

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	235919-5
<b>Document Title:</b>	City of Millbrae 2019 CEQA NOE
<b>Description:</b>	Plain text of the City of Millbrae 2019 CEQA Notice of Exemption
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	12/11/2020 12:40:22 PM
<b>Docketed Date:</b>	12/11/2020



# City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

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Mayor

**ANN SCHNEIDER**  
Vice Mayor

**ANNE OLIVA**  
Councilmember

**GINA PAPAN**  
Councilmember

**WAYNE J. LEE**  
Councilmember

FILING REQUESTED BY AND  
WHEN FILED RETURN TO:

**Lead Agency:** City of Millbrae Community Development Department  
**Contact Person:** Darcy Smith, Community Development Director, City of Millbrae  
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## NOTICE OF EXEMPTION

City of Millbrae  
Environmental Coordination and Review

November 24, 2020

- Project Name:** Ordinance Adopting Green Building Amendments to City of Millbrae Municipal Code Title 9 "Buildings and Fire Regulations," Chapter 9.50 Energy Code and Chapter 9.35 Green Building Code
- Project Location:** City of Millbrae (entire City)
- Project Description:** City of Millbrae Ordinance No. 783, which adopts updates to the City of Millbrae Municipal Code Title 9 "Buildings and Fire Regulations," Chapter 9.50 Energy Code and Chapter 9.35 Green Building Code including requirements for energy reach standards beyond Title 24, Part 6 baseline for residential and nonresidential new construction, additions, and alterations. This provides clear requirements that buildings be designed to consume no more energy than permitted by Part 6.

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 Millbrae has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local No. 783 (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 in mixed fuel buildings and provides performance and prescriptive path options for all-electric buildings, with exceptions in certain circumstances. Additional requirements are included for photovoltaic systems for new high density residential and non-residential buildings. It also requires additional electric vehicle charging infrastructure for construction of new buildings. Consistent with PRC Section 25402.1(h)(2), the Energy

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Building Division/Permits  
(650) 259-2330

Community Development  
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Fire  
(650) 558-7600

Police  
(650) 259-2300

Public Works/Engineering  
(650) 259-2339

Recreation  
(650) 259-2360

Commission found that the city of Millbrae's Ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards.

4. **Name of Public Agency Approving Project:** City of Millbrae City Council

5. **Project Sponsor:** City of Millbrae 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));
- Categorical Exemption. State type and section number:
  - California Code of Regulations, Title 14, § 15061(b)(3).
  - California Code of Regulations, Title 14, § 15308.
- Statutory Exemptions. State code number:

7. **Reasons for Exemption:**

The finding by the Energy Commission required by PRC Section 25402.1(h)(2), that city of Millbrae 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 Millbrae 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.

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