

**DOCKETED**

<b>Docket Number:</b>	22-BSTD-07
<b>Project Title:</b>	Local Ordinance Applications Exceeding the 2022 Energy Code
<b>TN #:</b>	247523-8
<b>Document Title:</b>	Piedmont CEQA Notice of Exemption
<b>Description:</b>	Plain text of Piedmont 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>	11/18/2022 1:25:04 PM
<b>Docketed Date:</b>	11/18/2022



# CITY OF PIEDMONT CALIFORNIA

Att. 5 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

October 18, 2022

1. **Project Name:** City of Piedmont's Local Ordinance 766 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 766 N.S. (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 the inclusion of energy efficiency measures, photovoltaic systems, and all-electric construction in new or existing low-rise single family 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 2022 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:

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 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, 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

From: (Public Agency): \_\_\_\_\_

County Clerk

County of: \_\_\_\_\_

(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific:

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

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: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Lead Agency

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**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 Dykeman    Date: \_\_\_\_\_    Title: \_\_\_\_\_

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: \_\_\_\_\_