

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	243372-8
<b>Document Title:</b>	City of Emeryville - 2019 CEQA Certification
<b>Description:</b>	Plain text of the City of Emeryville CEQA certification
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	6/1/2022 10:31:28 AM
<b>Docketed Date:</b>	6/1/2022

- 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).
- Statutory Exemption. State code number:

**7. Reasons for Exemption:**

The finding by the Energy Commission required by PRC Section 25402.1(h)(2), that this City of Emeryville 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 attached Emeryville Ordinance 21-006. 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 Emeryville also stated in its application to the Energy Commission that this activity is exempt from CEQA under Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Project Planner:

Nancy Humphrey,  
Environmental Programs Supervisor,  
City of Emeryville  
Telephone: (510) 596-3728

Reviewed By:



Miroo Desai  
Senior Planner  
City of Emeryville  
Telephone: (510) 596-4381