

Title 17 BUILDINGS AND CONSTRUCTION¹

Chapter 17.04 UNIFORM CODES²

17.04.010 Technical building codes adopted—Copies on file.

The fourteen documents and their respective appendices as outlined herein, one copy of each of which are on file in the office of the city clerk, are hereby adopted by reference as amended in Title 17, and are being marked and designated as the:

1. ~~2022~~19 California Administrative Code.
2. ~~2022~~19 California Building Code, including Chapter 1.
3. ~~2022~~19 California Residential Code, ~~including Appendix H—Patio Covers.~~
4. ~~2022~~19 California Electrical Code.
5. ~~2022~~19 California Mechanical Code.
6. ~~2022~~19 California Plumbing Code.
7. ~~2022~~19 California Energy Code.
8. ~~2022~~19 California Historical Building Code.
9. ~~2022~~19 California Fire Code, including Chapter 1 and:

¹Editor's note(s)—Ord. No. 1085 N.S., § 4, adopted November 19, 2019, repealed the former Title 17, §§ 17.04.010—17.04.070, 17.08.010—17.08.080, 17.12.010—17.12.050, 17.16.010—17.16.060, 17.18.010—17.18.040, 17.20.010—17.20.080, 17.25.010—17.25.060, 17.30.010—17.30.140, 17.35.010, and enacted a new Title 17, §§ 17.04.010—17.04.070, 17.08.010, 17.12.010—17.12.040, 17.16.010—17.16.060, 17.18.010—17.18.040, 17.20.010—17.20.080, 17.25.010—17.25.060. The former Title 17 pertained to similar subject matter and derived from Ord. 239 N.S., adopted 1961; Ord. 547 N.S., adopted 1988; Ord. 582 N.S., adopted 1989; Ord. 586 N.S., adopted 1989; Ord. 628 N.S., adopted 1992; Ord. 762 N.S., adopted 1999; Ord. 898 N.S., adopted 2005; Ord. 943 N.S., adopted 2008; Ord. 1017 N.S., adopted 2015; Ord. No. 1038 N.S., adopted November 15, 2016; Ord. No. 1043 N.S., adopted 10-3-2017.

Cross reference(s)—For provisions concerning the director of public works as building, plumbing, electrical inspector, see § 2.36.010 of this code; for food and drink establishments, see Ch. 7.12 of this code; for street addresses, house numbers, see Ch. 11.08 of this code.

State law reference(s)—For statutory provisions authorizing cities to adopt codes by reference, see Gov. Code § 386.60.

²State law reference(s)—For statutory authority to regulate construction and removal of buildings, see Gov. Code §§ 38601 and 38660; for provisions establishing fire zones, see Ch. 16.04 of this code; for provisions regulating signs, see Ch. 21.19 of this code.

[-Appendix B- Fire Flow Requirements for Buildings](#)

Appendix D—Fire Apparatus Access Roads-

10. ~~2022~~49 California Existing Building Code.
11. ~~2022~~49 California Green Building Standards Code.
12. ~~2022~~49 California Referenced Standards Code.
13. Uniform Housing Code, 1997 Edition as published by International Conference of Building Officials.
14. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by International Conference of Building Officials.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.04.020 Changes or additions to the California Building Code.

A. Section 105, Permits, is amended and subsections added as follows:

105.1.3 Start of Construction:

For the purpose of enforcement of this code, it shall be interpreted that any movement of soil or preparation for installation of foundation or utilities, other than that allowed under the jurisdiction of an approved grading permit shall signify the start of construction. Prior to start of construction, a valid building permit shall be secured.

105.1.4 Permit Revocation:

Should a permit be secured by check, later to be returned for insufficient funds or closed account, that this shall show just cause for revocation of any permits and posting of a Stop Work Order. In conjunction with posting of a Stop Work Order, the site shall be noticed for abatement.

105.1.5 Street Dedication as a Condition of Issuance of a Building Permit:

No Building Permit shall be issued for the construction, reconstruction or relocation of any building or structure abutting upon a street having a lesser width than that established by resolution of the City Council unless the following requirements in Sections 105.1.6 and 105.1.7 are complied with.

105.1.6 Dedication of Street Right-of-Way:

The owner of the lot shall make a perpetual and irrevocable offer of dedication to the City for public street purposes, and all uses appurtenant thereto, of a depth determined by the City Engineer based upon the Circulation Element of the General Plan and Official Plan Lines adopted by the City Council. It shall be the responsibility of the City Engineer to confirm that the required dedication(s) has/have been provided.

105.1.7 Setbacks:

The required setback shall be maintained for all buildings, structures and improvements, including off-street parking, as measured from the right-of-way width. It shall be the responsibility of the Building Official to confirm that the required setbacks have been provided, based on property monuments established by a licensed surveyor.

The first sentence of Section 105.5, Expiration, is amended to read as follows:

105.5 Expiration:

~~Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for a period of not more than 180 days per extension. The~~

~~extension shall be requested in writing prior to the permit expiring and show justifiable cause demonstrating that circumstances beyond the control of the permittee have prevented action from being taken.~~

Commented [DK1]: Absorbed by CBC 105.5.1

B. Section 113, Board of Appeals, is amended and subsections added as follows:

113.1.1 In order to provide for interpretations of steps necessary to implement Title 24 of the California Code of Regulations or the technical codes adopted by the City pertaining to access or accommodations for the physically disabled, and those Chapters of the City of El Paso de Robles Municipal Code where the Board is specifically noted as being the entity responsible for the hearing of appeals, there is hereby established a City of Paso Robles Housing Advisory and Disabled Access Board of Appeals (hereinafter sometimes collectively referred to as "Building Board of Appeals" or "Board of Appeals").

