



REPORT TO CITY COUNCIL

DATE: SEPTEMBER 22, 2010
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: GREG RAMIREZ, CITY MANAGER 
BY: KIMBERLY RODRIGUES, CITY CLERK 
SUBJECT: DISBAND GENERAL PLAN ADVISORY COMMITTEE (GPAC)

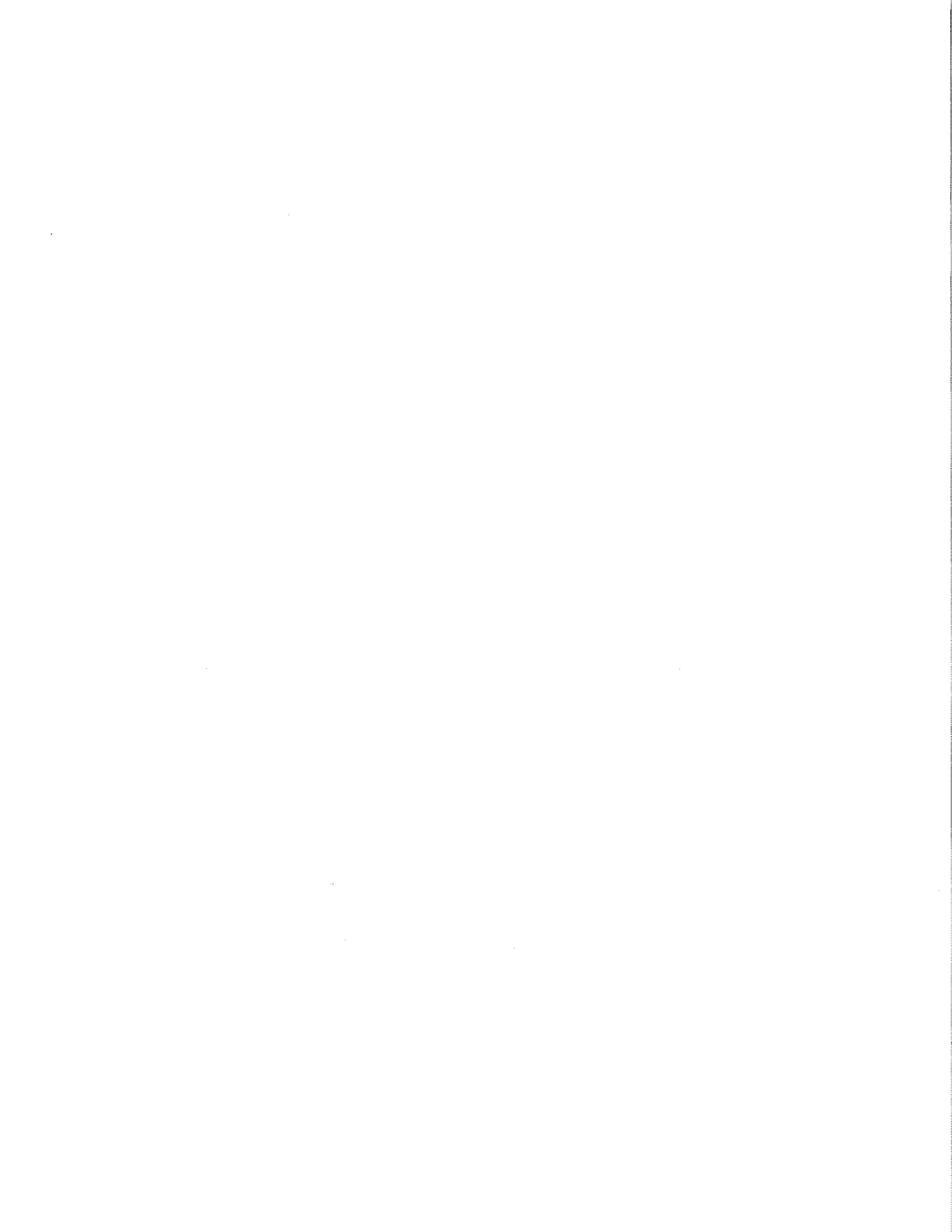
In 2004, the City Council approved the formation of the General Plan Advisory Committee (GPAC) to advise and assist in the preparation of the General Plan Update. The GPAC consisted of two members of the City Council, two members of the Planning Commission, and five residents as "at-large" members of the community, each appointed by a Councilmember. The GPAC provided valuable guidance and direction to staff and the consultant during the General Plan Update process. Their tasks included assisting in the preparation of the resident survey forms, reviewing the scope of work of the consultant, and providing feedback and direction on the various components of the proposed General Plan, including the study areas, vision statement, and the goals, policies, and implementation programs. The General Plan Update was adopted by the City Council in March 2010.

Now that the GPAC's official work has been completed, it is appropriate to disband the committee. However, staff will continue to work with the two Council representatives on GPAC (currently Mayor Koehler and Mayor Pro Tem Schwarz) on an as-needed basis, during the General Plan Implementation phase.



Committee members have been thanked for their service to the City and advised of staff's intention to present the request for disbanding the committee to the City Council. As the GPAC was initially created by a minute motion of the City Council, no formal resolution is required to disband the committee.

RECOMMENDATION

It is respectfully recommended the City Council authorize disbanding the General Plan Advisory Committee, as its official work has been completed, and direct the City Clerk to remove the committee from the City of Agoura Hills Local Appointments List (pursuant to the Maddy Act) and the City's Conflict of Interest Code.



REPORT TO CITY COUNCIL

DATE: SEPTEMBER 22, 2010
TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: GREG RAMIREZ, CITY MANAGER 
BY: RAMIRO ADEVA III, CITY ENGINEER 
SUBJECT: APPROVE FINAL PARCEL MAP NO. 69426 (ABC-North)

On May 21, 2009, the Planning Commission approved Tentative Parcel Map No. 69426, a map to reconfigure two existing parcels at the northwest corner of the intersection of Canwood Street and Derry Avenue. The Final Map will merge the southerly undeveloped portion of Lot 2 of Tract 33249 with the old vacated Canwood Street right-of-way.

The map has been reviewed for technical accuracy, title information, and compliance with the State Subdivision Map Act, conditions of approval and City ordinances.

RECOMMENDATION


Staff respectfully recommends the City Council:


1. Approve Parcel Map No. 69426;
2. Authorize the City Clerk to endorse the certificate on the face of the Map which embodies the approval of said map;
3. Direct the City Clerk to have the Map recorded at the Los Angeles County Recorder's Office.

REPORT TO CITY COUNCIL

DATE: SEPTEMBER 22, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: KIMBERLY RODRIGUES, CITY CLERK 
CRAIG STEELE, CITY ATTORNEY

SUBJECT: ADOPT A RESOLUTION AUTHORIZING THE DESTRUCTION OF CITY RECORDS IN ACCORDANCE WITH THE CITY OF AGOURA HILLS RECORDS RETENTION/DESTRUCTION SCHEDULE

The City of Agoura Hills conducts an annual destruction of City records in accordance with applicable State law and its official *City of Agoura Hills Records Retention/Destruction Schedule* (Schedule), as amended by the adoption of Resolution No. 10-1584 on June 9, 2010.

Attached are the lists of records and files, presented for destruction in 2010, from the Administration/City Manager, City Clerk, Community Development/Planning, Community Services/Parks/Recreation, Public Works/Building & Safety, and Public Works/Engineering Departments.

Each *Records Destruction Request Form* (Form) identifies the appropriate sections of the Code of Federal Regulations, and Health and Safety and Government Code of the State of California, that permit the destruction of records as outlined in the Schedule.

Each Form also includes: the finding that all records are more than two years old and/or have been retained for the minimum retention period; the determination that the records no longer have any administrative, legal, evidential, fiscal or research and historical value; and, a description of the records sufficient for identification.

The attached forms have been reviewed and approved for destruction by the relevant Department Head, the City Attorney, and the City Clerk.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution No. 10-1600, authorizing and directing the City Clerk to destroy the records and files as listed on the following Exhibits:

Exhibit A-1	Administration/City Manager	Exhibit A-4	Community Services/Parks/Recreation
Exhibit A-2	City Clerk	Exhibit A-5	Public Works/Building & Safety
Exhibit A-3	Community Development/Planning	Exhibit A-6	Public Works/Engineering

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RESOLUTION NO. 10-1600

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING AND DIRECTING THE CITY CLERK TO DESTROY CERTAIN CITY RECORDS AND DOCUMENTS PURSUANT TO THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA (ADMINISTRATION/CITY MANAGER, CITY CLERK, COMMUNITY DEVELOPMENT/PLANNING, COMMUNITY SERVICES/PARKS/RECREATION, PUBLIC WORKS/BUILDING & SAFETY AND PUBLIC WORKS/ENGINEERING)

WHEREAS, Section 34090 of the Government Code of the State of California provides for the destruction of certain records and documents, with the approval of the legislative body, by Resolution and the written consent of the City Attorney; and

WHEREAS, The departments listed in the title above have prepared lists of City records and documents recommended for destruction (attached hereto as Exhibits A-1 through A-6); and, in the opinion of the Department Heads concerned, City Attorney, and City Clerk, said City records and documents are no longer required; and

WHEREAS, The City Attorney has consented to the destruction of said City records and documents.

NOW, THEREFORE, the City Council of the City of Agoura Hills does hereby resolve as follows:

- Section 1. The City Clerk is authorized and directed to destroy those items listed in Exhibits A-1 through A-6 attached, pursuant to the Code of Federal Regulations (26 CFR 31.6001-1 and 29 CFR 516.2-516.6); and the Health and Safety Code (19850); and Government Code (Section 34090) of the State of California; in accordance with the provisions of the City of Agoura Hills Records Retention/Destruction Schedule (Seventh Edition).

- Section 2. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolutions of the City Council of the City of Agoura Hills.

Resolution No. 10-1600

PASSED, APPROVED, and ADOPTED this 22nd day of September, 2010, by the following vote, to wit:

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

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

**MINUTES
REGULAR MEETING OF THE
AGOURA HILLS CITY COUNCIL AND
AGOURA HILLS REDEVELOPMENT AGENCY
Civic Center – Council Chambers
30001 Ladyface Court, Agoura Hills, California 91301
August 25, 2010 at 7:00 p.m.**

The meeting was called to order at 7:12 p.m. by Mayor Koehler.

The flag salute was led by Councilmember Edelston.

Present were: Mayor William D. Koehler, Mayor Pro Tem Harry Schwarz, Councilmember John M. Edelston, and Councilmember Dan Kuperberg, and Councilmember Denis Weber.

Also Present were: City Manager Greg Ramirez, City Attorney Craig Steele, Assistant City Manager Nathan Hamburger, Assistant to the City Manager Louis Celaya, Administrative Analyst Chris Dodd, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Principal Planner Allison Cook, Director of Community Services Amy Brink, Recreation Manager Donna Conlin, City Engineer Ramiro Adeva, Public Works Project Manager Kelly Fisher, Building Official Amir Hamidzadeh, Administrative Analyst Chris Dodd, Executive Assistant Pat Wiley, Administrative Secretary Sheila Keckhut, and City Clerk Kimberly Rodrigues.

REPORT OF CLOSED SESSION

City Attorney Steele reported on the City Council Closed Session item pursuant to Government Code Section 54956.8 and Redevelopment Agency Closed Session item pursuant to Government Code Section 54956.8. Direction was given to staff and no reportable action was taken.

APPROVAL OF AGENDA

On a motion by Mayor Pro Tem Schwarz, second by Councilmember Weber, the Agenda was approved without objection.

PUBLIC COMMENTS

The following person(s) spoke:

Donald Zimring, representing the Las Virgenes Unified School District

PRESENTATIONS

Mayor Koehler, with the assistance of members from Team Agoura Hills, presented a check in the amount of \$20,222.67 to American Cancer Society representatives Pam Brady, Community Services Manager Southeast Ventura County and Alyssa Burns, Relay for Life of Agoura Volunteer Chairperson. Ms. Burns presented tokens of appreciation to the City Council and Co-Chairs and a certificate of appreciation to Team Agoura Hills for their support and contributions to the 2010 Relay for Life of Agoura event.

Mayor Koehler presented a certificate of appreciation to Malibu/Lost Hill Sheriff's Station and Renaissance Hotel representatives for their support and contributions to the 2010 Teen CSI Camp Program Recognition.

INTERGOVERNMENTAL, SPECIAL PURPOSE COMMITTEE, & DEPARTMENTAL REPORTS

There were no reports.

CONSENT CALENDAR

There were no public speakers.

On a motion by Councilmember Edelston, second by Councilmember Kuperberg, the Consent Calendar was unanimously approved 5-0.

1. Approve Minutes of the Regular City Council Meeting of August 11, 2010

ACTION: Approved 5-0

2. Approve Demand Warrant Register No. 633

ACTION: Approved 5-0

3. Approve Consultant Services Agreement with Kimley-Horn and Associates, Inc., for Engineering Design Services for the Widening of Agoura Road and Rehabilitation of a Portion of Canwood Street

ACTION: Approved 5-0

4. Approve Consultant Services Agreement with PMC for Establishing an In-Lieu Fee for Undergrounding Overhead Utilities Along Roadside Drive within Utility District No. 1

ACTION: Approved 5-0

5. Approve Notice of Completion for the FY 2010-11 Annual Concrete Repair Project; NIB 09-03(2) and Contract Agreement for the FY 2011-12 Annual Concrete Repair Project; NIB 09-03(3)

ACTION: Approved 5-0

6. Adopt **Resolution No. 10-1599**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING AN OFFICER/EMPLOYEE/OFFICIAL RESPONSIBILITY AND FRAUD PREVENTION POLICY AND PROTOCOL

ACTION: Approved 5-0

<p>Convene the Agoura Hills Redevelopment Agency (RDA) Meeting Without Adjourning the Agoura Hills City Council Meeting</p>
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The meeting was called to order at 7:20 p.m. by Agency Chair Schwarz.

Present were: Agency Chair Harry Schwarz, Agency Vice Chair Dan Kuperberg, Agency Member John M. Edelston, Agency Member William D. Koehler, and Agency Member Denis Weber

Also Present were: Executive Director Greg Ramirez, Agency Attorney Craig Steele, Assistant Executive Director Nathan Hamburger, Assistant to the City Manager Louis Celaya, Administrative Analyst Chris Dodd, Director of Planning and Community Development Mike Kamino, Assistant Director of Planning and Community Development Doug Hooper, Principal Planner Allison Cook, Director of Community Services Amy Brink, Recreation Manager Donna Conlin, City Engineer Ramiro Adeva, Public Works Project Manager Kelly Fisher, Building Official Amir Hamidzadeh, Administrative Analyst Chris Dodd, Executive Assistant Pat Wiley, Administrative Secretary Sheila Keckhut, and Agency Secretary Kimberly Rodrigues.

RDA APPROVAL OF AGENDA

On a motion by Agency Vice Chair Kuperberg, second by Agency Member Edelston, the Agenda was approved without objection.

RDA PUBLIC COMMENTS

There were no public comments.

RDA CONSENT CALENDAR

There were no public speakers.

On a motion by Agency Member Edelston, second by Agency Vice Chair Kuperberg, the Consent Calendar was approved 5-0.

RDA1. Approve Minutes of the Regular City Council, Agoura Hills Financing Authority, and Agoura Hills Redevelopment Agency Meeting of June 23, 2010

ACTION: Approved 5-0

RDA2. Approve Exclusive Negotiating Agreement with Conejo Valley U-Store It, LP, Regarding Assessor's Parcel Numbers 2061-006-035, 2061-006-036, and 2048-012-025

ACTION: Approved 5-0

At 7:21 p.m., on a motion by Agency Member Edelston, second by Agency Vice Chair Kuperberg, the Redevelopment Agency unanimously consented to adjourn the meeting.

**Adjourn the Agoura Hills Redevelopment Agency (RDA) Meeting
Without Adjourning the Agoura Hills City Council Meeting**

CITY COUNCIL CONTINUED PUBLIC HEARING/ACTION

7. Conduct a Continued Public Hearing and Consider the Adoption of **Resolution No. 10-1597**; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, FINDING THE CITY OF AGOURA HILLS TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089 - *Continued from August 11, 2010*

Following presentation of the staff report, Mayor Koehler opened the Public Hearing.

There being no public speakers, Mayor Koehler closed the Public Hearing.

ACTION: Following discussion, the motion by Councilmember Kuperberg, to adopt **Resolution No. 10-1597**, was seconded by Councilmember Edelston, and approved 5-0.

CITY COUNCIL PUBLIC HEARING/URGENCY ORDINANCE

8. Conduct a Public Hearing to Consider the Adoption of **Ordinance No. 10-378U**; A SECOND EXTENSION OF THE INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTED AS AN URGENCY ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE APPROVAL OF WIRELESS TELECOM-MUNICATIONS FACILITIES IN ANY ZONING DISTRICT WITHIN THE CITY

Following presentation of the staff report, Mayor Koehler opened the Public Hearing.

There being no public speakers, Mayor Koehler closed the Public Hearing.

ACTION: Following discussion, the motion by Councilmember Kuperberg, to adopt **Ordinance No. 10-378U**, was seconded by Councilmember Edelston, and approved 5-0.

CITY COUNCIL DISCUSSION/ACTION

9. Pre-Screen Review of a Proposed Ordinance to Address Tobacco Retail Regulations (Case No. 10-PSR-003)

Following presentation of the staff report, Mayor Koehler opened the floor for public comment.

There were no public speakers.

ACTION: Following discussion and a question and answer period, the motion by Councilmember Kuperberg, to direct staff to take no further action on this item, was seconded by Mayor Pro Tem Schwarz and approved 4-1 with Councilmember Edelston opposed.

CITY COUNCIL, STAFF COMMENTS

Mayor Koehler requested the City Council adjourn the meeting in memory of Steve Brown, with Powell Constructors, who worked on the City's Reyes Adobe Interchange Project, and recently passed away from brain cancer.

ADJOURNMENT

At 8:24 p.m., on a motion by Councilmember Kuperberg, second by Mayor Pro Tem Schwarz, the City Council unanimously consented to adjourn the meeting, in memory of Steve Brown, to 7:00 p.m., Wednesday, September 22, 2010, for a Regular Meeting of the City Council in the

Council Chambers of the Civic Center with a Closed Session at 6:00 p.m. The Civic Center is located at 30001 Ladyface Court, Agoura Hills, California.

Kimberly M. Rodrigues, MMC
City Clerk/Agency Secretary

The Regular Meeting of the City Council for September 8, 2010, has been canceled, the next Regular Meeting is scheduled for September 22, 2010

REPORT TO REDEVELOPMENT AGENCY

DATE: SEPTEMBER 22, 2010

TO: HONORABLE CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GREG RAMIREZ, EXECUTIVE DIRECTOR *GR*

BY: NATHAN HAMBURGER, ASSISTANT EXECUTIVE DIRECTOR *NH*

SUBJECT: REQUEST TO APPROVE AN AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH ALLAN D. KOTIN & ASSOCIATES, RELATING TO ECONOMIC DEVELOPMENT FEASIBILITY AND IMPACT ANALYSIS WITHIN THE AGENCY

The Redevelopment Agency entered into an agreement with Allan D. Kotin & Associates in March 2010 to complete a feasibility and impact analysis relating to properties within the Agoura Village Specific Plan, which resides in the Agoura Hills Redevelopment Agency's Project Area. Based on the findings within the first phase of the analysis, it was determined by staff that additional information will need to be reviewed, and that additional feasibility scenarios are required to be analyzed.

Due to the fact that there is a need to expand the original scope of work, the amount of the contract would exceed the authority authorized to the Executive Director and is, thus, being brought forth seeking approval of an amendment to the consultant services agreement. In addition, the termination date in the agreement will be extended to allow the new expanded scope of work to be completed.

The proposed amendment (increase of \$8,300) to this agreement will not cause the approved budget to be exceeded, as the Redevelopment Agency budget included funding for various studies and consulting assistance. The total amount of the agreement will be in a not-to-exceed amount of \$33,300.

The proposed agreement has been reviewed and approved as to form by the Agency Attorney.

RECOMMENDATION

Staff recommends that the Redevelopment Agency approve the amendment of the consultant services agreement with Allan D. Kotin & Associates, for the completion of the economic development feasibility and impact analysis report.

AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES
WITH THE AGOURA HILLS REDEVELOPMENT AGENCY

NAME OF CONSULTANT: Allan D. Kotin & Associates

RESPONSIBLE PRINCIPAL OF CONSULTANT: Attn: Allan Kotin

CONSULTANT'S ADDRESS: 949 S. Hope Street, Suite 200
Los Angeles, CA 90015

AGENCY'S ADDRESS: Agoura Hills Redevelopment
Agency
30001 Ladyface Court
Agoura Hills, CA 91301
Attn: Executive Director

PREPARED BY: Nathan Hamburger

COMMENCEMENT DATE: March 18, 2010

TERMINATION DATE: November 30, 2010

CONSIDERATION: Contract Price
Not to Exceed: \$33,300

AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT ("Amendment") is made and entered into as of the 22nd day of September, 2010, by and between the Agoura Hills Redevelopment Agency, a municipal corporation ("Agency") and Allan D. Kotin & Associates ("Consultant") and with respect to the following recitals:

A. Both parties agree to extend the term of original agreement which commenced March 18, 2010, and set to terminate on November 30, 2010.

