

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING  
CHAPTER 15.24 OF THE CHULA VISTA MUNICIPAL CODE  
ADDING SECTION 15.24.070 SMALL RESIDENTIAL  
ROOFTOP SOLAR ENERGY SYSTEMS

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

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.

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

**Section I. Added Section 15.24.070**

That Section 15.24.070 is hereby added to Chapter 15.24 of the Chula Vista Municipal Code and reads as follows:

**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 15.24 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 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. 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 III. 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 IV. Effective Date**

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

**Section V. 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

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Kelly G. Broughton, FASLA  
Director of Development Services

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Glen R. Googins  
City Attorney