

Planning Commission
City of Santa Barbara
PO Box 1990
Santa Barbara, CA 93102-1990

December 10, 2006
Dear Commissioners:

First of all, I apologize for the length of this letter. Since I am at best a two-fingered typist, it is as painstaking for me to type it as it is for you to read it. I also may not have some of the language accurate as far as zoning is concerned. But I think your hearing of the experience and perspective of an interested community member might be useful, and that you will get my point.

In spring of 2006, about 9 months ago, I began to investigate the possibility of installing photovoltaic (solar) panels on my property: costs, power production, time to recoup cost if installed, rebates, tax credits, different companies, procedures, etc. I reviewed the State of California's civil codes encouraging the use of solar energy. I was pleased to see that the City of Santa Barbara was a participant in the Million Solar Roofs Partnership. I read the Community Environmental Council's Reports "Removing Barriers to Solar Energy in Santa Barbara County" (Dec. 2004) and "Solar Energy in Santa Barbara County: The Next Step to Removing Barriers" (Jan. 2006). The latter discussed the city's adopting new permitting guidelines that would reduce fees and streamline some of the permitting process, anticipated in early 2006. Unfortunately, I did not check to see if they had been adopted.

In June I signed with REC, a solar contractor. They estimated installation in August. For aesthetic purposes, I planned to put the panels on my garage, a flat roof structure with a small parapet. The garage is set back about 50 feet from the sidewalk at the end of a narrow driveway typical of my neighborhood of old homes. Even tilted, as the contractor suggested for efficiency, it is far less visible than if on the front, street-facing roof which is also at a good angle for solar panels. The house front was REC's original suggestion from analysis of the aerial maps, but I had already decided against it for aesthetics. I was aware that my garage is a non-conforming use, sitting within the existing setbacks. Almost every garage in my part of town is. I informed the contractor. We were both surprised, however, when the permit was not issued. My options were to:

1. Keep the panels on the garage, but not place them in the setback, thus reducing the output by about 30%.
2. Put the panel elsewhere, the optimal site being on the front street-facing roof, a much less desirable place aesthetically.
3. Apply for a zoning modification, which would cost \$600 and likely take 30-60 days.
4. Abandon the project.

A friend of mine was going through the same process simultaneously. We had discussed installing solar, gone over the benefits, and each decided to proceed on our own houses. She did not realize that her garage was also non-conforming. When that issue arose, she simply had the panels put on the front of her house. But my house is older (1920s) and, I like to think, has character or charm or whatever it is we love about these old energy-inefficient houses.

The city planning office was very helpful in discussing the barriers both with REC and me. We had both erroneously thought that my kind of situation was precisely the kind that streamlining was made for: a "no-brainer." But the streamlining procedures were not yet in place, so the old rules still applied. Jaime Limon was particularly responsive in explaining how things worked to me and REC under the current system, and explained that there was still work being done on solar guidelines. I was ready to proceed with the zoning modification request, but REC requested I hold off for a while. They were in discussions with the Community Environmental Council and the city about the upcoming guidelines being developed, and were very optimistic that it wouldn't take long. Tam Hunt of the CEC was also helpful in letting me know they, too were working with the city in these issues. In October I was informed by REC that the city was very close to signing off on changing the zoning ordinance to fit situations such as mine. The guidelines are out, but they do not streamline the process or decrease fees.

The City of Santa Barbara has stated its commitment to development of sustainability, including the promotion of solar power, for several years. Yet in the nearly 2 years since the CEC's first report on removing the obstacles to further development of solar implementation, few concrete steps has been made to streamline the process or encourage the individual homeowner to install it. Many of the homes in Santa Barbara, particularly those in the "grid" do not comply with current zoning requirements. In my neighborhood of older homes, most have detached garages lying within the setback. Many of these garages are well-located for PV panels, and the panels would be barely if at all seen from the street or sidewalk. It would be easy to place the panels on the house front, but far less appealing to the eye. Continuing barriers to PV or solar thermal systems because of zoning setbacks will prevent many people from taking the next step. The recent adoption of waiver for front setbacks is a step, although an odd one in my opinion. From an aesthetic standpoint, the waiver of the most publicly visible aspect of the property and the continued requirement for the less visible side or back setbacks is peculiar, unless the goal is to have the panels visible to the greatest number of people. I suppose that's one way to encourage interest in solar installations, but why not the rear and side setbacks at the same time?

What could the City do to actually promote and encourage individual homeowners to go solar?

