

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	236872-10
<b>Document Title:</b>	Piedmont 2019 CEQA Notice of Exemption
<b>Description:</b>	CEQA Notice of Exemption for the City of Piedmont Local Ordinances
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/22/2021 2:03:14 PM
<b>Docketed Date:</b>	2/22/2021

Att. 6 CEQA Notice of Exemption

**To:** Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**From:** City of Piedmont  
120 Vista Avenue  
Piedmont, CA 94611

County Clerk: Alameda County Clerk  
1106 Madison Street  
Oakland, CA 94607

**NOTICE OF EXEMPTION**

City of Piedmont  
Environmental Coordination and Review

February 10, 2021

1. **Project Name:** City of Piedmont's Local Ordinance 750 N.S.
2. **Project Location:** Piedmont, CA
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 Piedmont has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance 750 N.S. (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 the inclusion of energy efficiency measures, photovoltaic systems, and all-electric construction in new or existing low-rise residential buildings. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the city of Piedmont's Ordinance will require the diminution of energy consumption levels permitted by the 2019 Energy Standards.
4. **Public Agency Approving Project:** City of Piedmont
5. **Project Sponsor:** Piedmont Planning & Building 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), 15308
  - Statutory Exemption. State code number:

Att. 6 CEQA Notice of Exemption

- 7. Reasons for Exemption:** The finding by the Energy Commission required by PRC Section 25402.1(h)(2), that city of Piedmont's 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 Piedmont 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:

Alyssa Dykman  
Sustainability Program Manager  
City of Piedmont  
Telephone: (510) 420-3058

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Alameda
1106 Madison Street
Oakland, CA 94607

From: (Public Agency): City of Piedmont
120 Vista Avenue
Piedmont, CA 94611
(Address)

Project Title: City of Piedmont's Local Ordinance 750 N.S.

Project Applicant: City of Piedmont

Project Location - Specific:
120 Vista Ave, Piedmont CA

Project Location - City: Piedmont Project Location - County: Alameda

Description of Nature, Purpose and Beneficiaries of Project:

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 Piedmont has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance 750 N.S. (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 the inclusion of energy efficiency measures, photovoltaic systems, and all-electric construction in new or existing low-rise residential buildings.

Name of Public Agency Approving Project: City of Piedmont City Council

Name of Person or Agency Carrying Out Project: City of Piedmont

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: Title 14 Section 15061(b)(3) and 15308
Statutory Exemptions. State code number:

Reasons why project is exempt:

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. Additionally, the finding by the Energy Commission required by PRC Section 25402.1(h)(2), that city of Piedmont's 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.

Lead Agency
Contact Person: Alyssa Dykman Area Code/Telephone/Extension: 510-420-3058

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

Signature: Alyssa Dykman Date: 2-10-2021 Title: Sustainability Program Manager

Signed by Lead Agency Signed by Applicant

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

Date Received for filing at OPR: