

14-0331

MAR 18 2014

MOTION ENERGY & ENVIRONMENT

The California State Legislature approved the Solar Rights Act in 1978 "to promote and encourage the widespread use of solar energy systems and to protect and facilitate adequate access to the sunlight which is necessary to operate solar energy systems."

California Government Code Section 65850.5 asserts that establishing standards for the implementation of solar energy systems is a statewide concern, and prohibits local municipalities from creating "unreasonable barriers" to the installation of solar energy systems. Cities can only administratively approve applications for solar projects through building or other nondiscriminatory permits, and officials may only review such projects to ensure that they meet public health and safety requirements.

As a result, cities like Los Angeles are limited in their ability to regulate solar developments in their communities and cannot prevent projects that are disruptive to neighborhoods.

Under the Department of Water and Power's (DWP) Feed-in-Tariff (FiT) program, businesses can build local solar projects and sell the energy that is generated from them back to the department at a set price. Naturally, projects will be located in areas of the City that have the greatest solar potential and will likely disproportionately affect certain neighborhoods. Of the more than 250 projects on DWP's FiT Review Priority List, nearly one-fifth are located in the Seventh Council District alone.

Some of these proposed solar developments are not appropriate for their intended communities. For example, one project proposed for 9965 Foothill Boulevard in Lake View Terrace would build 3,500 ground-mounted solar photovoltaic cells on an empty property that is located in a residential Equinekeeping District. The project would be inappropriate in the scenic, rural area and would also take away an equine-zoned parcel, of which there remain few in Los Angeles. Yet the State's blanket policy on solar development makes it nearly impossible for the City to prohibit such a project and find a more appropriate location for it.

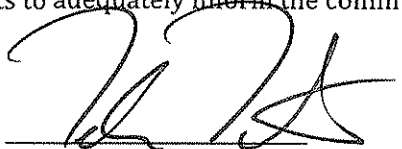
While encouraging the use of renewable energy resources is a worthy goal, by preventing Los Angeles from regulating the development of specific solar projects, the State assumes that the benefits of solar trumps all other community priorities - for example, preserving limited open space or encouraging development that is in keeping with the character of a neighborhood.


It has been more than three decades since the original Solar Rights Act was enacted and a decade since its last major revision. Given the advances in renewable energy technology and the expansion of solar that have taken place since then, it is time to review the state statute and determine if it is best meeting the needs of the communities where these projects are targeted.

I THEREFORE MOVE that Council instruct the Chief Legislative Analyst, in conjunction with the City Attorney, Department of Building and Safety and Department of City Planning, to review the Solar Rights Acts and recommend amendments that would give the City more discretion to review solar projects.

I FURTHER MOVE that Council request the Department of Water and Power (DWP) to report on the status of the Lake View Terrace solar project located in the residential Equinekeeping District, and other similar solar projects located in residential areas; and the DWP's efforts to adequately inform the community of these projects and potential local impacts.


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PRESENTED BY: 
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SECONDED BY: 

ORIGINAL