

DOCKETED

Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	238266-8
Document Title:	Daly City - 2019 CEQA Notice of Exemption
Description:	Plain text of the Daly City 2019 CEQA Notice of Exemption
Filer:	Danuta Drozdowicz
Organization:	City of Daly City
Submitter Role:	Public Agency
Submission Date:	6/17/2021 2:42:49 PM
Docketed Date:	6/17/2021



CITY OF DALY CITY

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT,
BUILDING DIVISION

333 – 90TH Street • Daly City • CA 94015 • (650) 991-8061

Att. 5 CEQA Notice of Exemption

FILING REQUESTED BY AND
WHEN FILED RETURN TO:

Lead Agency: Economic and Community Development
Contact Person: Mario Sigala, Chief Building Official / Building Supervisor
Area Code/Telephone/Extension: 650.991.8056

NOTICE OF EXEMPTION

Daly City
Environmental Coordination and Review

May 14, 2021

1. **Project Name:** Ordinance Adopting Green Building Amendments to Daly City Municipal Code Chapter 15.60 Energy Code of Title 15
2. **Project Location:** Daly City in the county 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 Daly City has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance 1448 (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 installation of infrastructure for electric appliances. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the city of Daly City's Ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards.

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

Ministerial (Sec. 21080(b)(1); 15268):

Declared Emergency (Sec. 21080(b)(3); 15269(a)):

Att. 6 CEQA Notice of Exemption

- 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 Daly City 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. 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 Daly City 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:



Tatum Mothershead,
ECD Director,
City of Daly City
Telephone: 650.991.8056

Reviewed By:



Rose Zimmerman,
City Attorney
City of Daly City
Telephone: 650.991.8122