

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	236754-7
<b>Document Title:</b>	San Jose - 2019 2 Notice of Exemption
<b>Description:</b>	Signed Notice of Exemption to San Jose Gas Ban
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/12/2021 11:21:30 AM
<b>Docketed Date:</b>	2/12/2021

**STATEMENT OF EXEMPTION**

**FILE NO.** ER20-202

**LOCATION OF PROPERTY** Citywide

**PROJECT DESCRIPTION** Exemption to approve an Ordinance of the City of San José amending Chapter 17.845 to Title 17 of the San José Municipal Code to Update Coverage Prohibiting Natural Gas Infrastructure in All New Construction Building Types; Allowing Exemptions to the Natural Gas Ban Exemption for Food Establishments and Hospital, Industrial, Manufacturing Facilities, and facility with a Distributed Energy Resource; Implementing the Amendment Beginning August 1, 2021

**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**

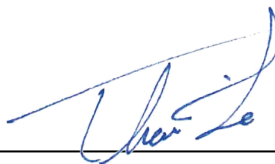
The proposed action is to approve an Ordinance of the City of San José amending Chapter 17.845 to Title 17 of the San José Municipal Code to Update Coverage Prohibiting Natural Gas Infrastructure in All New Construction Building Types; Allowing Exemptions to the Natural Gas Ban Exemption for Food Establishments and Hospital, Industrial, and Manufacturing Facilities; and Facilities served with “Distributed Energy Resource” where necessary to protect the public health, safety, or economic welfare in the event of an electrical grid outage; Implementing the Amendment Beginning August 1, 2021.

The action proposes procedures for protection of the environment by prohibiting natural gas infrastructure in all new construction building types, allowing exemptions for food establishments, hospital, industrial, manufacturing facilities going into effect on August 1, 2021; and facilities served with a Distributed Energy Resource effective January 1, 2025. Natural gas is formed primarily of

methane, which is a greenhouse gas (GHG) significantly more potent than carbon dioxide. Implementation of the Natural Gas ban is expected to result in greenhouse gas (GHG) emissions reductions and public health benefits. Refer to project PP19-067; Kerrie Romanow and Rosalynn Hughey's Memorandum dated August 21, 2019 and October 8, 2019, and the staff presentations including those at the September 17, 2019, October 29, 2019 and November 17, 2020 City Council meetings. The proposed limited exemption for hospitals, food establishments, and industrial and manufacturing facilities and facilities using "distributed energy resources" are consistent with the City's amendments to the Municipal Code adopted under project PP19-067. The amendments under project PP19-067 contained exceptions, modifications, and additions to increase building efficiency, mandate solar readiness, and mandate increased requirements for electric vehicle charging stations (reach Codes); 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 action taken is for the protection of the environment.

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

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement



Date 11/30/2020

\_\_\_\_\_  
Deputy

Ed Schreiner  
Project Manager