

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE TO ADOPT THE 2016 CALIFORNIA BUILDING CODES, 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND OTHER STATE MANDATED CODES AND RESOLUTION ESTABLISHING THE FINDINGS AND SUBSTANTIAL EVIDENCE SUPPORTING LOCAL CODE AMENDMENTS

BACKGROUND

The State mandates that every three years the building and construction codes are updated for all cities and counties throughout the State. The State adopted the 2016 California Building Standards Code on July 1, 2016, which will become effective statewide on January 1, 2017. The City codifies the California Building Standards Code by amending the City’s Municipal Code. Staff is recommending that the Council adopt the 2016 California Building Codes with local amendments to the California Fire Code and the 2015 International Property Maintenance Code (reference Attachment 1). In addition, the draft ordinance includes two State mandated codes for expediting the permit process for small residential rooftop solar systems (Assembly Bill 2188) and electrical vehicle charging stations (Assembly Bill 1236). It is requested that the Council consider amending Municipal Code Article VIII to adopt the proposed amendments.

DISCUSSION

The State's Health and Safety Code mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three years. The 2016 California Building Standards Code include the California Building Code, Residential Code, Electrical Code, Mechanical Code, Plumbing Code, Energy Code, Fire Code, and other related codes. The 2016 California Building Code includes numerous changes a summary of which is available on the International Code Council website at <http://www.iccsafe.org/about-icc/california-code-adoption-resources/>.

In addition to adopting the 2016 California Building Standards Code, staff is recommending the Council adopt the 2015 International Property Maintenance Code to replace the currently adopted 2012 version. This Code is not part of the mandatory 2016 California Building Standards Code, but is a beneficial tool to building and fire inspectors, especially for code enforcement issues related to property management.

APPROVED FOR FORWARDING



**MATTHEW BRONSON
CITY MANAGER**

Please Review for the Possibility of a Potential Conflict of Interest:

- None Identified by Staff
- Shoals
- Lee
- Bright
- Nicolls
- Shah

The State allows cities to make local amendments to the 2016 California Building Codes if local geographic, topographic or climatic conditions warrant changes. The California Health and Safety Code requires adoption of a resolution setting forth the pertinent findings and substantial evidence to support local code amendments (reference Attachment 2). Staff has included two local amendments for common driveways and fire sprinklers. These amendments have previously been included by the Council as part of past code adoptions. The wording for fire sprinklers has been modified to clarify current code language, but does not change the requirements previously adopted by the Council. In addition, the fire sprinkler requirements are repeated in the Building and Residential Codes because of technical issues related to addressing different occupancy types.

There are several other minor revisions including the deletion of references to fees, the Appeals section, and regulations for sky lanterns, as changes to the Code no longer require these sections. Staff has also removed some unnecessary language that is not needed.

The Code Amendment also includes State mandated permit streamlining for small residential rooftop solar systems and electrical vehicle charging stations. AB 2188 for rooftop solar systems was adopted by the State in September 2014 and requires local agencies adopt the requirements by September 2015. City staff has been implementing these requirements for the last two years. AB 1236 for electrical vehicle charging stations was adopted by the State in October 2015 and requires local agencies with a population of less than 200,000 adopt the requirements by September 2017. City staff would begin implementing these permit streamlining requirements in January 2017.

If the Council adopts the proposed Ordinance, the Codes will become effective on January 1, 2017 as required by law. In accordance with Government Code Section 50022.3 relating to adoption of codes by reference, after the first reading of the title of the Ordinance and of the title of the codes to be adopted, a public hearing is to be scheduled and noticed as required by the statute. It is recommended that the public hearing be set for the November 21, 2016 Council meeting.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Introduce the Ordinance to amend Grover Beach Municipal Code Article VIII Building Regulations to adopt the 2016 California Building Codes, the 2015 International Property Maintenance Code, and expedited permit processing for residential rooftop solar and electrical vehicle charging stations; adopt a resolution setting forth the pertinent findings and substantial evidence required by the California Health and Safety Code to support local code amendments; and schedule the second reading and adoption at the next regular City Council meeting.
2. Provide alternative direction to staff.

RECOMMENDED ACTION

It is recommended that the City Council: 1) Introduce the Ordinance to amend Grover Beach Municipal Code Article VIII Building Regulations to adopt the 2016 California Building Codes, the 2015 International Property Maintenance Code, and expedited permit processing for residential rooftop solar and electrical vehicle charging stations; 2) adopt a resolution setting

forth the pertinent findings and substantial evidence required by the California Health and Safety Code to support local code amendments; and 3) schedule the second reading and adoption at the next regular City Council meeting.

FISCAL IMPACT

Adoption of the proposed Code Amendment would not have a fiscal impact to the city's General Fund. The cost to administer the Codes is recovered through permit fees. The Code adoption does not amend the city's building permit fees.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act. A copy of the agenda was sent to the Home Builders Association of the Central Coast. A public hearing notice will be published in The Tribune prior to second reading and adoption of the Ordinance.

ATTACHMENTS

1. Draft Ordinance No. 16-__
2. Draft Resolution No. 16-__

ORDINANCE NO. 16-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH
AMENDING ARTICLE VIII OF THE GROVER BEACH MUNICIPAL CODE
ADOPTING BY REFERENCE THE 2016 CALIFORNIA BUILDING
STANDARDS ADMINISTRATIVE CODE, 2016 CALIFORNIA BUILDING
CODE, 2016 CALIFORNIA RESIDENTIAL CODE, 2016 CALIFORNIA
ELECTRICAL CODE, 2016 CALIFORNIA MECHANICAL CODE, 2016
CALIFORNIA PLUMBING CODE, 2016 CALIFORNIA ENERGY CODE, 2016
CALIFORNIA HISTORICAL BUILDING CODE, 2016 CALIFORNIA FIRE
CODE, 2016 CALIFORNIA EXISTING BUILDING CODE, 2016 CALIFORNIA
GREEN BUILDING STANDARDS CODE, 2016 CALIFORNIA REFERENCE
STANDARDS CODE; THE 2015 INTERNATIONAL PROPERTY
MAINTENANCE CODE; AND OTHER STATE MANDATES**

WHEREAS, every three years the State of California adopts updated building codes referred to as the California Building Standards Code for the protection of the public; and

WHEREAS, the State-adopted 2016 California Building Standards Code become effective on January 1, 2017; and

WHEREAS, the City seeks to amend its Municipal Code to adopt the 2016 California Building Standards Code, and the 2015 International Property Maintenance Code by reference; and

WHEREAS, the City seeks to amend its Municipal Code to implement AB 2188 (Government Code Section 65850.5) through the creation of an expedited, streamlined permitting process for residential rooftop solar energy systems; and

WHEREAS, the City seeks to amend its Municipal Code to implement AB 1236 (Government Code Section 65850.7) through the creation of an expedited, streamlined permitting process for electrical vehicle charging stations; and

WHEREAS, it is the desire and intent of the City Council to adopt local amendments to the 2016 California Fire Code that affect the installation of fire sprinklers and common driveway access based on local climatic, geographical or topographical conditions; and

WHEREAS, the California Health and Safety Code, Section 17958.5 requires the City Council make findings that the amendments to the 2016 California Fire Code are reasonably necessary because of local climatic, geographical or topographical conditions; and

WHEREAS, the City Council has determined that local amendments to the 2016 California Fire Code are reasonably necessary because of local climatic, geographical, or topographical conditions in the City of Grover Beach as adopted by a separate resolution.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grover Beach as follows:

PART 1. The above recitals and findings are true and correct and are incorporated herein by this reference.

PART 2. Municipal Code Article VIII Building Regulations Chapter 1 California Building Code is hereby amended as follows:

ARTICLE VIII – BUILDING REGULATIONS

CHAPTER 1 – CALIFORNIA BUILDING CODE

Sec. 8100. Building Official. Appointment and Duties.

The Building Official shall be appointed by the City Manager of the City of Grover Beach and shall hold office at the pleasure of said City Manager. The Building Official or his/her authorized representative shall work under the direction of the Community Development Director. The Building Official is authorized and directed to administer and enforce all provisions and codes adopted by this Chapter and for such purpose shall have the powers of a police officer.

Sec. 8101. Adoption of the California Building Standards Administrative Code. The 2016 ~~2013~~ edition of the California Building Standards Administrative Code, ~~published by the International Code Council, Washington D.C., and as held by the California Building Standards Commission, Sacramento CA,~~ is hereby adopted as the Building Standards Administrative Code of the City of Grover Beach, ~~excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

Sec. 8102. Adoption of the California Building Code. The 2016 ~~2013~~ edition of the California Building Code, including Appendix G, I and J, as ~~published by the International Code Council, Washington, D.C., and as held by the California Building Standards Commission, Sacramento CA,~~ is hereby adopted as the Building Code of the City of Grover Beach, with the following revisions. ~~excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

(A) The following Section of the 2016 California Building Code shall be revised to delete and insert the following:

Where required. Section 903.2 of the 2016 California Building Code is amended in its entirety to read as follows:

Approved automatic sprinkler systems shall be installed in the following locations:

1. In all new buildings and structures that exceed 1,000 square feet, except group R-3 and U occupancies.
2. In additions or alterations for all buildings or structures as follows:
 - a. Throughout structures where additions to existing buildings adds more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet;
 - b. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
 - c. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

Sec. 8103. Adoption of the California Residential Building Code. The ~~2016~~ 2013 edition of the California Residential Code, including Appendix H, K, and V as published by the International Code Council, Washington, D.C., and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Residential Code of the City of Grover Beach, with the following revisions, excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.

(A) The following Sections of the 2016 California Residential Code shall be revised to delete and insert the following:

(1) Section R313.1. An automatic residential fire sprinkler system shall be installed as follows:

A. In all R-3 and U occupancies private garages and carports accessory to:

1. Including all attached structures;

2. Including all structures within 10 feet.

B. In additions or alterations for all buildings or structures as follows:

1. Throughout structures where additions to existing buildings adds more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet;

2. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;

3. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

(2) Section R313.2. Delete this section.

Sec. 8104. Adoption of the California Electrical Code. The ~~2016~~ 2013 edition of the California Electrical Code, including Annex A, B, C, D, E, F, G, H and I as published by BNi Publications, Inc, and as held by the National Fire Protection Association, Quincy, MA, and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Electrical Code of the City of Grover Beach, excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.

Sec. 8105. Adoption of the California Mechanical Code. The ~~2016~~ 2013 edition of the California Mechanical Code, including Appendix B, C and D, ~~and excluding Mechanical Permit Fee Table 114.1,~~ and substituting "Grover Beach Master Fee Schedule" where "Table 114.1" is referenced in this code, as published by the International Association of Plumbing and Mechanical Officials, Ontario, CA, and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Mechanical Code of the City of Grover Beach, excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.

Sec. 8106. Adoption of the California Plumbing Code. The ~~2016~~ 2013 edition of the California Plumbing Code, including Appendix A, B, D, H, I and J, ~~and excluding Plumbing Permit Fee Table 103.4,~~ and substituting "Grover Beach Master Fee Schedule" where "Table 103.4" is referenced in this code, as published by the International Association of Plumbing and

~~Mechanical Officials, Ontario, CA, and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Plumbing Code of the City of Grover Beach, excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

~~Sec. 8107. Adoption of California Energy Code. The 2016 2013 edition of the California Energy Code, including Appendix 1-A, as published by the International Code Council, Washington, D.C., and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Energy Code of the City of Grover Beach, excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

~~Sec. 8108. Adoption of the California Historical Building Code. The 2016 2013 edition of the California Historical Building Code, including Appendix 1-A, as published by the International Code Council, Washington, D.C., and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Historical Building Code of the City of Grover Beach, excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

~~Sec. 8109. Adoption of California Fire Code. The 2016 2013 edition of the California Fire Code, including Appendix Chapters 4, A, B, BB, C, CC, D, and H as published by the International Code Council, Washington, D.C., and as held by the California Building Standards Commission, Sacramento, CA, is hereby adopted as the Fire Code of the City of Grover Beach except such portions as are hereinafter deleted, modified or amended as follows.~~

(A) The following Sections of the 2016 2013 California Fire Code shall be revised to delete and insert the following:

Section 101.1 Title. Delete "Name of Jurisdiction" and insert "The City of Grover Beach".

Section 109.4 Violation Penalties. Delete "Specify Offense" and insert "Misdemeanor".

Section 109.4 Violation Penalties. Delete "Amount" and insert "One Thousand Dollars (\$1,000.00)".

Section 109.4 Violation Penalties. Delete "Number of Days" and insert "365".

Section 111.4 Failure to comply. Delete the first "Amount" and insert "triple the amount charged for the original permit fee(s)" and delete the second "Amount" and insert "One Thousand Dollars (\$1,000.00)".

~~(A) Section 308.1.6 of the 2013 California Fire Code is hereby amended by adding a new subsection 308.1.6.3, as follows:~~

~~308.1.6.3 Sky lanterns. The ignition and launching of sky lanterns is prohibited.~~

~~EXCEPTION: Upon approval of the fire code official, sky lanterns may be used under the following conditions:~~

~~(a) When necessary for religious or cultural ceremonies and adequate safeguards have been taken in the discretion of the fire code official. Sky Lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.~~

(~~B~~G) Section 503.1 of the 2016 ~~2013~~ California Fire Code shall be deleted in its entirety and replaced with the following:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. In addition to fire access required by the California Fire Code and Article IX of the Grover Beach Municipal Code, alleys and common driveways are designated fire lanes and shall be maintained in accordance with sections 503.2.1, 503.3, and 503.4 of the California Fire Code.

EXCEPTION: Where common driveways were constructed prior to January 1, 1998, minimum width and height clearances may be modified by the Fire Chief.

EXCEPTION: Where common driveways do not exceed 40 feet in length.

(~~C~~D) Section 903.2 of the 2016 ~~2013~~ California Fire Code shall be deleted in its entirety and replaced with the following:

Where required. Section 903.2 of the 2016 California Fire Code is amended in its entirety to read as follows:

Approved automatic sprinkler systems shall be installed in the following locations:

1. In all new buildings and structures that exceed 1,000 square feet, except group R-3 and U occupancies.
2. In additions or alterations for all buildings or structures as follows:
 - a. Throughout structures where additions to existing buildings adds more than 50% of the existing square footage to the structure AND results in a total square footage in excess of 1,000 (one thousand) square feet;
 - b. Throughout existing structures where alterations encompass more than 50% of the existing square footage of the structure AND is in excess of 1,000 (one thousand) square feet OR where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
 - c. These requirements will be applicable to the combined square footage of all building permits issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

~~903.2 Where required. Approved automatic sprinkler systems shall be installed as follows:~~

- ~~1. In all new buildings and structures that exceed 1,000 square feet for all occupancies except the R-3 occupancy (one- and two-family dwellings, townhouses) which shall comply with Section 903.2.2 of this Chapter.~~
- ~~2. In all new buildings and structures with a R-3 occupancy (one- and two-family dwellings, townhouses) per Section R313 of the California Residential Building Code with the exception of all U occupancies (private garages and carports) when the building or structure is an accessory use to the R-3 occupancy and separated by a minimum of ten feet.~~
- ~~3. In all additions or alterations to buildings and structures in all occupancies as follows:~~

~~Throughout structures where additions to existing buildings add more than 50% of the existing square footage to the structure OR the addition is 1000 (one thousand) square feet or greater.~~

~~Throughout structures where alterations to existing buildings encompass more than 50% of the existing square footage of the structure OR the alterations encompass 1,000 (one thousand) square feet or greater.~~

~~Where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief.~~

~~4. These requirements shall be applicable to the combined square footage of all building permits issued for the address or site within the last five (5) years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure for that purpose.~~

~~(DE) Appendix D Section D107.1 Exception 1 of the 2016 2013 California Fire Code shall be deleted in its entirety.~~

Sec. 8109.1. Fire Code Official.