113.2.1 The Board of Appeals shall function as the "Local Appeals Board" and "Housing Appeals Board" as specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The Board shall also serve as the "local appeals board" specified in section 19957.5 of the California Health and Safety Code, in appeals relating to accommodations for the physically disabled.

The Board shall have no authority relative to interpretation of the administrative provisions of the codes adopted by the City, nor shall the Board be empowered to waive requirements of any code adopted by the City.

The authority of the Board shall consist of the ability to consider appeals filed pursuant to this Chapter and give reasonable interpretations of the Chapter and the technical codes. When required to do so, the Board will conduct hearings regarding appeals of notices and/or orders relative to unsafe buildings.

113.3.1 Board of Appeals. The Building Board of Appeals shall consist of five members and two (2) alternates; the Disabled Access Board of Appeals shall consist of the five members of the Board of Housing Appeals (two of the members of the board must work in construction and one member shall be a member of the public as required by Health & Safety Code § 19957.5) and shall be supplemented by two (2) additional members, both of whom shall be physically disabled when the appeal pertains to disabled access.

Members selected to hear an appeal shall reflect an area of expertise reflective of the appeal being heard.

Members of the Board of Appeals shall be qualified by experience and training to pass judgment upon matters pertaining to building construction and/or disabled access, as appropriate. Members of the Board of Appeals shall be appointed by, and serve at the pleasure of the City Council. Each member of the Board shall comply with applicable provisions of the Political Reform Act of 1974, California Government Code Section 81000 *et seq.* The Building Official shall be an ex officio member of the Board and shall act as secretary to said Board, but shall have no vote upon any matter before the Board.

113.54 Eligibility.

Any individual meeting those criteria as set forth in subsection 113.3.1 above shall be eligible to serve on the Board of Appeals.

Exception:

Employees of the City shall not be eligible to serve on the Board of Appeals.

113.65 Term.

Terms of initial appointment shall be for a term of two (2) years for two (2) members and four (4) years for three (3) members. Subsequent appointments shall be for a term of four (4) years.

Terms for initial appointment of disabled members for the Disabled Access Appeals shall be two (2) years for one member and four (4) years for the second. Subsequent appointments shall be for a term of four (4) years.

113.76 Rules and Regulations.

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The Board of Appeals shall adopt reasonable rules and regulations, subject to approval by the City Council, for conducting its business.

113.87 Appeals Procedure.

Any person aggrieved by a decision of the Building Official for the City pertaining to orders, decisions, or determinations relative to the application and interpretations of the Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Title 24 of the California Code of Regulations or the technical codes adopted by the City, pertaining to access or accommodations for the physically disabled, shall have the right to appeal the decision as provided for under this chapter.

Decisions and actions regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Disabled Access as provided for under this chapter.

113.98 Appeal Hearing Fee.

A fee shall accompany an application for a hearing before the Building Board of Appeals. The purpose of the fee shall be to cover those costs incurred by the City to provide for the appeals process.

Appeal Fees shall be set by resolution, subject to review by City Council. Appeal fees will be reviewed periodically to ensure that the fees charged cover the costs associated with the appeals process.

113.109 Timing and form of appeal.

An appeal shall be filed with the Secretary of the Building Board of Appeals within fifteen (15) working days (holidays observed by the City are not working days) after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing in a form to be supplied by the secretary in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.

Any written reports to be made to the Board shall be filed with the Secretary of the Board and shall be made available to the Board and to the public no less than five (5) working days prior to the date set for the hearing. Any City of Paso Robles Department Manager or designee shall have the right to be heard on any matter coming before the Board.

113.110 Hearing and decision.

The Secretary of the Board shall set the time and place for a hearing the appeal, and a notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Paso Robles, and notice shall also be given to the appellant by mailing, postage prepaid, at the address provided by the appellant in the letter of appeal at least ten (10) working days before the hearing date. The Board shall render all decisions in writing.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

C. Section 1803, Geotechnical Investigations, is amended and subsections added as follows:

1803.2 Investigations required:

Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.

Exception: The building official shall be permitted to waive the requirement for a geotechnical investigation where satisfactory data from adjacent areas is available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

The building official may not require a foundation and soils investigation report for one-story, wood-frame and light-steel-frame additions to Group R, Division 1 and 3 occupancies of 1,000 square feet of floor area or less, or

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new one-story, wood-frame and light-steel-frame detached accessory structures 1,000 square feet of floor area or less, or one-story, wood-frame and light-steel-frame additions to detached accessory structures 1,000 square feet of floor area or less when a licensed architect or engineer provides a foundation design and a site observation report with a statement of site suitability.

Minimum foundation for structures that do not require a soils report may be any one of the following:

1. Minimum 27" deep, 12" wide, with 2 #5 bars top and bottom.
2. Foundation design prepared, stamped, and signed by a licensed architect or engineer, specific to the proposed structure with a statement of site suitability.
3. Alternative design approved by Building Official due to minor scope of project, or evidence observed by site investigation, or substantive information provided by project owner or authorized agent.

17.04.021 Changes or additions to the California Residential Code.

A. Section R401.4, Soil tests, is amended and subsection added as follows:

R401.4.1.1.5 Alternate procedures.

The governing body of any city, county, or city and county may enact an ordinance prescribing an alternate procedure which is equal to or more restrictive than the procedures specified in Sections R401.4.1.1.1, R401.4.1.1.2 and R401.1.1.3.

