Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 171194 and is incorporated herein by reference. The Board affirms this determination.

(b) The Building Inspection Commission considered this ordinance on December 19, 2019, at a duly noticed public hearing pursuant to Charter Section D3.750-5.

(c) In the 1978 California Solar Rights Act (Civil Code Sections 714 to 714.1), the Legislature declared that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is a matter of statewide concern and not a municipal affair. In numerous laws it has enacted since then, the Legislature has
declared it the policy of the State of California to both encourage the development of innovative distributed generation technology and to prioritize the widespread adoption of solar power as a renewable energy resource.

(d) In September 2014 the Legislature enacted AB 2188, which among other things amended Section 65850.5 of the Government Code to require that all jurisdictions within the state adopt an ordinance for an expedited, streamlined permitting process for small residential rooftop solar energy systems. In adopting this requirement, the Legislature stated that:

(1) it is the policy of the state to promote and encourage the use of solar energy systems and limit obstacles to their use;

(2) the permitting process governing the installation of rooftop solar energy systems varies widely across jurisdictions, which is both an obstacle to the state's clean energy and greenhouse reduction goals and a burdensome cost to homeowners, businesses, schools, and public agencies;

(3) a modern and standardized permitting process for installations of small-scale solar distributed generation technology on residential rooftops will increase the deployment of solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the state's ability to reach its clean energy goals, and generate much needed jobs in the state; and

(4) it is the intent of the Legislature that local agencies comply not only with the mandatory language of the new law but also with the legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(e) Government Code Section 65850.5(b) mandates that:
(1) review of an application to install a solar energy system shall be limited to the building official’s review of whether it meets all health and safety requirements of local, state, and federal law;

(2) the requirements of local law be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety;

(3) any conditions imposed on an application 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; and

(4) the local jurisdiction may not deny an application to install a solar energy system unless written findings, based upon substantial evidence in the record, are made that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no “feasible method to satisfactorily mitigate or avoid the specific, adverse impact,” as that term is defined in Government Code Section 65850.5(j).

(f) In compliance with City policy and with the state’s mandates and declared legislative intent, City departments currently process applications for installation of all on-site renewable energy systems (such as solar photovoltaic, solar hot water, cogeneration, wind turbine generators, or other renewable energy features) in accordance with the Priority Permit Processing Guidelines set forth in the Department of Building Inspection’s Administrative Bulletin 004. This ordinance codifies the existing process.

Section 2. California Health and Safety Code Section 17958.7. No findings are required because the ordinance enacts the expedited permit process for solar energy systems required by Government Code Section 65850.5. It does not amend a “building standard,” as defined in Section 18909 of the Health and Safety Code.
Section 3. The Building Code is hereby amended by adding Section 106A.1.15, to read as follows:

106A.1.15 Solar energy systems.

106A.1.15.1 Definitions. For purposes of this Section 106A.1.15, the following definitions apply:

"Solar energy system," as defined in California Government Code Section 65850.5(j) and Civil Code Section 801.5(a), 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.

"Small residential rooftop solar energy system," as defined in California Government Code Section 65850.5(j), means a solar energy system that:

1. is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;

2. is installed on a single or duplex family dwelling;

3. has a solar panel or module array that does not exceed the maximum legal building height in applicable City codes;

4. conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and County of San Francisco; and

5. conforms to all state and City health and safety standards.

106A.1.15.2 Permit and fees. An electrical permit is required to install or alter a solar energy system. See Section 110A, Table 1A-E – Electrical Permit Fee Issuance and Inspection Fee Schedule for applicable fee. The fee for a building, plumbing, mechanical, or other permit, if required, shall be the fee established in the Section 110 fee tables for that permit.
EXCEPTION: An electrical permit is not required to make minor alterations to an existing solar energy system unless the alterations materially change the size, type, or components of the system in such a way as to require new permitting.

106A.1.15.3 General requirements.

1. A solar energy system and its installation shall comply with Article 690 and other applicable sections of the Electrical Code, and any applicable sections of the Mechanical Code, Plumbing Code, Building Code, or other codes enforced by the Department of Building Inspection.

2. A solar energy system for producing electricity shall meet all applicable safety and performance standards for such systems established by the 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.

