial or residential buildings, and specific alterations, additions and remodels require the installation of a photovoltaic energy generation system. Any addition to an existing commercial building which increases the square footage by 1800 square feet or greater and all commercial remodels, alterations or repairs that are made involving demolition, remodel or repair of more than 50% of the structure.

Any addition to an existing residential building which increases the square footage by 75% or greater and all residential remodels, alterations or repairs that are made involving demolition, remodel or repair of more than 75% of the structure.

At the time of submittal of a Building Permit application for a new commercial building or addition over 1800 square feet or alterations, remodel or repairs over 50% or more of the structure or new residential building or residential addition, alteration, remodel or repairs of 75% or more of the structure an applicant shall be required to submit plans and specifications for a solar photovoltaic system included in the submittal application.

Buildings and structures of an accessory character as defined in the California Building and Residential Code as Group U occupancies and Residential Buildings 840 square feet or less are not regulated by this ordinance.

#### **15.72.040      Size**

Minimum system size may be calculated by either of two methods, prescriptive or performance.

Prescriptive Method. The minimum system size utilizing the prescriptive method is two watts per square foot of conditioned building area including existing, remodeled and new conditioned space. Watts are calculated by using the nameplate rating of the photovoltaic system. There are no considerations for performance such as tilt, orientation shading or tariffs.

Performance Method. The system sizing requirement for the performance method shall be calculated using modeling software or other methods approved by the official. The total building load including conditioned and unconditioned space is calculated in kilowatt hours. The photovoltaic system annual output is calculated by factoring in system orientation, tilt, shading, local weather conditions and equipment efficiency. The photovoltaic system must offset 75% of the electrical load of the building on an annual basis.

Incentives, to be determined by the official, shall be instituted for installations which exceed the minimum size required.

Methods of electrical energy production through renewable sources other than photovoltaic systems shall be considered when calculating the total requirement for any specific project.

#### **15.72.050      Exceptions**

The Building Official may exempt facilities from the provisions of this Chapter, and impose reasonable conditions in lieu of full compliance herewith, if the Official determines that there are practical difficulties involved in carrying out the provisions of this chapter. Practical difficulties may be the result of the building site location, shading resulting from topography or other conditions. Reasonable conditions may include the use of alternate energy systems, exceeding mandatory energy compliance standards by ten percent or other methods as determined. The Official may require that sufficient

evidence or proof be submitted to substantiate any exception or acceptance of alternatives.

The City Council may establish an in lieu fee as an acceptable alternative for full compliance.

The in lieu fee shall be 90% of the permit valuation amount for a similar sized system and shall be based upon historical data collected by the building department for the previous twelve calendar months.

Owners of multiple properties may install a single photovoltaic system meeting the aggregate energy generation requirement for all owned properties which require compliance with this chapter.

Properties which have a previously installed photovoltaic system are required to increase the size of any existing system to meet the current minimum standards.

#### **15.72.060 Proof of Compliance**

Prior to the issuance of a Certificate of Occupancy for new construction or a Final inspection for specified additions the owner of record or his agent shall certify in writing that the solar photovoltaic system is operational.

#### **15.72.070 Effective Date**

This ordinance shall take effect 60 days after its passage, but shall not be applicable to complete applications for plan check filed with the Sebastopol Building and Safety Department as of the effective date of this ordinance, except at the election of the applicant.

Now, therefore, the City Council does hereby introduce Ordinance Number 1054.

IN COUNCIL DULY APPROVED FOR INTRODUCTION AND FIRST READING on this 7th day of May, 2013.

SCHEDULED FOR SECOND READING AND ADOPTION on the 21st day of May, 2013.

VOTE:

City of Sebastopol Council:

Ayes:

Noes:

Absent:

Abstain:

Approved: \_\_\_\_\_

Mayor Michael Kyes

Attest: \_\_\_\_\_

Mary Gourley, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Larry McLaughlin, City Attorney