



# City of Morgan Hill

## Legislation Details (With Text)

**File #:** 16-561      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Second Reading  
**File created:** 8/3/2016      **In control:** City Council  
**On agenda:** 8/24/2016      **Final action:** 8/24/2016  
**Title:** EXPEDITED SOLAR PERMITTING ORDINANCE - AB 2188  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Solar Permitting Ordinance

Date	Ver.	Action By	Action	Result
8/24/2016	1	City Council	waived reading of the Ordinance	Pass
8/24/2016	1	City Council	introduced	Pass

## CITY COUNCIL STAFF REPORT MEETING DATE: AUGUST 24, 2016

**PREPARED BY:** Ken De Luna, Building Official/Community Development Department  
**APPROVED BY:** City Manager

## EXPEDITED SOLAR PERMITTING ORDINANCE - AB 2188

### RECOMMENDATION(S)

1. Open/close public hearing;
2. Waive the first and second reading of the ordinance; and
3. Introduce the ordinance.

### COUNCIL PRIORITIES, GOALS & STRATEGIES:

#### Ongoing Priorities

Protecting the Environment

#### 2016 Focus Areas

Enhancing Our Services

#### REPORT NARRATIVE:

The purpose of this new ordinance is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act, as required by AB 2188. The ordinance encourages the use of solar systems by removing unreasonable barriers, minimizing cost to property owners and the City, and expanding the ability for homeowners to install solar energy systems. The proposed ordinance allows the City to achieve these goals while protecting the public health and safety.

Specifically, AB 2188 requires cities to substantially conform their expedited, streamlined permitting process to recommendations contained in the current version of the California Solar Permitting Guidebook. These recommendations include:

- Adoption of a checklist of all requirements for a system to be eligible for expedited review.
- Approval of an application in which the jurisdiction determines that the application is complete and meets all prescribed requirements.
- The use of electronic signatures on relevant permitting documents unless a jurisdiction is unable to process them.
- Allowing for electronic submittal of the expedited permit documents.
- A single inspection, subject to certain exceptions, that must be performed in a timely manner.
- Changing the definition of “significantly” in reference to determining whether a reasonable restriction significantly increases a cost or decreases efficiency for solar water heating systems and photovoltaic systems with regard to covenants, conditions or restrictions imposed by a common interest development (i.e., a homeowners association).

Prior to this proposed ordinance, in 2002, the Building Division established a written policy for expedited over-the-counter plan review and permitting for all residential solar systems. This policy met and exceeded requirements of state law and the recommendations in the Solar Permitting Guidebook. The policy has served as a bridge to accommodate the growing demand for solar permitting. The Council adopted the fee for the solar permit on January 18, 2012 and the fee is included in the City's fee schedule. The new ordinance codifies existing practice in the Building Division and staff anticipates no changes being needed in the City's permit issuance procedure.

**COMMUNITY ENGAGEMENT:**      **Not Applicable**

**ALTERNATIVE ACTIONS:**

None

**PRIOR CITY COUNCIL AND COMMISSION ACTIONS:**

On January 18, 2012, City Council adopted the solar permitting fee.

**FISCAL AND RESOURCE IMPACT:**

None

**CEQA (California Environmental Quality Act):**

Not a Project

The proposed ordinance is not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that it does not have the potential for causing a significant effect on the environment.

**LINKS/ATTACHMENTS:**

Solar Permitting Ordinance