3. A solar energy system used for heating water in single-family residences or for heating water in swimming pools shall be certified by an accredited listing agency as defined by the Plumbing and Mechanical Codes.

4. A solar energy system proposed for installation on a building that is (a) a designated landmark, or (b) a contributory resource in a designated historic district, or (c) on the National Register or State Register, or deemed eligible for listing on the National or State Register, requires a building permit and shall be reviewed by the Planning Department to ensure compliance with Article 10 of the Planning Code and, if required, referral to the Historic Preservation Commission pursuant to the provisions requirements of Section 1005 and other applicable sections of Article 10 of the Planning Code.

5. Installation of a solar hot water system requires a plumbing permit.

106A.1.15.4 Permit application submittal documentation; expedited review. Except as set forth in Section 106A.1.15.3(4) above, upon submittal of the application and the following documentation listed in paragraphs 1 through 4 below, an application for a permit to install a solar
The application, and the documentation required by this Section 106A.1.15.4, may be submitted electronically.

1. a standard plan contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor’s Office of Planning and Research or other plan acceptable to the Building Official;

2. the information required by the checklists contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor’s Office of Planning and Research;

3. verification, using standard engineering techniques, that the support structure for the solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

4. verification, using standard electrical inspection techniques, that the existing electrical system including existing line, load, ground and bonding wiring, as well as main panel and subpanel sizes, are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads.

The application, and the documentation required by this Section 106A.1.15.4, may be submitted electronically.

106A.1.15.5 Permit review and issuance. A permit for a solar energy system that is 4 kilowatts or less is issued over the counter if the application meets all requirements and a public health or safety issue has not been identified. A larger system requires review by the Electrical Division, and a review by other Divisions may be required depending on the system. An application for installation of a solar energy system on a building that is (a) a designated landmark, or (b) a contributory resource in a designated historic district, or (c) on the National Register or State Register, or deemed eligible...
for listing on the National or State Register, requires review by the Planning Department to ensure compliance with Article 10 of the Planning Code and, if required, referral to the Historic Preservation Commission pursuant to the requirements of conformance with the provisions of Section 1005 and other applicable sections of Article 10 of the Planning Code.

106A.1.15.6 Inspections. Only one inspection is required for a small residential rooftop energy system that is eligible for expedited review under Section 106A.1.15.4. An inspection will be scheduled within three business days of a request and provide a two-hour inspection window. If the system fails inspection, a subsequent inspection is required.

106A.1.15.7 Separate approval required to connect a Solar Energy System to the electricity grid.

Approval of a permit for installation of a solar energy system does not authorize the applicant to connect the system to the local utility provider’s electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

106A.1.15.8 Denial of permit; permit conditions. Pursuant to Government Code Section 65850.5(c), if the Department or other agency of the City denies an application for a solar energy system use permit, it shall make written findings, based upon substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety or a historic resource and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives for preventing the adverse impact. Any conditions imposed on the permit shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

Section 4. The Building Code is hereby amended by revising Section 106A.2, to read as follows:

106A.2 Work exempt from permit. Exemptions from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in
violation of the provisions of this code or any other laws or ordinances of this jurisdiction. A
building permit shall not be required for the following:

23. A small residential rooftop solar energy system, as defined in Section 106A.1.15.1,
installed on a building that is not (a) a designated landmark, or (b) a contributory resource in a
designated historic district, or (c) on the National Register or State Register, or deemed eligible
for listing on the National or State Register. An electrical permit or other permit may be required
depending on the system.

Section 5. Effective Date. This ordinance shall become effective 30 days after
enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
of Supervisors overrides the Mayor’s veto of the ordinance.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
additions, and Board amendment deletions in accordance with the “Note” that appears under
the official title of the ordinance.

Section 7. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
to forward a copy of this ordinance to the California Building Standards Commission upon final passage.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: JUDITH A. BOYAJIAN
Deputy City Attorney
Ordinance amending the Building Code to enact an expedited and streamlined permit process for solar energy systems; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk to forward this Ordinance to the California Building Standards Commission upon final passage.

March 11, 2019 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 11, 2019 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

March 19, 2019 Board of Supervisors - PASSED ON FIRST READING
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

April 02, 2019 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 4/2/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved