

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Randolph Hammock

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6 ABC SOLAR INCORPORATED

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

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11 ABC SOLAR INCORPORATED, a)
Delaware corporation,)
12)
Plaintiff,)

Case No.: **19STCV15795**
COMPLAINT FOR DECLARATORY RELIEF

13 vs.
14)

15 CITY OF ROLLING HILLS ESTATES,)
a municipal corporation;)
16 COUNTY OF LOS ANGELES, a public)
entity; and DOES 1 through 10,)

17 Defendants.)
18)
19)

20 Plaintiff ABC SOLAR INCORPORATED (“ABC”) hereby alleges as follows:
21

22 **PARTIES, JURISDICTION AND VENUE**

23 1. Plaintiff ABC is corporation organized under the laws of Delaware with
24 its principal place of business in the City of Torrance and County of Los Angeles.
25 Since 2000, ABC has been an installer of solar power in residential and commercial
26 properties in the South Bay.

27 2. ABC is informed, believes and thereon alleges that Defendant City of
28 Rolling Hills Estates (“City”) is a municipal corporation.

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1 encourage the use of solar energy systems and to remove obstacles thereto.” (Civ.
2 Code, § 714, subd.(b); see also Gov’t Code, § 65850.5, subd.(a).)

3 8. Government Code, section 65850.5, subdivision (b) provides:

4 A city or county shall administratively approve applications to install
5 solar energy systems through the issuance of a building permit or
6 similar nondiscretionary permit. Review of the application to install a
7 solar energy system shall be limited to the building official’s review of
8 whether it meets all health and safety requirements of local, state, and
9 federal law. The requirements of local law shall be limited to those
10 standards and regulations necessary to ensure that the solar energy
11 system will not have a specific, adverse impact upon the public health
12 or safety. However, if the building official of the city or county makes a
13 finding, based on substantial evidence, that the solar energy system
14 could have a specific, adverse impact upon the public health and
15 safety, the city or county may require the applicant to apply for a use
16 permit.

11 9. Government Code, section 65850.5, subdivision (g)(1) requires cities
12 such as Rolling Hills Estates to adopt “...expedited, streamlined permitting process
13 for small residential rooftop solar energy systems.” Section 65850.5, subdivision
14 (g)(1) also requires cities to authorize applicants to use electronic signatures on “all
15 forms, applications, and other documentation in lieu of a wet signature...”

16 10. The City does not process solar permits itself. Rather, it purports to
17 delegate that function to the County. The practical effect of the City and County’s
18 solar process is for applicants to be treated as human ping pong balls bouncing
19 between City and County offices for multiple visits in a process that is neither
20 “expedited” nor “streamlined” as envisioned by the Solar Rights Act. The City and
21 County’s process in Rolling Hills Estates requires applicants to print out reams of
22 paper and there is no electronic application process.

23 11. On January 30, 2019, ABC was hired to install a solar system at 4927
24 Rolling Meadows Road, Rolling Hills Estates, California 90274 (the “January 2019
25 Solar Project.”) ABC made no fewer than three (3) personal visits to the City and
26 (personal communication via email and telephone conversations with) the County in
27 an effort to obtain a permit. ABC encountered the following obstacles:





- 1 a. The County, the City’s apparent delegate, requires that ABC submit
2 two printed and separate permit packages for a solar permit. The
3 County requires the permit packages to be printed on oversized (i.e.,
4 larger than 8.5 x 11) paper. This is unnecessarily burdensome and
5 expensive. For the January 2019 Solar Project, printing costs have
6 exceeded \$76.80.
- 7 b. The City, requires that any applicant visit both the City and County
8 to turn in permit paperwork. The County’s office is located in
9 Lomita, California and is approximately 5 miles away from the City.
10 For the January 2019 Solar Project, ABC employees have made in
11 excess of three visits to these two offices. It should be noted that
12 staff told ABC to drive to LA County office in Calabasas, California
13 to receive over-the-counter solar permitting services, a 55-mile one-
14 way trip.
- 15 c. The County, on behalf of the City, does not have a complete
16 electronic process. The following documentation has been requested
17 by the County and City to be submitted in writing: Initial Permit
18 Set is printed in duplicate on 11” x 17” paper for City to stamp
19 “Zoning” approval. ABC the scans the document and uploads to LA
20 County. In all previous cases, when a permit is issued, ABC is
21 required again to print the LA County approved permit set in
22 duplicate.
- 23 d. The County, on behalf of the City, does not have a complete
24 electronic payment process and ABC is required to drive to LA
25 County offices in Lomita, California, present printed approved
26 permit sets and make payment to get the permit officially issued.
- 27 e. The City does not have the State Standard Solar Permitting
28 Guidelines on their website as required by the Solar Rights Act.

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f. On March 20, 2019 ABC was hired to install a solar system at 29336 Indian Valley Road, Rancho Palos Verdes, CA 90275 (postbox is in the City of Rancho Palos Verdes, the property is in the City of Rolling Hills Estates) (the “March 2019 Solar Project.”) As of May 1, 2019, no permit has been issued for the March 2019 Solar Project. ABC has made no fewer than three phone calls prior to two visits to the city of Rancho Palos Verdes and then the City. Phone calls to the City by ABC were greeted with “that address is in RPV, you have to go there.” The City of Rancho Palos Verdes approved the March 2019 Solar Project over-the-counter, but clerks then informed ABC of the need to go to the City. The City refused to issue the over-the-counter permit as per the City’s own code which was passed by city council as required by the Solar Rights Act.

12. The City has impermissibly delegated compliance with the Solar Rights Act to the County and has turned a blind eye towards violations alleged by ABC.

13. The City’s solar permitting practices has delayed the installation of solar systems within the City. By way of comparison, neighboring cities average same-day to 3 days between application submission and permit issuance. The City’s average – as to ABC – is 18 days.

First Cause of Action
(For Declaratory Relief)

14. Plaintiff incorporates by reference and realleges herein paragraphs 1 through 13 above.

15. An actual controversy exists between ABC and the City as to the following:

- a. Whether the City’s delegation of compliance with the Solar Rights Act through the County is lawful;




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- 2. An injunction compelling the City and County to adopt a compliant process;
- 3. Costs and attorney's fees, to the extent permitted by law;
- 4. Such further and different relief as the Court may deem just and proper.

DATED: May 7, 2019

JEFF LEWIS LAW

By:  _____
Jeffrey Lewis

Attorney for Plaintiff
ABC Solar Incorporated

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