B. Both parties agree to increase the Not to Exceed contract price to \$33,300.

C. The Agency and Consultant now wish to modify the Agreement to extend the term and contract price of the Consultant Services Agreement for the completion of a feasibility and economic impact analysis for the Redevelopment Project Area.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL BENEFITS, PROMISES, COVENANTS, AND CONDITIONS HEREINAFTER CONTAINED, THE PARTIES, DO AGREE HEREBY AS FOLLOWS:

SECTION 1. The Agreement is hereby amended to read as follows:

"1. **TERM.** This Agreement shall commence on March 18, 2010, and shall remain and continue in effect until November 30, 2010, or upon the completion of all tasks described herein related to the provisions of this Agreement."

"4. **PAYMENT.** The Agency agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B other than the payment rates and schedule of payment are null and void. This amount shall not exceed \$33,300 ("Contract Price") for the initial Term of the Agreement unless additional payment is approved as provided in this Agreement."

SECTION 2. All other provisions of the Agreement remain unchanged.

SECTION 3. The Recitals are incorporated herein as though set forth in full.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first written above.

**AGOURA HILLS REDEVELOPMENT
AGENCY**

Harry Schwarz
Chair

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

APPROVED AS TO FORM:

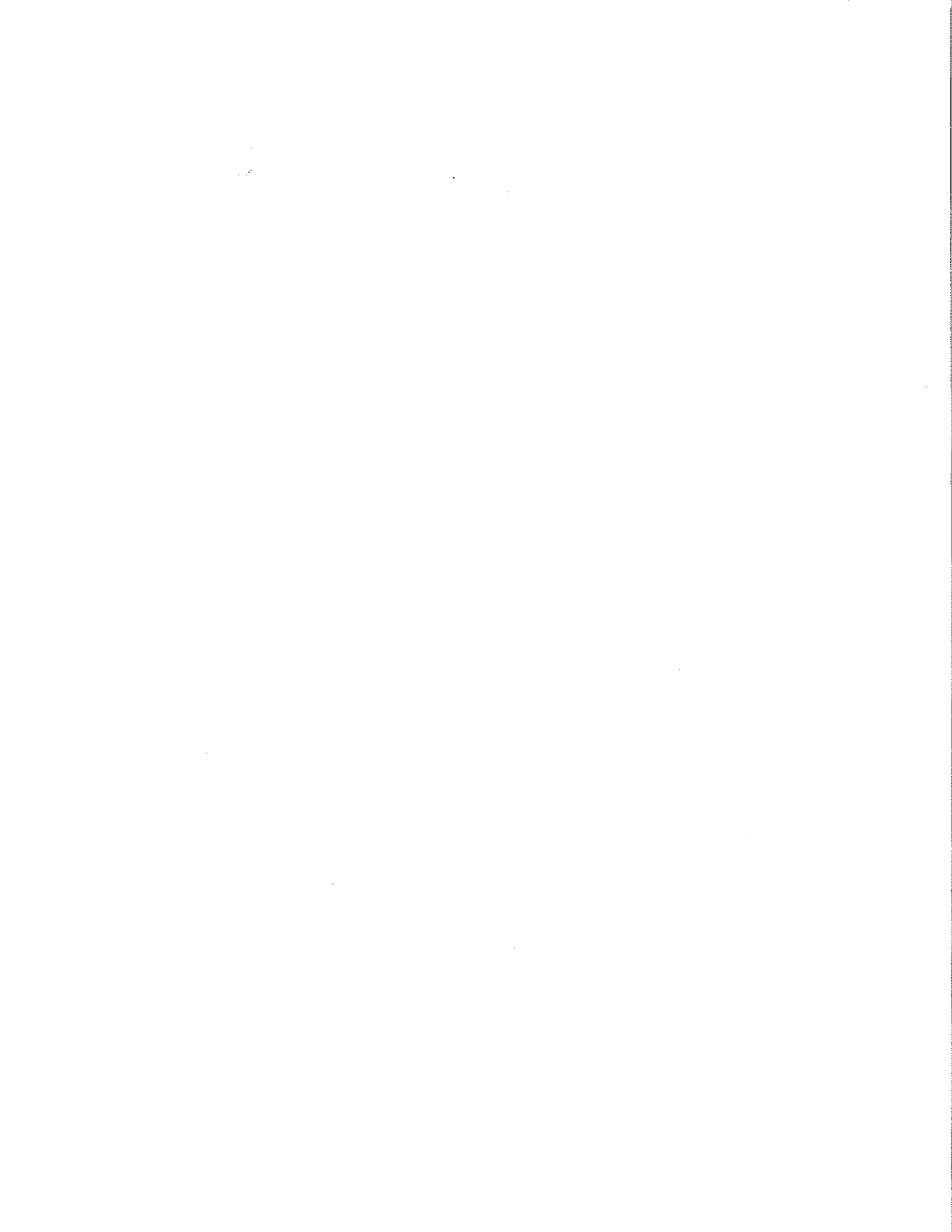
Craig A. Steele,
Agency Attorney

Allan D. Kotin & Associates

By: _____
Name:
Title:

By: _____
Name:
Title:


[*Signatures of Two Corporate Officers Required]




REPORT TO CITY COUNCIL

DATE: SEPTEMBER 22, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER 

SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING CHAPTER 1 OF ARTICLE IV OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO THE COMPENSATION FOR MEDICAL MARIJUANA AND CHAPTER 8 OF ARTICLE VI OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO BUSINESS REGISTRATION PERMITS

On September 10, 2008, the City Council adopted Ordinance No. 08-355 prohibiting the establishment of medicinal marijuana dispensaries in all zones of the City, preventing their proliferation and ensuring the continued public health, safety, and welfare. During this time, the County of Los Angeles and the County District Attorney's Office were examining the issue of medical marijuana dispensaries to determine their role and means of enforcement countywide. At the time of the City's moratorium and ultimate prohibition of dispensaries, the County's position was not to take action until it examined the current law and its role with respect to enforcement.

The County District Attorney's Office (CDAO) has completed its research and has concluded that over the counter sales of marijuana are patently illegal under state and federal law. The County has advised municipalities that they will assist in enforcement with agencies that have adopted appropriate ordinances, including one that requires, as a condition of obtaining a business license/registration permit, that the business must comply with federal, state, and local laws. Presentations to various City Managers by the County's District Attorney's Office, have emphasized the importance of having all the necessary ordinances and processes in place to ensure that the County District Attorney's office can assist cities with future prosecution should the need arise.

In an effort to reinforce the existing Municipal Code and provide the best resources to assist with enforcement, and at the recommendation of the City Attorney's Office, the proposed ordinance looks to amend sections of the business registration permit process to include the language recommended by the County District Attorney's Office. Specifically, it expands on the prohibition of compensation for a medical marijuana dispensary and importantly, places "unlawful business" language in the code. The language clarifies that the issuance of a business registration permit shall not be construed to approve or authorize any unlawful act or conduct

that violates federal, state or any ordinance in the City. Currently the existing code does not contain these provisions in the business registration code.

Additional discussions with both the City Attorney's Office and City Prosecutor's Office on this issue have resulted in additional amendments to the business registration code that will enhance both legal counsel's offices with the tools necessary for enforcement violations to the business registration code. These amendments include, but are not limited to:

- Clarifies that granting of a business registration permit shall not be deemed to approve an unlawful activity
- Authorizes a business registration application investigation process and requests for additional information
- Authorizes suspension or revocation of a business registration permit if it is found to be an immediate threat to public health or safety
- Prohibits the issuing of a business registration permit to any illegal business
- Authorizes the suspension or revocation of a business registration permit for applicants who willingly make fraudulent or misleading statements
- Confines business registration permit to the specified application location
- Establishes the Planning Commission, except on appeal, as hearing board to determine denials, modifications, suspensions or revocations of business registration permit
- Establishes the City Council as the appeals hearing board

Staff has discussed the proposed changes to the Municipal Code with the City Attorney who concurs the amendment to the business registration code will enhance the existing code as it relates to medicinal marijuana dispensaries enforcement, as well as other areas where business registration permits are required.

RECOMMENDATION

Staff respectfully recommends the City Council conduct a public hearing, introduce, read by title only and waive further reading of Ordinance No. 10-379, Amending Chapter 1 of Article IV of the Agoura Hills Municipal Code, relating to the Compensation For Medical Marijuana And Chapter 8 Of Article VI o the Agoura Hills Municipal Code, Relating to Business Registration Permits

Attachment: Ordinance No. 10-379

ORDINANCE NO. 10-379

AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING CHAPTER 1 OF ARTICLE IV OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO COMPENSATION FOR MEDICAL MARIJUANA AND CHAPTER 8 OF ARTICLE VI OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO BUSINESS REGISTRATION PERMITS

The City Council of the City of Agoura Hills does hereby ordain as follows:

SECTION 1. Reserved Section 4125 of Chapter 1 of Article VI of the Agoura Hills Municipal Code is hereby amended to read as follows:

“4125. Compensation for medical marijuana.

No medical marijuana dispensary, as defined in article IX, chapter 6, part 2, division 10, section 9660, shall receive compensation for distributing, trading, exchanging, bartering or making available, in any way, medical marijuana. No person shall manage, establish, conduct, or operate or permit to operate such a dispensary. This prohibition applies, without limitation, to all persons who are owners, operators, agents, officers or volunteers of such a dispensary, as well as to all persons who have an ownership or leasehold interest in the premises and/or structures at which such a dispensary is present. As used herein, “person” includes, without limitation, any individual, partnership, corporation, limited liability company, association, joint venture, or other organization or entity, however formed, as well as trustees, heirs, executors, administrators, and/or assigns. Nothing contained in this section shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.”

SECTION 2. Sections 6800 and 6801 of Chapter 8 of Article VI of the Agoura Hills Municipal Code are hereby revised to read as follows:

“6800. As used in this chapter, "business" means professions, trades, or occupations and each and every kind of calling, whether or not carried on for profit, and whether paid for in money, goods, labor, or otherwise.”

6801. An annual business registration permit shall be required for the conduct or operation of any business within the city, whether or not such business has a fixed location within the city. Such business registration permit is required in addition to any business license required pursuant to article VI, chapter 3, section 6300. A valid business registration permit shall be maintained at all times a business is conducted, operated, or advertised in the city.”

SECTION 3. Sections 6803 through 6805 of Chapter 8 of Article VI of the Agoura Hills Municipal Code are hereby renumbered as Sections 6808 through 6810, respectively.

SECTION 4. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6803 to read as follows:

“6803. Granting of business registration permit not approval of unlawful conduct.

The granting or renewal of a business registration permit shall not be considered approval or authorization of any unlawful activity or conduct in violation of any local, state, or federal law, statute, rule, or regulation. Any such business registration permit shall be void.”

