

ORDINANCE NO. 2015 - 23

**AN ORDINANCE OF THE CITY OF SAN JUAN BAUTISTA AMENDING TITLE 10 OF THE MUNICIPAL CODE
BY ADDING CHAPTER 10-7 TO PROVIDE AN EXPEDITED PERMIT PROCESS FOR
SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

WHEREAS, THE City Council of the City of San Juan Bautista recognizes the importance of “Green Technology” and by this ordinance seeks to implement Assembly Bill 2188 by creating an expedited, Streamlined, permitting process for small residential rooftop solar energy systems.

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES HEREBY ORDAIN AS FOLLOWS:

1. **Environmental Determination.** The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.
2. **Chapter 10-7 Added.** Chapter 10-7 of the Municipal Code, entitled "Expedited Permit Process for Small Residential Rooftop Solar Systems" is hereby added to the San Juan Bautista Municipal Code as set forth on the attached five (5) pages, marked Exhibit “A,” and incorporated herein by this reference thereto.
3. **Effective Date.** This ordinance shall be in full force and effect 30 days after its final passage and adoption.
4. **Severability.** If any portion of this ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.
5. **Posting of Ordinance.** Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted on the internet and in the public place designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Juan Bautista duly held on October 20, 2015, and was passed and adopted at a regular meeting duly held on November 17, 2015 by the following vote:

AYES: Boch, Martorana, Edge, West, Lund
NOES: None
ABSENT: None
ABSTAIN: None

Robert Lund, Mayor

ATTEST:

City Clerk Connie Schobert

Chapter 10.07

**EXPEDITED PERMIT PROCESS FOR SMALL RESIDENTIAL
ROOFTOP SOLAR SYSTEMS**

Sections:

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10.07.010 Purpose and intent.

The purpose of this chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city 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.

10.07.020 Definitions.

As used in this chapter:

A. "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.

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

1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty 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, and all state and city health and safety standards.
3. A solar energy system that is installed on a single- or two-family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

C. "Electronic submittal" means the utilization of electronic email or submittal via the Internet.

D. "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.

E. "Reasonable restrictions" on a solar energy system are 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.

F. "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 ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.
2. For photovoltaic systems: an amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed.

10.07.030 Applicability.

- A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.
- B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter 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 or like-kind replacements shall not require a permit.
- C. A use permit and/or design review may be required for properties on the city's list of historic resources as deemed necessary by the city manager.

10.07.040 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 commercial or 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.

10.07.050 Applications and documents.

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the city website.
- B. Electronic submittal of the required permit application and documents by email or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.
- C. The city's building 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.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) 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.

10.07.060 Permit review and inspection requirements.

A. The city manager shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The city shall issue a building permit, the issuance of which is nondiscretionary, on the same day for over-the-counter applications or within one to three business days for electronic applications upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The city manager may require an applicant to apply for an administrative 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 city planning commission.

B. Review of the application shall be limited to the city manager's review of whether the application meets local, state, and federal health and safety requirements.

C. If an administrative use permit is required, the city may deny such application if it makes written findings based upon substantive 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, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city planning commission.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. "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 the city on another similarly situated application in a prior successful application for a permit. The city 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 defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

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 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.

I. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.