

Ordinance No. 2015- 011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA ADOPTING CHAPTER 12.145, AN AMENDMENT TO PART 1 OF DIVISION 12 OF THE SAN BUENAVENTURA MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, the provisions of AB 2188 (Chapter 521, Statutes 2014) have been codified in Government Code Section 65850.5; and

WHEREAS, Government Code Section 65850.5(a) provides that it is the policy of the State of California to promote and encourage the use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, as set forth in Government Code Section 65850.5(g), on or before September 30, 2015, every city, county, or city and county must adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council of the City of San Buenaventura wishes to advance the use of solar energy by all of its citizens, businesses and industries; and

WHEREAS, the City Council of the City of San Buenaventura recognizes that solar energy provides reliable energy and pricing for its residents and businesses, and creates local jobs and economic opportunity; and

WHEREAS, the City Council further finds that it is in the interest of the health, welfare and safety of the public to provide an expedited permitting process to assure the effective development of solar technology.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA DOES ORDAIN AS FOLLOWS:

SECTION 1. Division 12 [Building and Construction Regulations] of the San Buenaventura Municipal Code is amended by adding a new Chapter 12.145, to read as follows:

Chapter 12.145

SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM REVIEW PROCESS

Sec. 12.145.010. – Purpose.

The purpose of this Chapter is to adopt an expedited, streamlined solar permitting process that complies with Government Code Section 65850.5, to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The ordinance encourages the use of solar systems by establishing prescriptive guidelines, minimizing costs to property owners and the City of San Buenaventura, and expanding the ability of property owners to install solar energy systems. This chapter allows the City to achieve these goals while protecting the public health and safety.

Sec. 12.145.020. – Definitions.

Association means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

Building official means the Chief Building Official of the City, or his or her designee.

Common interest development means any of the following: a community apartment project; a condominium project; a planned development; a stock cooperative.

Electronic submittal means the utilization of electronic mail.

Reasonable restrictions on a solar energy system means those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

Small residential rooftop solar energy system means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City of San Buenaventura and all State of California health and safety standards.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of San Buenaventura.

Solar energy system means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

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.

Sec. 12.145.030. – Applicability.

This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

Sec. 12.145.040. – Solar Energy System Requirements.

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.
- B. Solar energy systems for heating water in single-family residences and for

heating water in swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

- C. Solar energy systems 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.

Sec. 12.145.050. – Duties of the Building and Safety Division and Building Official.

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City website.
- B. Electronic submittal of the required permit application and documents shall be made available to all small residential rooftop solar energy system permit applicants.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- D. The City's Building and Safety Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review. The Building Official is hereby authorized and directed to develop and adopt such checklist.
- E. The small residential rooftop solar system permit process, standard plans, and checklist shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

Sec. 12.145.060. – Permit Review and Inspection Requirements.

- A. The Building and Safety Division shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption on this Ordinance. For an application for a small residential rooftop solar energy system that meets the requirements of the approved checklist and standard plan, the Building and Safety Division shall issue a building permit or other nondiscretionary permit within 3 business days. The Building Official may require an applicant to apply for a use permit if the

official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Board of Appeals established in section 12.110.020 of this Code.

- B. Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.
- C. If a use permit is required, the Building Official may deny an application for the use permit if the official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the adverse impact. Such decisions may be appealed to the Board of Appeals established in section 12.110.020 of this Code.
- D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest possible cost. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of Civil Code Section (d)(1)(A)-(B).
- E. City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- F. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- G. Only one inspection shall be required and performed by the Building and Safety Division for small residential rooftop solar energy systems eligible for expedited review.
- H. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two 2 business days of a request.
- I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Chapter.

Sec. 12.145.070. – Fees.

The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter.

Sec. 12.145.080. – Severability.

If any section, subsection, phrase, or clause of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of San Buenaventura hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid.

Section 2. CEQA.

The City Council finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

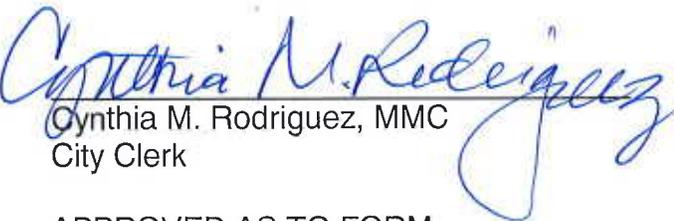
Section 3. Effective Date.

This ordinance shall take effect thirty (30) days after passage thereof. The City Clerk shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted and published in the manner required by law.

PASSED and ADOPTED this 21 day of September 2015.


Cheryl Hejtmann, Mayor

ATTEST:


Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: 
Jennifer Lee, Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, ROXANNE FIORILLO, Assistant City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on September 21, 2015, by the following vote:

AYES: Councilmembers Morehouse, Weir, Tracy, Andrews, Deputy Mayor Nasarenko, and Mayor Heitmann.

NOES: None.

ABSENT: Councilmember Monahan.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on September 22, 2015.


Assistant City Clerk