The building official may not require a foundation and soils investigation report for one-story, wood-frame and light-steel-frame additions to Group R, Division 1 and 3 occupancies of 1,000 square feet of floor area or less, or new one-story, wood-frame and light-steel-frame detached accessory structures 1,000 square feet of floor area or less, or one-story, wood-frame and light-steel-frame additions to detached accessory structures 1,000 square feet of floor area or less when a licensed architect or engineer provides a foundation design and a site observation report with a statement of site suitability.

Minimum foundation for structures that do not require a soils report may be any one of the following:

1. Minimum 27" deep, 12" wide, with 2 #5 bars top and bottom.
2. Foundation design prepared, stamped, and signed by a licensed architect or engineer, specific to the proposed structure with a statement of site suitability.
3. Alternative design approved by Building Official due to minor scope of project, or evidence observed by site investigation, or substantive information provided by project owner or authorized agent.

17.04.030 Changes or additions to the California Fire Code.

A. Section 311, Vacant Premises, is amended with a subsection added as follows:

311.1.3 Securing Premises.

The owner, occupant or other persons having under their control of any property, or materials on property, damaged by fire, when access by the public is possible, shall secure the property either by boarding up all openings, fencing, barricading or other appropriate measures as directed by the Fire Chief within 24 hours of the incident.

B. Section 505, Premises Identification, is amended with subsections added as follows:

505.1.1 Address Identification.

When the building or group of buildings (five units or more) is served by an alley or interior driveway, the numbers or alphabetical designation shall be displayed on a directory or annunciator board, approved by the Fire Chief, at

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Commented [DK2]: Building Code and Residential Code – adding information on the soils requirement provision allowed in the Code for the Building Official to have exceptions. A neighboring jurisdiction follows these same guidelines which have been in support of soils engineers and local civil engineers (and will help create requirement consistency for developers).

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Commented [DK3]: Building Code and Residential Code – adding information on the soils requirement provision allowed in the Code for the Building Official to have exceptions. A neighboring jurisdiction follows these same guidelines which have been in support of soils engineers and local civil engineers (and will help create requirement consistency for developers).

each driveway or alley entrance. Senior housing, retirement villas, hotel and motel annunciator boards shall be of a Graphic type. The property owner, Homeowner's Association or individual in charge of the property shall be responsible for maintaining the directory.

505.1.2 Rear Door Address Numbers.

All buildings with access via an alley or other similar roadways shall have the address number provide on the rear door of the building or tenant space.

C. Section 507, Fire Protection Water Supplies, is amended with a subsection added as follows:

507.2.3 Installation Requirements.

Private fire service mains and water tank installation plans shall be reviewed and approved by the Fire Chief prior to installation. The Fire Chief shall conduct field verification for compliance with approved plans prior to the issuance of a Certificate of Occupancy.

Fire Suppression Backflow Devices shall be protected from freezing by one of the following methods:

1. A dedicated 20 amp, 120-volt receptacle, capable of supporting the loads associated with commercially available heat tapes shall be located within five feet of any backflow/check valve assembly.
2. An approved insulated cover providing a minimum resistance factor of R-3. The insulation used must be of a minimum Class III flame spread index, with a smoke density no greater than 450.

D. Section 903.2 is amended to read as follows:

903.2 Where required.

Unless otherwise required by the Code for a lesser square footage, in the locations described in Sections 903.2.1 through 903.2.12, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total combination of both usable and unusable floor area exceeds 5,000 square feet.

Exceptions:

1. Group R Occupancies per Section 903.2.8 "Exceptions:"

New Construction:

1. The area of mezzanines and additional stories above and below the ground floor shall be included in determining the areas where sprinklers are required. This requirement shall not preclude the installation of any separation walls required by other sections of the Code.
2. The square footage of a building shall be computed using a combination of both usable and unusable floor area. Vent shafts and concealed spaces shall be considered when computing building area. Areas of buildings may not be reduced, subdivided, or compartmentalized into areas less than 5,000 square feet by the installation of separation walls. Courts meeting the requirements of Section 1206 of the California Building Code shall not be included in the calculation.
3. Plans for Fire Sprinkler systems shall be submitted for review prior to inspection of the structural frame.
4. Occupancies within Commercial Zones, in which the type of tenant is not known at the time of permit (i.e. Shell Buildings), shall have the sprinkler system hydraulically designed to a minimum standard of N.F.P.A. #13, Ordinary Hazard Group III.
5. Occupancies within Industrial or Manufacturing Zones, when the type of tenant is not known at the of construction, shall have the sprinkler system hydraulically designed to a minimum standard N.F.P.A. hazard group, as determined by the Fire Chief.

Existing Construction:

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An automatic fire sprinkler system shall be installed in all rooms, buildings or structures when the following conditions are determined to exist:

1. In conjunction with any change in the occupancy group assigned the structure under the California Building Code, and the floor area exceeds 5,000 square feet.
2. The area of mezzanines shall be included in determining the areas where sprinklers are required. This requirement shall not preclude the installation of any separation walls required by the Code.
3. The square footage of a building shall be computed using outside wall areas. Vent shafts and concealed spaces shall be considered when computing building area. Areas of buildings may not be reduced, subdivided, or compartmentalized into areas less than 5,000 square feet by the installation of separation walls. Courts meeting the requirements of Section 1206 of the California Building Code shall not be included in the calculation.

Section 903.3.7 is amended to read as follows:

903.3.7 Fire department connections.

Connections shall be located on the addressed side of the building and within 150 feet of a fire hydrant, with the exact location to be specified by the Fire Chief.

