



Office of the Mayor

CONSENT CALENDAR

June 1, 2021

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmembers Ben Bartlett, Kate Harrison, and Terry Taplin (Co-Sponsors)

Subject: Support – SB 617, the Solar Access Act

RECOMMENDATION

Adopt a Resolution in support of SB 617 (Wiener): Residential solar energy systems: permitting. Send a copy of the Resolution to Senators Wiener and Skinner, Assemblymember Wicks, and Governor Newsom

BACKGROUND

Last year, the National Renewable Energy Laboratory (NREL), under contract to the federal Department of Energy, developed software called SolarAPP+ that processes permits for solar and solar-plus-storage systems. SolarAPP+ asks the contractor a series of questions to verify the solar system's design is safe, and then issues a permit automatically. SolarAPP+, developed in partnership with building safety experts and the solar industry, helps local governments and installers operate more efficiently without compromising the safety or quality of solar systems. SolarAPP+ is free for cities and counties, integrates with their existing software systems, and can be adjusted to the characteristics of the area (e.g., snowfall). Jurisdictions, such as San Jose and Los Angeles have deployed automated permitting software similar to SolarAPP+, with great success. San Jose saw a six-fold increase in solar systems installed after they adopted automated permitting.

California needs to accelerate its transition to clean energy in order to increase local resilience and meet its climate emissions targets by 2045. While rooftop solar systems have been a major driving force behind California's ongoing transition, the potential growth of these systems has been diminished by administrative burdens. Across the state, rooftop solar and storage permitting processes are often inefficient and time-consuming, and can add thousands of dollars to the cost of installing solar. As a result, fewer Californians add solar to their roofs who otherwise would. Meanwhile, the workload for building department officials continues to increase, and government staff are increasingly unable to manage the permitting application process in a timely fashion. Relief is needed across the board, and the technology to accomplish that is now widely available, and should be implemented as quickly as possible.

SB 617 is supported by numerous environmental and other community organizations, including SPUR, Environment California, the Sierra Club, the Center for Sustainable

Energy, the Local Government Commission, the Housing Action Coalition, and Grid Alternatives.

FINANCIAL IMPLICATIONS

Limited staff time associated with sending a letter to designated recipients.

ENVIRONMENTAL SUSTAINABILITY

No direct identifiable environmental sustainability savings are associated with this item. However, the passage of SB 617 is likely to lead to a more rapid deployment of rooftop-scale solar and storage in the City of Berkeley, which is a key strategy in the realization of Berkeley's Climate Action goals.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Resolution
2. Text of SB 617
3. SB617 Fact Sheet

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF SB 617, THE SOLAR ACCESS ACT

WHEREAS, Last year, the National Renewable Energy Laboratory (NREL), under contract to the federal Department of Energy, developed software called SolarAPP+ that processes permits for solar and solar-plus-storage systems; and

WHEREAS, SolarAPP+ asks the contractor a series of questions to verify the solar system's design is safe, and then issues a permit automatically; and

WHEREAS, SolarAPP+, developed in partnership with building safety experts and the solar industry, helps local governments and installers operate more efficiently without compromising the safety or quality of solar systems; and

WHEREAS, SolarAPP+ is free for cities and counties, integrates with their existing software systems, and can be adjusted to the characteristics of the area (e.g., snowfall); and

WHEREAS, California needs to accelerate its transition to clean energy in order to increase local resilience and meet its climate emissions targets by 2045; and

WHEREAS, While rooftop solar systems have been a major driving force behind California's ongoing transition, the potential growth of these systems has been diminished by administrative burdens; and

WHEREAS, Across the state, rooftop solar and storage permitting processes are often inefficient and time-consuming, and can add thousands of dollars to the cost of installing solar; and

WHEREAS, As a result, fewer Californians add solar to their roofs who otherwise would; and

WHEREAS, Meanwhile, the workload for building department officials continues to increase, and government staff are increasingly unable to manage the permitting application process in a timely fashion; and

WHEREAS, Relief is needed across the board, and the technology to accomplish that is now widely available, and should be implemented as quickly as possible.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 617, the Solar Access Act.

BE IT FURTHER RESOLVED that that copies of this Resolution be sent to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Wiener, and Assemblymember Buffy Wicks.

AMENDED IN SENATE MAY 4, 2021
AMENDED IN SENATE APRIL 19, 2021
AMENDED IN SENATE APRIL 12, 2021
AMENDED IN SENATE APRIL 5, 2021
AMENDED IN SENATE MARCH 18, 2021

SENATE BILL

No. 617

Introduced by Senator Wiener
(Principal coauthor: Assembly Member Chiu)
(Coauthors: Senators Becker, Newman, and Stern)
(Coauthor: Assembly Member Robert Rivas)

February 18, 2021

An act to add Section 65850.52 to the Government Code, relating to solar energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 617, as amended, Wiener. Residential solar energy systems: permitting.

Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires every city, county, or city and county, to develop a streamlined permitting process for the installation of small residential rooftop solar energy systems, as that term is defined. Existing law prescribes and limits permit fees that a city or county may charge for a residential and commercial solar energy system.

Existing law grants the Public Utilities Commission (PUC) regulatory authority over public utilities, including electrical corporations, as

defined. Decisions of the PUC adopted the California Solar Initiative, which is administered by electrical corporations and subject to the PUC's supervision. Existing law requires the PUC and the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake certain steps in implementing the California Solar Initiative. A violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

~~Existing law specifies that the financial components of the California Solar Initiative include, among other programs, programs for the installation of solar energy systems on new construction, which collectively are known as the New Solar Homes Partnership Program. Existing law requires the program, which is administered by the Energy Commission, to be funded by charges in the amount of \$400,000,000 collected from customers of the state's 3 largest electrical corporations. If specified moneys are exhausted, existing law authorizes the PUC to require each of those electrical corporations to continue the program pursuant to guidelines established by the Energy Commission for the program until the \$400,000,000 monetary limit is reached. If the PUC requires the continuation of the program, existing law requires any funding made available to be encumbered no later than June 1, 2018, and disbursed no later than December 31, 2021. Existing law makes the provisions of the program inoperative on June 1, 2018.~~

This bill would require every city and county to implement an online, automated permitting platform that verifies code compliance and instantaneously issues permits for a solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating and an energy storage system paired with a solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating, as specified. The bill would require a city or county to amend a certain ordinance to authorize a residential solar energy system and an energy storage system to use the online, automated permitting platform. The bill would prescribe a compliance schedule for satisfying these requirements, which would exempt a county with a population of less than 150,000 and all cities within a county with a population of less than 150,000. The bill would require a city with a population of 50,000 or less that is not otherwise exempt to satisfy these requirements by September 30, 2023, while cities and counties with populations greater than 50,000 that are not otherwise exempt would be required to satisfy the requirements by September 30, 2022. The bill would require a city,

county, or a fire department, district, or authority to report to the Energy Commission when it is in compliance with specified requirements, in addition to other information. By increasing the duties of local officials, this bill would impose a state-mandated local program. The bill would prohibit the provision of specified funding sources to cities and counties not in compliance with certain provisions relating to solar energy systems and fees charged for their installation or if they are not in compliance with provisions of the bill.

The bill would ~~authorize~~ *require* the Energy ~~Commission~~ *Commission*, *upon provision of sufficient funding*, to provide technical assistance and grant funding to cities and counties in order to support the above-described requirements. The bill would require the commission to develop grant guidelines and other requirements, as specified, by May 1, 2022, and make applications available no later than ~~June~~ *July* 1, 2022. ~~The bill would require the PUC to require the Pacific Gas and Electric Company, the Southern California Edison Company, and the San Diego Gas and Electric Company to repurpose \$20,000,000 supporting the New Solar Homes Partnership Program, as specified, to providing technical assistance and grant funding and to pay the Energy Commission's program administrative costs, as specified.~~ Because this requirement would expand the definition of a crime, this bill would impose a state-mandated local program. The bill would require the Energy Commission to set guidelines for cities and counties to report to the commission on the number of permits issued for solar energy systems and an energy storage system paired with a solar energy system and the relevant characteristics of those systems.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65850.52 is added to the Government
2 Code, to read:

3 65850.52. (a) For purposes of this section:

4 (1) “Energy Commission” means the State Energy Resources
5 Conservation and Development Commission.

6 (2) “Energy storage system” means commercially available
7 technology, located behind a customer’s utility meter, that is
8 capable of absorbing electricity generated from a colocated
9 electricity generator or from the electric grid, storing it for a period
10 of time, and thereafter discharging it to meet the energy or power
11 needs of the host customer or for export.

12 (3) “Solar energy system” means any configuration of solar
13 energy devices that collects and distributes solar energy for the
14 purpose of generating electricity and that has a single
15 interconnection with the electric utility transmission or distribution
16 network.

17 (4) “SolarAPP” means the most recent version of a web-based
18 portal, developed by the National Renewable Energy Laboratory,
19 United States Department of Energy, that automates plan review,
20 produces code-compliant approvals, and issues permits for solar
21 energy systems and energy storage systems paired with solar
22 energy systems.

