



Expedited Permitting Process
Residential Roof-Top Mounted Solar Installations
Appendix 2 – Building Official Opinion - AB 2188

AB2188

Assembly Bill 2188 was passed by the California State Assembly and signed into law by the Governor of California. The Bill modifies California Government Code Section 68580.5 (a) and establishes a mandatory expedited permitting process for (i) photovoltaic electrical solar systems with roof-top mounted panels with a maximum system rating of 10kW or less and (ii) photovoltaic solar water heating systems with roof mounted collectors with a maximum rating of 10 kWth and less. The bill mandates that by no later than September 30, 2015, all Building Departments in California shall adopt an Ordinance consistent with the mandates of the Bill and the most recent addition of the California Solar Permitting Guidebook, developed by the Governor’s Office of Planning and Research.

Since 1953, the laws that have been applicable to the City of Calabasas and all other cities in California are the “California Building Codes.” The California Building Codes have been promulgated by the California Building Standards Commission (CBSC), a commission within the State of California Department of General Services. Commission members are appointed by the Governor and confirmed by the State Senate. CBSC members represent the public, building design professionals, the building and construction industry, local government building officials, fire officials, and labor. The CBSC in turn have several hearings with stakeholders of all entities with the technical expertise, to provide expert analysis and opinion, both positive and negative, about the proposed codes being considered. The CBSC overall adoption process for building codes is careful, methodical, and adheres to the Administrative Procedure Act - Government Code Section 11340 Chapter 3.5 “Administrative Regulations and Rulemaking.” Through this procedure as described, the BSC revises the codes on a triennial cycle and the process enables the commission to address recent hazards, dramatic failures, and tragedies associated with faulty building construction that have been revealed during that three year cycle. Again, although the process is revising minimum standards, they should not be construed as shoddy or inferior. California experiences natural disasters of significant magnitude yet the loss of life is ominously lower than other areas in not just our Country, but the entire world. Calabasas’s adoption of The California Building Standards ensure our citizens can rest assured that the buildings they dwell within, visit for shopping, frequent for dining, use for recreation, and use for all other business needs - are the safest buildings in the world.



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Historically, the primary intent of modern building regulations has been to prevent the loss of life by establishing reasonable controls for the construction, use and occupancy of buildings. Codes are “minimum” in nature; however, these are minimum standards, and the City of Calabasas encourages the design license community and licensed contractors to promote construction of higher quality because building codes do not address aesthetic considerations or quality control. In fact, California building codes had no considerations beyond the protection of life safety until the late 1980’s with the introduction of energy conservation requirements, and as of most recently in 2010 when the “Green Building Standards Code” became mandatory State wide.

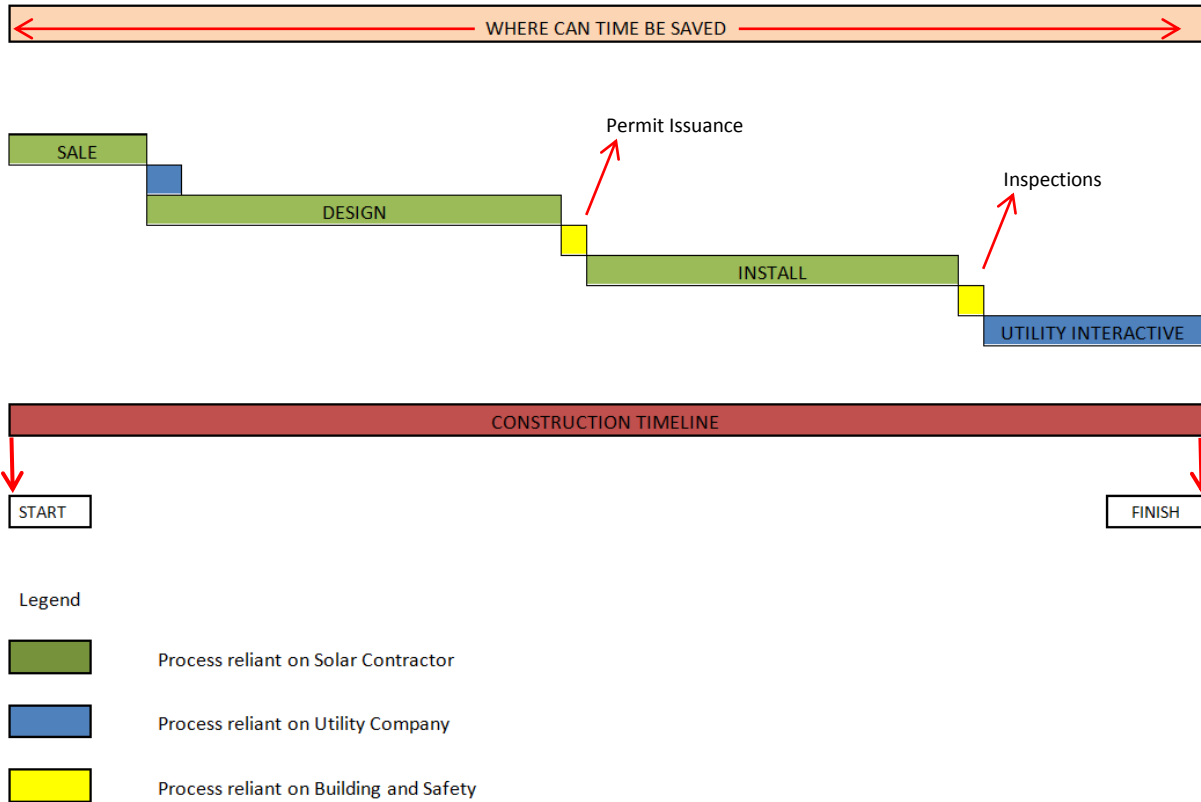
During the last 20 years, it has become more common for elected officials such as State Assembly Members and State Senators, to enact laws that dramatically impact building code procedures via various Assembly and Senate Bills. The modifications are typically made part of the California Civil Code and the California Government Code, and in essence, they supersede the California Building Codes yet the intent of the modifications have nothing to do with protection of life safety, nor does their process include relevant review periods and hearings with stakeholders and committee members that have expertise in the technical matters being considered. A good recent example was the passage of Assembly Bill 2188 that will go into effect September 30, 2015. The bill cites the importance of facilitating solar energy installations, and entirely focuses new mandates and obligations to building departments. The mandates are in response to the solar industry and special interest group’s allegations, based on surveys they conducted, that Building Departments stymie the progress of contractors with excessive building permit issuance and inspection delays, thereby causing their construction timelines to be extended. The advocates did not provide a balanced approach during their lobby efforts – they did not consider any other potential cause for delays for construction timelines of solar systems I.E; they did not include timeline criteria of the solar design team to be accountable for good time management practices related to their design and delivery of a usable product to their customers; nor did they place any emphasis on a contractor’s obligation to initiate good business practices, nor did they consider any time delays related to utility companies “spotting” and installing new meters and making the new systems interactive with the utility grid. Unfortunately, there was entirely a one-sided approach to the survey. With laser focus on building departments; no consideration to the other true entities responsible for 90 percent of the construction timeline were addressed and the bill places all burden for shortening the construction timelines to building departments. The most troubling aspect of AB2188, is that it even goes so far as to direct Building and Safety departments to forgo traditional and important required inspections – per the new law - only “one inspection,” in essence a “final inspection,” may be performed by the building department.

(See Small Photovoltaic Construction Timeline on Next Page)



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Small Photovoltaic System Construction Timeline



AB2188, does have two clear beneficial goals - it strives to have Building Departments rules and processes transparent and consistent with other building departments. It also encourages Building Departments to review permit applications and construction plans in a timely matter and have inspections performed in a reasonable amount of time. The City of Calabasas has always been a front runner in customer service and good administrative practices, so those new mandates will have little effect on our processes. The Bill also mandates that building department’s process permits for these small projects via email or internet. The City of Calabasas Building and Safety Department currently has a process that complies with the law (via the use of email with pdf attachments), and will shortly be unveiling a web-based interactive process for permit applicants to secure permits.