The California Fire Code with amendments set forth in this Section shall be enforced by the Five Cities Fire Authority, which shall be operated under the Fire Chief of the Five Cities Fire Authority. The Fire Chief of the Five Cities Fire Authority may designate qualified individuals as inspectors as shall be necessary from time to time.

Sec. 8109.2. Recovery of Costs.

Where an emergency situation is caused or exacerbated by a willful act, a negligent act, or a violation of the Fire Code, Building Code, or any other applicable law, ordinance or regulation, the cost of emergency service to mitigate and secure any emergency that is within the responsibility of the Fire Chief is a charge against the person who caused the emergency or who caused the circumstances leading to the creation of the emergency, and such person shall be liable for the costs of such services. Damages and expenses incurred by any public agency providing emergency services or mutual aid shall constitute a debt of such person and shall be collectible by the Fire Chief or City Manager or designee for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Costs and expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to mitigate or secure the emergency, monitor remediation, and clean up.

Sec. 8109.3. Appeals.

~~Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Chapter do not apply or that the true intent and meaning of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Manager within thirty (30) days from the date of the decision appealed. The applicant may appeal from the decision of the City Manager within thirty (30) days from the date of the decision appealed by following the provisions outlined within Section A108 of the 2013 California Fire Code.~~

Sec. 8109.4. Issuance of Citations.

Officers and employees within the City of Grover Beach authorized to issue citations are designated within Article I, Chapter 2, Section 1203.2 of the Grover Beach Municipal Code.

Sec. 8110. Adoption of the California Existing Building Code. The ~~2016~~ 2013 edition of the California Existing Building Code, including Appendix A1, ~~as published by the International Code Council, Washington D.C., and as held by the California Building Standards Commission, Sacramento, CA,~~ is hereby adopted as the Existing Building Code of the City of Grover Beach, ~~excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

Sec. 8111. Adoption of the California Green Building Standards Code. The ~~2016~~ 2013 edition of the California Green Building Standards Code ~~without appendices, as held by the California Building Standards Commission, Sacramento, CA~~ is hereby adopted as the Green Building Standards Code of the City of Grover Beach, ~~excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

Sec. 8112. Adoption of the California Reference Standards Code. The ~~2016~~ 2013 edition of the California Reference Standards Code, ~~as published by the International Code Council, Washington, D.C.,~~ is hereby adopted as the Reference Standards Code of the City of Grover Beach, ~~excluding any references to fees. The fees as set forth in the City of Grover Beach Master Fee Schedule, as may be amended by the City Council from time to time, shall apply.~~

Sec. 8113. Adoption of the International Property Maintenance Code. The ~~2015~~ 2012 edition of the International Property Maintenance Code, ~~as published by the International Code Council, Washington D.C.,~~ is hereby adopted as the Property Maintenance Code of the City of Grover Beach, except such portions as are hereinafter deleted, modified or amended as follows.

- (A) The following Sections of the ~~2015~~ 2012 International Property Maintenance Code shall be revised to delete and insert the following:
- Section 101.1 Title. Delete "Name of Jurisdiction" and insert "The City of Grover Beach".
 - Section 103.5 Fees. Delete "Jurisdiction to insert appropriate schedule" and insert "The Grover Beach Master Fee Schedule".
 - Section 112.4 Failure to comply. Delete the first "Amount" and insert "triple the amount charged for the original permit fee(s)" and delete the second "Amount" and insert "\$1000.00".
 - Section 302.4 Weeds. Delete "jurisdiction to insert height in inches" and insert "four (4) inches".
 - Section 304.14 Insect screens. Delete "during the period from [Date] to [Date]" and insert "year-round".
 - Section 602.3 Heat supply. Delete "during the period from [Date] to [Date]" and insert "year-round".
 - Section 602.4 Occupiable work spaces. Delete "during the period from [Date] to [Date]" and insert "year-round".

Sec. 8114. Small Residential Rooftop Solar Energy System Review Process.

(A) Definitions.

(1) A "solar energy system" means either of the following:

(a) 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.

(b) 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.

(2) A "small residential rooftop solar energy system" means all of the following:

(a) A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.

(b) 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.

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

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

(3) "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.

(B) Purpose. The purpose of the section is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The section encourages the use of solar 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. The section allows the city to achieve these goals while protecting the public health and safety.

(C) Applicability.

(1) This ordinance applies to the permitting of all small residential rooftop solar energy systems in the city.

(2) 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.

(D) Solar Energy System Requirements.

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

(2) 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.

(3) 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.

(E) Duties of Building Division.

(1). All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible city website.

(2) Electronic submittal of the required permit application and documents by email, the internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

- (3) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature. However, the final permit must be signed at the counter until the city develops an electronic permit issuance registration.
 - (4) The building division shall adopt standard plan(s) and checklist(s) of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
 - (5) The small residential rooftop solar system permit process, standard plan(s), and checklist(s) 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.
 - (6) All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.
- (F) Permit Review and Inspection Requirements.
- (1) The city shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The building division should issue a building permit or other nondiscretionary permit within the recommended timeframes contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research upon receipt of a complete application that meets the requirements of the approved checklist and standard plan.
 - (2) Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.
 - (3) The city shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
 - (4) 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.
 - (5) The inspection shall be done in a timely manner and should include consolidated inspections.
 - (6) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized.

Sec. 8115. Electrical Vehicle Charging Stations Review Process.

(A) Definitions.

- (1) "Electric vehicle charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code, as it reads on the effective date of this section, and delivers electricity from outside an electric vehicle into a plug-in electric vehicle.
- (2) 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 on another similarly situated application in a prior successful application for a permit.
- (3) "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.

(B) Purpose. The purpose of the section is to adopt an expedited, streamlined electrical vehicle charging station permitting process that complies with the Electrical Vehicle Charging Stations Open Access Law and AB 1236 to achieve timely and cost-effective installations of electric vehicle charging stations. The section encourages the use of electrical vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the city, and expanding the ability of property owners to install electrical vehicle charging stations. The section allows the city to achieve these goals while protecting the public health and safety.

(C) Applicability.

(1) This ordinance applies to the issuance of building permits for electric vehicle charging stations in the city. All requirements of building permit applications in Title 24 for electric vehicle charging stations that are not addressed in this section shall remain in effect.

(2) Electric vehicle charging stations legally established or permitted prior to the effective date of the 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 an electronic vehicle charging station in such a way as to require new permitting. Routine operation and maintenance shall not require a permit.

(D) Electric Vehicle Charging Station Requirements.

(1) All electric vehicle charging stations shall meet applicable health and safety standards and requirements imposed by the state and the city.

(2) Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(E) Duties of Building Division.

(1) All documents required for the submission of an expedited electric vehicle charging station building permit application shall be made available on the city website.

(2) Electronic submittal of the required building permit application and documents by email, the internet, or facsimile shall be made available to all electric vehicle charging station permit applicants.

(3) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature. However, the final permit must be signed at the counter until the city develops an electronic permit issuance registration.

(4) The building division shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.

(5) The electric vehicle charging stations permit process and checklist shall substantially conform to recommendations for expedited permitting, including the checklist contained in the most current version of the Plug-In Electric Vehicle Infrastructure Permitting Checklist of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" adopted by the Governor's Office of Planning and Research.

(F) Permit Review and Inspection Requirements.

(1) The city shall adopt an administrative, nondiscretionary review process to expedite approval of electrical vehicle charging stations. The building division should issue a building permit or other nondiscretionary permit as expeditiously as possibly upon

- receipt of a complete application that meets the requirements of the approved checklist and standard plan.
- (2) Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.
- (3) 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.
- (4) The Building Official may require an applicant to apply for a Use Permit if the Official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission pursuant to Article IX Chapter 7.
- (5) If a Use Permit is required, the Planning Commission may deny such application if it 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 the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.
- (6) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

PART 3. That each of the changes or modifications to measures referred to herein are reasonably necessary because of local climatic, geographical, or topographical conditions in the area encompassed by the boundaries of the City of Grover Beach and the findings set forth in a separate Resolution are hereby adopted and support the local necessity for the changes or modifications.

PART 4: This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the General Rule (14 C.C.R. Section 15061(b)(3)) because it can be seen with certainty that the project will have no possibility for causing a significant effect on the environment.

PART 5: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

PART 6: This Ordinance shall take effect January 1, 2017. Within fifteen (15) days after its adoption, it shall be published in full, together with the names of the Council Members voting in favor, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held on October 17, 2016 and **PASSED, APPROVED and ADOPTED** by the City Council on _____, 2016 on the following roll call vote, to wit:

- AYES: Council Members -
- NOES: Council Members -
- ABSENT: Council Members -
- ABSTAIN: Council Members -

DRAFT

JOHN P SHOALS, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

DAVID P. HALE, CITY ATTORNEY

RESOLUTION NO. 16-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, ADOPTING LEGISLATIVE FINDINGS SUPPORTING AMENDMENTS AND CHANGES TO THE CALIFORNIA BUILDING STANDARDS CODE PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 17958.5, 17958.7 AND 18941.5

WHEREAS, the Grover Beach City Council intends to pass an ordinance adopting the 2016 California Building Standards Code and making modifications; and

WHEREAS, the California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 require the governing body of a city, before making any modifications or changes to the California Building Standards Code to make expressed findings that such modifications or changes are reasonably necessary because of local climatic, geographic, or topographic conditions; and

WHEREAS, the Grover Beach City Council finds that a departure from the California Building Standards Code is reasonably necessary because of local climatic, geographic, or topographic conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

The City Council has determined that local amendments to the 2016 California Fire Code are reasonably necessary because of local climatic, geographical, or topographical conditions in the City of Grover Beach and the following legislative findings support the local necessity for the amendments:

1. Geography – Grover Beach is located in San Luis Obispo County which has a high probability of seismic activity due to several active earthquake faults within the region. The majority of the City has sandy soils with areas of high ground water which makes the soil more prone to liquefaction in major earthquakes. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. In the event of a significant earthquake, public safety resources would need to be prioritized to mitigate the greatest threats and may not be available for every structural fire. In such event, the installation of fire sprinkler systems would mitigate the risk of damage.
2. Topography - The northern portion of Grover Beach includes steep hillsides and riparian areas with dense vegetation that contain moderate to high wildland fuel loading. These areas are adjacent to residential neighborhoods which could place them in peril if a wildland fire occurs, especially when the area experiences dry off-shore winds that aid the spread of fire. In the event of a significant wildland fire, public safety resources would need to be prioritized to mitigate the greatest threats and may not be available for every structural fire. In such event, the installation of fire sprinkler systems would mitigate the risk of damage.

The City of Grover Beach is divided by the Union Pacific Railroad tracks and has only one at grade crossing along the two miles of tracks within the City. Any blockage of the at-grade crossing, temporary or long-term could significantly delay the emergency response times of

emergency personnel, especially during peak hours. The installation of fire sprinklers would reduce the spread of fire should a delay in response time occur.

3. Climate – While the City of Grover Beach typically has a coastal climate, the area is periodically subject to extreme weather conditions, including strong off-shore winds, which can greatly enhance the ability of fire to spread rapidly. The installation of fire sprinkler systems would mitigate the risk of damage in the event of a wildland fire. Further, the City commonly experiences dense coastal ground fog that can obscure vision, compromising early detection of fire. The installation of fire sprinkler systems would mitigate the risk of damage in the event that emergency response was delayed.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

The findings that are made for the local amendments to the 2016 California Fire Code shall be filed with the State of California Building Standards Commission.

On motion by Council Member _____, seconded by Council Member _____, and on the following roll-call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -

the foregoing Resolution was **PASSED, APPROVED, and ADOPTED** at a regular meeting of the City Council of the City of Grover Beach, California this 17th day of October, 2016.

DRAFT

JOHN P. SHOALS, MAYOR

ATTEST:

DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

DAVID P. HALE, CITY ATTORNEY