

## **ORDINANCE NO.**

### **ORDINANCE AMENDING TITLE 15 OF THE STOCKTON MUNICIPAL CODE BY ADDING CHAPTER 15.78 RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:**

#### **SECTION I. FINDINGS AND INTENT**

The City Council finds that advancing the use of solar energy by all of its citizens, businesses, and industries and limiting obstacles to solar energy use is a good policy consistent with that of the State Legislature.

The City Council also finds that solar energy creates local jobs and economic opportunity and provides reliable energy and pricing for its residents and businesses.

The City Council further finds that AB 2188 amended California Government Code Section 65850.5 to provide for an expedited, streamlined permitting process for small residential rooftop solar energy systems and that Chapter 15.78 relating to expedited permitting procedures for small residential rooftop solar systems, shall be adopted and added into the Stockton Municipal Code, Title 15, in compliance with Section 65850.5(g)(1).

#### **SECTION II. AMENDMENT OF CODE**

Title 15 of the Stockton Municipal Code is hereby amended by adding Chapter 15.78 to read as follows:

#### **Chapter 15.78. Small Residential Rooftop Solar Energy Systems**

##### **15.78.010. Purpose and Application**

The purpose of this Chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) 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.

The provisions of this Chapter apply 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 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.

#### **15.78.020. Definitions**

The following words and phrases as used in this section are defined as follows:

1. An “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
2. A “Common Interest Development” means any of the following:
  - a. A community apartment project;
  - b. A condominium project;
  - c. A planned development;
  - d. A stock cooperative.
3. “Electronic submittal” means the utilization of one or more of the following:
  - a. E-mail,
  - b. The internet,
  - c. Facsimile.
4. “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.
5. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:
  - a. 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.
  - b. 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.

6. “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 paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
- c. A solar energy system that is installed on a single or duplex family dwelling.
- d. A solar panel of module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

7. “Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

8. “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.

#### **15.78.030. Solar Energy Requirements**

- 1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City local fire department or district.
- 2. 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.
- 3. 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.

#### **15.78.040. Duties of Building Department/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 by email, the Internet, or facsimile 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 Department 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.
- e. 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.
- f. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

#### **15.78.050. Permit Review and Inspection Requirements**

- a. The City Building Department 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. The Building Department shall issue a building permit or other nondiscretionary permit [the same day for over-the-counter applications or within [1-3] business days for electronic applications] of receipt of a complete application and meets the requirements of the approved checklist and standard plan. A 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 City Planning Commission.
- 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, a building official may deny an application for the use permit if the official 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. The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- g. 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.
- h. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review. A separate fire inspection may be performed if an agreement with the local fire authority does not exist to perform safety inspections on behalf of the fire authority.
- i. 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 and provide a two- [2-] hour inspection window.

- j. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Ordinance.

**SECTION III. SEVERABILITY.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

**SECTION IV. EFFECTIVE DATE.**

This ordinance shall take affect and be in full force thirty (30) days after its passage.

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

\_\_\_\_\_  
ANTHONY SILVA  
Mayor of the City of Stockton

ATTEST:

\_\_\_\_\_  
BONNIE PAIGE  
City Clerk of the City of Stockton