23 (b) Pursuant to the compliance schedule in subdivision (d), a
24 city, county, or city and county, in consultation with the local fire
25 department, district, or authority shall implement an online,
26 automated permitting platform, such as SolarAPP, that verifies
27 code compliance and issues permits in real time to a licensed
28 contractor for a solar energy system that is no larger than 38.4
29 kilowatts alternating current nameplate rating and an energy storage
30 system paired with a solar energy system that is no larger than
31 38.4 kilowatts alternating current nameplate rating, and is
32 consistent with the system parameters and configurations, including
33 an inspection checklist, of SolarAPP. Consistent with the same
34 compliance schedule, a city, county, or city and county shall amend
35 its ordinance adopted pursuant to subdivision (g) of Section
36 65850.5 to authorize a residential solar energy system and an
37 energy storage system to use the online, automated permitting
38 platform.

1 (c) (1) A county with a population of less than 150,000, and
2 all cities within a county with a population of less than 150,000,
3 are exempt from subdivision (b).

4 (2) A city with a population of 50,000 or less that is not exempt
5 pursuant to paragraph (1) shall satisfy the requirements of
6 subdivision (b) no later than September 30, 2023.

7 (3) A city, county, or city and county with a population of
8 greater than 50,000 that is not exempt pursuant to paragraph (1)
9 shall satisfy the requirements of subdivision (b) no later than
10 September 30, 2022.

11 (d) ~~The~~ *Upon provision of sufficient funding, the* Energy
12 Commission may provide technical assistance and grant funding
13 to city, county, or city and county, in order to support the
14 implementation of online, automated permitting for a solar energy
15 system and an energy storage system paired with a solar energy
16 system and for compliance with the requirements of subdivision
17 (b) in a timely manner.

18 (1) The Energy Commission shall develop grant guidelines and
19 other requirements in a public process by May 1, 2022, and make
20 applications available no later than ~~June~~ July 1, 2022.

21 (2) The Energy Commission shall prioritize processing grant
22 applications from local jurisdictions serving low-income
23 communities, disadvantaged communities as defined by the
24 California Communities Environmental Health Screening Tool,
25 also known as CalEnviroScreen 3.0, or those containing high
26 fire-threat districts as defined in subdivision (h) of Section 3280
27 of the Public Utilities Code.

28 ~~(3) The Public Utilities Commission shall require Pacific Gas~~
29 ~~and Electric Company, Southern California Edison Company, and~~
30 ~~San Diego Gas and Electric Company to repurpose twenty million~~
31 ~~dollars (\$20,000,000) of funds supporting the New Solar Homes~~
32 ~~Partnership Program, pursuant to paragraph (3) of subdivision (e)~~
33 ~~of Section 2851 of the Public Utilities Code, for providing the~~
34 ~~technical assistance and grant funding described in this subdivision~~
35 ~~and to provide for the Energy Commission's costs to administer~~
36 ~~the program. Notwithstanding subparagraph (B) of paragraph (3)~~
37 ~~of subdivision (e) of Section 2851 of the Public Utilities Code,~~
38 ~~these funds may be disbursed after December 31, 2021.~~

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1 (e) A city, county, city and county, or a fire department, district,
2 or authority shall report to the Energy Commission when it is in
3 compliance with subdivision (b).

4 (f) The Energy Commission shall set guidelines for cities and
5 counties to report to the commission on the number of permits
6 issued for solar energy systems and an energy storage system
7 paired with a solar energy system and the relevant characteristics
8 of those systems. A city, county, or city and county shall report
9 annually to the Energy Commission pursuant to those guidelines
10 within a year of implementing the automated solar permitting
11 system pursuant to subdivision (b).

12 (g) (1) A city, county, or city and county that is not in
13 compliance with Section 65850.5 or 66015 is not eligible to receive
14 the funding available pursuant to subdivision ~~(e)~~ (d). A city,
15 county, or city and county shall self-certify its compliance with
16 Section 65850.5 or 66015 when applying for funds from a
17 state-sponsored or state-administered grant or loan program.

18 (2) A city, county, or city and county that is not in compliance
19 with subdivision (b) is not eligible to receive funds from a
20 state-sponsored or state-administered solar or energy storage grant
21 or loan program, other than the funding available in subdivision
22 ~~(e)~~ (d). A city, county, or city and county shall certify its
23 compliance with the requirements of subdivision (b) when applying
24 for funds from a state-sponsored or state-administered grant or
25 loan program.

26 (h) Nothing in this section shall be construed to limit or
27 otherwise affect the generator interconnection requirements and
28 approval process for a local publicly owned electric utility, as
29 defined in Section 224.3 of the Public Utilities ~~Code~~ Code, or an
30 electrical corporation, as defined in Section 218 of the Public
31 Utilities Code.

32 (i) Nothing in this section shall be construed to increase or
33 otherwise affect the liability of a local agency pertaining to a solar
34 energy system or an energy storage system paired with a solar
35 energy system installed pursuant to this section.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution for certain
38 costs that may be incurred by a local agency or school district
39 because, in that regard, this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty for a crime

1 or infraction, within the meaning of Section 17556 of the
2 Government Code, or changes the definition of a crime within the
3 meaning of Section 6 of Article XIII B of the California
4 Constitution.

5 However, if the Commission on State Mandates determines that
6 this act contains other costs mandated by the state, reimbursement
7 to local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

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Senator Scott Wiener, 11th Senate District

Senate Bill 617 – Solar Access Act

SUMMARY

To increase the number of homes installing safe solar energy systems, Senate Bill 617, the Solar Access Act, would certain sized require jurisdictions to provide an online instant solar permitting process, like SolarAPP+, for residential solar and solar-plus-storage systems.

BACKGROUND

Last year, the National Renewable Energy Laboratory (NREL), a division of the federal Department of Energy, developed software called SolarAPP+ that processes permits for solar and solar-plus-storage systems. SolarAPP+ asks the contractor a series of questions to verify the solar system's design is safe, and then issues a permit automatically. SolarAPP+, developed in partnership with building safety experts and the solar industry, helps local governments and installers operate more efficiently without compromising the safety or quality of solar systems. SolarAPP+ is free for cities and counties, integrates with their existing software systems, and can be adjusted to the characteristics of the area (e.g., snowfall). Jurisdictions, such as San Jose and Los Angeles have deployed automated permitting software similar to SolarAPP+, with great success. San Jose saw a six-fold increase in solar systems installed after they adopted automated permitting.

PROBLEM

California needs to accelerate its transition to clean energy in order to increase local resilience and meet its climate emissions targets by 2045. While rooftop solar systems have been a major driving force behind California's ongoing transition, the potential growth of these systems has been diminished by administrative burdens. Red tape and the 'soft costs' of permitting and installing often prevents homeowners from putting solar on their roofs. Before a contractor can install a solar system, they need to apply for a permit from the local building department. These permitting processes are often inefficient and time-consuming, and can add thousands of dollars to the cost of installing solar. As a result, fewer Californians add solar to their roofs who otherwise would. Meanwhile, the workload for building department officials continues to increase, and government staff are increasingly unable to manage the permitting application process in a timely fashion. Relief is needed across the board, and the technology to accomplish that is now widely available, and should be implemented as quickly as possible.

SOLUTION

SB 617 will allow more homeowners to install solar by streamlining the permitting and inspection processes. The bill will require counties with populations over 150,000 to allow homeowners' contractors to receive an instant online permit for standard solar and solar-plus-storage

systems, via software such as the SolarAPP+. Further, the bill will create a program at the California Energy Commission that provides technical assistance and grants to help cities and counties comply with these requirements. The funds would come from leftover money in the now-defunct New Solar Homes Partnership Program (subsidies for new homes to install solar).

Overall, the bill would increase the number of households installing solar and storage systems, help California meet its greenhouse gas emissions reduction goals, increase the resiliency of homes (especially during public safety power shutoffs), reduce electricity costs to homeowners, reduce administrative costs for local governments, and create solar installation jobs.

SUPPORT

- **SPUR (Sponsor)**
- **Environment California (Sponsor)**
- Sierra Club
- Center for Sustainable Energy
- Local Government Commission
- Housing Action Coalition
- Grid Alternatives
- Vote Solar
- Solar Rights Alliance
- SunPower Corporation
- Solar United Neighbors
- Natural Resources Defense Council
- Environmental Defense Fund
- NextGen California
- The Climate Center
- Habitat for Humanity – Greater San Francisco Chapter
- Local Solar for All
- Solar and Fire Education (SAFE)
- Advanced Energy Economy
- Town of Windsor

- Gabriel Quinto, Mayor Pro Tem of El Cerrito
- Dianne Martinez, Mayor of Emeryville
- Tom Butt, Mayor of Richmond
- Michael Vargas, Mayor of Perris
- Dan Kalb, Oakland City Councilmember
- Bay Area Council
- Elders Climate Action Norcal Chapter
- Elders Climate Action SoCal Chapter
- Silicon Valley Youth Climate Action
- California Solar & Storage Association
- Sunrun
- Tesla

FOR MORE INFORMATION

Tate Hanna, Legislative Aide

Email: tate.hanna@sen.ca.gov

Phone: (916) 651-4011

