



Kate Harrison  
Vice Mayor, District 4

CONSENT CALENDAR  
May 24, 2022

To: Honorable Members of the City Council

From: Vice Mayor Kate Harrison (Author), Mayor Jesse Arreguín (Co-Author),  
Councilmember Susan Wengraf (Co-Author), Councilmember Sophie Hahn  
(Co-Sponsor)

Subject: Resolution in Support of SB 379: the Solar Access Act

RECOMMENDATION

Send a letter of support for SB 379 (Wiener) - Residential solar energy systems: permitting, to Senators Wiener and Skinner, Assemblymember Wicks, and Governor Newsom. To increase the number of homes installing safe solar energy systems, Senate Bill 379, the Solar Access Act, would mandate jurisdictions above a certain population size to provide an online instant solar permitting process, like SolarAPP+, for residential solar and solar-plus-storage systems.

BACKGROUND

California needs to accelerate its transition to clean energy in order to increase local resilience and meet its climate emissions targets. 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 than the number that 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.

The National Renewable Energy Laboratory (NREL), under the auspices of the U.S. Department of Energy, has created a free-to-use program to support local governments with residential solar and solar-plus-storage system permitting<sup>1</sup>. SolarAPP+ provides a web-based portal that streamlines and automates permit reviews, and can be easily implemented into existing local government permitting software.

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<sup>1</sup> <https://solarapp.nrel.gov/>

The Solar Access Act requires counties with more than 150,000 residents, and all cities within those counties, to implement instant online permitting for solar and solar-plus-storage systems, via programs like SolarAPP+. Under the provisions of SB 379, requirement will go into effect starting September 30, 2024 for cities under 50,000 residents, and September 30, 2023 for cities over 50,000 residents. The California Energy Commission (CEC) is preparing a program to deploy \$20 million in grants to help cities and counties adopt online automated permitting systems such as SolarAPP+.

NREL first introduced SolarAPP+ in late 2020 and has slowly expanded the program's capabilities. Many local jurisdictions, including Pleasant Hill, Benicia, Stockton, Sonoma County, San Jose, and Los Angeles have already begun implementation of automated permitting with great success<sup>2</sup>. Pleasant Hill has reduced their average permit review time to zero days (same-day approval) since adopting SolarAPP+ for instantaneous automated permitting.

SB 379 is supported by numerous environmental and other community organizations, including SPUR, Environment California, the Sierra Club, the Climate Center, and Grid Alternatives.

#### FINANCIAL IMPLICATIONS

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

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct identifiable environmental sustainability savings are associated with this item. However, the passage of SB 379 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 and resiliency goals.

#### CONTACT PERSON

Vice Mayor Kate Harrison 510-981-7140

#### Attachments:

1. Resolution
2. SB 379 Language
3. Support Letters

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<sup>2</sup> <https://help.solar-app.org/article/108-where-is-solarapp-available>

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

IN SUPPORT OF SB 379, 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; 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, The Solar Access Act requires counties with more than 150,000 residents, and all cities within those counties, to implement instant online permitting for solar and solar-plus-storage systems, via programs like SolarAPP+; and

WHEREAS, Under the provisions of SB 379, applicable requirements will go into effect starting September 30, 2024 for cities under 50,000 residents, and September 30, 2023 for cities over 50,000 residents; and

WHEREAS, The California Energy Commission (CEC) is preparing a program to deploy \$20 million in grants to help cities and counties adopt online automated permitting systems such as SolarAPP+; and

WHEREAS, SB 379 is supported by numerous environmental and other community organizations, including SPUR, Environment California, the Sierra Club, the Climate Center, and Grid Alternatives.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it endorses SB 379, the Solar Access Act.

BE IT FURTHER RESOLVED that the Council sends a letter of support to Senators Wiener and Skinner, Assemblymember Wicks, and Governor Newsom.


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## SB-379 Residential solar energy systems: permitting. (2021-2022)

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Date Published: 01/12/2022 09:00 PM

AMENDED IN SENATE JANUARY 12, 2022

AMENDED IN SENATE JANUARY 03, 2022

AMENDED IN SENATE MAY 04, 2021

AMENDED IN SENATE APRIL 08, 2021

AMENDED IN SENATE MARCH 07, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL****NO. 379****Introduced by Senator Wiener****February 10, 2021**

An act to add Section 65850.52 to the Government Code, relating to land use.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 379, as amended, Wiener. Residential solar energy systems: permitting.

Existing law requires a city or county to approve administratively 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 creates the State Energy Resources Conservation and Development Commission (Energy Commission) in the Natural Resources Agency and prescribes its duties, which include administering programs for the installation of solar energy systems.

