

**DOCKETED**

<b>Docket Number:</b>	22-BSTD-07
<b>Project Title:</b>	Local Ordinance Applications Exceeding the 2022 Energy Code
<b>TN #:</b>	259269
<b>Document Title:</b>	City of Brisbane Notice of Exemption
<b>Description:</b>	Plain text of City of Brisbane CEQA notice of exemption
<b>Filer:</b>	Anushka Raut
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	9/24/2024 11:38:29 AM
<b>Docketed Date:</b>	9/24/2024

FILED ENDORSED  
IN THE OFFICE OF THE  
COUNTY CLERK RECORDER  
SAN MATEO COUNTY CALIF

AUG 21 2024



MARK CHURCH, County Clerk  
By MARIA GALLARDO  
Deputy Clerk

CITY OF BRISBANE  
Community Development Department  
50 Park Place, Brisbane, CA 94005  
(415) 508-2120

FILING REQUESTED BY AND WHEN FILED RETURN TO:

**Lead Agency:** City of Brisbane

**Contact Person:** Jeremiah Robbins, Associate Planner, City of Brisbane

**Area Code/Telephone/Extension:** 415-508-2122

### NOTICE OF EXEMPTION

City of Brisbane  
Environmental Coordination and Review

July 24, 2024

1. **Project Name:** Ordinance Adopting Green Building Amendments to City of Brisbane Title 15 – Building and Construction, adding a new chapter, 15.83 Energy Performance Reach Code
2. **Project Location:** City of Brisbane
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 Brisbane has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance 691 (the Ordinance), will require buildings to be designed to consume no more energy than permitted by the *2022 Building Energy Efficiency Standards (2022 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 meeting a source energy margin target through the performance path. To do so, one must install decarbonization measures in mixed fuel buildings or build an all-electric building. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the City of Brisbane's Ordinance will require the diminution of energy consumption levels permitted by the 2022 Energy Standards.

4. **Public Agency Approving Project:** Brisbane City Council

5. **Project Sponsor:** Community Development Department

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)):
- X Categorical Exemption. State type and section number:
- X California Code of Regulations, Title 14, § 15061(b)(3).
- X 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 the City of Brisbane ordinance will require the diminution of energy consumption levels permitted by the 2022 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.

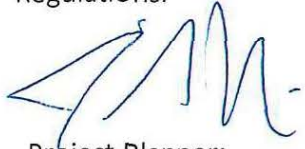
The Energy Commission also determined that the activity is covered by the general rule that California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. (14 CCR § 15061(b)(3).) Where it can be seen with certainty that 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, analysis indicates that the 2022 Title 24 Part 6 Energy code amendments are not expected to result in significant environmental impacts.<sup>1</sup>

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 Brisbane also stated in its application to the Energy Commission that this activity is exempt

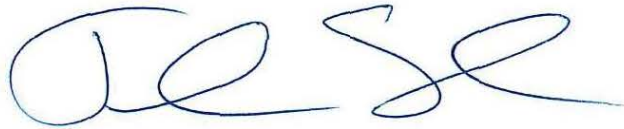
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<sup>1</sup> [CEC 2021 Final Environmental Impact Report - Amendments to the Building Energy](#)

from CEQA under Section 15061(b)(3) and 15308 of Title 14 of the California Code of Regulations.



Project Planner:  
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Associate Planner  
City of Brisbane  
(415) 508-2122



Reviewed By:  
John Swiecki  
Community Development Director  
City of Brisbane  
(415) 508-2120



State of California - Department of Fish and Wildlife  
**2024 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/24) Previously DFG 753.5a

**Print**  **Save**

RECEIPT NUMBER:  
 41-08212024-0001  
 STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY CITY OF BRISBANE	LEAD AGENCY EMAIL	DATE 08/21/2024
COUNTY/STATE AGENCY OF FILING SAN MATEO COUNTY	DOCUMENT NUMBER 128996	
PROJECT TITLE		

ORDINANCE ADOPTING GREEN BUILDING AMENDMENTS TO CITY OF BRISBANE TITLE 15 BUILDING AND CONSTRUCTION, ADDING A NEW CHAPTER, 15.83 ENERGY PERFORMANCE REACH CODE

PROJECT APPLICANT NAME CITY OF BRISBANE	PROJECT APPLICANT EMAIL	PHONE NUMBER
PROJECT APPLICANT ADDRESS	CITY	STATE
		ZIP CODE

**PROJECT APPLICANT** (Check appropriate box)

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

**CHECK APPLICABLE FEES:**

Environmental Impact Report (EIR)    \$ 4,051.25 \$ \_\_\_\_\_

Mitigated/Negative Declaration (MND)(ND)    \$ 2,916.75 \$ \_\_\_\_\_

Certified Regulatory Program (CRP) document - payment due directly to CDFW    \$ 1,377.25 \$ \_\_\_\_\_

Exempt from fee

Notice of Exemption (attach)

CDFW No Effect Determination (attach)

Fee previously paid (attach previously issued cash receipt copy)

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Water Right Application or Petition Fee (State Water Resources Control Board only)    \$ 850.00 \$ \_\_\_\_\_


County documentary handling fee    \$ 50.00 \$ \_\_\_\_\_ **50.00**

Other    \$ \_\_\_\_\_

**PAYMENT METHOD:**

Cash     Credit     Check     Other

**TOTAL RECEIVED \$ \_\_\_\_\_ 50.00**

SIGNATURE  <b>X</b> 	AGENCY OF FILING PRINTED NAME AND TITLE  Maria Gallardo Deputy Clerk
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County of San Mateo  
Clerk-Recorder  
Mark Church  
555 County Center  
Redwood City, CA 94063  
(650) 363-4500

Receipt No.: RPT20240045375

Finalization No.: 2024044646

Cashier: 104

Register: 018

Date/Time: 08/21/2024 11:43 AM

Item	Title	Count
1	NOE	1

NOTICE OF EXEMPTION

Document No.: 128996

Filing Time: 11:43 AM

Filing Total: \$50.00

Filing Fee: \$50.00

Total Amount Due: \$50.00

Total Paid

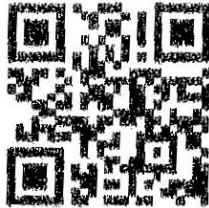
Credit Card Tendered: \$50.00

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Amount Due: \$0.00

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08/21/2024 11:43 AM

SAN MATEO COUNTY RECORDER  
555 CTY CTR  
REDWOOD CITY, CA. 94063  
650-363-4500

**SALE**

Clerk #: 000104

REF#: 00000004

Batch #: 528

08/21/24

11:39:21

APPR CODE: 05356D

ENCRYPTED BY ELAVON

Trace: 4

VISA

Contactless

\*\*\*\*\*8180

\*\*/\*\*

**AMOUNT**

**\$50.00**

**APPROVED**

VISA CREDIT

AID: A0000000031010

TVR: 00 00 00 00 00

THANK YOU

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