

# Memorandum

To: Chair Hochschild  
Vice Chair Gunda  
Commissioner McAllister  
Commissioner Monahan  
Commissioner Vaccaro

Date: July 6, 2022

From: Allan Ward, Assistant Chief Counsel  
Chief Counsel's Office

Subject: CEQA Compliance for California Automated Permit Processing Program, GFO-21-402

This memo addresses the application of the California Environmental Quality Act (CEQA, Public Resources Code section 21000 et seq.) to the California Energy Commission's (CEC) proposed adoption of a resolution, item 1.c. on the agenda, at the July 13, 2022, business meeting. The proposed resolution allows CEC staff to execute grant applications to GFO-21-402 that meet all applicable solicitation requirements for the California Automated Permit Processing Program (CalApp).

CEC staff released GFO-21-402 on June 1, 2022. The goal of the solicitation is to offer funding opportunities under the CEC's CalAPP Program for California cities and counties to establish online, automated solar permitting. The GFO awards grants on a first-come, first-served basis to entities meeting the very simple, few, and objective, solicitation requirements. The proposed resolution would allow CEC staff to approve grants that meet all of the solicitation requirements for funding.

Because the only grants allowed under the solicitation are software installation or upgrades for solar permitting projects by cities and counties, no GFO grant meets CEQA's definition of a project. A project under CEQA excludes "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."<sup>1</sup> The software being installed or upgraded does not change a city's or county's decision to issue a solar permit. It just automates the process and makes it more efficient, easy, and accessible. Because the software does not change the ultimate decision, it is just an organizational or administrative process and does not result in a direct or indirect physical change to the environment. For these reasons, the CEC's action of approving a resolution allowing its staff to approve this GFO's grants is not a project under CEQA.

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<sup>1</sup> 14 CCR § 15378 (b)(5).

STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: DIRECTING EXECUTIVE DIRECTOR OR DESIGNEE TO APPROVE  
CALAPP GRANTS UNDER GFO-21-402

**WHEREAS**, California Energy Commission (CEC) staff issued grant solicitation GFO-21-402 (Grant Funding Opportunity); and

**WHEREAS**, the GFO's purpose is to offer funding opportunities under the CEC's CalAPP Program for California cities, counties, or cities and counties, to establish online, automated solar permitting; and

**WHEREAS**, the GFO awards grants on a first-come, first-served basis to entities meeting the very simple, few, and purely objective, solicitation requirements; and

**WHEREAS**, the GFO should result in numerous, simple grants to local governments, that if all were brought to CEC business meetings for approval would unnecessarily take substantial administrative resources and time that could otherwise be used for other CEC programs, including the new programs anticipated with potential new appropriations of state and federal funds; and

**WHEREAS**, this resolution will greatly speed up the award of grants under the GFO and the realization of the grants' benefits as well as free up CEC staff time to speed up the awards under other programs and the benefits of those programs; and

**WHEREAS**, the CEC's legal office has considered the application of the California Environmental Quality Act (CEQA) to any potential grants awarded under the GFO and found that none will meet the definition of a project for purposes of CEQA; and

**RESOLVED**, the CEC hereby finds that no project under the GFO meets the definition of a project under CEQA and directs, to the extent funds are available and the GFO remains open, the Executive Director (ED) or the ED's designee to approve all applications meeting the GFO's requirements and any needed changes to the GFO.

## ***CERTIFICATION***

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the CEC held on July 13, 2022.

AYE:

NAY:

ABSENT:

ABSTAIN:

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Liza Lopez

Secretariat