Exception: The Fire Chief may require connections in locations other than the addressed side when necessary due to response needs or unusual building configuration.

E. Section 5608, Fireworks Display, is amended with subsection added as follows:

5608.2 Fireworks Prohibited.

No person shall sell, display for sale, possess, store, or manufacture, use, light, fire, discharge, explode or set off any fireworks, including "Safe and Sane" fireworks anywhere within the city, except as allowed by the Fire Chief.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.04.040 Changes or additions to the California Electrical Code.

Changes or additions to the California Electrical Code, referenced to in Section 17.04.010 are as follows:

1. Article 230.70, Service Equipment-Disconnecting Means, General, is amended with a subsection added as follows:

230.70.1 All electric services shall have a single main disconnect to disconnect all conductors in a building or structure. In all new construction and remodels involving fifty percent or more of the total square footage of the building, when the required disconnect is located within the building or in an area not readily accessible, a shunt trip shall be installed and wired to be activated by a 'Knox Switch' located in a readily accessible location on the exterior of the building as designated by the Fire Chief.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.04.050 Changes or additions to the California Plumbing Code.

Changes or additions to the California Plumbing Code referred to in Section 17.04.010 are as follows:

A. Section 312.0, Protection of Piping, Materials and Structures, is amended with subsection as follows:

312.6 No water, soil, or waste pipe shall be installed or permitted outside of a building, in attics or crawl spaces, or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing.

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Insulation providing a minimum resistance factor of R-3 or greater is required for all pipes 2" or less in diameter that are located in unconditioned spaces.

Commercial and residential fire suppression systems shall be provided with an insulation cover providing a minimum resistance factor of R-3. The insulation used must be of a minimum Class III flame spread index, with a smoke density no greater than 450.

Commented [DK4]: This was previously in the municipal code. Existing code provides staff with the ability to make this a "provision" (requirement) but in real life application, there has been confusion in the field. We need to have the requirement for staff and developers to be on the same page.

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B.4- Section 401.3, Water-Conserving Fixtures and Fittings, is amended with a subsection added as follows:

401.3.1 Equipment installed in automatic and coin operated car washes shall be capable of recycling a minimum of fifty percent (50%) of the water required for their daily operation.

C.

2. Section 603.3, Backflow Prevention Devices, Assemblies, and Methods, is amended with subsections added as follows:

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603.3.130 All new Commercial, Industrial, and Multi-family developments (two units or more) shall protect the city water supply through the installation of a Backflow - Reduced Pressure Device Prevention Device. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

603.3.14 Existing Commercial, Industrial, and Multi-family developments (two units or more) originally constructed without backflow - reduced pressure devices, shall retrofit and install a backflow - reduced pressure device in conjunction with the issuance of any building or plumbing permit when the value of the work associated with the permit exceeds \$2500.00. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

D.3- Section 608.2, Excessive Water Pressure, is amended with a subsection added as follows:

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608.2.1 For potable water services up to and including one and one half (1-1/2) inch (38.1 mm) regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approved regulators with integral by-passes are acceptable.

As a result of excessive water pressures found within the City of El Paso de Robles, pressure regulators complying with 608.2 above shall be installed on all new construction, and on all remodels consisting of changes to, or increases of the floor space in excess of 50% of the existing gross square footage.

E.4- Section 612, Residential Fire Sprinkler Systems, is amended with a subsection added as follows:

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612.1.1 Passive purge fire sprinkler systems are a type of residential fire sprinkler system that serves a single toilet in addition to the fire sprinklers. The toilet shall be on a remote portion of the sprinkler system or the system shall be designed as a loop so that the water moves through a majority of the fire sprinkler system piping when the toilet is flushed. Passive purge system non-metallic pipe and fittings shall be designed to withstand a working pressure of not less than 130 psi (8.9 bar) at 120 degrees (49C).

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.04.060 Building permit fees.

Building permit fees shall be as established in the city master fee schedule, as adopted by the city council.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.04.070 Penalty for violation.

Any person who violates any of the provisions of this chapter, or fails to comply with any order made thereunder, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

Chapter 17.08 MOVING BUILDINGS³

17.08.010 Permit required.

No building or structure shall be moved to or relocated at any site location within the city, nor shall the public streets within the city be used therefor, without the required permits.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

Chapter 17.12 SECURITY OF BODIES OF WATER TO BE USED FOR THE PURPOSE OF HUMAN IMMERSION

17.12.010 Protective enclosures for swimming pools, etc.

A. Every person who owns or is in possession of any lot or premises on which there is situated a swimming pool, or pool, any structure intended for swimming or recreational bathing, including in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas, non-portable wading pools, fish ponds, wading pools or any other outside body of water created by artificial means designated or used for swimming or other immersion purposes by men, women or children, any portion of which body of water is one and one-half feet or more in depth and in which the surface area of water does not exceed ten thousand square feet, public swimming pools operated for the use of the general public with or without charge, or for the use of the members and guests of a private club, (public swimming pool does not include a swimming pool located on the grounds of a private single-family home), shall maintain a fence, wall, or other structure on the lot or premises completely surrounding such body of water to make same inaccessible to children. Such fence, wall, or other structures shall comply with Article 2, commencing with Section 115920 of the State Health and Safety Code, relating to swimming pools as follows:

1. The top of the barrier shall be at least five feet above the grade measured on the side of the barrier that faces away from the swimming pool;
2. Any openings, gaps, or voids, if any, in the barrier shall not allow passage equal to or greater than a four inch diameter sphere;
3. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions excepting tooled masonry joints;
4. If the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-eight inches, the horizontal members shall be located on the

