



# COUNTY OF MENDOCINO

## DEPARTMENT OF PLANNING AND BUILDING SERVICES

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## MEMORANDUM

DATE: SEPTEMBER 12, 2022

TO: MENDOCINO HISTORICAL REVIEW BOARD MEMBERS

FROM: STEVE KLEINMAN, PLANNER III

**SUBJECT: BF 2022-0497 BUILDING PERMIT APPLICATION FOR:  
45090 LITTLE LAKE, MENDOCINO**

On July 19, 2022, PBS received a building permit application to install roof mounted solar on a single-family residence located at 45090 Little Lake Street, Mendocino and APN 119-160-20 (attached). This is located within Historical Zone A and the site is listed as a Category IVa Non-Historic resource in Coastal Element Chapter 3.14 Appendix 1.

The applicants request a conference with the Review Board regarding their proposal to install roof-mounted solar panels on the south facing gable of the carriage house. See *Plot Plan* attached. The panels would be mounted to the southern pitch, and would be oriented in the same plane as the roof. It would be 36" from the gable and 18" from the ridge. The modules proposed are all black, and the attachment hardware is also all black to minimize the visual impact of the installed equipment.

While MCC Section 20.760.045 lists solar collecting devices as an activity requiring Review Board approval, Government Code section 65850.5 prohibits discretionary review of same (See also County Counsel Opinion 14-0023). This project is limited to installing solar on the roof of a new structure, which qualifies as a "small residential rooftop solar energy system" pursuant to Government Code section 65850.5(j)(3). Building Permit BF\_2022-0497 is to be reviewed under the Solar Rights Act, which prohibits local jurisdictions from requiring discretionary permits for these types of projects. Due to the competing policies of the Solar Rights Act and MCC Section 20.760.045, the Department determined an MHRB Permit Application would not be required and consultation with the property owner would be placed on the next available Review Board Meeting Agenda. The Review Board is given an opportunity to comment and provide recommendations for the project.

ATTACHED:

- A. BF\_2022-0497 Plot Plan
- B. BF\_2022-0497 Building Permit Application
- C. BF\_2022-0497 image mock-up of proposal
- D. Government Code Section 65850.5







## Government Code - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] ( Heading of Title 7 amended by Stats. 1974, Ch. 1536. )  
DIVISION 1. PLANNING AND ZONING [65000 - 66301] ( Heading of Division 1 added by Stats. 1974, Ch. 1536. )  
CHAPTER 4. Zoning Regulations [65800 - 65912] ( Chapter 4 repealed and added by Stats. 1965, Ch. 1880. )  
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] ( Article 2 added by Stats. 1965, Ch. 1880. )

**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.

(4) No later than January 1, 2021, an application to install a solar energy system shall include a reference to the requirement to notify the appropriate regional notification center of an excavator's intent to excavate, pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1, before conducting an excavation, including, but not limited to, installing a grounding rod.

(5) No later than January 1, 2021, the Office of Planning and Research shall add a reference to the California Solar Permitting Guidebook regarding the requirement to notify the appropriate regional notification center of an excavator's intent to excavate pursuant to Article 2 (commencing with Section 4216) of Chapter 3.1 of Division 5 of Title 1, before conducting an excavation, including, but not limited to, installing a grounding rod.

(6) A city, county, or city and county shall not be liable for any damages associated with the failure of a person required to obtain a solar energy system permit to notify the appropriate regional notification center of an intended excavation.

(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 publicly accessible internet website if the city, county, or city and county has an internet website 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.

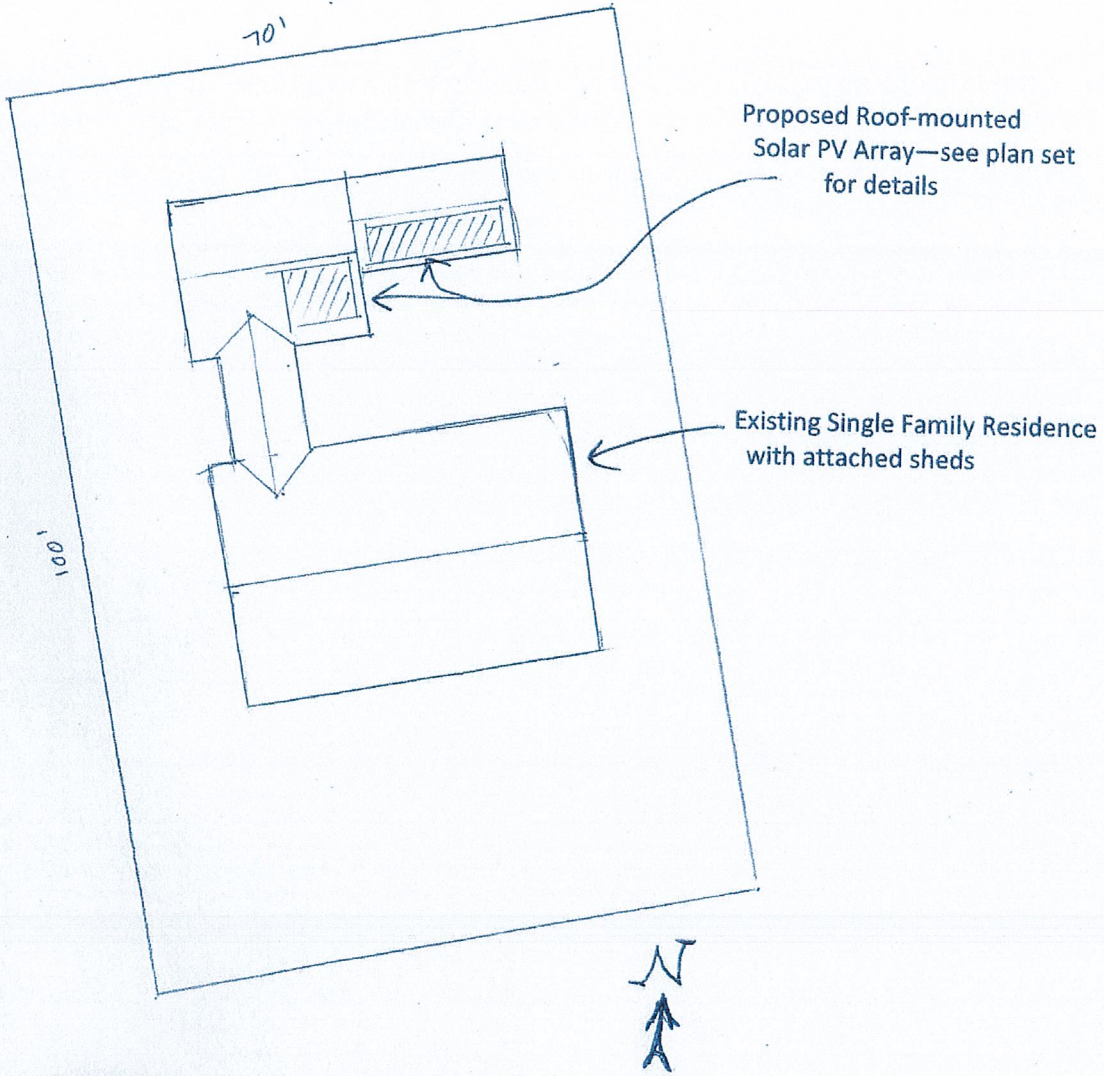
(5) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(Amended by Stats. 2019, Ch. 494, Sec. 2. (AB 754) Effective January 1, 2020.)

Access August 1, 2022 via

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65850.5](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65850.5)

BF-2022-0497



Proposed Roof-mounted  
Solar PV Array—see plan set  
for details

Existing Single Family Residence  
with attached sheds

PLOT PLAN  
Proposed Roof-mounted Solar PV System  
For Josie Perla  
45090 Little Lake St., Mendocino, CA  
AP# 119-160-20

Perla

NOTE: This plot plan was not prepared by a surveyor or architect, and is only for the purpose of indicating the location of proposed solar arrays on existing, already permitted structures. No liability is assumed for the accuracy of the data delineated hereon.



Planning and Building Services  
**BUILDING PERMIT APPLICATION**

Permit # BF-2022-097

Accepted By: AL

Date: 7/19/22  
(Office Use Only)

Only property owners, licensed contractors or agents with written authorization may obtain permits.