SECTION 5. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6804 to read as follows:

“6804. Business registration permit application investigation.

Upon receipt of a complete business registration permit application and fee, the City Manager, or his or her designee, shall make an investigation of the application and transmit copies of the business registration permit application to the Building and Safety Division, the Planning and Community Development Department and the Public Works Department for their consideration and approval. The City Manager, or his or her designee, may, in his or her discretion, transmit copies of the business registration permit application to the Sheriff's Department and/or the Fire Department for their consideration and approval. Every department, to which a business registration permit application is referred, may require additional information as deemed necessary. The City Manager, or his or her designee, shall, prior to the issuance of a registration permit, also conduct an onsite inspection of the applicant's proposed fixed business location in the city.”

SECTION 6. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6805 to read as follows:

“6805. Conditional approval of business registration permit application.

If any department, to which an application is referred, finds that the facts are such that any one or more of the provisions of this chapter relating to the denial of a business registration permit application or renewal application would apply if the business registration permit is issued without conditions, or that the applicant could conduct the business so as to be detrimental to public health, or safety, or public welfare if the business registration permit is issued without conditions, but that conditions can be imposed which will eliminate any ground for denial, or, as the case may be, will prevent the conduct of the business so as to be detrimental to public health, or safety, or public welfare, then the department shall recommend that such business registration permit be issued subject to such conditions. The department shall, in writing, advise the City Manager, or his or her designee, of all material facts necessary to determine whether the business registration permit should be issued, issued subject to conditions, or denied, and their approval or disapproval of the application. The City Manager, or his or her designee, may impose any or all of the conditions so recommended.”

SECTION 7. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6806 to read as follows:

“6806. Denial of business registration permit application or renewal.

The City Manager, or his or her designee, shall not approve a business registration permit application or renewal if he or she finds:

1. The business or the carrying on of the business at the proposed fixed location is prohibited by any provision of this code or any local, state or federal law, statute, rule or regulation;
2. The use, occupancy, structure(s), or premises at which the business will be conducted is not in compliance with city, state and federal law, including but not limited to, the city’s zoning ordinance and construction codes;
3. The business or the carrying on of the business at the proposed fixed location is not a permitted use under any provision of this code, including, without limitation, a medical marijuana dispensary, as defined in Article IX, Chapter 6, Part 2, Division 10, Section 9660;
4. The business is a public nuisance or has been formally declared a public nuisance by the city within the two (2) calendar years prior to submittal of the application or renewal; or
5. The business is being conducted in a manner that does not comply with any permit conditions that have been imposed.”

SECTION 8. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6807 to read as follows:

“6807. Denial or issuance subject to conditions.

Before denying any new or renewal business registration permit or issuing any business registration permit subject to conditions, the City Manager, or his or her designee, shall notify the applicant in writing. The notice shall advise the applicant that, within ten (10) days after receipt of the notice, he or she may request a hearing pursuant to Sections 6824 to 6831. If the intention is to grant the business registration permit subject to conditions, the notice shall also specify the proposed conditions. The notice shall be given by registered mail, postage prepaid, return receipt requested. This section shall not apply to the renewal of any business registration permit made subject to conditions previously imposed or to which the applicant has previously agreed.”

SECTION 9. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6811 to read as follows:

“6811. Notification to applicant of right to impose or change conditions.

If at any time it appears to the City Manager, or his or her designee, that there are grounds for revocation of a business registration permit, or that the business is being conducted

so as to be detrimental to public health, safety, or public welfare, but that such grounds or such conduct could be eliminated by the imposition of conditions, or of additional conditions, or by the amendment of any existing conditions to such permit, the City Manager, or his or her designee, may notify the permittee in writing that it intends to impose or amend such conditions, and that the permittee may, within ten (10) days after receipt of such notice, request, in writing, a hearing pursuant to Sections 6824 to 6831.”

SECTION 10. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6812 to read as follows:

“6812. Right to revoke or suspend business registration permit.

Any business registration permit issued by the City may be conditioned, modified, suspended or revoked for cause as set forth in 6814.

SECTION 11. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6813 to read as follows:

“6813. Denial or issuance subject to conditions following notification.

SECTION 12. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6814 to read as follows:

“6814. Revocation or suspension.

(a) The City Manager, or his or her designee, may condition, modify, suspend or revoke a business registration permit if he or she finds that one or more of the following conditions exist:

1. The building, structure, premises or equipment used in the conduct of the business does not comply with any health, zoning, fire or building and safety laws of the state or ordinances of the City;
2. The permittee, or any employee, agent or manager of the permittee, has violated any federal or state statute or any ordinance of the City in the course of exercising any rights under the business registration permit which is being considered for revocation;
3. The permittee, or any employee, agent, or manager of the permittee, has been found to have committed or engaged in an unlawful act which bears a substantial relationship to the conduct of the business activity for which the permit is being considered for revocation;
4. The permittee, or any employee, agent, or manager of the permittee, has knowingly made any false, misleading or fraudulent statement of material fact in the application for the permit;

5. The permittee, or any employee, agent, or manager of the permittee, has published, uttered or disseminated any false, deceptive, or misleading statements or advertisements in connection with the operation of the permitted business;

6. The permittee, or any employee, agent, or manager of the permittee, has violated any conditions or restrictions of the permit;

7. The permittee, or any employee, agent, or manager of the permittee, has conducted the permitted business in a manner contrary to the public health, safety, or welfare; or

8. The permittee or any employee, agent, or manager of the permittee, has violated any provision of this chapter.

(b) The City Manager, or his or her designee, is authorized to execute an order immediately suspending a business registration permit during the pendency of the appeal process if he or she determines that the business is operating in violation of one or more local, state or federal regulations and as a result of the violation an imminent threat to public peace, health or safety exists.

SECTION 13. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6815 to read as follows:

“6815. Business activity without business registration permit prohibited.

No person shall engage in, conduct, manage, or carry on any business for which a business registration permit is required by this chapter if:

1. The person does so without having, pursuant to the provisions of this chapter, procured a business registration permit to do so and paid the fee required; or
2. Such business registration permit has expired, been suspended, revoked, or denied.”

SECTION 14. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6816 to read as follows:

“6816. Advertising business activities.

No person shall advertise or announce, by any means or medium, including, but not confined to, pamphlets, handbills, newspapers, radio, television and internet, any business activity, (including, without limitation, exhibitions, rodeos, traveling shows, single dances, or outdoor festivals, or the sale of tickets thereto), until that person has acquired the required business registration permit and such business registration permit is in full force and effect.”

SECTION 15. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6817 to read as follows:

“6817. Separate business registration permit required for each business.

If a person engages in, conducts, manages, or carries on at the same time and/or location more than one business, the person shall be deemed to be engaging in, conducting, managing and carrying on each such business separately and apart from the other business, except that the total fees for all annual business registration permits issued at the same time and to the same person at any one location and one post office address, shall be in the amount established by City Council resolution.”

SECTION 16. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6818 to read as follows:

“6818. Business confined to location specified in business registration permit.

When a business registration permit specifies the post office address of the business, the permittee may conduct such business only at the address specified in the business registration permit.”

SECTION 17. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6819 to read as follows:

“6819. Posting of business registration permit.

Every person having a business registration permit under the provisions of this chapter and conducting, managing or carrying on a business at a fixed location in the city, shall keep such business registration permit posted and exhibited while in force in some conspicuous part of the place of business.”

SECTION 18. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6820 to read as follows:

“6820. Exhibition of business registration permit upon request.

Every person having a business registration permit under the provisions of this chapter shall produce and exhibit that same whenever requested to do so by any peace officer or by any officer authorized to issue, inspect or collect business registration permits.”

SECTION 19. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6821 to read as follows:

“6821. Illegal businesses not authorized.

A business registration permit granted pursuant to this chapter does not permit any business of any kind that is prohibited by federal, state or local ordinance, statute, law, rule, order or regulation.”

SECTION 20. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6822 to read as follows:

“6822. Nuisance declared.

Any action taken or any condition caused or permitted to exist in violation of any of the provisions of this chapter or in violation of any business registration permit issued hereunder shall be deemed a public nuisance. Each day that such action or condition continues shall be deemed to be a new and separate offense.”

SECTION 21. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6823 to read as follows:

“6823. Violation – Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor punishable by a fine of not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person is guilty of a separate offense for every day, during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punished therefore as provided by this chapter.”

SECTION 22. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6824 to read as follows:

“6824. Hearing board.

The Planning Commission, except on final appeal, shall be the hearing board and shall hold all hearings, to determine whether to uphold, modify or reverse the decision of the City Manager or his or her designee to deny, suspend, condition, or revoke a business registration permit.”

SECTION 23. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6825 to read as follows:

“6825. Form and filing of notice of hearing.

Any applicant or permittee dissatisfied with any decision of the City Manager, or his or her designee, may, within fifteen (15) days after receipt of written notice pursuant to Sections 6807 and 6811, file with the Director of Community Development a request for hearing with the hearing board. The request shall be signed by the applicant or permittee and shall state the reason for the hearing. Failure of the Director of Community Development to receive a timely hearing request constitutes a waiver of the right to contest any such decision. In this event, the decision of the City Manager or his or her designee is final and binding.”

SECTION 24. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6826 to read as follows:

“6826. Time of notice of hearing.

Whenever a hearing pursuant to sections 6824 to 6831 is provided for by this chapter and notice of the hearing is given to any person, such notice shall be given by the Director of Community Development not less than ten (10) days before such hearing by registered, postage prepaid, return receipt requested.”

SECTION 25. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6827 to read as follows:

“6827. Conduct of hearing.

At the time set for the hearing or at the date to which the hearing may be continued by the hearing board, the hearing board shall hear the applicant or permittee, who may present any facts to show why the business registration permit should be granted, granted without conditions, or should not be modified, suspended, or revoked, and shall hear, also testimony and other statements of persons who may attend the hearing and present facts to show why the business registration permit should or should not be granted, granted subject to conditions, modified, suspended, or revoked.”

SECTION 26. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6828 to read as follows:

“6828. Decision after hearing.

At the close of the hearing or at any time within thirty (30) days thereafter, the hearing board shall determine from the facts produced at the hearing and from any other facts in its possession, whether to uphold, modify or reverse the decision of the City Manager or his or her designee. The hearing board may make its decision conditional upon the applicant or permittee doing or not doing any act, either personally or through the applicant’s or permittee’s employees, agents or managers, which the hearing board deems necessary for the public good.”

SECTION 27. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6829 to read as follows:

“6829. Notice to applicant of decision after hearing.

The Ddirector of Community Development shall notify the applicant or permittee of the decision of the hearing board by registered mail, postage prepaid, return receipt requested. The decision of the hearing board shall be in writing, and shall contain a determination of the issue presented and the penalty, if any.”

SECTION 28. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6830 to read as follows:

“6830. Effective date of decision.

The decision of the hearing board shall become effective upon service on the applicant or the permittee. Service is deemed complete when the decision is placed in a U.S. Postal Service mail receptacle. Unless timely appealed pursuant to sections 6832 to 6834, the decision of the hearing board shall be final and binding.”

SECTION 29. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6831 to read as follows:

“6831. Effect of appeal on decision.

The filing of an appeal to the appeals board from a decision of the hearing board which modifies, suspends, revokes or conditions a license shall operate to stay such decision of the hearing board. When a permit has been suspended as a result of the determination by the City Manager, or his or her designee, that the operation of the business results in an imminent threat to public health, safety or welfare, pursuant to Section 6814(b), suspension shall not be stayed during the pendency of the appeal process.”

SECTION 30. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6832 to read as follows:

“6832. Appeals board.

The appeals board shall be the City Council.”

SECTION 31. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6833 to read as follows:

“6833. Form and filing of notice of appeal.

Any applicant or permittee dissatisfied with any decision of the hearing board may, within fifteen (15) days after receipt of written notice of the decision, file with the City Clerk a notice of appeal to the appeals board. The notice shall be signed by the applicant or permittee and shall state that the applicant or permittee is appealing from a specified decision or a particular part thereof and the grounds upon which the appeal is taken. Failure of the City Clerk to receive a timely appeal request constitutes a waiver of the right to contest any such decision. In this event, the decision of the hearing board is final and binding.”

SECTION 32. Chapter 8 of Article VI of the Agoura Hills Municipal Code is hereby amended by adding a new Section 6834 to read as follows:

“6834. Notice, authorized actions and hearings of the appeals board.

1. The City Clerk shall transmit to the appeals board a copy of the notice of appeal filed pursuant to section 6833 within fifteen (15) days of receipt of the notice of appeal.
2. Within forty (40) days of receipt of a copy of the notice of appeal, the appeals board shall:
 - (1) Take such action as, in its opinion, is indicated by such evidence; or
 - (2) Schedule the matter for hearing.
3. The City Clerk shall give not less than ten (10) days' written notice of the date, time and place of an appeal hearing to the applicant or permittee.
4. Any action taken by the appeals board shall be in writing and the City Clerk shall provide notice of such action to the applicant or permittee.
5. The decision of the appeals board shall be final and binding.”

SECTION 33. Severability. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 34. Effective Date. This ordinance shall go into effect on the 31st day after its passage.

SECTION 35. Certification. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this day of , 2010.

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

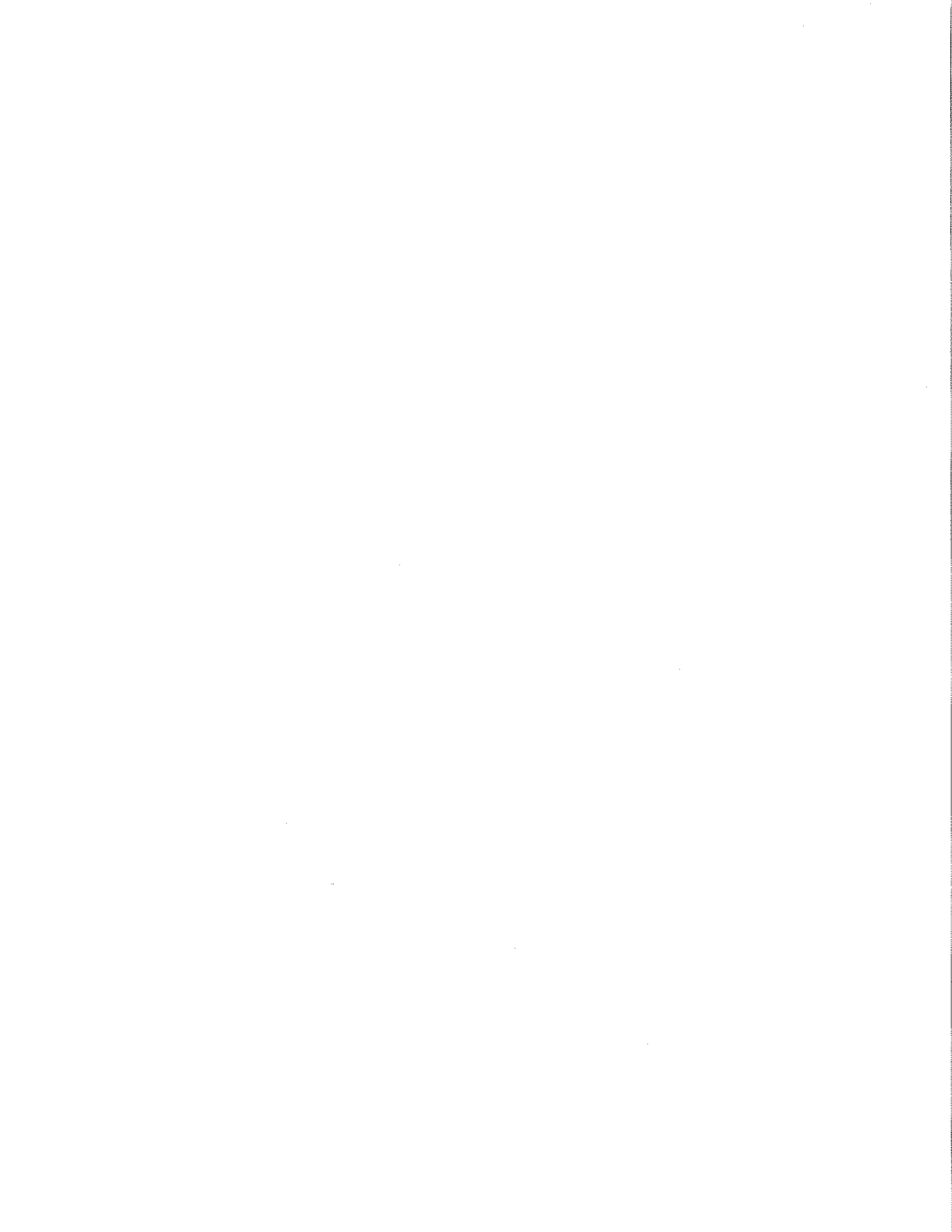
 William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:


Craig A. Steele, City Attorney




REPORT TO THE CITY COUNCIL

DATE: SEPTEMBER 22, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: AMY BRINK, DIRECTOR OF COMMUNITY SERVICES 

SUBJECT: CULTURAL ARTS INITIATIVE 2010

In December 2009, Mayor Koehler identified Arts and Culture in Agoura Hills, as part of his Mayoral goals. During the City's Budget Workshop on March 24, 2010, Mayor Koehler requested that an "Arts and Culture Program" be added to the work plan for staff in the next fiscal year. The Department of Community Services, along with the consulting firm Creative Hub, subsequently made a presentation to the City Council on how to commence such a "Cultural Arts Initiative." In June 2010, the FY 2010-11 Budget was approved and included \$25,000 earmark for the effort.

The Cultural Arts Initiative is a comprehensive means to the City developing a long term focus on arts and culture within the greater Agoura Hills community. Therefore, the Initiative will provide a roadmap that includes four components: (1) Creation of a Cultural Arts Council, (2) Branding the Cultural Arts Initiative and the programs that result from it, (3) Creation of a Cultural Arts Blueprint, and (4) Creation of a Cultural Artists Society.

The Community Services Committee has reviewed the Initiative and will be providing their comments on this item along with the presentation.

RECOMMENDATION

Staff respectfully recommends the City Council discuss and approve the Cultural Arts Initiative 2010.

Attachment: Cultural Arts Initiative 2010



CULTURAL ARTS INITIATIVE 2010

I. CULTURAL ARTS COUNCIL

1. Call for the formation of the Cultural Arts Council at the September 22 City Council Meeting
2. Applications will be accepted October 1-30, 2010.
3. Individuals will be interviewed, selected and recommended to City Council, by the Community Services Committee.
4. City Council will confirm CAC Members at the Reorganization Meeting, November 30, 2010.

II. BRANDING

1. Create a logo for the new Cultural Arts Initiative, which includes the Council and program.
2. The idea of "91301" is out there.

III. CULTURAL BLUEPRINT

1. Draft a Cultural Blueprint with input from City Council and the community through a workshop.
2. Cultural Blueprint will include information what the City of Agoura Hills offers already in the cultural arts arena - and, what arenas can/should be further developed.
3. Cultural Blueprint will also include assisting the City Council to further develop what their vision is of an Arts and Cultural Program.


IV. CULTURAL ARTISTS SOCIETY



1. Create and establish a "Cultural Artists Society."
2. This society can be as broad or specific as desired.
3. The purpose would be to fundraise for the arts, generate revenue, and to be the vehicle for possible future grants.

REPORT TO CITY COUNCIL

DATE: SEPTEMBER 22, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: AMIR HAMIDZADEH, BUILDING OFFICIAL 
LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER 

SUBJECT: ENERGY EFFICIENCY INCENTIVE PROGRAM AND
CONSIDERATION TO ADOPT RESOLUTION NO. 10-1061 REGARDING
REDUCTION OF PERMIT FEE FOR THE SOLAR PANELS AND
WINDOW REPLACEMENTS

This proposal is a part of the ongoing effort to meet the City Council's goal of becoming a "Green City" by promoting energy efficiency in the City of Agoura Hills. To save our constituents' money while installing energy efficient products, staff recommends that the City Council amend the current permit fee schedule to reduce selected permit rates as an incentive one-year pilot program. This program will provide a reduced fixed rate for permits issued for Photo Voltaic (PV) Systems (electric solar panel) and energy efficient windows.

The Sierra Club of California conducted a statewide survey last year identifying the permit costs in different cities for the installation of an average solar system. Based on this study, municipalities across the state were issuing these permits for fees as high as \$1,600 and as low as "no cost". In a follow-up report, the Sierra Club further recommended a fixed permit fee of \$324 for standard residential solar system. Additionally, they referred to Government Code Section 65850.5, which is intended to encourage the use of PV systems and minimize all solar plan check and permits fees.

The current permit fee structure adopted by the City in 1993, and later modified in 2006, bases the permit fees charged on project valuation, which is a common methodology used by many municipalities. However, due to the overall cost of the panels and installation, this methodology results in a relatively high cost for permits for solar panel installation.

If the City Council decides to adopt the proposed reduced fixed fee, the community could benefit from a large savings. As demonstrated below, a \$50,000 residential solar system permit, which would have cost \$1,634.34 under the existing fee, structure would now cost only \$320, a saving of \$1,314.34) A commercial project installing a \$500,000 solar system, would have paid \$8,051.94 for the permit under the current schedule, and would only pay \$540 under this incentive program, a saving of \$7,511.94.

The proposed fees are justifiable and, with the likely increased volume of permits will cover the overall average cost of the staff conducting the work. Staff is hoping that the savings for our constituents will increase the installation and usage of this alternative energy source and ultimately result in energy and money savings for our community and the residents. An example of the fees and charges for residential and commercial buildings, based on the current, and proposed methodologies, are provided below:

RESIDENTIAL – Based on a \$50,000 system				
	Project Valuation	B & S Plan Review	Building Permit	Total Permit Cost
Valuation Based (Current)	\$50,000	\$725	\$909.34	\$1,634.34
Flat Fee Based (Proposed)	\$50,000	\$70	\$250.00	\$320.00

*These fees are only Building and Safety Fees and \$40 Plan Check cost for Planning Dept is not included.

COMMERCIAL – Based on a \$500,000 system				
	Project Valuation	B & S Plan Review	Building Permit	Total Permit Cost
Valuation Based (Current)	\$500,000	\$3,580.71	\$4,471.23	\$8,051.94
Flat Fee Based (Proposed)	\$500,000	\$140	\$400	\$540

*These fees are only Building and Safety Fees and \$40 Plan Check cost for Planning Dept is not included.

Staff also recommends a reduction in the permit fees for the installation of energy efficient windows. For the past several years, the California Energy Code has required that any windows that are replaced must be upgraded to dual-pane energy efficient windows. In the recent years, due to the location of our jurisdiction in the Very High Fire Severity Zone (VHFSZ), another criteria has been added to the window replacements. This requirement, which went into effect January 1, 2008, requires that the new windows be of 20-minute fire rating; or glass blocks; or that one of the window panes be tempered glass. Due to the cost of these requirements, in addition to the plan review and permit requirements and fees, we have encountered many windows being replaced without obtaining permit(s).

This incentive program will allow us to waive the plan review and charge a low permit fee (\$20 per window) in order to assist our residents in obtaining the appropriate permit and get the proper approval and inspections. This is critical, not only for our residents to meet current code and have the proper permits in the event of a fire or property transfer, but it would create a safer and more energy efficient environment.

This incentive pilot program was carefully considered by staff before recommending the decrease in fees. During the 2009 calendar year, 24 solar permits for a total cost of \$22,900 was collected.

Staff has analyzed the cost recovery for the plan review and inspections for these permits with the proposed fee in place, and is confident that the proposed fees would not severely impact the departmental budget. Staff will monitor this one-year incentive program and will report back to City Council next year.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution No. 10-1601.

Attachments: Resolution No. 10-1601
Sierra Club Report and Recommendation
Government Code Section 65850.5

RESOLUTION NO. 10-1601

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING FEES AND CHARGES FOR BUILDING AND SAFETY PERMITS FOR THE INSTALLATION OF SOLAR ELECTRIC SYSTEMS AND ENERGY EFFICIENT WINDOW REPLACEMENTS

WHEREAS, on January 27 1993, the City Council adopted Resolution No. 93-766 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS ESTABLISHING FEES FOR PERMITS REQUIRED BY THE VARIOUS CODE REGULATING PRIVATE CONSTRUCTION."

WHEREAS, on July 12, 2006, the City Council adopted Resolution No. 06-1425, amending fees and charges for services rendered in relation to the Planning, Engineering, and Building and Safety permits;

WHEREAS, the City of Agoura Hills is implementing a one-year pilot incentive program for the community to incentivize greater energy efficiency by reducing the plan review and permit costs for solar system installations and window replacements;

WHEREAS, the City staff has completed a study to determine an average costs incurred by Building and Safety staff to conduct plan review and inspection services;

WHEREAS, the fees established by this resolution are consistent with the intent of Government Code Section 65850.5.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Agoura Hills as follows:

Section 1. The City Council AMENDS the permit fees outlined in Resolution No. 93-766 and Resolution No. 06-1425 as follows:

1. **Residential photo voltaic (solar) electric systems:** FLAT RATE – ALL PROJECTS
Building Permit - \$250.00 Building and Safety Plan Check - \$70.00
2. **Commercial photo voltaic (solar) electric systems:** FLAT RATE – ALL PROJECTS
Building Permit - \$400.00 Building and Safety Plan Check - \$140.00
3. **Energy Efficient Window Replacement:** \$20.00 per window installed

Section 2. The City Clerk is hereby directed to incorporate the foregoing reductions into the City's current Fee Schedule forthwith.

Section 3. This Resolution shall take effect as of the date adopted by the City Council of the City of Agoura Hills, and shall be in effect for one (1) calendar year following the date of adoption, and shall expire automatically thereafter, unless extended by the City Council.

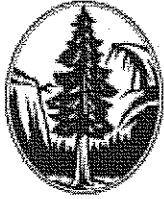
PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2010 by the following vote;

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

William D. Kohler, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk



**SIERRA
CLUB**
FOUNDED 1892

Recommendations for Solar Electric Permit Fees and Procedures

1. Make solar power permit fees a fixed \$324 or less for standard residential photovoltaic (PV) installations (i.e., do not base permit fee computation on PV system valuation).
 - A fixed total fee of \$324 or less is appropriate based upon extensive review of solar permitting costs in many jurisdictions with solar PV installation experience. Permitting and inspection of a typical residential PV system normally takes between 2 to 4 hours regardless of size, since the amount of work is essentially the same.
 - A fixed fee of \$324 or less brings your City into compliance with California's policy of encouraging solar as set forth in Government Code Section 65850.5 by minimizing all solar plan check and permit fees.
2. Consider fast-tracking applications for solar contractors who have reliable track records.
3. Standardize and streamline permit requirements to reduce time spent on the permit process by solar installers and City staff. For instance building department staff can be trained to do PV permit reviews and approval via cross training with planning department, public works and fire departments. A process that is quicker for solar installers is also cheaper for your city.
4. For rooftop residential PV systems of 15 kW or less, we recommend a permit issuance process that is over-the-counter (by appointment is OK if this works best for the permitting authority), particularly for PV systems that meet the following criteria:
 - Solar panel weight is under five pounds per square foot.
 - Weight of the solar array at each attachment point is less than 45 pounds.
 - The solar panels are no more than 18 inches off the surface of the roof.
 - The residence was built after 1950 with adequate rafters or trusses.
5. Consider posting solar permit guidelines, permit fees and the application on your City website.
6. Reduce the window for inspection appointments to no more than two hours. When feasible, cities should offer specific appointment times. This recommendation eliminates half-day inspection windows where expensive man hours are racked up waiting for inspectors.
7. Municipalities should not require Professional Engineering stamps for structural issues for flush-mounted rooftop PV systems, unless there are unique structural issues that need to be addressed (such as roof rafters being over spanned).
8. Do not tie permit issuance to utility approval. Some municipalities with their own electric utility require that the utility process and approve all paperwork relating to the PV system (e.g. net metering agreements, time-of-use metering agreements, solar rebate/incentive forms) before the building department will issue the permit. This needlessly adds time to the permitting process. We recommend that, before issuing a permit, such municipalities require only that the PV installer notify the utility of the pending project and submit an interconnection agreement and net metering application. The utility can then conduct its review and approval process concurrently with the PV contractor's installation process and the building department's subsequent inspection.

Laws Governing PV Permits and Fees:

California Government Code Section 66014 provides that fees associated with building inspections and building permits "**shall not exceed the estimated reasonable cost of providing the service for which the fee is charged.**" (Emphasis added).

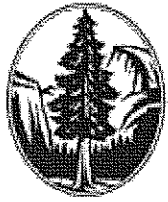
The California Solar Rights Act **limits the review of solar energy systems by city building officials to whether they meet applicable health and safety requirements.** (See California Government Code Section 65850.5 (b) and California Health and Safety Code Section 17959.1.) Discretionary reviews, including a design review for aesthetics, are prohibited. Section 65850.5(a) states: "It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes...." For details on this issue, see the letter of intent about solar permit fees and design reviews that State Senator Lois Wolk authored that was sent to all California cities on June 7, 2006. This letter can be downloaded at:

http://www.norcalsolar.org/downloads/city_resources/WolkPVFeeLetter.pdf

For more information on streamlining permit requirements:

1. Local chapters of the International Code Council in Northern California have approved some PV permit guidelines: <http://www.gosolarnow.com/PermitStandards.pdf>
2. The American Board of Codes and Standards is working on a technical wiring diagram that may become a national standard for PV solar permits, once approved. It is similar to: http://www.brooksolar.com/files/Code_Organizer-Expedited-blank_INPUTS.pdf
3. View a Sierra Club report entitled [Solar Electric Permit Fees in Southern California \(a comparative report\)](#). This report includes permit fee and processing time information for Southern California Cities and it has additional recommendations on PV permitting best practices. It can be downloaded at: <http://angeles.sierraclub.org/energy/pvfeereport.asp>

For more information on related solar PV permit issues, you may contact Kurt Newick via email at SolarPermitFees@gmail.com or by phone at 408-370-9636.



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Photovoltaic (PV) Permit Fees in Southern California as of 5/28/2009 (For 3 kW Residential PV Systems)

This permit fee ranking chart shows what municipalities in Southern California charge for a permit to install a 3 kW roof mounted PV system with 20 solar modules and 1 inverter valued at \$27,000. Data compiled by Sierra Club volunteers via a survey done between 2/1/09 – 4/15/09.

Ranked by Fee	
Municipality	Total Fee
Walnut	\$1,844.57
West Hollywood	\$1,603.76
La Habra Heights	\$1,571.64
Rolling Hills	\$1,479.33
San Gabriel	\$1,479.22
Carson	\$1,473.34
Hawaiian Gardens	\$1,426.73
Westlake Village	\$1,389.40
Whittier	\$1,328.37
Pismo Beach	\$1,305.31
Lawndale	\$1,214.27
Azusa	\$1,196.77
Lomita	\$1,183.08
Rolling Hills Estates	\$1,167.98
Bell	\$1,165.62
Downey	\$1,164.22
Irwindale	\$1,156.01
Los Angeles County	\$1,143.75
Huntington Park	\$1,100.00
Paramount	\$1,081.52
Cerritos	\$1,077.66
Inglewood	\$1,066.00
→ Agoura Hills	\$1,058.00
Artesia	\$1,029.75
Dana Point	\$1,020.20
El Monte	\$1,013.51
Torrance	\$1,009.20
La Mirada	\$1,007.56
San Dimas	\$1,000.00
Placentia	\$982.70
Needles	\$973.00

Ranked Alphabetically	
Municipality	Total Fee
Adelanto	\$180.00
→ Agoura Hills	\$1,058.00
Alhambra	\$212.64
Aliso Viejo	\$924.30
Anaheim	\$0.00
Apple Valley	\$316.46
Arcadia	\$283.00
Arroyo Grande	\$350.00
Artesia	\$1,029.75
Arvin	\$308.00
Atascadero	\$272.50
Avalon	\$791.76
Azusa	\$1,196.77
Bakersfield	\$136.00
Baldwin Park	\$432.07
Ballard	\$293.21
Banning	\$236.00
Barstow	\$250.00
Beaumont	\$416.00
Bell	\$1,165.62
Bell Gardens	\$450.00
Bellflower	\$925.35
Beverly Hills	\$350.00
Big Bear Lake	\$415.00
Blythe	\$54.20
Bradbury	\$306.46
Brawley	\$200.00
Brea	\$466.40
Buellton	\$293.21
Buena Park	\$242.00
Burbank	\$0.00

Industry	\$966.75
Duarte	\$965.00
Ontario	\$953.91
Coachella	\$953.59
Norwalk	\$945.28
Hawthorne	\$943.45
Los Alamitos	\$942.37
Bellflower	\$925.35
Aliso Viejo	\$924.30
Compton	\$900.00
Oxnard	\$900.00
Newport Beach	\$899.73
Santa Fe Springs	\$895.00
San Marino	\$891.10
Coronado	\$875.51
Montebello	\$852.30
South Gate	\$821.88
West Covina	\$815.00
South El Monte	\$814.00
Rancho Santa Margarita	\$806.81
Glendora	\$805.42
Lakewood	\$800.00
Maywood	\$797.94
Avalon	\$791.76
Fullerton	\$791.31
Pico Rivera	\$785.00
Lompoc	\$763.27
Malibu	\$761.10
Perris	\$754.12
Indio	\$738.00
Imperial County	\$736.92
Lake Elsinore	\$734.77
Orange	\$717.13
Cudahy	\$716.66
Calexico	\$708.89
Santa Maria	\$705.59
Diamond Bar	\$703.67
Ridgecrest	\$701.89
Grover Beach	\$701.86
Laguna Niguel	\$700.00
Tustin	\$695.00
Gardena	\$692.20
Vernon	\$686.75
Canyon Lake	\$683.00
Colton	\$682.63
California City	\$680.89
Commerce	\$675.00

Calabasas	\$658.00
Calexico	\$708.89
California City	\$680.89
Calimesa	\$655.00
Camarillo	\$430.40
Canyon Lake	\$683.00
Carlsbad	\$120.00
Carpinteria	\$244.70
Carson	\$1,473.34
Casmalia	\$293.21
Cathedral City	\$211.00
Cerritos	\$1,077.66
Chino	\$664.75
Chino Hills	\$514.20
Chula Vista	\$45.00
Claremont	\$435.00
Coachella	\$953.59
Colton	\$682.63
Commerce	\$675.00
Compton	\$900.00
Corona	\$659.50
Coronado	\$875.51
Costa Mesa	\$0.00
Covina	\$644.66
Cudahy	\$716.66
Culver City	\$0.00
Cuyama	\$293.21
Cypress	\$625.00
Dana Point	\$1,020.20
Del Mar	\$190.00
Delano	\$65.00
Desert Hot Springs	\$659.66
Diamond Bar	\$703.67
Downey	\$1,164.22
Duarte	\$965.00
El Cajon	\$225.00
El Centro	\$478.00
El Monte	\$1,013.51
El Segundo	\$514.50
Encinitas	\$388.42
Escondido	\$102.00
Fillmore	\$155.00
Fontana	\$0.00
Fountain Valley	\$663.00
Fullerton	\$791.31
Garden Grove	\$160.00
Gardena	\$692.20

Morro Bay	\$675.00
Chino	\$664.75
Fountain Valley	\$663.00
Desert Hot Springs	\$659.66
Corona	\$659.50
Calabasas	\$658.00
Calimesa	\$655.00
Paso Robles	\$652.50
Hermosa Beach	\$649.89
Covina	\$644.66
Laguna Woods	\$633.00
Moorpark	\$627.50
Temple City	\$625.05
Cypress	\$625.00
Yorba Linda	\$614.20
Temecula	\$604.00
Long Beach	\$598.91
National City	\$595.00
Rancho Cucamonga	\$591.00
San Fernando	\$582.06
Solvang	\$553.65
San Jacinto	\$529.98
McFarland	\$524.30
Monrovia	\$520.00
Sierra Madre	\$515.00
El Segundo	\$514.50
Chino Hills	\$514.20
Victorville	\$513.25
Pomona	\$509.65
El Centro	\$478.00
Hemet	\$473.00
Highland	\$472.00
Brea	\$466.40
San Luis Obispo County	\$461.50
Oceanside	\$454.95
Grand Terrace	\$452.32
Bell Gardens	\$450.00
Upland	\$450.00
Montclair	\$444.50
Yucaipa	\$441.00
Claremont	\$435.00
Baldwin Park	\$432.07
Camarillo	\$430.40
Santa Barbara	\$430.00
Signal Hill	\$418.92
Beaumont	\$416.00

Glendale	\$0.00
Glendora	\$805.42
Goleta	\$174.00
Grand Terrace	\$452.32
Grover Beach	\$701.86
Guadalupe	\$415.00
Hawaiian Gardens	\$1,426.73
Hawthorne	\$943.45
Hemet	\$473.00
Hermosa Beach	\$649.89
Hesperia	\$295.92
Hidden Hills	\$224.91
Highland	\$472.00
Hope Ranch	\$293.21
Huntington Beach	\$0.00
Huntington Park	\$1,100.00
Imperial Beach	\$95.00
Imperial County	\$736.92
Indian Wells	\$0.00
Indio	\$738.00
Industry	\$966.75
Inglewood	\$1,066.00
Irvine	\$210.00
Irwindale	\$1,156.01
Isla Vista	\$293.21
Kern County	\$225.00
Kern County wildland area	\$360.00
La Canada Flintridge	\$356.00
La Habra	\$410.07
La Habra Heights	\$1,571.64
La Mesa	\$156.04
La Mirada	\$1,007.56
La Palma	\$211.00
La Puente	\$131.30
La Quinta	\$337.00
La Verne	\$331.40
Laguna Beach	\$0.00
Laguna Hills	\$182.70
Laguna Niguel	\$700.00
Laguna Woods	\$633.00
Lake Elsinore	\$734.77
Lake Forest	\$253.50
Lakewood	\$800.00
Lancaster	\$58.00
Lawndale	\$1,214.27
Lemon Grove	\$274.00

Big Bear Lake	\$415.00
Guadalupe	\$415.00
Thousand Oaks	\$411.21
La Habra	\$410.07
Rancho Palos Verdes	\$401.99
Westminster	\$400.00
Stanton	\$397.70
Monterey Park	\$394.51
Yucca Valley	\$391.10
Encinitas	\$388.42
Norco	\$375.00
Palm Springs	\$375.00
Kern County wildland area	\$360.00
Seal Beach	\$358.65
La Canada Flintridge	\$356.00
Arroyo Grande	\$350.00
Beverly Hills	\$350.00
Lynwood	\$350.00
San Juan Capistrano	\$350.00
La Quinta	\$337.00
La Verne	\$331.40
Palmdale	\$329.75
Simi Valley	\$327.00
Ojai	\$325.00
Apple Valley	\$316.46
Arvin	\$308.00
Los Angeles	\$307.64
Bradbury	\$306.46
Santa Clarita	\$300.00
Hesperia	\$295.92
Vista	\$295.00
Ballard	\$293.21
Buellton	\$293.21
Casmalia	\$293.21
Cuyama	\$293.21
Hope Ranch	\$293.21
Isla Vista	\$293.21
Los Alamos	\$293.21
Los Olivos	\$293.21
Montecito	\$293.21
Orcutt	\$293.21
Santa Barbara County	\$293.21
Santa Ynez	\$293.21
Summerland	\$293.21
Vandenberg Village	\$293.21
Ventucopa	\$293.21

Loma Linda	\$0.00
Lomita	\$1,183.08
Lompoc	\$763.27
Long Beach	\$598.91
Los Alamitos	\$942.37
Los Alamos	\$293.21
Los Angeles	\$307.64
Los Angeles County	\$1,143.75
Los Olivos	\$293.21
Lynwood	\$350.00
Malibu	\$761.10
Manhattan Beach	\$0.00
Maywood	\$797.94
McFarland	\$524.30
Menifee	\$220.00
Mission Viejo	\$0.00
Monrovia	\$520.00
Montclair	\$444.50
Montebello	\$852.30
Montecito	\$293.21
Monterey Park	\$394.51
Moorpark	\$627.50
Moreno Valley	\$155.00
Morro Bay	\$675.00
Murrieta	\$256.75
National City	\$595.00
Needles	\$973.00
Newport Beach	\$899.73
Norco	\$375.00
Norwalk	\$945.28
Oceanside	\$454.95
Ojai	\$325.00
Ontario	\$953.91
Orange	\$717.13
Orange County	\$16.00
Orcutt	\$293.21
Oxnard	\$900.00
Palm Desert	\$0.00
Palm Springs	\$375.00
Palmdale	\$329.75
Palos Verdes Estates	\$85.00
Paramount	\$1,081.52
Pasadena	\$198.00
Paso Robles	\$652.50
Perris	\$754.12
Pico Rivera	\$785.00

Twentynine Palms	\$289.96
Arcadia	\$283.00
Lemon Grove	\$274.00
Atascadero	\$272.50
Santa Paula	\$270.00
Murrieta	\$256.75
Lake Forest	\$253.50
Barstow	\$250.00
Carpinteria	\$244.70
Buena Park	\$242.00
Banning	\$236.00
El Cajon	\$225.00
Kern County	\$225.00
Villa Park	\$225.00
Hidden Hills	\$224.91
Menifee	\$220.00
Riverside County	\$214.71
Wildomar	\$214.71
Alhambra	\$212.64
Cathedral City	\$211.00
La Palma	\$211.00
Irvine	\$210.00
Riverside	\$210.00
Santee	\$206.30
Redondo Beach	\$202.00
Brawley	\$200.00
Pasadena	\$198.00
Rancho Mirage	\$194.00
Del Mar	\$190.00
Solana Beach	\$190.00
Laguna Hills	\$182.70
Adelanto	\$180.00
Goleta	\$174.00
Garden Grove	\$160.00
La Mesa	\$156.04
Fillmore	\$155.00
Moreno Valley	\$155.00
Ventura	\$150.03
Bakersfield	\$136.00
La Puente	\$131.30
Poway	\$131.25
Rosemead	\$121.95
Carlsbad	\$120.00
Wasco	\$111.70
Redlands	\$110.00
Escondido	\$102.00

Pismo Beach	\$1,305.31
Placentia	\$982.70
Pomona	\$509.65
Port Hueneme	\$100.00
Poway	\$131.25
Rancho Cucamonga	\$591.00
Rancho Mirage	\$194.00
Rancho Palos Verdes	\$401.99
Rancho Santa Margarita	\$806.81
Redlands	\$110.00
Redondo Beach	\$202.00
Rialto	\$0.00
Ridgecrest	\$701.89
Riverside	\$210.00
Riverside County	\$214.71
Rolling Hills	\$1,479.33
Rolling Hills Estates	\$1,167.98
Rosemead	\$121.95
San Bernadino County	\$0.00
San Bernardino (City)	\$0.00
San Clemente	\$0.00
San Diego	\$93.00
San Diego County	\$0.00
San Dimas	\$1,000.00
San Fernando	\$582.06
San Gabriel	\$1,479.22
San Jacinto	\$529.98
San Juan Capistrano	\$350.00
San Luis Obispo	\$40.00
San Luis Obispo County	\$461.50
San Marcos	\$100.00
San Marino	\$891.10
Santa Ana	\$0.00
Santa Barbara	\$430.00
Santa Barbara County	\$293.21
Santa Clarita	\$300.00
Santa Fe Springs	\$895.00
Santa Maria	\$705.59
Santa Monica	\$0.00
Santa Paula	\$270.00
Santa Ynez	\$293.21
Santee	\$206.30
Seal Beach	\$358.65
Shafter	\$101.64
Sierra Madre	\$515.00
Signal Hill	\$418.92

Shafter	\$101.64
Port Hueneme	\$100.00
San Marcos	\$100.00
Imperial Beach	\$95.00
San Diego	\$93.00
South Pasadena	\$87.50
Palos Verdes Estates	\$85.00
Delano	\$65.00
Lancaster	\$58.00
Blythe	\$54.20
Tehachapi	\$52.50
Chula Vista	\$45.00
San Luis Obispo	\$40.00
Orange County	\$16.00
Anaheim	\$0.00
Burbank	\$0.00
Costa Mesa	\$0.00
Culver City	\$0.00
Fontana	\$0.00
Glendale	\$0.00
Huntington Beach	\$0.00
Indian Wells	\$0.00
Laguna Beach	\$0.00
Loma Linda	\$0.00
Manhattan Beach	\$0.00
Mission Viejo	\$0.00
Palm Desert	\$0.00
Rialto	\$0.00
San Bernadino County	\$0.00
San Bernardino (City)	\$0.00
San Clemente	\$0.00
San Diego County	\$0.00
Santa Ana	\$0.00
Santa Monica	\$0.00
Ventura County	\$0.00
Average	\$501.78

Simi Valley	\$327.00
Solana Beach	\$190.00
Solvang	\$553.65
South El Monte	\$814.00
South Gate	\$821.88
South Pasadena	\$87.50
Stanton	\$397.70
Summerland	\$293.21
Tehachapi	\$52.50
Temecula	\$604.00
Temple City	\$625.05
Thousand Oaks	\$411.21
Torrance	\$1,009.20
Tustin	\$695.00
Twentynine Palms	\$289.96
Upland	\$450.00
Vandenberg Village	\$293.21
Ventucopa	\$293.21
Ventura	\$150.03
Ventura County	\$0.00
Vernon	\$686.75
Victorville	\$513.25
Villa Park	\$225.00
Vista	\$295.00
Walnut	\$1,844.57
Wasco	\$111.70
West Covina	\$815.00
West Hollywood	\$1,603.76
Westlake Village	\$1,389.40
Westminster	\$400.00
Whittier	\$1,328.37
Wildomar	\$214.71
Yorba Linda	\$614.20
Yucaipa	\$441.00
Yucca Valley	\$391.10
Average	\$501.78

View a comparative report of Solar Electric Permit Fees in Southern California at:
<http://angeles.sierraclub.org/energy/pvfeereport.asp>

Contacts: <mailto:SolarPermitFees@gmail.com>

Kurt Newick: Home Office: (408) 370-9636, cell: (408) 761-2029

Tamara Compeán: (626) 836-1948

GOVERNMENT CODE SECTION 65850.5

(a) The implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, but is instead a matter of statewide concern. It is the intent of the Legislature that local agencies not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. It is the policy of the state to promote and encourage the use of solar energy systems and to limit obstacles to their use. It is the intent of the Legislature that local agencies comply not only with the language of this section, but also the Legislative intent to encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting for such systems.

(b) A city or county shall administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health or safety. However, if the building official of the city or county has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the city or county may require the applicant to apply for a use permit.

(c) A city or county may not deny an application for a use permit to install a solar energy system unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

(d) The decision of the building official pursuant to subdivisions (b) and (c) may be appealed to the planning commission of the city or county.

(e) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible.

(f) (1) A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.

(2) A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.

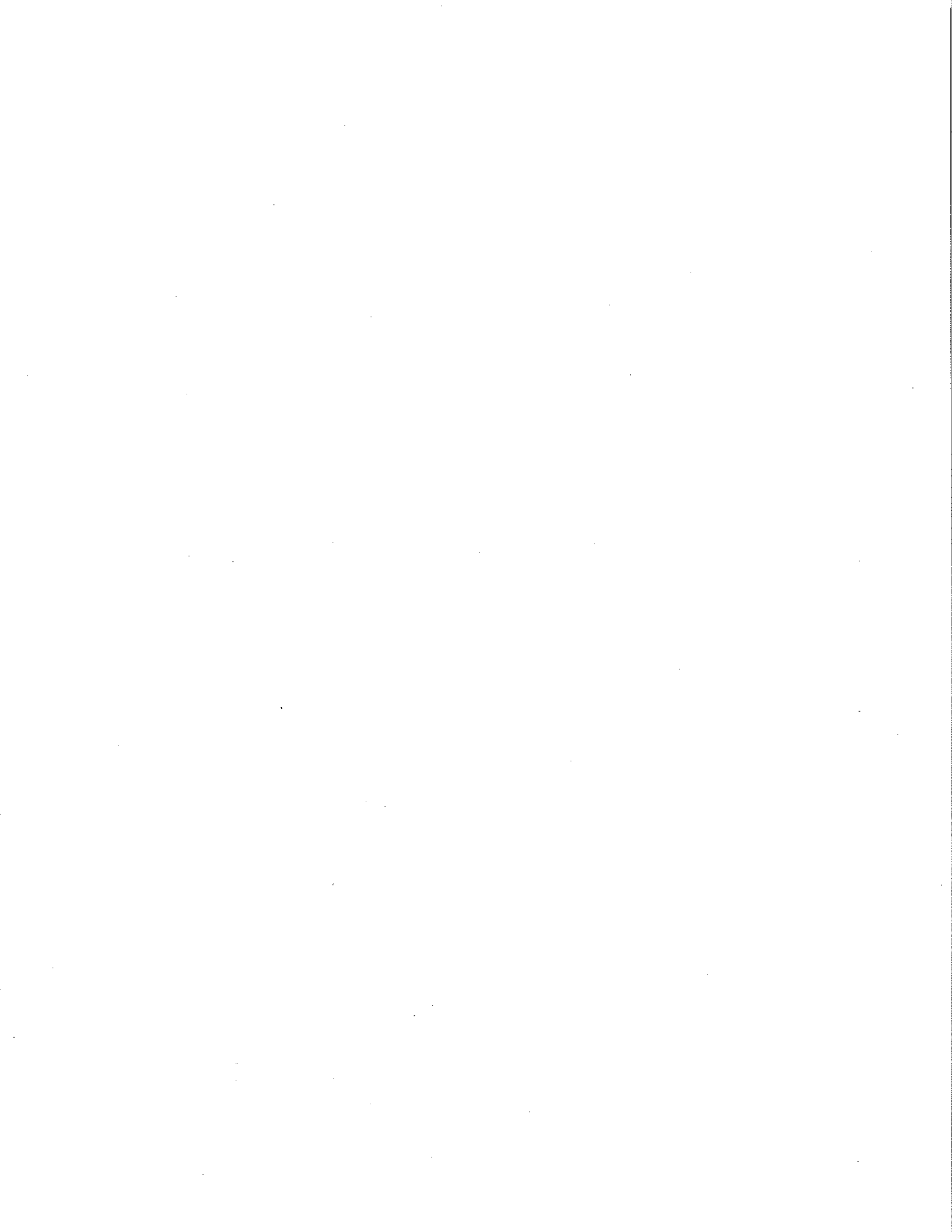
(3) A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(g) The following definitions apply to this section:

(1) "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 a city or county on another similarly situated application in a prior successful application for a permit. A city or county shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code.

(2) "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code.

(3) A "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.



REPORT TO CITY COUNCIL

DATE: SEPTEMBER 22, 2010

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: LOUIS CELAYA, ASSISTANT TO THE CITY MANAGER *LC*

SUBJECT: COMMUNITY SHRED EVENT (IDENTITY THEFT PROTECTION)

On Saturday, October 9, 2010, the City will jointly sponsor the County of Los Angeles Sheriff's Department Community Shred event. The event is being held by the Commercial Crimes Bureau Identity Theft Task Force and the City invites the general public to protect against identify theft and bring unwanted personal documents to be shredded. The event is free of charge.

This countywide event will be held in three different cities including Agoura Hills, Norwalk, and Los Angeles (Ladera Center). The Agoura Hills event will be held in the City Hall parking lot, and run from 9:00 a.m. to 3:00 p.m. The event is open to all surrounding cities including Calabasas, Hidden Hills, Malibu, and Westlake Village. The Sheriff's Department will also be accepting donations for the following charities at the event:

- 999 For Kids
- Sheriff's Youth Foundation
- March of Dimes

Representative from the Sheriff's Department may also be on site to offer tips on how the general public can protect themselves from identity theft. Staff will prepare a series of press releases and other public relation campaign activity to get the word out to residents of Agoura Hills and the general public. The City is proud to be a joint sponsor of this event and assist the Sheriff Department with efforts to reduce identity theft community wide.

RECOMMENDATION

No action required on this item.

Beat Identity Theft with Shred-it®



COMMUNITY SHRED™

You are invited to bring all the unwanted personal documents you can carry for shredding. Shred-it mobile shredding trucks will shred documents **FREE OF CHARGE**. Representatives may also be on site to offer tips on how you can protect yourself against identity theft.

www.shredit.com 1 800 69-Shred

DATE: OCTOBER 9, 2010

TIME: 9AM TO 3 PM

Agoura Hills – City Hall
30001 Ladyface Court
Agoura Hills, CA 91301

Ladera Center
5315 W. Centinela Ave.
Los Angeles, CA 90045

Target – Norwalk
12051 Imperial Hwy
Norwalk, CA 90650



Donations accepted for the following charities:

- 999 For Kids
- Sheriff's Youth Foundation
- March of Dimes

