



City of Monte Sereno

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FILING REQUESTED BY AND WHEN FILED RETURN TO:

Lead Agency: Building Department

Contact Person: Diana Perkins, City Planning, City of Monte Sereno

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NOTICE OF EXEMPTION

City of Monte Sereno
Environmental Coordination and Review

November 21, 2022

1. **Project Name:** Ordinance Adopting Green Building and Energy Code Amendments to Monte Sereno Municipal Code 9.01.040 and 9.01.060.
2. **Project Location:** City of Monte Sereno
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 Monte Sereno has applied to the California Energy Commission for a determination that its locally adopted energy efficiency standard, enacted in Local Ordinance No. NS-231 (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. Ordinance No. NS-231 requires that new construction provide electrical infrastructure for electric vehicle chargers, all indoor appliances to be electric except for cooking appliances, and hot water recirculation system to be installed. Consistent with PRC Section 25402.1(h)(2), the Energy Commission found that the city of Monte Sereno's Ordinance will require the diminution of energy consumption levels permitted by the 2022 Energy Standards.

4. **Public Agency Approving Project:** City of Monte Sereno
5. **Project Sponsor:** 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)):

X Categorical Exemption. State type and section number: California Code of Regulations
Section 15061(b)(3)
 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 Monte Sereno 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, analysis indicates that the 2022 Title 24 Part 6 Energy code amendments are not expected to result in significant environmental impacts.¹

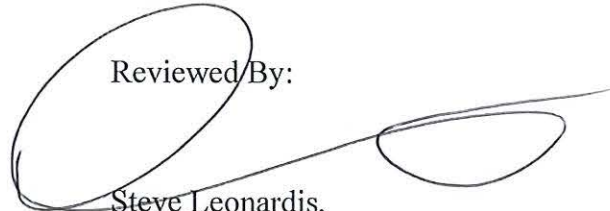
These standards are more protective of the environment than the state standards, and there are no reasonably foreseeable adverse impacts, and so there is no possibility that the activity in question may have a significant effect on the environment. As the lead agency, the city of Monte Sereno also stated in its application to the Energy Commission that this activity is exempt from CEQA under Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Project Planner:



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¹ <https://efiling.energy.ca.gov/GetDocument.aspx?tn=239176&DocumentContentId=72629>