



REPORT TO CITY COUNCIL

DATE: AUGUST 12, 2015

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: AMIR HAMIDZADEH, BUILDING OFFICIAL 

SUBJECT: INTRODUCTION OF ORDINANCE NO. 15-418; AMENDING SECTION 8206 OF CHAPTER 2 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

By amending Municipal Code Section 8206 of Chapter 2 of Article VIII of the Agoura Hills Municipal Code the City Council will further the conservation goals of the City and support State Assembly Bill 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems.

In order to achieve the expedited process and meet the requirements of Assembly Bill 2188, the City of Agoura Hills will take the following actions:

1. Adopt a standard plan(s) and checklist(s) of requirements for small residential rooftop solar energy systems that substantially conform to the recommendations of the plan(s) and checklist(s) available in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
2. All documents required for the submission of a small residential rooftop solar energy system permit application, the standard plan(s), and checklist(s) shall be made available on the publicly accessible City Website.
3. Electronic submittal of the required permit application and documents by e-mail shall be available to all small residential rooftop solar energy system permit applicants. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
4. An application that satisfies the information requirements in the checklist(s) and standard plan(s) shall be deemed complete.
5. 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.

6. The Building Official or his or her designee shall issue a building permit for any complete application that meets the requirements of the approved checklist(s) and standard plan(s) as follows:
 - Within three [3] business days for any application, or as soon thereafter as may be practicable.
 - Review of the application shall be limited to the Building Official's or his or her designee's review of whether the application meets local, state, and federal health and safety requirements.
7. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
8. Inspection requests may be submitted by phone, e-mail or in person.
9. Only one inspection shall be required and performed by the Building Official or his or her designee for small residential rooftop solar energy systems eligible for expedited review.
10. Community Development review and fee for the small rooftop solar energy applications will be removed from the review process.
11. The inspection shall be performed as early as the next business day of the inspection request. The Building Official or his or her designee shall use their best efforts to provide such inspect request within a two [2] hour window.
12. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Section.
13. Fees for permits and inspections associated with this Chapter may be established by resolution of the City Council."

RECOMMENDATION

Staff respectfully recommends the City Council introduce, read by title only, and waive further reading of Ordinance No. 15-418; amending Municipal Code Section 8206 of Chapter 2 of Article VIII of the Agoura Hills Municipal Code.

Attachment: Ordinance No. 15-418

ORDINANCE NO. 15-418

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 8206 OF CHAPTER 2 OF ARTICLE VIII OF THE AGOURA HILLS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings and Intent.

A. The City Council of the City of Agoura Hills seeks to implement Assembly Bill 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems.

B. The City Council seeks to further the conservation goals of the City and support the climate action policies set by the State.

C. It is in the interest of the health, welfare and safety of the people of Agoura Hills to provide an expedited permitting process for the deployment of solar technology.

Section 2. CEQA. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.35 because it provides for the installation of solar energy systems on the roofs of existing buildings. Additionally, this Ordinance is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)) because this Ordinance involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment. Additionally, the adoption of this ordinance is categorically exempt from further environmental review as a regulatory action taken to protect natural resources and the environment in support of state and local climate action goals pursuant to CEQA Guidelines, 14 California Code of Regulations, Sections 15307 and 15308. Staff is hereby directed to prepare and post a notice of exemption pursuant to Guidelines Section 15062.

Section 3. Code Amendment. Section 8206 of Chapter 2 of Article VIII of the Agoura Hills Municipal Code is hereby amended to read as follows:

"8206. Expedited Review of Small Residential Rooftop Solar Energy System Permits.

A. DEFINITIONS

1. "Small residential rooftop solar energy system" shall have the same meaning as provided in the Solar Rights Act, Government Code § 65850.5(j)(3), as the same may be amended from time to time.

B. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM STANDARD PLAN AND PERMIT APPLICATION CHECKLIST

1. The City 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. The small residential rooftop solar system standard plan(s) and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
2. All documents required for the submission of a small residential rooftop solar energy system permit application, the standard plan(s), and checklist(s) shall be made available on the publicly accessible City Website.
3. Electronic submittal of the required permit application and documents by e-mail shall be available to all small residential rooftop solar energy system permit applicants. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

C. PERMIT APPLICATION REVIEW

1. An application that satisfies the information requirements in the checklist(s) and standard plan(s) shall be deemed complete.
2. 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.
3. The Building Official or his or her designee shall issue a building permit for any complete application that meets the requirements of the approved checklist(s) and standard plan(s) as follows: within three [3] business days for any application, or as soon thereafter as may be practicable. Review of the application shall be limited to the Building Official's or his or her designee's review of whether the application meets local, state, and federal health and safety requirements.
4. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

D. INSPECTION REQUIREMENTS

1. Inspection requests may be submitted by phone, e-mail or in person.
2. Only one inspection shall be required and performed by the Building Official or his or her designee for small residential rooftop solar energy systems eligible for expedited review.
3. The inspection shall be done in a timely manner. The Building Official or his or her designee shall use their best efforts to schedule an inspection within one [1] business day of a request and provide a two [2] hour inspection window.
4. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Section.

E. FEES. Fees for permits and inspections associated with this Chapter may be established by resolution of the City Council.”

Section 4. Section 8206 (Violations, Penalties) of Chapter 2 (Construction Codes) of Article VIII (Building Regulations) of the Agoura Hills Municipal Code is hereby renumbered as Section 8207 of the Agoura Hills Municipal Code and will read as follows:

“In addition to any other applicable provision of this article VIII, any person, firm, partnership, association, corporation or joint venture violating any of the provisions of this chapter shall be guilty of a misdemeanor.”

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. Certification and Publication. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Agoura Hills, California, on this ____ day of August, 2015.

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney