

ORDINANCE NO. 17-11

AN ORDINANCE MANDATED BY CALIFORNIA GOVERNMENT CODE SECTION 65850.7 (ASSEMBLY BILL 1236), AMENDING SECTIONS 9-1.01 AND 9-1.02 OF THE HAYWARD MUNICIPAL CODE TO ADD SECTION 105.3.1.2 "EXPEDITED ELECTRIC VEHICLE CHARGING STATION PERMITTING"

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Section 9-1.01 of the Hayward Municipal Code is amended as shown below to incorporate provisions consistent with Government Code Section 65850.7 and reorder text related to expedited Residential Solar Permitting, with text to be deleted shown with stricken text and text to be added shown as double-underlined text:

"SEC. 9-1.01 - SUMMARY OF LOCAL AMENDMENTS.

CA Building Code Section	Added to Code	Code Change	Deleted from Code	Notes/Justification
101.1 Title		X		Defines name of jurisdiction
101.2.1 Appendices		X		Specifies adopted appendices
103.1		X		Defines name of enforcement agency
105.1.1			X	Removes option for annual permits
105.1.2			X	Item is removed since it is related to previous item
105.3.1.1 Expedited Residential Solar Permitting	X			Establishes a requirement to expedite residential solar applications that meet specific criteria as mandated by California Government Code Section 65850.5 (AB 2188).
105.3.1.2 Expedited Electric Vehicle Charging Station Permitting	X			Establishes a requirement to expedite electric vehicle charging station applications that meet specific criteria as mandated by California Government Code Section 65850.7 (AB 1236).
105.3.2		X		Adds clarification to the expiration policy of applications in plan review

105.5.1 Completion Permits	X			Defines process for "completion permits" — projects where inspections have been performed but the permit has expired
105.5.2 Completion Permit Fees	X			Establishes fee calculation formula for "completion permits"

Section 2. Section 9-1.02 of the Hayward Municipal Code is amended as shown below to incorporate provisions consistent with Government Code Section 65850.7 and reorder text related to expedited Residential Solar Permitting, with text to be deleted shown with stricken text and text to be added shown as double-underlined text:

"SEC. 9-1.02 - LOCAL AMENDMENTS TO THE CA BUILDING CODE BY CHAPTER.

**CALIFORNIA BUILDING CODE CHAPTER 1:
SCOPE AND ADMINISTRATION LOCAL AMENDMENTS**

The administrative local amendments in this chapter shall also apply to the corresponding requirements in the administration chapters of the California Mechanical Code, the California Plumbing Code and the California Electrical Code.

101.1 Title. This section is revised to read as follows:

These regulations shall be known as the Building Code of the City of Hayward. The provisions contained herein are adopted, and together with the local amendments, are referred to hereafter as "these regulations" or "these building standards" or "this code."

101.2.1 Appendices. This section is revised to read as follows:

Wherever in this code reference is made to an appendix chapter, the provisions of the said appendix shall not apply unless specifically adopted by this code. The following appendix chapters are adopted:

1. California Building Code Appendix I: Patio Covers
2. California Plumbing Code Appendix A: Rules for Sizing the Water Supply System
3. California Plumbing Code Appendix B: Notes on Combination Waste and Vent Systems
4. California Plumbing Code Appendix C: Alternate Plumbing Systems

103.1 Creation of enforcement agency. This section is revised to read as follows:

The Building Division of the Development Services Department is hereby created and the official in charge thereof shall be known as the building official.

105.1.1 Annual permit. This section is hereby deleted.

105.1.2 Annual permit records. This section is hereby deleted.

105.3.1.1 Expedited Residential Solar Permitting. A new section is added to read as follows:

The City of Hayward Building Division shall maintain expedited permitting and inspection services for small residential rooftop solar systems as required by California Government Code Section 65850.5 (AB 2188).

The following criteria must be met by the applicant to qualify for the expedited permitting process:

1. The installation must be on a one or two family dwelling.
2. The solar energy system shall not be larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
3. The submittal documents shall demonstrate compliance with all applicable codes and shall be legible. The design for the solar system shall include adequate details and/or calculations to confirm minimum code compliance for wind loads, dead loads and roof structure support, electrical system safety and plumbing systems for solar thermal.

