

| DOCKETED | |
|-------------------------|---|
| Docket Number: | 22-BSTD-07 |
| Project Title: | Local Ordinance Applications Exceeding the 2022 Energy Code |
| TN #: | 253580-6 |
| Document Title: | San Jose CEQA Notice of Exemption |
| Description: | Plain text of the San Jose CEQA notice of exemption |
| Filer: | Danuta Drozdowicz |
| Organization: | City of San Jose |
| Submitter Role: | Public Agency |
| Submission Date: | 12/12/2023 12:13:06 PM |
| Docketed Date: | 12/12/2023 |



Regina Alcomendras
Santa Clara County
Clerk-Recorder
(408) 299-5688
<https://www.clerkrecorder.org>

Receipt: 23-145191

| Product | Name | Extended |
|----------------|---------------------------|--|
| CEQA | ENVIRONMENTAL FILING | \$50.00 |
| | # Pages | 5 |
| | Document # | ENV24777 |
| | Document Info: | CITY OF SAN JOSE DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT |
| | Filing Type | E |
| Total | | \$50.00 |
| Tender (Check) | | \$50.00 |
| Check # | 1340582 - Julie Benabente | |
| Paid By | City of San Jose | |

PLEASE KEEP FOR REFERENCE



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:
 43 — ENV24777 —
 STATE CLEARINGHOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

| | | |
|---|---|--------------------|
| LEAD AGENCY CITY OF SAN JOSE DEPARTMENT OF PLANNING, | LEAD AGENCY EMAIL kara.hawkins@sanjoseca.gov | DATE 09/27/2023 |
| COUNTY/STATE AGENCY OF FILING Santa Clara | DOCUMENT NUMBER | |

PROJECT TITLE
 SAN JOSE REACH CODE UPDATE (ER23-175)

| | | |
|--|--|-------------------------------|
| PROJECT APPLICANT NAME CITY OF SAN JOSE, ENVIRONMENTAL SERVICES | PROJECT APPLICANT EMAIL Julie.Benabente@sanjoseca.gov | PHONE NUMBER (408)975-2537 |
| PROJECT APPLICANT ADDRESS 200 EAST SANTA CLARA STREET | CITY SAN JOSE | STATE CA |
| | | ZIP CODE 95113 |

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

| | | | |
|---|------------|----|---------|
| <input type="checkbox"/> Environmental Impact Report (EIR) | \$3,839.25 | \$ | 0.00 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | \$2,764.00 | \$ | 0.00 |
| <input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW | \$1,305.25 | \$ | 0.00 |
| | | | |
| <input checked="" type="checkbox"/> Exempt from fee | | | |
| <input checked="" type="checkbox"/> Notice of Exemption (attach) | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | |
| <hr/> | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | \$850.00 | \$ | 0.00 |
| <input checked="" type="checkbox"/> County documentary handling fee | | \$ | \$50.00 |
| <input type="checkbox"/> Other | | \$ | |

PAYMENT METHOD:

Cash Credit Check Other **TOTAL RECEIVED** \$ \$50.00 0.00

| | |
|----------------|---|
| SIGNATURE X | AGENCY OF FILING PRINTED NAME AND TITLE Elaine Fader, Deputy County Clerk-Recorder |
|----------------|---|



SANTA CLARA COUNTY CLERK
CEQA FILING COVER SHEET

Santa Clara County - Clerk-Recorder Office
State of California

File Number: ENV24777

ENVIRONMENTAL FILING

No. of Pages: 5

Total Fees: \$50.00

File Date: 09/27/2023

Expires: 11/01/2023

REGINA ALCOMENDRAS, Clerk-Recorder

By: Elaine Fader, Deputy Clerk-Recorder

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Check Document being Filed:

- Environmental Impact Report (EIR)
- Filing Fee (new project)
 - Previously Paid F&W (must attach F&W receipt and project titles must match)
 - No Effect Determination (F&W letter must be attached)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Filing Fee (new project)
 - Previously Paid F&W (must attach F&W receipt and project titles must match)
 - No Effect Determination (F&W letter must be attached)
- Notice of Exemption (NOE)
- Other (Please fill in type):

1. LEAD AGENCY: City of San Jose Department of Planning, Building and Code Enforcement
2. LEAD AGENCY EMAIL: kara.hawkins@sanjoseca.gov
3. PROJECT TITLE: San Jose Reach Code Update (ER23-175)
4. APPLICANT NAME: City of San Jose, Environmental Services Department PHONE: (408) 975-2537
5. APPLICANT EMAIL: Julie.Benabente@sanjoseca.gov
6. APPLICANT ADDRESS: 200 East Santa Clara Street, San Jose, CA 95113
7. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
8. NOTICE TO BE POSTED FOR 35 DAYS.

