

DOCKETED	
Docket Number:	19-BSTD-06
Project Title:	Local Ordinances Exceeding the 2019 Energy Code
TN #:	234553-8
Document Title:	City of Burlingame Notice of CEQA Exemption
Description:	Plain text of the City of Burlingame notice of CEQA exemption
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The City of Burlingame

FILING REQUESTED BY AND
WHEN FILED RETURN TO:

Lead Agency: City of Burlingame

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NOTICE OF EXEMPTION

City of Burlingame
Environmental Coordination and Review

August 24, 2020

1. **Project Name:** Ordinances Adopting Green Building Amendments to the City of Burlingame Municipal Code
2. **Project Location:** City of Burlingame
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 City of Burlingame has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinances 1979, 1980, and 1981 (the Ordinances), 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. These ordinances require installation of infrastructure for electric appliances in commercial and multifamily buildings; and installation of infrastructure for electric appliances in single family homes with the allowance of natural gas cooking. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the city of City of Burlingame's Ordinances will require the diminution of energy consumption levels permitted by the 2019 Energy Standards.

4. **Public Agency Approving Project:** Burlingame City Council
5. **Project Sponsor:** City of Burlingame
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)):
 - 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 the City of Burlingame ordinances will require the diminution of energy consumption levels permitted by the 2019 Energy Standards, involves the comparison of the energy savings of the ordinances 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 Burlingame 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:

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