

ORDINANCE NO. 16-04

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 City Council Resolution 16-79 at its October 17, 2016 meeting; and

WHEREAS, the City Council introduced the ordinance and conduct the first reading of the ordinance at its October 17, 2016 meeting.

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 edition of the California Building Standards Administrative Code, is hereby adopted as the Building Standards Administrative Code of the City of Grover Beach.

Sec. 8102. Adoption of the California Building Code. The 2016 edition of the California Building Code, including Appendix G, I and J, is hereby adopted as the Building Code of the City of Grover Beach with the following revisions.

(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 OR 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 OR 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 Code. The 2016 edition of the California Residential Code, including Appendix H, K, and V is hereby adopted as the Residential Code of the City of Grover Beach with the following revisions.

- (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 OR 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 OR 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 edition of the California Electrical Code, including Annex A, B, C, D, E, F, G, H and I is hereby adopted as the Electrical Code of the City of Grover Beach.

Sec. 8105. Adoption of the California Mechanical Code. The 2016 edition of the California Mechanical Code, including Appendix B, C and D, is hereby adopted as the Mechanical Code of the City of Grover Beach.

Sec. 8106. Adoption of the California Plumbing Code. The 2016 edition of the California Plumbing Code, including Appendix A, B, D, H, I and J, is hereby adopted as the Plumbing Code of the City of Grover Beach.

Sec. 8107. Adoption of California Energy Code. The 2016 edition of the California Energy Code, including Appendix 1-A, is hereby adopted as the Energy Code of the City of Grover Beach.

Sec. 8108. Adoption of the California Historical Building Code. The 2016 edition of the California Historical Building Code, including Appendix A, is hereby adopted as the Historical Building Code of the City of Grover Beach.

Sec. 8109. Adoption of California Fire Code. The 2016 edition of the California Fire Code, including Appendix Chapters A, B, BB, C, CC, D, and H, 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 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)".

- (B) Section 503.1 of the 2016 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) Section 903.2 of the 2016 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 OR 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 OR 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.

- (D) Appendix D Section D107.1 Exception 1 of the 2016 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. 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 edition of the California Existing Building Code, including Appendix A1, is hereby adopted as the Existing Building Code of the City of Grover Beach.

Sec. 8111. Adoption of the California Green Building Standards Code. The 2016 edition of the California Green Building Standards Code without appendices is hereby adopted as the Green Building Standards Code of the City of Grover Beach.

Sec. 8112. Adoption of the California Reference Standards Code. The 2016 edition of the California Reference Standards Code is hereby adopted as the Reference Standards Code of the City of Grover Beach.

Sec. 8113. Adoption of the International Property Maintenance Code. The 2015 edition of the International Property Maintenance Code 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 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.

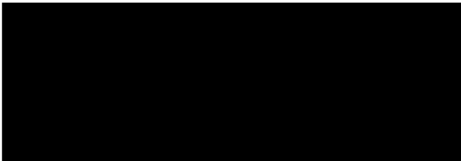
PART 5: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council 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.

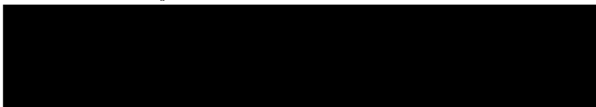
INTRODUCED at a regular meeting of the City Council held on October 17, 2016 and **PASSED, APPROVED and ADOPTED** by the City Council on November 21, 2016 on the following roll call vote, to wit:

- AYES: Council Members Bright, Nicolls, Shah, Mayor Pro Tem Lee, and Mayor Shoals.
- NOES: Council Members – None.
- ABSENT: Council Members – None.
- ABSTAIN: Council Members – None.



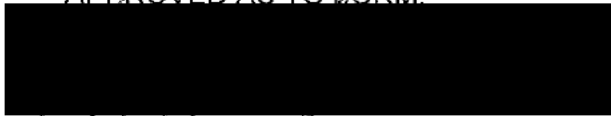
JOHN F. SHOALS, MAYOR

ATTEST:



DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:



DAVID P. HALE, CITY ATTORNEY