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

NOTICE OF EXEMPTION

To: County Clerk
County of Santa Clara County
70 West Hedding Street, East Wing
San José, California 95110
(408) 299-2481

From: Kara Hawkins, Planner III
Environmental Review Team
PBCE, Planning Division
200 East Santa Clara Street, T-3
San José, CA 95113
(408) 535-7852

Project File Number and Project Title: ER23-175

Applicant, Address: City of San José, Environmental Services Department, 200 East Santa Clara Street, San Jose, CA 95113 (408) 975-2537

Project Location: Citywide

Description of Nature, Purpose, and Beneficiaries of Project: Public Project Exemption to approve an Ordinance Amending Chapter 24.12 of Title 24 of the San José Municipal Code to modify provisions of the 2022 California Building Energy Efficiency Standards with certain exceptions, modifications, and additions which serve as a reach code to increase building efficiency, mandate electric- and solar-readiness, and incentivize all-electric development; findings related to local modifications based upon local geographical, topographical, and climatic conditions and cost effectiveness; and authorization for the City Manager to submit the Reach Code to the California Energy Commission for its approval as required by law.

Name of Public Agency Approving Project: City of San José

Name of Person or Agency Implementing Project: Julie Benabente, Environmental Services Department, City of San Jose

Exempt Status: (check one)

- 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: **15306. Actions by Regulatory Agencies for Protection of the Environment**
- Statutory Exemptions. State code number:

Reasons why project is exempt: The action proposes procedures for protection of the environment by adopting reach codes that exceed Building Code requirements by increasing building efficiency, mandating electric and solar readiness, and incentivize all-electric development accounting for local geographical, topographical, and climatic conditions. Implementation of the Reach Code is expected to result in greenhouse gas (GHG) emissions reductions and public health benefits.

Lead Agency Contact Person: Kara Hawkins
Telephone: (408) 535-7852

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No



Planning, Building and Code Enforcement
CHRISTOPHER BURTON, DIRECTOR

Signature: Kara Hawkins Date: 09/27/23 Title: Planner AAA
 Signed by Lead Agency Signed by Applicant

Date Received for filing at OPR: _____

Authority cited: Sections 21083 and 21110, Public Resources Code. Reference: Sections 21108, 21152, and 21152.1, Public resources Code.

STATEMENT OF EXEMPTION

| | |
|-----------------------------|--|
| FILE NO. | ER23-175 |
| LOCATION OF PROPERTY | Citywide |
| PROJECT DESCRIPTION | Public Project Exemption to approve an Ordinance Amending Chapter 24.12 of Title 24 of the San José Municipal Code to modify provisions of the 2022 California Building Energy Efficiency Standards with certain exceptions, modifications, and additions which serve as a reach code to increase building efficiency, mandate electric- and solar-readiness, and incentivize all-electric development; findings related to local modifications based upon local geographical, topographical, and climatic conditions and cost effectiveness; and authorization for the City Manager to submit the Reach Code to the California Energy Commission for its approval as required by law. |

CERTIFICATION

Under the provisions of Sections 15308 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this action is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Section 15308. Actions by Regulatory Agencies for Protection of the Environment

Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

ANALYSIS

The proposed action is to approve an Ordinance Amending Title 24, Chapter 24.12 of the San José Municipal Code to modify provisions of the 2022 California Building Energy Efficiency Standards with certain exceptions, modifications, and additions which serve as a reach code to increase building efficiency, mandate electric- and solar-readiness, and incentivize all-electric development; findings related to local modifications based upon local geographical, topographical, and climatic conditions and cost effectiveness; and authorization for the City Manager to submit the Reach Code to the California Energy Commission (CEC) for its approval as required by law.

The CEC updates the California Buildings Standards Code every three years. Jurisdictions may also adopt “reach codes” that require development projects to exceed the minimum Building Code requirements. Unlike the regular Building Code, a reach code must be approved by the CEC under their set guidelines.

The action proposes procedures for protection of the environment by adopting reach codes that exceed Building Code requirements by increasing building efficiency, mandating electric and solar readiness, and

incentivize all-electric development accounting for local geographical, topographical, and climatic conditions. Implementation of the Reach Code is expected to result in greenhouse gas (GHG) emissions reductions and public health benefits.

Therefore, the action is categorically exempt under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment, and any subsequent actions including, but not limited to, project design, analysis, and construction activities are not exempt and would require additional environmental review.

Christopher Burton, Director
Planning, Building and Code Enforcement

Date September 12, 2023

Tina Jarg

Deputy

Kara Hawkins
Environmental Project Manager