



**California Energy Commission
April 12, 2023, Business Meeting
Backup Materials for Agenda Item No 11:
Residential Solar Permit Reporting – SB 379 Guidelines**

The following backup materials for the above-referenced agenda item are available as described below:

1. Proposed Resolution, attached below.
2. [Draft Commission Guidelines](#).
3. CEQA Memo, attached below.

For the complete record, please visit:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-SOLAR-01>.

To stay informed about this project and receive documents as they are filed, please subscribe to the proceeding California Automated Permit Processing Program - CalAPP Topic, which can be accessed here: <https://www.energy.ca.gov/subscriptions>. The California Automated Permit Processing Program - CalAPP Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

Adoption of Residential Solar Permit Reporting Proposed Guidelines

WHEREAS, Senate Bill 379 (Wiener, Chapter 356, Statutes of 2022) (SB 379), as codified in Government Code section 65850.52(e)(1), directs the State Energy Resources Conservation and Development Commission (CEC) to administer the Solar Permit Reporting Guidelines as codified in Government Code section 65850.52, and directs the CEC to “set guidelines for cities, counties, and cities and counties to report to the commission on the number of permits issued for residential solar energy systems and residential energy storage systems paired with residential solar energy systems and the relevant characteristics of those systems” (Government Code § 65850.52(e)(1)); and

WHEREAS, on November 22, 2022, the CEC issued a workshop notice, informing stakeholders that a workshop for the Residential Solar Permit Reporting Proposed Guidelines would be held on December 8, 2022; and

WHEREAS, on December 6, 2022, the CEC released and published the Residential Solar Permit Reporting Proposed Guidelines to solicit stakeholder feedback, which was presented at a public workshop on December 8, 2022; and

WHEREAS, the CEC made the Proposed Guidelines available for a thirty-day public comment period, starting December 8, 2022 and ending January 9, 2023, pursuant to Government Code section 65850.52(e)(2); and

WHEREAS, the CEC’s legal office has considered the application of the California Environmental Quality Act (CEQA) to the CEC’s adoption of the Proposed Guidelines and opined that the CEC’s adoption of these Guidelines is exempt from CEQA under Title 14, California Code of Regulations, sections 15307, 15308, and 15061(b)(3); and

WHEREAS, the CEC is exempt from the Administrative Procedure Act (APA) pursuant to Government Code section 65850.52(e)(3); and

THEREFORE, BE IT RESOLVED, the CEC hereby adopts the Proposed Guidelines for the Residential Solar Permit Reporting, along with any changes identified at its April 12, 2023 Business Meeting; and

FURTHER BE IT RESOLVED, the CEC hereby finds the adoption of the Guidelines to be exempt from CEQA under California Code of Regulations, title 14, sections 15307 and 15308 (Class 7 and 8 exemptions) and section 15061(b)(3) (common sense

exemption); and finds the CEC is exempt from the APA pursuant to Government Code section 65850.52(e)(3); and

FURTHER BE IT RESOLVED, that documents and other materials that constitute the full record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in Docket Number [21-SOLAR-01](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-SOLAR-01), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-SOLAR-01>; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

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 April 12, 2023.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Liza Lopez
Secretariat

Memorandum

To: Docket 21-SOLAR-01

Date: 03/30/2023

Telephone: (916) 805-7521

From: Geoffrey Dodson
Reliability, Renewable Energy & Decarbonization
Incentives Division

Subject: Basis for Finding the Solar Permit Reporting Guidelines are Exempt under the California Environmental Quality Act

I. CEQA

The California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.; see also CEQA Guidelines, Cal. Code Regs., tit. 14, § 15000 et seq.) requires that state agencies consider the environmental impact of their discretionary decisions. CEQA allows for certain projects to be exempted from its requirements. Of relevance here, and discussed further below, are the Class 7 and 8 exemptions (Cal. Code Regs., tit. 14, §§15307, 15308) and the common-sense exemption (Cal. Code Regs., tit. 14, §15061(b)(3)).

II. The Proposed Action

In this action, the CEC is proposing guidelines for Residential Solar Permit Reporting (“Proposed Guidelines”) as required by SB 379, and as subsequently codified in Government Code section 65850.52. SB 379 establishes requirements for California cities and counties to implement an online, automated permitting platform, such as SolarAPP+. This law intends to increase access and adoption of residential solar and energy storage projects by supporting instantaneous plan review practices and creating consistent processes for the issuance of residential clean energy project permits. As directed by law, the CEC prepared the Proposed Guidelines to provide information to stakeholders on how to proceed with developing their system and explains what information they will need to provide to the Commission as part of their compliance.

