

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE REVISING CHAPTER 3, ARTICLE 10 OF THE SAN MATEO
COUNTY BUILDING REGULATIONS TO PROVIDE AN EXPEDITED,
STREAMLINED, PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP
SOLAR SYSTEMS**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows

SECTION 1. Chapter 3, Article 10 of the San Mateo County Building Regulations is hereby repealed.

SECTION 2. Chapter 3, Article 10 of the San Mateo County Building Regulations is hereby added to read as follows:

ARTICLE 10. ALTERNATIVE ENERGY SYSTEMS

SECTION 9260. PERMITTING SMALL ROOFTOP SOLAR ENERGY SYSTEMS

SECTION 9261. PURPOSE

- a. The intent of this Chapter is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by Assembly Bill 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems while protecting public health and safety.

- b. This Chapter shall apply to the permitting of all small residential rooftop solar energy systems, as defined herein, in the unincorporated area of the County.

SECTION 9262. DEFINITIONS

The following definitions shall be applicable to this Chapter.

- a. *Building Official* means the San Mateo County Community Development Director or the Director's designated staff representatives, in accordance with Section 9020 of Chapter 2, Article 2 of this Division.
- b. *Small residential rooftop solar energy system* means a solar energy system which meets all of the following criteria:
 - (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: (1) all applicable State fire, structural, electrical, and other building codes as adopted or amended by the County; (2) all State and County health and safety standards consistent with Section 65850.5 of the Government Code; and (3) 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 per California Civil Code Section 714(c)(3).

- (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 limit as defined by the County Zoning Regulations or other ordinances applicable to the location of the single- or duplex-family dwelling.
- c. *Solar energy system.* A system which is an accessory use to any residential, commercial, industrial, mining, agricultural or public use, used primarily (i.e., more than 50 percent) to reduce on-site utility usage, and which is either of the following, as specified by paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the California Civil Code, as such section may be amended, renumbered or re-designated from time to time:
 - (1) Any solar collector or other solar energy device, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.
 - (2) Any structural design feature of a building, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.
- d. *Specific, adverse impact.* 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.

SECTION 9263. SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEM

REQUIREMENTS

- a. A building permit is required to install any solar energy system, including a small residential rooftop solar energy system.
- b. All small residential rooftop solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the County of San Mateo.
- c. Solar energy systems for heating water in single-family residences and solar collectors for heating water in swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- d. All 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 Underwriter's Laboratories and, where applicable, rules of the Public Utilities Commission.

SECTION 9264. PERMIT PROCESS

- a. The Building Official shall develop an administrative, non-discretionary

expedited review process for small residential rooftop solar energy systems, including application form, standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review.

- b. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to the recommendations for expedited permitting, including the checklists 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.
- c. The application form, standard plans and checklists for small residential rooftop solar energy systems adopted by the Building Official, as well as all other required permitting documentation, shall be published on the County's website.
- d. An applicant may submit the application and related documentation for a small residential rooftop solar energy system by electronic submittal (email, internet or facsimile), as specified on the County website. Electronic signatures shall be accepted by the County on all electronic submittals in lieu of wet signature, in conformance with California Government Code Section 16.5 and 2 Cal. Code Regs. Section 22000 et seq.

SECTION 9265. APPLICATION REVIEW

- a. An application shall be deemed complete if the Building Official determines it

includes all of the information and documents required by the application form, the standard plan form and the standard checklist. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to complete the application for expedited permit issuance shall be sent to the applicant as soon as practicable.

- b. Upon confirmation that an application is complete, the Building Official or staff shall review the application on an expedited basis.
- c. The Building Official shall issue a building permit within a reasonable time following receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Chapter, including all local, State, and Federal health and safety requirements, and after all the required fees have been paid. The permit may be issued electronically.
- d. Approval of an application shall not be based or conditioned on the approval of an association, as defined in Section 4080 of the California Civil Code.
- e. Approval of an application does not authorize connection to the electrical grid, which must be obtained from the applicable utility.

SECTION 9266. USE PERMIT REQUIREMENT

- a. The Building Official may require an applicant to apply for a use permit pursuant to the procedures contained in Section 6503 and other applicable sections of the San Mateo County Zoning Regulations, if the Building Official

finds, based on substantial evidence, that the small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety. If the Building Official determines that an applicant shall be required to apply for a use permit, the Building Official shall provide the applicant with written notice of this determination which sets forth the factors supporting this determination and the evidence relied upon in making the determination. A decision of the Building Official to require a use permit may be appealed to the County Planning Commission, according to the procedures set forth in Section 6104(j) of the San Mateo County Zoning Regulations.

- b. Use permit applications shall be submitted to the County Planning and Building Department and acted on by the County Planning Commission pursuant to Section 6503 of the San Mateo County Zoning Regulations. The Planning Commission may deny a use permit upon written findings based on substantial evidence that the proposed installation would have a specific, adverse impact on the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact, including but not limited to any cost-effective method, condition or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The findings shall include the basis for the rejection of any potential feasible alternatives proposed by the applicant for preventing the adverse impact.

- c. Decisions by the Planning Commission to deny, approve or approve with conditions any use permit may be appealed to the County Board of Supervisors pursuant to Section 6504 of the San Mateo County Zoning Regulations.
- d. Any conditions imposed on a permit to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible. The County shall use best efforts to ensure that any selected method, condition or mitigation meets the conditions of Civil Code Section 714(d)(1), subparagraphs (A) and (B), which define restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

SECTION 9267. INSPECTION

- a. As soon as practicable after the applicant notifies the Building Official that a small residential rooftop solar energy system has been installed under a building permit, the Building Official shall inspect the system to verify compliance with the building permit requirements and standards. Only one inspection shall be required and performed by County staff for small residential rooftop solar energy systems eligible for expedited review. However, a separate fire inspection may be performed if an agreement with the local fire authority does not exist for County staff to perform safety inspections on behalf of the fire authority.

- b. If the Building Official determines that the system was not installed in compliance with the building permit, the Building Official will notify the permittee of the actions needed to bring the system into compliance and will conduct additional inspections as necessary. No small residential rooftop solar system may be operated until the Building Official verifies in writing that it complies with the building permit and all checklist requirements.

SECTION 3. The Board of Supervisors declares that it would have adopted this ordinance and each section, sentence, clause, phrase or portion of it irrespective of the fact that any one or more sections, subsections clause, phrases or portions of it be declared invalid or unconstitutional. If for any reason any portion of this ordinance is declared invalid or unconstitutional, then all other provisions of it shall remain valid and enforceable.

SECTION 4. This ordinance is exempt under the California Environmental Quality Act (CEQA) as there is no possibility that the ordinance or its implementation will cause significant adverse environmental effects (14 Cal. Code Regs. 15061(b)(3)). The Community Development Director shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA Guidelines.

SECTION 5. This ordinance shall take effect thirty (30) days from the date of adoption.

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