

**CITY OF SAN MATEO
ORDINANCE NO. 2015-13**

ADDING CHAPTER 23.46, “SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS,” TO THE SAN MATEO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, the City Council of the City of San Mateo seeks to implement AB 2188 (Government Code § 65850.5) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the purpose of this ordinance 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; and

WHEREAS, this ordinance does not apply to permitting for solar energy systems other than small residential rooftop solar energy systems, which are instead governed by Government Code section 65850.5; and

WHEREAS, this Ordinance encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the City, and expanding the ability of property owners to install small residential rooftop solar energy systems; and

WHEREAS, this Ordinance allows the City to achieve these goals while protecting the public health and safety; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its citizens, businesses and industries; and

WHEREAS, the City Council seeks to meet the climate action goals set by the City and the State; and

WHEREAS, the City is unable to accept electronic signatures on applications at this time because the City would need to purchase signature verifying software; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of San Mateo to provide an expedited permitting process to assure the effective deployment of solar technology;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, ORDAINS that:

Section 1. Chapter 23.46, “Rooftop Solar Systems,” is added to Title 23, “Buildings and Construction,” of the San Mateo Municipal to read:

Chapter 23.46

Small Residential Rooftop Solar Energy Systems

- 23.46.010 Purpose and Intent.
- 23.46.020 Definitions.
- 23.46.030 Applicability.
- 23.46.040 Duties of Building Department.
- 23.46.050 Submittal requirements.
- 23.46.060 Requirements for approval.
- 23.46.070 Permit review and inspection requirements.

23.46.010 PURPOSE AND INTENT.

The purpose of this chapter is to provide an expedited, streamlined solar energy system permitting process that complies with the Solar Rights Act and AB 2188, as codified in section 65850.5 of the Government Code, in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar energy 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 while protecting the public health and safety.

23.46.020 DEFINITIONS.

- a. **“Association”** means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- b. **“Common interest development”** means any of the following:
 - (1) A community apartment project.
 - (2) A condominium project.
 - (3) A planned development.
 - (4) A stock cooperative.
- c. **“Electronic submittal”** means the utilization of one or more of the following:
 - (1) Email;
 - (2) The Internet;
 - (3) Facsimile.
- d. **“Feasible method to satisfactorily mitigate or avoid a specific, adverse impact”** includes, but is not limited to, any cost-effective method, condition or mitigation imposed by a 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.
- e. **“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. For the purposes of this subsection, “significantly” means:
 - (1) For Water Heater Systems or Solar Swimming Pool Heating Systems, an amount exceeding ten 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 ten percent, as originally specified and proposed.

(2) 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 ten percent, as originally specified and proposed.

f. **“Small residential rooftop solar energy system”** means all of the following:

(1) A solar energy system that is no larger than ten kilowatts alternating current nameplate rating of 30 kilowatts thermal.

(2) 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.

(3) A solar energy system that is installed on a single or duplex family dwelling.

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

g. **“Solar Energy System”** means either of the following:

(1) 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.

(2) 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.

h. **“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.

23.46.030 APPLICABILITY.

a. This chapter applies to the permitting of small residential rooftop solar energy systems in the City.

b. Existing small residential rooftop solar energy systems legally established or permitted prior to the September 16, 2015 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 residential rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

23.46.040 DUTIES OF BUILDING DEPARTMENT.

a. All documents required for the submission of a small residential rooftop solar energy system application shall be available on the City’s website.

b. Electronic submittal of the required permit application and documents by email or facsimile shall be available to all small residential rooftop solar energy system permit applicants.

c. The City’s Building Division shall adopt, and post on the City’s website, a 1) standard electrical plan and 2) standard checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

23.46.050 SUBMITTAL REQUIREMENTS. The following are required in order to submit a complete application for a solar energy system:

a. Completed permit application form;

b. Completed eligibility checklist for expedited review;

c. A completed standard electrical plan, which will be available on the City’s website.

d. A roof plan showing roof layout, PV panels, and the following fire safety items:

- 1) Approximate location of roof access point;
 - 2) location of code-compliant access pathways;
 - 3) PV system fire classifications; and
 - 4) locations of all required labels and markings;
- e. Completed structural criteria checklist; and
- f. Payment of City's processing fee in the amount established by resolution of the City Council.

23.46.060 REQUIREMENTS FOR APPROVAL.

- a. All small residential rooftop solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City's Fire Department.
- 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.

23.46.070 PERMIT REVIEW AND INSPECTION REQUIREMENTS.

- a. Review of the application shall be limited to the building official's review of whether the application is complete and meets local, state, and federal health and safety requirements.
- b. If an application is deemed incomplete or fails to meet local, state, and federal health and safety requirements, the Building Official will issue a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance.
- c. If an application is complete and meets local, state, and federal health and safety requirements, only one inspection shall be required and performed by the Building Division. An inspection will be scheduled within two business days of a request and provide a two- hour inspection window. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this subsection.
- d. A City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- e. Approval or denial of an application for a small residential rooftop solar energy system may be appealed by any interested party to the City's Community Relations Commission in accordance within ten days of the mailing date of the Building Official's written correction notice.

Section 2. SEVERABILITY. If any provision(s) of this Chapter is declared invalid by a court of competent jurisdiction, it is the intent of the City Council that such invalid provision(s) be severed from the remaining provisions of the Chapter so that regulation and control of massage may remain in place.

Section 3. ENVIRONMENTAL DETERMINATION. In accordance with California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) adoption of this ordinance is exempt under CEQA because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

Section 4. PUBLICATION. This Ordinance shall be published in summary in a newspaper of

general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 5. LEGISLATIVE HISTORY AND EFFECTIVE DATE. This Ordinance was introduced on July 20, 2015, and adopted on August 17, 2015, and shall be effective thirty days after its date of adoption.

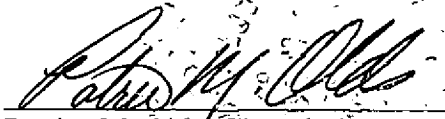
The foregoing ordinance was adopted by the City Council of the City of San Mateo, State of California by the following vote:

AYES: Council Members Freschet, Matthews, Bonilla, Goethals and Lim

NOES: None

ABSENT: None

ATTEST:



Patrice M. Olds, City Clerk



Maureen Freschet, Mayor