

DOCKETED

Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	235593-7
Document Title:	East Palo Alto Notice of CEQA Exemption
Description:	Plain text of the notice of CEQA exemption
Filer:	Danuta Drozdowicz
Organization:	East Palo Alto
Submitter Role:	Public Agency
Submission Date:	11/13/2020 3:52:22 PM
Docketed Date:	11/13/2020



CITY OF EAST PALO ALTO

Lead Agency: East Palo Alto Planning Division

Contact Person: Elena Lee, Planning Manager, City of East Palo Alto

Area Code/Telephone/Extension: (650) 853-3148

CEQA NOTICE OF EXEMPTION

City of East Palo Alto
Environmental Coordination and Review

October 29, 2020

1. **Project Name:** Ordinance Adopting Reach Code Amendments to City of East Palo Alto's Chapter 15.25 of Title 15 (Buildings and Construction)
2. **Project Location:** City of East Palo Alto
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 East Palo Alto has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance 07-2020 (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. <Ordinance Description> This ordinance requires installation of infrastructure for electric appliances in mixed fuel buildings and provides performance and prescriptive path options for all-electric buildings. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the city of East Palo Alto's Ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards.

4. **Public Agency Approving Project:** East Palo Alto City Council
5. **Project Sponsor:** Community and Economic Development
6. **CEQA Exemption Status:**

Att. 6 CEQA Notice of Exemption

- 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 East Palo Alto 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 <Title of Document Stating Ordinance will use less energy than T24 2019 (ED Rec)>. 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 East Palo Alto 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.

Project Planner:


Donald Zhao (10/21/2020 10:37 PDT)

Donald Zhao
Interim Chief Building Official
City of East Palo Alto
Telephone: (650) 853-3189

Reviewed By:


Elena Lee (Nov 2, 2020 08:52 PST)

Elena Lee
Planning Manager
City of East Palo Alto
Telephone: (650) 853-3148









Att. 6 CEQA Notice of Exemption-Unsigned

Final Audit Report

2020-11-02

Created:	2020-10-30
By:	Amy Chen (achen@cityofepa.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAV-TGC2V-LAhoOtgCp1wbnepw79S27OVI

"Att. 6 CEQA Notice of Exemption-Unsigned" History

-  Document created by Amy Chen (achen@cityofepa.org)
2020-10-30 - 4:17:42 PM GMT- IP address: 71.202.241.156
-  Document emailed to Donald Zhao (dzhao@cityofepa.org) for signature
2020-10-30 - 4:18:18 PM GMT
-  Email viewed by Donald Zhao (dzhao@cityofepa.org)
2020-10-31 - 5:37:06 PM GMT- IP address: 73.220.31.224
-  Document e-signed by Donald Zhao (dzhao@cityofepa.org)
Signature Date: 2020-10-31 - 5:37:26 PM GMT - Time Source: server- IP address: 73.220.31.224
-  Document emailed to Elena Lee (elee@cityofepa.org) for signature
2020-10-31 - 5:37:28 PM GMT
-  Email viewed by Elena Lee (elee@cityofepa.org)
2020-11-02 - 3:50:36 AM GMT- IP address: 174.194.197.209
-  Document e-signed by Elena Lee (elee@cityofepa.org)
Signature Date: 2020-11-02 - 4:52:17 PM GMT - Time Source: server- IP address: 73.231.122.198
-  Agreement completed.
2020-11-02 - 4:52:17 PM GMT