

DOCKETED

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Project Title:	Local Ordinances Exceeding the 2019 Energy Code
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COMMUNITY DEVELOPMENT DEPARTMENT



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FILING REQUESTED BY AND
 WHEN FILED RETURN TO:

Lead Agency: City of San Mateo

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NOTICE OF EXEMPTION

City of San Mateo
 Environmental Coordination and Review

September 13, 2019

1. **Project Name:** Ordinance Adopting Green Building Amendments to City of San Mateo Municipal Code Chapter 23.24 Energy Code
2. **Project Location:** City of San Mateo
3. **Project Description:**

Pursuant to Public Resources Code (PRC) Section 25402.1(h)(2) and Section 10-106 of Title 24 of the California Code of Regulations, the city of San Mateo has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance No. 2019-9 (the Ordinance), will require buildings to be designed to consume no more energy than permitted by the *2019 Building Energy Efficiency Standards* (2019 Energy Standards) adopted by the Energy Commission. The Energy Commission's Building Standards are set forth in Title 24, Part 6 of the California Code of Regulations. This ordinance requires providing performance and prescriptive path options for mixed-fuel buildings and requiring solar installation on high-rise multifamily and non-residential new construction. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the city of San Mateo's Ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards.

4. **Public Agency Approving Project:** City of San Mateo
5. **Project Sponsor:** City of San Mateo
6. **CEQA Exemption Status:**

- Ministerial (Sec. 21080(b)(1); 15268):
- Declared Emergency (Sec. 21080(b)(3); 15269(a)):
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c)):
- Categorical Exemption.** State type and section number:
 California Code of Regulations, Title 14, § 15061(b)(3).
 California Code of Regulations, Title 14, § 15308.
- Statutory Exemption. State code number:

7. Reasons for Exemption:

The finding by the Energy Commission required by PRC Section 25402.1(h)(2), that city of San Mateo ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards, involves the comparison of the energy savings of the ordinance pursuant to an objective fixed standard, and does not require the exercise of judgment or deliberation on the part of the Energy Commission. It is therefore a ministerial act consistent with Section 15369 of Title 14 of the California Code of Regulations, and is exempt from CEQA pursuant to Public Resources Code section 21080(b)(1) and section 15268 of Title 14 of the California Code of Regulations.

The Energy Commission also determined that the activity is covered by the general rule that California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. (14 CCR § 15061(b)(3).) 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. The Energy Commission previously found that its adoption of the California Green Building Code was exempt from CEQA pursuant to Title 14, Section 15061(b)(3). Additionally, a negative declaration was previously adopted for the California *Building Energy Efficiency Standards* as a whole. See Att. 6 Executive Director Recommendation. These standards are more protective of the environment than the state standards, and there are no reasonably foreseeable adverse impacts, and so there is no possibility that the activity in question may have a significant effect on the environment. As the lead agency, the city of San Mateo also stated in its application to the Energy Commission that this activity is exempt from CEQA under Section 15061(b)(3) and 15308 of Title 14 of the California Code of Regulations.

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