1. *Waive all or part of fees of solar retrofits on existing structures, or at least any fees beyond the standard over the counter fees. Waive the solar portion of fees on new construction.*

Council member Falcone actually suggested fee waivers briefly in her discussion of the proposed guidelines for solar at the Dec. 5 council meeting, but no further discussion on this specific ensued. Subsidies or waivers of other zoning requirements are made for other construction projects which the city deems priorities: increased density for affordable housing, lessening of required parking spaces for infill projects or affordable housing. *Make solar the same kind of priority.* If this is unacceptable, at least waive any additional fees required beyond the over the counter permit. Face it- while many of our residents are dedicated to the idea of sustainable living, solar energy and the like, rebates, tax credits and the like are still a nice carrot. Additional fees, such as a \$600 I was quoted for a modification hearing, are a disincentive, not even a neutral component. Sure it's within the letter of the law (California Civil Code) which states that a "significant" increase in cost is \$2000. With the maximum federal tax credit for residential systems at \$2000 (less than 10% of the cost of a 3kW home system) one can negate the other. Commercial tax credits are 30% with no maximum, which makes the payback much better on commercial projects.

2. *Eliminate the requirement for a zoning modification hearing of solar installations on existing non-conforming structures that fall within current zoning setbacks.* This has been done for front setbacks and should also apply to rear and side yard setbacks. The proposal to refer back to the planning department the issue of waiving the side and rear setback requirements was made at the council meeting. I am hopeful a positive decision will be reached soon. *If this can't be done, expedite the process by which zoning modifications solely for solar installations are handled.*

A 30 to 60 day delay when by law the review can be solely limited to health and safety requirements seems excessive. The solar company came prepared to my house having examined aerial views of the property. Inspection of these by the city should often be enough to see if there are any health or safety issues.

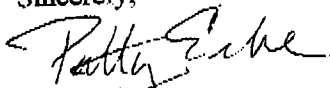
3. The recently approved "Solar Energy Guidelines & Solar Recognition Award Program" and pamphlet to be distributed at the planning desk may help as far as the development of aesthetically desirable installations. It is essential that residents and local solar contractors, who are the primary designers of the systems, perceive the guidelines as an aid, not an obstacle. The process of achieving aesthetics needs to be made easier or people will choose the less difficult and not always the most visually pleasing option. Recognition probably isn't sufficient reward for \$600 and 1-2 months delay. People putting solar in are not doing it for recognition, but because it is the way to go. *Make it easier to do the right thing and do it the in a visually appealing way.*

The city is following the letter of the state law in processing solar installation plans as it would any other architectural modification. Facilitating the process, and minimizing fees, would demonstrate the city's commitment to the spirit of the law which states that *"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 installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems." Easing the procedure and fees would emphasize renewable energy as a priority, taking the proactive approach quoted in the recently adopted "Solar Energy System Design Guidelines & Solar Recognition Award Program" and following the recommendations in the CEC's publications about removing barriers. It may also encourage residents to do the aesthetically preferred installation.

I still plan on installing a PV system. In anticipating changes to the way the city handles these permits, and to allow my solar contractor to use my situation as an example in discussions with the city planning department, ABR, and other offices on barriers to implementation of solar energy, I have delayed my request for a zoning modification. In order to qualify for the rebate I had hoped for, I need to install the system within the next few months and so will apply for the modification if no changes are made by the city soon. It has been an educational experience for me to go through all this. The city planning office has been very willing to discuss things. CEC and my contractor have been helpful in hoping to provide a solution that will benefit me and other potential homeowners. However, many residents may simply decide not to proceed if the process seems this cumbersome. Nearly 3 years ago the city stated a goal to "*Pursue all feasible opportunities to encourage energy conservation and solar retrofit in the city's existing housing stock.*" Please do it.

Sincerely,



Patty Erbe
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Sources

1. California Civil Code on Solar Rights information is available at:
<http://calseia.org/news/general/solar-rights.html>
2. Santa Barbara Community Environmental Council Publications:
Removing Barriers to Solar Energy in Santa Barbara County (Dec, 2004)
Solar Energy in Santa Barbara County: The Next Step to Removing Barriers (Jan. 2006)
3. City of Santa Barbara Publications:
Sustainable City Program First Annual Report (Jan, 2006)
Solar Energy System Guidelines and Recognition Program (Dec. 2006)
General Plan Housing Element Update (Feb. 2004- see especially p. 129, sections 4.6.8, 4.6.16.