MARK ALL THAT APPLY	1. <input checked="" type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> AGRICULTURAL	<input type="checkbox"/> INDUSTRIAL		
	2. <input type="checkbox"/> New	<input type="checkbox"/> Addition	<input type="checkbox"/> Remodel/Replace	<input type="checkbox"/> Demolition		
	3. <input checked="" type="checkbox"/> Single Family	<input type="checkbox"/> Mobile Home	<input type="checkbox"/> Grading	<input type="checkbox"/> Window Change	<input type="checkbox"/> Reroof w/Sheathing	<input type="checkbox"/> Electrical
<input checked="" type="checkbox"/> 2-4 Unit Residential	<input type="checkbox"/> Manufactured	<input type="checkbox"/> Fire Repair	<input type="checkbox"/> Swimming Pool	<input checked="" type="checkbox"/> Photovoltaic	<input type="checkbox"/> Class K	
<input type="checkbox"/> 5+ Unit Residential	<input type="checkbox"/> Modular	<input type="checkbox"/> Garage/Storage	<input type="checkbox"/> Siding	<input checked="" type="checkbox"/> Mechanical	<input type="checkbox"/> Ag Exempt	
<input type="checkbox"/> Second Residence	<input type="checkbox"/> Foundation Only	<input type="checkbox"/> Deck/Patio Cover	<input type="checkbox"/> Reroof	<input type="checkbox"/> Plumbing	<input type="checkbox"/> Occupancy Change	

Project Address: 45090 Little Lake St

APN: 119-160-20-00

Driving Directions: Ford + Little Lake

Complete scope of work: New grid tied solar PV, ~~no~~ no storage  
Valuation: \$ \_\_\_\_\_

		Existing	Proposed			
<b>Residential</b>				<b>Grading</b>	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input type="checkbox"/> Living Area				Cut _____ (cy)	Fill _____ (cy)	Slope _____ (sf)
<input type="checkbox"/> Garage/Storage				Area of disturbance _____ (sf)		
<input type="checkbox"/> Deck				<b>Utilities</b>		
<input type="checkbox"/> Porch				<input type="checkbox"/> Well <input type="checkbox"/> Septic <input type="checkbox"/> Public: _____		
<input type="checkbox"/> Carport				<b>Will you or your contractor perform any of the following?</b>		
<input type="checkbox"/> Remodel				<input type="checkbox"/> Construct/upgrade a fence?		
<input type="checkbox"/> Other: _____				<input type="checkbox"/> Construct/upgrade driveway?		
<b>Commercial/Industrial</b>				<input type="checkbox"/> Construct new road or upgrade an existing approach?		
<input type="checkbox"/> Office				<input type="checkbox"/> Install/replace culvert in roadside ditch?		
<input type="checkbox"/> Medical				<input type="checkbox"/> Install utilities/services in County Right-of-Way?		
<input type="checkbox"/> Retail				<input type="checkbox"/> Trim/remove any trees within County Right-of-Way?		
<input type="checkbox"/> Restaurant				<input checked="" type="checkbox"/> Will not be performing any of the above actions.		
<input type="checkbox"/> Warehouse				Are there any other buildings on the site? If so, please describe: _____		
<input type="checkbox"/> Other: _____				_____		
<b>Agricultural</b>				<b>Are there any other adjoining properties owned? If so, list APN's:</b>		
<input type="checkbox"/> Other: _____				_____		
Size of Structure: _____ sf				_____		
Total # of Bedrooms: Existing _____ Proposed _____				_____		
If Mobile Home, Year: _____ Make: _____				_____		
Model: _____ Serial #: _____				_____		

**Applicant Information:** Please check the appropriate box for the primary contact

- PROPERTY OWNER       AGENT       CONTRACTOR
- OWNER/BUILDER? \*Proof of Ownership will be required

Property Owner Name: Josie Perla Phone: 707-813-7999 Email: Josie@mch.org

Address: PO Box 5, Albion, CA 95410

Agent Name: Bruce Erickson Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Contractor Name: Mendocino Solar Service Phone: 707-937-1701 Email: admin@mendocinosolar.com

Address: PO Box 1252, Mendocino, CA 95460 License # & Class: 536983

B, C10

**Waste Management-Recycling Plan**

Yes - I understand that a Construction Waste Management Plan is required for all construction permits of 2,000 sf or more and all demolition permits. 50% diversion of your waste may be required.