This bill would require every city, county, or city and county to implement an online, automated permitting platform that verifies code compliance and ~~instantaneously~~ issues permits *in real time* for a solar energy ~~system~~ *system, as defined*, that is no larger than 38.4 kilowatts alternating current nameplate rating and an energy storage ~~system system, as defined~~, paired with a solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating. The bill would require a city, county, or city and 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.

This bill would prescribe a compliance schedule for satisfying these requirements, which would exempt a *city with a population of fewer than 5,000 and a county with a population of fewer than 150,000 and all cities within a county with a population of fewer than 150,000. 150,000, including each city within that county.* The bill would require a city with a population of 50,000 or fewer that is not otherwise exempt to satisfy these requirements by September 30, 2024, 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, 2023. The bill would require a city, county, or city and 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. The bill would require cities and counties to self-certify their compliance with the bill's provisions when applying for specified funds from the Energy ~~Commission~~. *Commission, as specified.*

~~This bill would, upon provision of sufficient funding, authorize the Energy Commission to provide technical assistance and grant funding to cities and counties in order to support the above-described requirements. 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 bill would make related findings and declarations.~~

By increasing the duties of local officials, this bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** The Legislature finds and declares all of the following:

(a) Permitting fees or soft costs to solar and storage projects can add substantial time and money to the adoption of additional solar and storage projects.

~~(b) California needs additional rooftop solar and storage projects in order to meet our renewable energy goals.~~

~~(c)~~

*(b)* To meet its clean energy goals, California ~~needs~~ *may need* up to six gigawatts of new renewable and storage resources ~~annually~~. *annually, including additional rooftop solar and storage projects.*

~~(d)~~

*(c)* Per the 2021 Senate Bill 100 Joint Agency Report, Achieving 100% Clean Electricity in California, development of rooftop solar must increase dramatically.

~~(e)~~

*(d)* Because the 2021 budget included a \$20 million appropriation to the Energy Commission for grants to all jurisdictions that adopt the SolarAPP+ or a similar program in order to expedite permitting, local permitting jurisdictions can and should be required to adopt SolarAPP+ or a similar program for automated permitting in order to promote the development of solar and storage to help meet the state's clean energy needs.

**SEC. 2.** Section 65850.52 is added to the Government Code, immediately following Section 65850.5, to read:

**65850.52.** (a) For purposes of this section, the following definitions apply:

(1) "Energy Commission" means the State Energy Resources Conservation and Development Commission.

(2) "Energy storage system" means commercially available technology, located behind a customer's *residential* utility meter, that is capable of absorbing electricity generated from a colocated electricity generator or from the electrical grid, storing it for a period of time, and thereafter discharging it to meet the energy or power needs of the host customer or for export.

(3) "Solar energy system" means any configuration of solar energy devices that collects and distributes solar energy for the purpose of generating electricity and that has a single *residential* interconnection with the electric

utility transmission or distribution network.

(4) "SolarAPP+" means the most recent version of a web-based portal, developed by the National Renewable Energy Laboratory, that automates plan review, produces code-compliant approvals, and issues permits for solar energy systems and energy storage systems paired with solar energy systems.

(b) ~~Pursuant~~ *(1) Pursuant* to the compliance schedule in subdivision ~~(d)~~, *(c)*, a city, county, or city and county, in consultation with the local fire department, district, or authority, shall implement an online, automated permitting platform, such as SolarAPP+, that ~~verifies~~ *meets both of the following requirements:*

*(A) The platform verifies* code compliance and issues permits in real time to a licensed contractor 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, and is rating.~~

*(B) The platform is* consistent with the system parameters and configurations, including an inspection checklist, of SolarAPP+. ~~Consistent~~

*(2) Consistent* with the same compliance schedule, a city, county, or city and county shall amend its ordinance adopted pursuant to subdivision (g) of Section 65850.5 to authorize a ~~residential~~ solar energy system and an energy storage system to use the online, automated permitting platform.

*(3) A city, county, or city and county is not required to permit an application for a solar energy system or energy storage system through the online automated permitting platform pursuant to this section if the system configuration is not eligible for SolarAPP+ at the time the application is submitted to the jurisdiction.*

(c) (1) ~~A city with a population of fewer than 5,000 and a county with a population of fewer than 150,000, and all cities within a county with a population of fewer than 150,000, are including each city within that county, is~~ exempt from subdivision (b).

(2) A city with a population of 50,000 or fewer that is not exempt pursuant to paragraph (1) shall satisfy the requirements of subdivision (b) by September 30, 2024.

(3) A city, county, or city and county with a population of greater than 50,000 that is not exempt pursuant to paragraph (1) shall satisfy the requirements of subdivision (b) by September 30, 2023.

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

~~(e)~~

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

~~(f)~~

*(e)* The Energy Commission shall set guidelines for cities, counties, and 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. A city, county, or city and county shall annually report to the Energy Commission pursuant to those guidelines within one year of implementing the online, automated solar permitting system pursuant to subdivision (b).

~~(g)~~

*(f)* A city, county, or city and county shall self-certify its compliance with this section when applying for funds from the Energy Commission *after the applicable date in the compliance schedule in subdivision (c)*, other than the twenty million dollars (\$20,000,000) in funds available, pursuant to Section 76 of Chapter 69 of the Statutes of 2021, from the Energy Commission for automated solar permitting.

~~(h)~~

*(g)* This section does not limit or otherwise affect the generator interconnection requirements and approval process for a local publicly owned electric utility, as defined in Section 224.3 of the Public Utilities Code, or an

electrical corporation, as defined in Section 218 of the Public Utilities Code.

(+)

(h) This section does not increase or otherwise affect the liability of a local agency pertaining to a solar energy system or an energy storage system paired with a solar energy system installed pursuant to this section.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



The Honorable Governor Gavin Newsom  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: SB 379 (Wiener) Support for SB 379: the Solar Access Act**

Dear Governor Newsom,

We write to express our strong support for Senate Bill 379, which will require adoption of automated, instant and online solar and storage permitting systems such as SolarAPP+ across California. California could meet its energy needs by capturing just a sliver of the virtually limitless and pollution-free energy that strikes the state every day in the form of sunlight.

Currently, most permitting processes are onerous and costly. We can do more to reduce barriers to residential rooftop solar and storage adoption for more communities. By making it easier for more Californians to go solar and add energy storage, we can reduce carbon emissions, increase resilience to wildfires and public safety power shutoffs, and increase job opportunities in our communities.

The Solar Access Act, SB 379, would require cities and counties to adopt an online and instant permitting system, such as SolarAPP+ so that customers can get a permit for simple residential solar and solar-plus-storage systems without delay. SolarAPP+ is an automated permitting software developed by the National Renewable Energy Laboratory and funded by the US Department of Energy and is a great solution to the problem of expensive and time intensive solar and energy storage permitting processes for single family homes and duplexes. This tool is free for jurisdictions to use and can be integrated with existing software.

With \$20 million of funding secured in the Governor's 2021 budget, jurisdictions can apply for grants to support the staff time needed to implement SolarAPP+ or another automated permitting system. This bill will support the adoption of tools like SolarAPP+, drive down the cost of solar and solar-plus-storage systems and make it more accessible to Californians.

The rapid growth of solar resulting from SB 379 would benefit our communities. Solar installation provides local, accessible and good-paying jobs in communities across California. Solar energy also generates more carbon-free energy which lowers residents' energy bills, readies the grid for electric vehicles, and keeps the lights on and medical devices running during blackouts and public safety power shutoffs, especially when the solar system includes a battery.

For these reasons, the Berkeley City Council strongly supports SB 379.

Sincerely,

The Berkeley City Council

The Honorable State Senator Nancy Skinner  
Capitol Office, 1021 O Street, Suite 8630  
Sacramento, CA 95814

**RE: SB 379 (Wiener) Support for SB 379: the Solar Access Act**

Dear Senator Skinner,

We write to express our strong support for Senate Bill 379, which will require adoption of automated, instant and online solar and storage permitting systems such as SolarAPP+ across California. California could meet its energy needs by capturing just a sliver of the virtually limitless and pollution-free energy that strikes the state every day in the form of sunlight.

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Sincerely,

The Berkeley City Council

The Honorable Assemblymember Buffy Wicks  
Capitol Office, 1021 O Street, Suite 4240  
P.O. Box 942849, Sacramento, CA 94249-0015

**RE: SB 379 (Wiener) Support for SB 379: the Solar Access Act**

Dear Assemblymember Wicks,

We write to express our strong support for Senate Bill 379, which will require adoption of automated, instant and online solar and storage permitting systems such as SolarAPP+ across California. California could meet its energy needs by capturing just a sliver of the virtually limitless and pollution-free energy that strikes the state every day in the form of sunlight.

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Sincerely,

The Berkeley City Council

The Honorable Senator Scott Wiener  
1021 O Street, Suite 6630  
Sacramento, CA 95814-4900

**RE: SB 379 (Wiener) Support for SB 379: the Solar Access Act**

Dear Senator Wiener,

We write to express our strong support for Senate Bill 379, which will require adoption of automated, instant and online solar and storage permitting systems such as SolarAPP+ across California. California could meet its energy needs by capturing just a sliver of the virtually limitless and pollution-free energy that strikes the state every day in the form of sunlight.

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