



City of Chula Vista

Staff Report

File#: 16-0323, **Item#:** 3.

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 (FIRST READING)

RECOMMENDED ACTION

Council place the ordinance on first reading.

SUMMARY

Government Code (GC) 65850.5 required local jurisdictions to adopt an ordinance by September 30, 2015 that expedites the review of permits for small residential rooftop solar energy systems. In response, on August 18, 2015, City Council adopted Ordinance 3353 adding Section 15.24.070 to Chapter 15.24. Recently, legislators passed Assembly Bill (AB) 1236 (2015) which added GC Section 65850.7 requiring local jurisdictions, by September 30, 2016, to adopt an ordinance expediting the review of permits for electric vehicle charging stations. Both GC sections contain similar requirements; therefore, staff is proposing to delete Section 15.24.070 and adopt a new chapter that contains the two expedite processes required by GC Sections 65850.5 and 65850.7.

ENVIRONMENTAL REVIEW

Environmental Notice

The Project qualifies for a Class 8 Categorical Exemption pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the California Environmental Quality Act State Guidelines. Thus, no further environmental review is required.

Environmental Determination

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 8 Categorical Exemption pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the State CEQA Guidelines because the proposal involves adoption of an ordinance to establish procedures resulting in further protection of the environment. Thus, no further environmental review is required.

BOARD/COMMISSION RECOMMENDATION

Not Applicable.

DISCUSSION

Government Code (GC) 65850.5 required local jurisdictions to adopt an ordinance by September 30, 2015 that expedites the review of permits for small residential rooftop solar energy systems. In

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response, on August 18, 2015, City Council adopted Ordinance 3353 adding Section 15.24.070 to Chapter 15.24. Recently, legislators passed Assembly Bill (AB) 1236 (2015) which added GC Section 65850.7 requiring local jurisdictions, by September 30, 2016, to adopt an ordinance expediting the review of permits for electric vehicle charging stations. Both GC sections contain similar requirements; therefore, staff is proposing to delete Section 15.24.070 and adopt a new chapter that contains the two expedite processes required by GC Sections 65850.5 and 65850.7. Another reason for proposing a new chapter dedicated to expedited processes is that staff anticipates future State legislation mandating similar requirements for energy storage batteries and other renewable energy and carbon emission reduction technologies.

Small residential rooftop solar energy systems

As defined in GC Section 65850.5, a small residential rooftop solar energy system is:

- 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.

Section 65850.5 of the GC provides that in developing an expedited permitting process, the City shall:

- a. Adopt a checklist of all requirements with which small rooftop solar energy systems must comply with to be eligible for expedited review.
- b. The expedited process, standard plan(s), and checklist(s) shall substantially conform to recommendations contained in the most current version of the *California Solar Permitting Guidebook* (CSPG) adopted by the Governor's Office of Planning and Research.
- c. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City website.
- d. Electronic submittal of the required permit application and documents by the Internet to be made available to all small residential rooftop solar energy system permit applicants.
- e. Only one consolidated inspection to be required and done in a timely manner. Re-inspections are allowed if the system fails inspection.

Staff has developed eligibility checklists and implemented expedited processes for eligible residential roof-top systems. The checklists, standard plans, and processes do substantially conform to the current version of the CSPG. In addition, staff developed a webpage on the City's website dedicated to the streamlined process containing all required submittal documents and reference to resources. Furthermore, staff developed an online submittal process where applicants can submit the application and documents, and pay fees via the City's Citizen Access portal.

Electric vehicle charging stations

As defined in GC Section 65850.7, an electric vehicle 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.

Section 65850.7 of the GC provides that in developing an expedited permitting process, the City shall:

- a. Adopt checklists of all requirements with which electric vehicle charging stations must comply with to be eligible for expedited review.

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- b. All documents required for the submission of an expedited electric vehicle charging station application shall be made available on the publicly accessible City website.
- c. Electronic submittal of the required permit application and documents by the Internet to be made available to electric vehicle charging stations permit applicants.

Staff has developed eligibility checklists and is in the process of implementing expedited processes for eligible electric vehicle charging stations. In addition, staff developed a webpage on the City's website dedicated to the streamlined process containing all required submittal documents and reference to resources. Furthermore, staff will be developing an online submittal process where applicants can submit the application and documents, and pay fees via the City's Citizen Access portal.

The proposed Ordinance authorizes the building official to develop and maintain the eligibility checklists. An application that satisfies the requirements of the eligibility checklists, as determined by the building official, will be deemed complete and eligible for the expedited permitting process. Upon confirmation by the building official of the application and supporting documentation being complete and conforming to all applicable local, state, and federal health and safety requirements, the building official will administratively approve the application and issue the required permits.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18705.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The proposed ordinance supports the Healthy Community goal as it seeks to facilitate the installation of renewable energy and carbon emission reduction systems that will help the City and State reach their energy and environmental goals.

CURRENT YEAR FISCAL IMPACT

There are no increases in fees proposed in this adoption and staff does not anticipate an impact on current resources. If such impact materializes, staff will return to City Council requesting additional resources.

ONGOING FISCAL IMPACT

If at a later time, City Council authorizes additional resources that are needed in order to facilitate the expedite processes, building permit fees will be updated to recover the cost of any ongoing additional resources.

ATTACHMENTS

Proposed Ordinance

Staff Contact: Lou El-Khazen, Building Official, Development Services