

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ESCONDIDO MUNICIPAL CODE
CHAPTER 6, ARTICLE 1 – BUILDINGS AND
BUILDING REGULATIONS, ADMINISTRATIVE
PROVISIONS

WHEREAS, the City of Escondido has implemented a streamlined permitting process for residential roof top solar permits to encourage timely and cost-effective installations of solar energy systems, promote the use of solar systems and limit obstacles to their use; and

WHEREAS, the City of Escondido, by this Ordinance, seeks to amend the Escondido Municipal Code to incorporate these streamlined procedures and satisfy the requirements of the Solar Rights Act and Assembly Bill 2188.

Now, therefore, the City Council of the City of Escondido, California, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That Escondido Municipal Code Chapter 6, Article 1, Section 6-19, incorporating an expedited, streamlined permitting process for Small Residential Rooftop Solar Systems, is hereby amended to read as follows:

Section 6.19. Expedited permit process for small residential rooftop solar systems.

6-19.1. Purpose and Intent.

The purpose of the section is to provide an expedited, streamlined solar permitting process in order to achieve timely and cost-effective installations of small

residential rooftop solar energy systems and satisfy the requirements of the Solar Rights Act and Assembly Bill 2188. This section encourages the use of solar systems by limiting obstacles to their use, minimizing costs to property owners and the City and expanding the ability of property owners to install solar energy systems. This section allows the City to achieve these goals while protecting the public health and safety.

6-19.2. Definitions.

As used in this section:

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.

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 two family dwelling.

(d) A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

Electronic submittal means the utilization of electronic mail, facsimile or submittal via the internet.

Specific, adverse impact means a significant, quantifiable, direct, 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.

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.

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.

6-19.3. 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 section 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.

6-19.4. Solar Energy System Requirements.

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the City and the state.

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.

6-19.5. Applications.

- 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 shall be made available to all small residential rooftop solar energy system permit applicants.
- C. The City's Building Official 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.

6-19.6. Permit Review and Inspection Requirements.

- A. The City's Building Official shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Division shall issue a building

permit, the issuance of which is nondiscretionary, in an expedited time frame upon receipt of any required fees and a complete application that meets the requirements of the approved checklist and standard plan. The Building Official may require an applicant to apply for a Conditional 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 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 Conditional Use Permit is required, the City may deny such application if it makes written findings based upon substantial 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 Planning Commission.

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

2. "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.

D. 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.

E. Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review.

1. The inspection shall be done in a timely manner and should include consolidated inspections.

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

SECTION 2. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 3. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

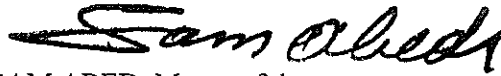
PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 12th day of August, 2015 by the following vote to wit:

AYES : Councilmembers: DIAZ, GALLO, MASSON, MORASCO, ABED

NOES : Councilmembers: NONE


ABSENT : Councilmembers: NONE

APPROVED:



SAM ABED, Mayor of the
City of Escondido, California

ATTEST:



DIANE HALVERSON, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, DIANE HALVERSON, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2015-16 passed at a regular meeting of the City Council of the City of Escondido held on the 12th day of August, 2015, after having been read at the regular meeting of said City Council held on the 5th day of August, 2015.



DIANE HALVERSON, City Clerk of the
City of Escondido, California

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