Nothing within the proposed guidelines would cause a direct or reasonably foreseeable indirect physical change in the environment.

III. The Proposed Guidelines are not a project.

CEQA applies to projects that have “a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment.” (Cal.

Code Regs. tit. 14, § 15378(a)). Under CEQA, the definition of “[p]roject does not include . . . [c]ontinuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making” (Cal. Code Regs. Tit. 14, § 15378(b)(2)). Here, the Proposed Guidelines are not a project because they are intended to reflect administrative and maintenance activities by providing a streamlined and online method for cities and counties to approve permits. These Guidelines would not impact the number of permits a city or county would receive, but instead would simplify how stakeholders can submit and have their permits reviewed by the city or county. This will ensure fairness for all parties seeking a permit and will allow the CEC to monitor such permitting, as the Guidelines direct cities and counties to report annually to the CEC showing they comply with the requirements. Therefore, the Guidelines are an administrative and maintenance activity that is not a project under CEQA.

In addition, these Guidelines are not a project because they do not have the potential to result in a direct or “a reasonably foreseeable indirect change in the environment.” (Cal. Code Regs. tit. 14, § 15378(a)). The Guidelines are intended to help cities and counties streamline the permit process but will not be responsible for the permitting process itself and, therefore, will not be responsible for any solar waste produced by these permits. These Guidelines will not have a potential for a direct physical change in the environment and do not fall under the definition of a project subject to CEQA.

IV. Even if the Proposed Guidelines were a project, the Class 7 and 8 exemptions, and the common-sense exemption, would apply.

California Code of Regulations, title 14, sections 15307 and 15308 exempt actions taken by a regulatory agency to “assure the maintenance, restoration, or enhancement of a natural resource” and actions taken to “assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” (Cal. Code Regs. tit. 14, §§ 15307, 15308.) The Proposed Guidelines require cities and counties to provide the CEC with the number of permits issued for residential solar energy systems and residential energy storage systems paired with residential solar energy systems and the relevant characteristics of those systems. These Guidelines are intended to streamline permitting for solar energy systems to promote the development of solar energy and storage projects in the state, contributing to larger efforts that help California meet its clean energy goals. As such, these Guidelines will assure the maintenance and protection of the environment because this regulatory process involves procedures for protection of the environment, namely by permitting solar systems in a more streamlined fashion and bringing more clean energy onto the grid. Accordingly, the proposed Guidelines fall squarely within the categorical exemption of section 15307 and 15308 as they support and apply to California’s clean energy initiatives.

The Proposed Guidelines are also exempt from CEQA under the common-sense exemption. This exemption states that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (Cal. Code Regs., tit. 14, § 15061(b)(3).) A significant effect on the environment is defined as a substantial, or a potentially substantial, adverse change in the environment, and does not include an economic change by itself. (Pub. Resources Code, § 21068; Cal. Code Regs., tit. 14, § 15382.) The effect of the Proposed Guidelines is to provide cities and counties with guidance on implementing a streamlined permitting process for

installing small residential rooftop solar energy systems, which will reduce time and money for those applying for permits. These Guidelines are not anticipated to change the requirements for permit approval, but rather to streamline the overall process for cities and counties within the state.

These Proposed Guidelines will provide cities and counties with the requirements for compliance with the CEC and instruction on creating an online, automated permitting platform. Under the common-sense exemption, it can be seen with certainty that there is no possibility that these Guidelines will have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15061(b)(3).) For these reasons, in addition to qualification under the categorical exemptions identified above, adoption of the Guidelines would not be subject to CEQA under the common-sense exemption of section 15061(b)(3).

Further, none of the exceptions to exemptions listed in CEQA Guidelines section 15300.2 apply to this project. Additionally, there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. For these reasons, this project is exempt from CEQA.

VII. Conclusion.

As shown above, the Proposed Guidelines are a regulatory action that is not a project. If it is found to be a project, it will play a role in protecting natural resources and the environment, and is, therefore, categorically exempt from further CEQA review under sections 15307 and 15308 of the CEQA Guidelines. Additionally, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and, therefore, this project is exempt pursuant to the common-sense exemption under section 15061(b)(3) of the CEQA Guidelines.