³State law reference(s)—See California Government Code §§ 38601, 38660.

swimming pool side of the fence. Spacing between vertical members shall not exceed one and three-quarters inches in width. If there are decorative cutouts, they shall not exceed one and three-quarters inches in width;

5. If the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-eight inches or more, spacing between vertical members shall not exceed four inches. If there are decorative cutouts within vertical members, spacings or openings within the cutouts shall not exceed one and three-quarters inches in width;
6. The maximum mesh size for chain link or wire fences shall be two inches structure. The wire shall not be less than twelve gauge;
7. If the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches;
8. a. Each access gate shall comply with the requirements of subsections (A)(1) through (A)(7) of this section, inclusive, and shall be equipped to accommodate a locking device.
 - b. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and self-latching.
 - c. Gates other than pedestrian access gates shall have a self-latching device. If the release mechanism of the self-latching device is located less than fifty-four inches from the bottom of the gate, the release mechanism shall be located on the pool side of the gate and barrier have no opening greater than one-half inch maximum dimension within eighteen inches of the release mechanism.
9. a. The foregoing provisions shall apply to all permanent and to all portable or temporary structures including those designed or used for swimming or other immersion purposes by men, women or children irrespective of the nature of the materials used in the construction and or the design thereof and irrespective of the length of time of use of such portable or temporary structure.
 - b. A pool located on a lot with a single-family dwelling or duplex may be protected by a fence around the pool or a fence around the entire lot; the walls of any such building may be used for a partial or complete enclosure of the pool. All other pools shall be protected by a fence around the pool itself.
 - c. In lieu of a permanent fence being required prior to starting of construction, a temporary enclosure may be installed at time of excavation. Height and gate requirements for temporary enclosures shall be the same as those for permanent fences. The temporary enclosure is to be removed and the permanent enclosure installed in conjunction with installation of the finish decking around the pool or prior to final inspection.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.12.020 Doors or gates.

- A. All doors or gates shall be of such size as to completely fill any opening in the fence, wall, or other structure large enough to admit a child and shall be of such size and design so as not to admit any child when it is in a closed position. Such door or gate shall be secured with a locking device or equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed. Such closing or latching devices shall be located not less than fifty-four inches above grade or otherwise be inaccessible from the outside to small children. Where a wall of a dwelling serves as part of the barrier, doors with direct access to the pool through that wall shall be equipped with an exit alarm that produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible

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alarm shall activate within seven seconds and sound continuously for a minimum of thirty seconds after the door and/or its screen if present, are opened and be capable of being heard throughout the house during normal household activities. The exit alarm shall automatically reset under all conditions. In lieu of self-closing and self-latching devices at pools where a direct fee is charged and/or where continuous lifeguard service is provided, doors and gates may be equipped with locks which shall be kept locked at all times when said pool, pond, or other body of water is not in actual use. Lifeguard service shall be as defined in Section 115028 of the Californian Health and Safety Code.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.12.030 Filling swimming pool illegal without fence surrounding pool.

The requirements contained within this chapter shall be applicable to any pool building or installed after adoption of this chapter. Consistent with Section 17928 of the State Health and Safety Code any pool transferred to a new owner on or after July 1, 1992, shall be entirely enclosed with a barrier which restricts access to the swimming pool from public or adjacent private property.

Every person who fills with water [or] causes the filling with water any swimming pool required to be fenced by this chapter before the required fence is erected is guilty of a misdemeanor.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.12.040 Penalty for violation.

Any person who violates any of the provisions of this chapter, or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who fails to comply with such an order as affirmed or modified by the jurisdiction, within the time affixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

Chapter 17.16 DEMOLITION OF BUILDINGS AND STRUCTURES

17.16.010 Purpose and intent.

The purpose of this chapter is to protect buildings, structures, and features which reflect special elements of the city's heritage and to seek alternatives to demolition for important historical resources. The protection and preservation of cultural resources are required in the interest of the health, prosperity, social and cultural enrichment, and general welfare of the people.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.16.020 Permit required.

No person shall demolish any building or structure until a permit has been issued by the building official in accordance with the provisions set forth in this chapter.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.16.030 Application for permit.

An application for a permit to wreck, demolish, or raze a building or structure shall be submitted to the building official. An application shall state:

1. The precise location of the building or structure to be demolished identifying the building or structure to be removed and distances to the neighboring buildings, property lines, streets or right of ways, and public utilities;
2. The type of equipment to be used to demolish the building or structure;
3. The length, width, height, and principal materials or construction of the building or structure;
4. The length of time required to complete the proposed demolition work;
5. The name and address of the owner(s) of the building or structure;
6. Proof of permission from the owner(s) and other vested interests to do the proposed work;
7. Method(s) of proposed demolition; and
8. Any other information deemed necessary by the building official.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.16.040 Determination of historic or architectural significance.

Upon receipt of an application for a permit to demolish a building or structure, the building official shall forward the application to the planning division of the community development department. The city planner shall determine whether the building or structure is a potential historic or architectural resource, using the following criteria:

1. Inclusion on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Buildings, the state list of significant historic buildings, the 1981-1984 Historic Resources Survey conducted by the community development department or any other recognized source of historic and cultural resources for the city; and
2. An evaluation of the building or structure based upon the following criteria:
 - a. Whether the building or structure reflects special elements of the city's historical, archaeological, cultural, social, economic, aesthetic, engineering, or architectural development; or
 - b. Whether the building or structure is identified with persons or events significant in local, state, or national history; or
 - c. Whether the building or structure embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or whether the building or structure represents an established and familiar visual feature of a neighborhood or community of the city.

The city planner shall make his/her determination within thirty days from the date the application for demolition is submitted.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.16.050 Processing procedures.

- A. Nonsignificant Buildings or Structures. If the building or structure to be demolished is determined by the city planner as having no historic, architectural or aesthetic significance to the city, the city planner shall refer the matter back to the building official with recommendation to issue the demolition permit. When in doubt, the city planner may seek the review and advice from the architectural review committee/historic preservation commission. The demolition permit shall be effective on the date of issue.
- B. Significant Buildings or Structures.
 - 1. If the building or structure proposed to be demolished is determined by the city planner to have historic, architectural, or aesthetic significance to the city, the city planner shall schedule the request for demolition to the council for final determination at the next available hearing.
 - 2. The community development department shall place a legal notice in a newspaper of general circulation in the city, announcing the proposed demolition. The notice shall be given in a manner consistent with city policies and procedures and state law. The notice shall show the location of the building or structure on a vicinity map with the street address. The community development department shall also notify by first class mail all property owners within a three-hundred-foot radius of the proposed demolition and any persons or organizations that have asked to be notified of the application for demolition permits. The applicant for the demolition permit shall be responsible for providing a set of mailing labels containing the property owners and addresses based upon the latest county assessor's tax roll.
- C. Findings Required.
 - 1. The council may, upon finding that the building or structure is of significant historical character, require a six month continuance in consideration of the demolition permit request with an option to extend the continuance for an additional six month period should that become necessary. The purpose of the continuance, and the possible extension, is to provide adequate time to investigate alternatives to demolition.
 - 2. Upon making the determination that there are no feasible alternatives to demolition, the council may direct the building official to issue the permit.
 - 3. The demolition of all buildings and structures shall be conducted in accordance with all conditions outlined in Chapter 44 and subsection 4409 of the Uniform Building Code as adopted by council.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.16.060 Exception.

Upon determination by the building official that the building or structure to be demolished poses a threat to the health and safety of persons in the area surrounding the subject structure, the building official may, with the community development director's concurrence, issue the demolition permit without city council review and the findings set forth in this chapter. The building official may also require fencing or other appropriate measures to secure the site pending review by staff and/or council.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

Chapter 17.18 AMENDMENTS TO THE CALIFORNIA EXISTING BUILDING CODE, APPENDIX A, CHAPTER A1

17.18.010 California Existing Building Code.

The California Existing Building Code, Appendix A, Chapter A1 entitled Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, with the amendments set forth in this chapter, is adopted.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.18.020 Scope.

Section A102 entitled "Scope" is amended for A102.1 to read as follows and subsection A102.3 is added as follows:

Section A102 Scope

A102.1 General. The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A102.1. Except as provided herein, all other provisions of the California Building Code shall apply.

A102.3 Exceptions. The provisions of this chapter shall not apply to detached one-or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.18.030 Definitions.

Section A103 entitled "Definitions" is amended to include the following additional definitions:

1. "Qualified Historical Building" means any structure included on the National Register of Historic Buildings or the state list of Significant Historic Buildings.
2. "Qualified Zones" means that zone or geographic area referenced under the State [California] Building Code establishing the potential earthquake hazard of a given area.
3. "Seismic Retrofit" means all work necessary to comply with the requirements of this chapter.

The above definitions shall be in addition to those contained in the California Building Code and International Existing Building Code Section A103.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.18.040 Administrative provisions.

New Section A115 entitled "Administrative Provisions" is added to read as follows:

Section A115 Administrative provisions

A115.1 Compliance requirements.

A115.1.1 Structural analysis. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

A115.1.2 Twelve-month compliance requirements. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this chapter shall obtain one of the following from the Building Official:

1. A building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the building to comply with this chapter; or
2. A letter from the Building Official stating that he or she concurs with a structural analysis, which demonstrates that the building meets the minimum requirements of this chapter and therefore does not require seismic retrofitting; or
3. A permit for the demolition of the building. Issuance of a permit for demolition of a building shall be subject to compliance with the provisions of Chapter 17.16 (Demolition of Buildings and Structures) of the City of El Paso de Robles Municipal Code.

In order to meet the deadline set forth above, owners of buildings within the scope of this chapter must submit structural analyses, plans for structural alteration of the building, and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this chapter.

A115.1.3 Thirty-month compliance requirements. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this chapter shall complete construction of structural alterations or complete demolition of the building, as applicable.

A115.2 Historical buildings. Alterations or repairs to qualified historical buildings shall comply with the State Historical Building Code (Title 24, Building Standards, Part 8), in addition to this chapter.

A115.3 Order.

A115.3.1 Service. The building official shall issue an order as provided in this section to the owner of each building within the scope of this chapter. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall be accompanied by a copy of Section A115.1, which sets forth time limits for compliance.

A115.4 Recordation.

1. At the time that the Building Official serves the order as provided in Subsection A115.3.1, the Building Official shall also file with the San Luis Obispo County Clerk-Recorder's Office a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.
2. If the building is either 1) demolished, 2) found not to be within the scope of this chapter or 3) is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the Building Official shall file with the San Luis Obispo County Clerk-Recorder's Office a form terminating the status of the subject building as being classified within the scope of this chapter.

A115.5 Appeal. Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this chapter shall be made to the Building Board of Appeals. Such appeal shall be filed with the Building Board of Appeals within sixty (60) days of the rendering of the decision being appealed. Such appeal shall be made in writing on appropriate forms provided therefore by the Building Official and the grounds thereof shall be stated clearly and concisely.

A115.6 Enforcement.

- A. If the owner in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Chapter within the time limits set forth in Section A115.1, the Building Official shall verify that the recorded owner of this building has been properly served.
- B. If the order has been served on the record owner, then the Building Official may order that the entire building, or any portion thereof, be vacated and that the building, or any portion thereof, remain vacated until such order has been complied with.
- C. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted, the building is hereby declared a public nuisance, and the Building Official shall order abatement of the building.
- D. Any person who violates any provision of this chapter is guilty of a misdemeanor and is subject to the penalty as provided for in Section 1.02.010 of the City of El Paso de Robles Municipal Code.
- E. Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this section shall be handled in the manner set forth in Section A115.5.

A115.7 Full strengthening required prior to time frames set forth in Section A115.1. The Building Official shall require full compliance with the minimum seismic standards contained within this chapter before the time frames set forth in Section A115.1 upon the occurrence of any one of the following conditions:

1. Any change or conversion of an unreinforced masonry structure from its existing use to that of a more intensive use;
2. The remodel of a structure covered by this chapter, in an amount equaling fifty percent of the structure's value as determined using the latest edition of the Building Standards Valuation, published by the International Conference of Building Officials; and/or
3. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the normal service date for such building.

A115.8 Certificate of compliance.

1. In accordance with Chapter 3, Section 70(d)(3) of the Revenue and Taxation Code, the Building Division shall, upon the completion of a seismic retrofit, file a certificate of compliance with the County Assessor's Office on or before the following April 15th.
2. The certificate of compliance shall establish that the work associated with the seismic retrofit was the result of a local ordinance related to seismic safety, and therefore shall not add value to the assessment role.

A115.9 Requirements for structural alteration plans - structural engineering.

The following construction information shall be included in the structural alteration plans submitted to the Building Official pursuant to Section A115.1 of this chapter:

1. Dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing member and sheathing materials. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned or drawn to scale on the plans;
2. Dimensioned wall elevations showing openings, thicknesses, heights, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry;
3. The extent and type of existing wall anchorage to floors and roof when used in the design;
4. The extent and type of parapet corrections which were previously performed, if any; and

5. Repair details, if any, of cracked or damaged unreinforced masonry walls.

A115.10 Material requirements.

A115.10.1 General. All materials permitted by this chapter, including their appropriate allowable design values substantiated by testing, may be utilized to meet the requirements of this chapter.

A115.10.2 Existing materials. All existing materials utilized as part of the required vertical load-carrying or lateral force-resisting system shall be tested or shall be repaired or removed and replaced with new materials.

A115.11 Upgrade design—requirements for expanded or continued use of a structure.

1. Except as modified herein, the analysis and design relating to the alteration of, or addition to, an existing building shall be in accordance with the California Building Code.
2. Contractors providing structural upgrades shall be licensed by the State of California in the trade(s) being performed to accomplish the upgrade.
3. Design documents and specifications pertaining to structural upgrades shall be prepared by an architect, structural engineer or civil engineer specializing in structural work, licensed by the State of California to practice as such.
4. Design documents and specifications shall comply with this chapter.

A115.12 Special requirements for qualified historical buildings.

A115.12.1 Purpose and Intent of this Section A115.11. The purpose and intent of this Section A115.11 shall be to minimize the effects of seismic strengthening on the exterior appearance of qualified historical buildings.

A115.12.2 Review by the City of El Paso de Robles Development Review Committee. Plans for seismic upgrading of qualified historical buildings shall be reviewed by the Development Review Committee. The basis of review shall be the design guidelines established by this chapter and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Properties, with the following special requirements:

1. Features of architectural or historical significance shall be retained and reattached, braced or stabilized, as required by applicable codes and/or the Building Official.
2. In-wall anchors shall be used on qualified historical buildings instead of through-wall anchors, especially on the principal facade.
3. Through-wall anchors on other facades may be permitted, provided that their locations and treatment are approved by the Development Review Committee.
4. Closure of historic openings on the principal facade shall not be permitted and shall be discouraged on secondary facades. If closure of such openings on secondary facades is unavoidable, the materials used shall be compatible with the existing exterior materials of the secondary facade wall.
5. Historic parapets shall be braced rather than removed.
6. Historic architectural veneer posing a safety hazard shall be stabilized and re-anchored to the building.

A115.12.3 Building Exterior.

1. In order to minimize the effect on the exterior appearance of a qualified historical building, plans showing proposed shear-test locations shall be submitted for review and approval by the Community Development Director or his or her designee, prior to any testing of the structure taking place.
2. Repairs after testing shall match the original adjacent existing building facade materials.

A115.13 Buildings with brick veneers, cornice work and/or parapets.

A115.13.1 Buildings constructed prior to 1972. The owner of each building constructed prior to 1972 with a brick veneer shall, upon service of an order and within the time limits set forth in this chapter, cause an analysis to be made of the veneer by an engineer or architect licensed by the state to practice as such and have such veneer examined to determine if it is anchored to the building structure in a manner consistent with the anchorage requirements contained in this chapter.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirements of this Subsection.
2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer to comply with this Subsection.
3. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete anchoring of the brick veneer to meet the anchoring requirements of this chapter.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses and plans for structural alteration of the building, and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

A115.13.2 Buildings from which brick veneers, cornice work, and/or parapets were removed as a result of the December 22, 2003 earthquake. Each owner of a building from which brick veneers, cornice work and/or parapets were removed as a result of the December 22, 2003 earthquake shall replace said veneers, cornices, and/or parapets.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirement to replace said veneers, cornices, and/or parapets. Said order shall inform building owners that veneers, cornice work and/or parapets shall be replaced with materials providing the same architectural/historical features originally removed.
2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer, cornice, and/or parapet to comply with this Subsection.
3. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete all replacement work.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses and plans for structural alteration of the building and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

A115.13.3 Appeals. Appeals of orders specified in this Section A115.12 shall be handled in the manner set forth in Section A115.5.

A115.14 Report to City Council. Within thirty (30) days of the deadlines established in Sections A115.1 and A115.12, the Building Official shall make a written report to the City Council explaining the status of compliance for each building served notice as set forth in Section A115.3.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

Title 17 - BUILDINGS AND CONSTRUCTION
Chapter 17.20 SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Chapter 17.20 SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

17.20.010 Applicability and purpose.

This article applies to the permitting of all small residential rooftop solar energy systems in the city. The purpose of this article is to create an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014), to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This article encourages the use of small residential rooftop solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the city, and expanding the ability of property owners to install small rooftop solar energy systems. This article allows the city to achieve these goals while protecting the public health and safety.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.20.020 Definitions.

The definitions set forth below shall be applicable to the provisions in this chapter:

"Director" means the city's community development director.

"Electronic submittal" means the utilization of one or more of the following:

1. Email;
2. The internet;
3. Facsimile.

"Small residential rooftop solar energy system" means a solar energy system which meets all of the following:

1. Is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal;
2. 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;
3. Conforms to 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;
4. Is installed on a single or duplex family dwelling;
5. The panel or module array does not exceed the maximum legal building height as defined by the city.

"Solar energy system" has the meaning set forth in paragraph (1) and (2) of subdivision (1) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

"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.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.20.030 Small residential rooftop solar system requirements.

- A. A solar energy system that qualifies as a small residential rooftop solar energy system, as defined in this article, shall be processed in accordance with the terms of this article.
- B. A small residential rooftop solar energy system shall meet applicable health and safety standards and requirements imposed by the state and the city.
- C. The director shall, prior to September 30, 2015, adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, which shall include standard plan(s) and checklist(s). The checklist(s) shall set forth all requirements with which small residential rooftop solar energy systems must comply with to be eligible for expedited review.
- D. 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.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.20.040 Applicant obligations.

Prior to submitting an application, the applicant shall:

- 1. Verify, to the applicant's reasonable satisfaction, through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop 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
- 2. At the applicant's cost, verify to the applicant's reasonable satisfaction, 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.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.20.050 Electronic processing.

- A. All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on a publicly accessible city website.
- B. Electronic submittal of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants. The city's website shall specify the permitted method of electronic document submission.
- C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.20.060 Application review.

- A. An application that city staff determines satisfies the information requirements contained in the city's checklist(s) for expedited small residential rooftop solar system processing, including complete supporting documents, shall be deemed complete.
- B. 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.
- C. After city staff deems an application complete, city staff shall review the application to determine whether the application meets local, state, and federal health and safety requirements.
- D. Unless the director determines a use permit is warranted, city staff shall issue a building permit or other nondiscretionary permit within a reasonable period of time after receipt of a complete application that meets the requirements of the approved checklist, standard plan and this article.
- E. The director may require an applicant to apply for a use permit if the director finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decision may be appealed to the planning commission.
- F. The city shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.20.070 Use permit and development review.

- A. If a use permit or development review is required, the director, planning commission or development review committee may deny an application for the use permit if the director, planning commission or development review committee 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 decision may be appealed to the city council.
- B. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- C. "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 does not significantly increase the cost of the system or decrease its efficiency or specified performance in excess of the following:
 - 1. For Water Heater Systems or Solar Swimming Pool Heating Systems. An amount exceeding ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.
 - 2. For Photovoltaic Systems. An amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

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(Supp. No. 61)

17.20.080 Inspections.

- A. Only one inspection shall be required and performed by the building department for small residential rooftop solar energy systems eligible for expedited review.
- B. The inspection shall be done in a timely manner.
- C. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this article.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

CHAPTER 17.25 ELECTRIC VEHICLE CHARGING STATIONS

17.25.010 Purpose.

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.25.020 Definitions.

- A. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- B. "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.
- C. "Electronic submittal" means the utilization of one or more of the following:
 - 1. Electronic mail or email.
 - 2. The internet.
 - 3. Facsimile.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.25.030 Expedited permitting process.

Consistent with Government Code Section 65850.7, the building official shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations 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" as published by the Governor's Office of Planning and Research. The city's adopted checklist shall be published on the city's website.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.25.040 Permit application processing.

- A. Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes, but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
- B. A permit application that satisfies the information requirements in the city's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the building official that the permit application and supporting documents meets the requirements of the city adopted checklist, and is consistent with all applicable laws and health and safety standards, the building official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the city. If the building official determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- C. Consistent with Government Code Section 65850.7, the building official shall allow for electronic submittal of permit applications covered by this chapter and associated supporting documentation. In accepting such permit applications, the building official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.25.050 Technical review.

- A. It is the intent of this chapter to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the building official's authority to address higher priority life-safety situations. If the building official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this chapter, the city may require the applicant to apply for a use permit.
- B. In the technical review of a charging station, consistent with Government Code Section 65850.7, the building official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

(Ord. No. 1085 N.S., § 4, 11-19-2019)

17.25.060 Electric vehicle charging station installation requirements.

- A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the public utilities commission or a municipal electric utility company regarding safety and reliability.
- B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

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- C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
 - D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(Ord. No. 1085 N.S., § 4, 11-19-2019)