

ORDINANCE NO. 1393

AN ORDINANCE OF THE CITY OF DALY CITY ADDING CHAPTER 15.26
TO THE MUNICIPAL CODE OF THE CITY OF DALY CITY TO PROVIDE AN
EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL
ROOFTOP SOLAR SYSTEMS AND AMENDING CHAPTER 15.00 RE TIME LIMITS

WHEREAS, the City of Daly City seeks to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

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

WHEREAS, the City of Daly City seeks to meet the climate action goals set by the State of California; and

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

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

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DALY CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15.26 is hereby added to the Daly City Municipal Code to read as follows:

Chapter 15.26

RESIDENTIAL ROOFTOP SOLAR SYSTEMS

- 15.26.010 Streamlined permitting process for small residential rooftop solar systems**
- 15.26.020 Definitions**
- 15.26.030 Applicability**
- 15.26.040 Solar energy system requirements**
- 15.26.050 Submittal requirements**
- 15.26.060 Plan review, permit, and inspection requirements**

15.26.010: Streamlined permitting process for small residential rooftop solar systems

The purpose of the 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. The Ordinance encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City of Daly City, and expanding the ability of property owners to install solar energy systems. The Ordinance allows the City of Daly City to achieve these goals while protecting the public health and safety.

15.26.020: Definitions.

A. 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.

B. Small residential rooftop solar energy system means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 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 of Daly City, and all state and City of Daly City health and safety standards including paragraph (3) of subdivision (c) of Section 714 of the Civil Code.
3. A solar energy system that is installed on a single-family 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 of Daly City

C. Electronic submittal means the utilization of one or more of the following:

1. Email; or
2. The Internet

D. Association means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

E. Common interest development means any of the following:

1. A community apartment project; or
A condominium project; or
3. A planned development; or
4. A stock cooperative

F. 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.

G. 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.

H. Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance means:

1. 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.

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 10 percent as originally specified and proposed.

15.26.030 Applicability.

This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the City of Daly City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance 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 shall not require a permit.

15.26.040 Solar energy system requirements.

All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City of Daly City and the North County Fire Department.

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 Code and California Mechanical Code.

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.

15.26.050 Submittal requirements.

All documents required for the submission of an expedited solar energy system application shall be made available on the City of Daly City website.

Electronic submittal of the required permit application and associated documents for small, residential rooftop solar energy system permits shall be by email, or the Internet. As an alternative an applicant may submit a permit application and associated documents at the Building Division front counter during regular business hours.

An applicant's electronic signature will be accepted on all forms, applications, and other documents in lieu of a wet signature.

The City of Daly City shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems must comply to be eligible for expedited review.

The small residential rooftop solar system permit process, standard plans, and the checklist 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.

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.

15.26.060 Plan review, permit, and inspection requirements.

The Building Division shall provide an administrative, nondiscretionary plan check review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption of this Ordinance.

The Building Division shall process, review, and approve the application for the installation or use of a solar system in the same manner as an application for review of an architectural modification to the property, and shall not be willfully avoided or delayed.

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.

If an application for the installation of a solar system is not denied in writing within 45 days of receipt of a complete application the application shall be deemed approved, unless the delay is the result of a reasonable request for additional information.

The City of Daly City Planning Division may require an applicant to apply for a use permit if the Planning Division 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 City of Daly City Planning Commission.

Review of the permit application shall be limited to the Building Division's review of whether the application meets local, state, and federal health and safety requirements. If a use permit is required, the building official may deny an application for the use permit if the building 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 of Daly City Planning Commission. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

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 of Daly City on another similarly situated application in a prior successful application for a permit. The City of Daly 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.

The City of Daly City shall not condition approval of an application for a small residential rooftop solar energy system on the approval of an association, as defined in Section 4080 of the Civil Code.

Only one inspection shall be required and performed by the Building Division for small residential rooftop solar energy systems eligible for expedited review. During the required inspection, if it is found that the installation does not conform to the approved plans and/or comply with the current California Code of Regulations title 24 requirements then an additional, follow-up inspection shall be required.

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

A separate fire inspection may be performed by the North County Fire Department, if required.

The inspection shall be done within three business days and may include consolidated inspections.

SECTION 2. Chapter 15.00.030 of the Daly City Municipal Code is hereby amended to read as follows:

15.00.030 Time limitation of application.

Applications for which no permit is issued within one hundred eighty days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the administrative authority.

Exception: Applications to abate enforcement violations shall not exceed ninety days.

The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days on request by the applicant showing that circumstances beyond the control of the application have prevented action from being taken.

Exception: A one-time extension shall be granted on an application to abate enforcement violations and shall not exceed ninety days.
No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall pay a new plan review fee.

SECTION 3. Chapter 15.00.040 of the Daly City Municipal Code is hereby amended to read as follows:

15.00.040 Permit Expiration and extension.

The following provisions apply to all permits issued. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days.

Exceptions:

- A. Permits to abate enforcement violations shall have a duration not to exceed ninety days and shall expire if work is not completed and finalized by a city inspector.

- B. Permits for building maintenance work shall have a duration not to exceed one hundred eighty days and shall expire if work is not commenced or is suspended or abandoned after one hundred eighty days has expired.
- C. Building maintenance work shall include reroofing, water heater, furnace, siding, garage door, garage door opener, and window replacement, new electrical service installation, minor plumbing repairs and other similar work as determined by the administrative authority.

In the case of an expired permit, before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration exceeding one year, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The administrative authority may extend the time for action by the permittee for a period not exceeding one hundred eighty days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

Exceptions:

- A. Permits to abate enforcement violations may be granted a one-time extension for a period of time not to exceed ninety days.
- B. Permits for building maintenance work may be extended for a period of time not to exceed one hundred eighty days.
- C. No permit shall be extended more than once.

SECTION 4. Environmental Determination. The City Council of the City of Daly City finds and determines that the implementation of measures described in this Chapter is in furtherance police powers of the City of Daly City, and that these purposes are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, as provided in categorical exemption Classes 1, 4, 5, 7, 8, 9, and or 21 of the CEQA Guidelines (Title 14, *California Code of Regulations*, Sections 15301-15329).

SECTION 5. Severability: If any section, subsection or sentence of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, the City Council finds and declares that the remainder of this ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity as to any section, subsection or sentence

SECTION 6. Effective Date and Publication: Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk's office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk's office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption.

Introduced this 13th day of July, 2015.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 10th day of August, 2015, by the following vote:

AYES, Councilmembers: Canepa, Christensen, Guingona
Torres, Buenaventura

NOES, Councilmembers: None

Absent, Councilmembers: None

K. Annette Hipona
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

RAYMOND A. BUENAVENTURA
MAYOR OF THE CITY OF DALY CITY