

ORDINANCE NO. 6.15

AN ORDINANCE ADDING DIVISION V TO CHAPTER 8, ARTICLE I, OF THE MOUNTAIN VIEW CITY CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, Subsection (a) of Section 65850.5 of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and

WHEREAS, Subdivision (g)(1) of Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8, Article I, Division IV, SECS. 8.26–8.30. - Reserved of the Mountain View City Code, is hereby amended to read as follows:

“SEC. 8.26–8.28. Reserved.”

Section 2. Division V is hereby added to Chapter 8, Article I, of the Mountain View City Code, to read in full as follows:

“DIVISION V. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM REVIEW PROCESS

SEC. 8.29.1. Definitions.

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

- a. “Electronic submittal” means the utilization of one or more of the following:
 1. e-mail,
 2. the Internet,
 3. facsimile.
- 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 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].
 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 set forth in the Mountain View City Code Section 36.10.25.

c. "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.

d. "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.

SEC. 8.29.2. Purpose.

The purpose of this ordinance is to adopt an expedited, streamlined permitting process for small residential rooftop solar energy systems that complies with AB 2188 (Chapter 521, Statutes 2014), Civil Code Section 714 and Government Code Section 65850.5.

This streamlined process pursuant to AB 2188 is available in addition to the existing one-stop process.

SEC. 8.29.3. Applicability.

This ordinance applies to the permitting of small residential rooftop solar energy systems in the City of Mountain View when the applicant selects the expedited streamlined permitting process pursuant to AB 2188. Applications submitted pursuant to the city's one-stop process are not subject to the following provisions.

SEC. 8.29.4. Solar Energy System Requirements.

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

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.

SEC. 8.29.5. Applications and Required Documents.

a. The building official shall develop and adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The small residential rooftop solar system permit process, standard plans and checklist shall substantially conform to recommendations for expedited permitting contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.

b. The checklist and all documents required for the submission of an expedited solar energy system application shall be published on the city's Internet website.

c. The applicant may submit the permit application and associated documentation to the city's building division by personal, mailed, or electronic

submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

SEC. 8.29.6. Permit Review and Inspection Requirements.

a. The community development director shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems.

b. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

c. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations within three business days of receipt of a complete application submitted by mail or electronically and the same day for over-the-counter applications, when available, submitted pursuant to the process set forth in this Division. The building official's review of the application shall be limited to whether the application meets local, state and federal health and safety requirements. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

d. The city shall not condition approval of an application on the approval of an association as defined in Section 4080 of the Civil Code.

e. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. Inspection requests received within business hours shall be scheduled for the next business day. If a small residential rooftop solar energy system fails inspection, a subsequent inspection shall be performed; however, the subsequent inspection need not conform to the requirements of this section.

f. 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 council.

g. 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 council.

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

i. "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.

SEC. 8.29.7 Fees.

Permit and plan check fees shall be set forth by city council resolution or ordinance.”

Section 3. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the city and that a single publication be made to the official newspaper of the city of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) of the CEQA Guidelines as it is not a project as defined by CEQA per Section 15378.

The foregoing ordinance was regularly introduced at the Special Meeting of the City Council of the City of Mountain View, duly held on the 8th day of September 2015, and thereafter adopted at the Regular Meeting of said Council, duly held on the 13th day of October 2015, by the following roll call vote:

AYES: Councilmembers Clark, Inks, Kasperzak, Rosenberg, Siegel, Vice Mayor Showalter, and Mayor McAlister

NOES: None

ABSENT: None

NOT VOTING: None

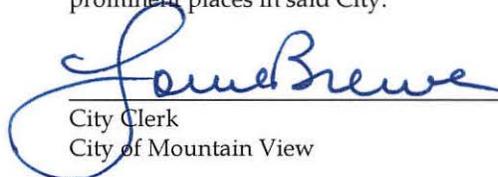
ATTEST:

APPROVED:


LORRIE BREWER, MMC
CITY CLERK


JOHN McALISTER
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 13th day of October 2015, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 9th day of October 2015, and posted in three prominent places in said City.


City Clerk
City of Mountain View

SW/3/ORD
806-09-08-15o-E