

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA DELETING SECTION 15.24.070, SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS, OF THE CHULA VISTA MUNICIPAL CODE AND ADDING CHAPTER 15.29, EXPEDITED PERMIT PROCESSING, RELATED TO PERMITS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS AND ELECTRIC VEHICLE CHARGING STATIONS, TO THE CHULA VISTA MUNICIPAL CODE

WHEREAS, Subdivision (g)(1) of Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall 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, City Council adopted Ordinance 3353 on August 18, 2015 adding Section 15.24.070 Small Residential Rooftop Solar Energy Systems to Chapter 15.24, and

WHEREAS, Subdivision (g)(1) of Section 65850.7 of the California Government Code provides that, on or before September 30, 2016, the City shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.7, that creates an expedited, streamlined permitting process for electric vehicle charging stations, and

WHEREAS, Section 65850.5 and 65850.7 of the California Government Code have similar requirements for local adoption of an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems and electric vehicle charging stations leading staff to propose combining the expedited processes under one chapter, and

WHEREAS, staff is proposing to delete Section 15.24.070 from Chapter 15.24 and adopting the new Chapter 15.29, incorporating the requirements of both Sections 65850.5 and 65850.7.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Delete Section 15.24.070 Small residential rooftop solar energy systems.

That Chapter 15.24 of the Chula Vista Municipal Code is hereby amended to read as follows:

**Chapter 15.24
ELECTRICAL CODE AND REGULATIONS***

Sections:

- 15.24.010 California Electrical Code, 2013 Edition, adopted by reference.**
- 15.24.035 Previously used materials.**

- 15.24.045 Distribution panels – Separate required when.**
- 15.24.050 Circuit cards to be posted when.**
- 15.24.055 Electric fences – Defined – Prohibited.**
- 15.24.060 Phase arrangement – Amended.**
- 15.24.065 Photovoltaic pre-wiring requirements.**
- ~~**15.24.070 Small residential rooftop solar energy systems.**~~

* For statutory provisions exempting electrical contractors from licensing under an electrical repairman’s statute, see Bus. and Prof. Code § 9804. For statutory provisions authorizing cities to regulate the materials used in wiring structures for electricity and in piping them for water, gas or electricity, and to regulate the manner of such piping, see Gov. Code § 38660.

15.24.010 California Electrical Code, 2013 Edition, adopted by reference.

There is hereby adopted by reference the California Electrical Code, 2013 Edition, known as the California Code of Regulations, Title 24, Part 3, as copyrighted by the National Fire Protection Association and the California Building Standards Commission. Said document is hereby adopted as the electrical code of the City of Chula Vista, regulating the installation, repair, operation and maintenance of all electrical wiring and electrical apparatus of any nature whatsoever, whether inside or outside of any building within the City, excepting such portions as are hereinafter deleted, modified, or amended. Chapter 15.06 CVMC shall serve as the administrative, organizational and enforcement rules and regulations for this chapter.

15.24.035 Previously used materials.

Previously used materials shall not be reused in any work without approval by the Building Official.

15.24.045 Distribution panels – Separate required when.

Each store in a store building, each flat in a flat building, and each building used as a dwelling shall be so wired that each store, apartment, flat or dwelling shall have separate lighting and/or power distribution panels. Such panels shall not serve other portions of the building. Hotels, motels, hotel apartments and similar types of buildings may be wired from one or more distribution panels.

15.24.050 Circuit cards to be posted when.

When requested by the Building Official, a complete schedule of circuits showing the number, kind and capacity of each outlet on each circuit shall be posted on each job prior to rough inspection.

15.24.055 Electric fences – Defined – Prohibited.

A. As used herein, the term “electric fence” includes all fences which in any way use electrical energy as an additional deterrent or have wires charged with electricity which are not covered with adequate insulation to protect persons and animals coming in contact therewith.

B. No electric fence may be constructed, maintained or operated within the City.

15.24.060 Phase arrangement – Amended.

Section 408.3(E) of the California Electrical Code is hereby amended to read:

Phase Arrangement. The phase arrangement on three-phase buses shall be A, B, C from front to back, top to bottom, or left to right, as viewed from the front of the switchboard or panelboard. The C phase shall be that phase having the higher voltage ground on three-phase, four-wire delta-connected systems. Other busbar arrangements may be permitted for additions to existing installations and shall be marked.

15.24.065 Photovoltaic pre-wiring requirements.

All new residential units shall include electrical conduit specifically designed to allow the later installation of a photovoltaic (PV) system which utilizes solar energy as a means to provide electricity. No building permit shall be issued unless the requirements of this section and the Chula Vista Photovoltaic Pre-Wiring Installation Requirements are incorporated into the approved building plans.

The provisions of this chapter can be modified or waived when it can be satisfactorily demonstrated to the Building Official that the requirements of this section are impractical due to shading, building orientation, construction constraints or configuration of the parcel.

~~15.24.070 Small residential rooftop solar energy systems.~~

~~A. Definitions. The following definitions are adopted from California Government Code Section 65850.5, as may be amended from time to time. These definitions shall apply to this chapter and are restated here for reference.~~

~~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 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.~~

~~2. “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 and all state and City health and safety standards.

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 City.

3. “Solar energy system” means either of the following:

a. 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.

b. 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.

4. “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.

B. Purpose. The purpose of this section is to adopt an expedited solar permitting process for small residential rooftop solar energy systems pursuant to Government Code Section 65850.5(g).