The Building Division of the City of Hayward will provide the following services for qualified projects:

1. Checklist: A comprehensive checklist will be maintained on the City of Hayward website that covers the minimum code requirements. If a project submitted for review does not meet the minimum code items noted in the checklist, the applicant will be given a written list of comments specifying the required corrections.
2. Expedited plan review: Expedited plan review shall mean ½ of the normal plan review period for a project. The Building Division will make every effort to issue qualified residential solar permits on the same day as the application if staffing is available to complete the review.
3. Single Inspection: The Building Division and the Fire Prevention Office will coordinate to avoid separate inspection scheduling for small residential solar permits. The Fire Marshall or the Building Official may require additional inspections if the work inspected initially did not meet minimum code compliance.

105.3.1.2 Expedited Electric Vehicle Charging Station Permitting. A new section is added to read as follows:

The City of Hayward Building Division shall maintain expedited permitting for electric vehicle charging stations as required by California Government Code Section 65850.7 (AB 1236).

The Building Division of the City of Hayward will provide the following services for the permitting of Electric Vehicle Charging Stations:

1. Checklist: A link to a comprehensive guide book and checklists will be maintained on the City of Hayward website that covers the minimum code requirements. If a project submitted for review does not meet the minimum code items noted in the checklists, the applicant will be given a written list of comments specifying the required corrections.
2. Expedited Plan Review: Expedited plan review shall mean one-half of the normal plan review period for a project. The Building Division will make every effort to issue residential (single family or duplex) electric vehicle charging station permits on the same day as the application is submitted if staffing is available to complete the review, or will process such applications via electronic submittal. The Building Division will also make every effort to provide expedited plan reviews for commercial or multi-family (condominium or apartment complexes) electric vehicle charging station permits at no extra cost if staffing is available to meet the timelines.

105.3.2 Time limitation of application. This section is revised to read as follows:

An application for a permit for any proposed work submitted through the plan review process shall be deemed to have been abandoned 365 days after the date of filing if the plans are not approved. This timeline includes the responses to correction lists. Once the plans are approved, but the building permit has not yet been issued, the application for the permit shall be valid for an additional 180 days. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each when an application has expired. The extension shall be requested in writing and justifiable cause demonstrated.

105.5.1 Completion permits. A new section, 105.5.1 is added as follows:

In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the building official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The

completion permit fee shall be established as indicated in Section 105.5.2 and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The building official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

105.5.2 Fees for completion permits. A new section, 105.5.2 is added as follows:

Fees for completion permits as described in Section 105.5.1 shall be based upon the percentage of work that has passed inspection prior to the expiration of the renewed permit. If either valuation or fees have changed since the original permit was issued, the fees or the valuation shall be updated to the new fees or valuations in effect at the time the completion permit is issued. The percentages to be charged will remain the same.

This schedule is intended to apply to conventional wood frame building construction. In the event that the work is not conventional wood frame construction, or does not constitute a complete building, or is a type of structure other than a building, the building official shall determine the fee based upon the number of the inspections remaining to be performed.

Completed Inspections	% of Updated Valuation
None	60
Foundation	55
Under-floor	50
Shear Wall	40
Rough Frame	30
Lath or Gypsum Board	20
All, except Final	10

Section 3. Any provision of the City of Hayward Municipal Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 4. Severance. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall become effective 30 days after adoption.

INTRODUCED at a special meeting of the City Council of the City of Hayward, held the 11th day of July, 2017, by Council Member Zermeño.

ADOPTED at a special meeting of the City Council of the City of Hayward, held the 18th day of July, 2017, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Márquez, Mendall, Peixoto, Lamnin,
MAYOR: Halliday

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Zermeño, Salinas

APPROVED: Bamba Halliday
Mayor of the City of Hayward
DATE: July 25, 2017

ATTEST: William Luis
City Clerk of the City of Hayward

APPROVED AS TO FORM:

Michael S. [Signature]
City Attorney of the City of Hayward