C. Applicability. This section applies to the permitting of eligible small residential rooftop solar energy systems in the City.

D. Permitting. Applicants desiring to qualify for the expedited review shall submit an application to the City, in a form approved by the City’s Building Official. The Building Official is authorized to administratively act on such applications, pursuant to this section. Notwithstanding any other provision of this code, decisions made by the Building Official pursuant to this chapter may be appealed to the Planning Commission.

E. Eligibility Checklists. The City Building Official is authorized and directed to develop checklists of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The initial checklists shall be developed on or before September 30, 2015, and shall be the City’s adopted checklists, in accordance with Government Code Section 65850.5. The Building Official shall maintain the checklists to substantially conform with the recommendations contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor’s Office of Planning and Research.

F. An application that satisfies the requirements of the eligibility checklists, as determined by the Building Official, shall be deemed complete and eligible for the expedited permitting process. Upon receipt of an incomplete application, the Building Official shall issue a written correction

notice detailing all deficiencies in the application and any additional information required to be eligible for the expedited permitting process.

G. Upon confirmation by the Building Official of the application and supporting documentation being complete and that the solar energy system substantially conforms to all applicable local, state, and federal health and safety requirements, the Building Official shall administratively approve the application and issue required permits. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

H. For a small residential rooftop solar energy system eligible for expedited review, one consolidated building inspection shall be required, which shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, re-inspections are required.

I. Fees. Permit fees for eligible small residential rooftop solar systems shall be as specified in the Master Fee Schedule of the City of Chula Vista.

J. Use Permit. If the Building Official makes a finding, based on substantial evidence, that the proposed solar energy system could have a specific, adverse impact on the public health and safety, the Building Official may require the applicant to apply for a use permit.

K. Denial. The City may deny an application if it makes written findings based on substantial evidence in the record that the proposed installation would have a specific, adverse impact on the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Section II. Added Chapter 15.29

That Chapter 15.29 is hereby added to the Chula Vista Municipal Code to read as follows:

Chapter 15.29

EXPEDITED PERMIT PROCESSING

15.29.010 Definitions

15.29.020 Small residential rooftop solar energy systems

15.29.030 Electric vehicle charging stations

15.29.040 Fees

15.29.050 Use Permit

15.29.060 Denial

* For statutory provisions regarding expedited permit processing requirements, see Gov't Code §§ 65850.5 and 65850.7.

15.29.010 Definitions

“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.

“Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

“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 and all state and City health and safety standards.
- 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 City.

“Solar Energy System” means either of the following:

- a. 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.
- b. 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.

15.29.020 Small residential rooftop solar energy systems

- A. Purpose. The purpose of this section is to adopt an expedited solar permitting process for small residential rooftop solar energy systems pursuant to Government Code 65850.5(g).

- B. Applicability. This section applies to the permitting of eligible small residential rooftop solar energy systems in the City.
- C. Permitting. Applicants desiring to qualify for the expedited review shall submit an application to the City, in a form approved by the City's building official. The building official is authorized to administratively act on such applications, pursuant to this section. Decisions of the building official may be appealed to the Planning Commission.
- D. Eligibility checklists. The City shall adopt checklists of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The checklists, standard plans and expedite process shall substantially conform with the recommendations contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research. The building official is hereby authorized to develop and maintain the eligibility checklists.
- E. An application that satisfies the requirements of the eligibility checklists, as determined by the building official, shall be deemed complete and eligible for the expedited permitting process. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for the expedited permitting process.
- F. Upon confirmation by the building official that the application and supporting documentation are complete and that the solar energy system substantially conforms to all applicable local, state, and federal health and safety requirements, the building official shall administratively approve the application and issue required permits. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.
- G. For a small residential rooftop solar energy system eligible for expedited review, one consolidated building inspection shall be required, which shall be done in a timely manner. If a small residential rooftop solar energy system fails inspection, re-inspections are required.

15.29.030 Electric vehicle charging stations

- A. Purpose. The purpose of this section is to adopt an expedited permitting process for electric vehicle charging stations pursuant to Government Code 65850.7(g).
- B. Permitting. Applicants desiring to qualify for the expedited review shall submit an application to the City, in a form approved by the City's building official. The building official is authorized to administratively act on such applications, pursuant to this section. Decisions of the building official may be appealed to the Planning Commission.

- C. Checklists. The City building official is authorized and directed to develop checklists of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. An application that satisfies the requirements of the eligibility checklists, as determined by the building official, shall be deemed complete and eligible for the expedited permitting process. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for the expedited permitting process.
- F. Upon confirmation by the building official of the application and supporting documentation being complete and that the electric vehicle charging stations substantially conforms to all applicable local, state, and federal health and safety requirements, the building official shall administratively approve the application and issue required permits.

15.29.040 Fees

Permit fees for eligible small residential rooftop solar energy systems and electric vehicle charging stations shall be as specified in the Master Fee Schedule of the City of Chula Vista.

15.29.050 Use Permit

If the building official makes a finding, based on substantial evidence, that the proposed project could have a specific, adverse impact on the public health and safety, the building official may require the applicant to apply for a use permit.

15.29.060 Denial

The City may deny an application if it makes written findings based on substantial evidence in the record that the proposed installation would have a specific, adverse impact on the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Section III. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section IV. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section V. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section VI. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney