

**ORDINANCE NO. 29-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING PORTIONS OF THE  
ELK GROVE MUNICIPAL CODE TITLE 23 (ZONING)**

**WHEREAS**, on February 27, 2019, the City Council certified an Environmental Impact Report (EIR) and adopted an updated General Plan and Climate Action Plan (CAP); and

**WHEREAS**, the adopted CAP includes measure TACM-9 stating that the City will “adopt an electric vehicle (EV) charging station ordinance that establishes minimum EV charging standards for all new residential and commercial development” and specifically outlining the requirements for one- and two-dwelling residential units and multi-family residential and non-residential developments; and

**WHEREAS**, the CAP includes measures that, when implemented, are intended to reduce the per capita greenhouse gas emissions in the City; and

**WHEREAS**, future development projects that the City determines are not exempt from the California Environmental Quality Act (CEQA) and are subject to environmental review (e.g., an initial study/negative declaration or an Environmental Impact Report is required) can achieve streamlining pursuant to the provisions of CEQA (Guidelines Section 15183.5) by including all applicable GHG reduction measures in the CAP in the project designs and/or as mitigation measures in the environmental document. As a result, projects that rely on the CAP would have a cumulatively less than significant impact on the environment; and

**WHEREAS**, State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR; and

**WHEREAS**, the Planning Commission of the City of Elk Grove (the “Planning Commission”) held a duly noticed public hearing on November 21, 2019, as required by law to consider all the information presented by staff and public testimony presented in writing and at the meeting and voted 5-0 to recommend approval to the City Council; and

**WHEREAS**, the City Council held a duly-noticed public hearing on December 11, 2019, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend sections of EGMC Title 23 to ensure consistency with the adopted Climate Action Plan:

- Adds Section 23.58.120 Electric Vehicle Charging, as shown in Exhibit A, which outlines requirements related to parking infrastructure to support electric vehicle usage.
- Amends Section 23.100.020 General Definitions by adding terminology related to electric vehicle charging infrastructure.

## Section 2: Findings

### **California Environmental Quality Act (CEQA)**

Finding: No further environmental review is required pursuant to State CEQA Guidelines Section 15162.

Evidence: State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed amendments both relate to the CAP, which was considered as part of the General Plan Update Environmental Impact Report (EIR) (SCH No. 2017062058). That document provides a programmatic review of the potential impacts associated with implementation of these amendments and the overall proposed General Plan. The EIR is comprised of a Draft EIR (Draft EIR) and Final EIR (Final EIR). The Final EIR was released for public review on January 4, 2019 and certified by the City Council on February 27, 2019.

The proposed EGMC amendments are consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), no subsequent analysis is required. Specifically, the revisions to the EGMC implement measures in the CAP requiring the installation or prewiring for installation of electric vehicle charging. Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR, and no further environmental review is required.

### **General Plan Consistency**

Finding: The proposed amendments to Title 23 are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to Title 23 (Zoning) of the Elk Grove Municipal Code include (1) a new section 23.58.120 relative to electrical vehicle charging requirements; and (2) additional terminology to clarify terms related to electric vehicle charging infrastructure. These changes are consistent with the General Plan because they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan.

## Section 3: Amendments to Title 23 (Zoning)

EGMC Title 23 is amended as shown in Exhibit A.

Section 4: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:** 29-2019  
**INTRODUCED:** December 11, 2019  
**ADOPTED:** January 8, 2020  
**EFFECTIVE:** February 7, 2020



STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: January 21, 2020

**Proposed Municipal Code Revisions**

**Climate Action Plan Update – Draft Dated September 11, 2019**

**Section 23.58.120 (Electric Vehicle Charging) shall be added as follows:**

**23.58.120 Electric Vehicle Charging**

**A. Requirements.**

1. Electric vehicle (EV) parking for residential and nonresidential uses shall be provided in compliance with this section. The City requires the construction of parking spaces that are electric vehicle ready (EV Ready) or that include electric vehicle supply equipment (EVSE), as further defined herein, for all new development, changes in use or modifications to existing structures as identified in EGMC section 23.058.020.
2. All plans for applicable design review applications (major and minor) shall identify the proposed location(s) for EVSE and EV ready spaces, as applicable, consistent with the requirements of this section.
3. Installation of EV Ready and EVSE shall conform to the requirements of EGMC chapter 16.07 and the California Electrical Code, including Article 625.

B. Residential One- and Two-Family Dwelling Units and Townhouses. To allow for the future installation of EVSE for use by the resident, a minimum of one “EV Ready” space is required per unit to be located in a garage or other parking area serving the new dwelling.

C. Multi-Family Residential and Non-Residential Developments. New multi-family residential projects and non-residential projects shall be designed and constructed to include dedicated electric vehicle parking spaces, including a minimum number of spaces with EVSE installed, as well as dedicated “EV Ready” spaces for future installation of additional EVSE as demand for on-site electric vehicle charging increases, in accordance with Table 23.58-5. All parking space calculations shall be rounded up to the next full space. In no event shall there be less than two (2) parking spaces with EVSE installed and two (2) “EV Ready” parking spaces. This requirement does not apply to non-residential developments that are less than 10,000 square feet.

**Table 23.58-5**

**Electric Vehicle Parking Requirements for Multi-Family Residential and Non-Residential Developments**

<b><u>Land Use Type</u></b>	<b><u>Minimum Size Threshold for Application</u></b>	<b><u>Dedicated Spaces with EVSE Installed<sup>1</sup></u></b>	<b><u>Spaces EV Ready for future expansion of EVSE<sup>2</sup></u></b>
<u>Multi-family Residential</u>	<u>All</u>	<u>2.5% of total spaces provided</u>	<u>2.5% of total spaces provided</u>
<u>Retail</u>	<u>Any project ≥ 10,000 square feet</u>	<u>3% of total spaces provided</u>	<u>3% of total spaces provided</u>
<u>Office</u>	<u>Any project ≥ 10,000 square feet</u>	<u>5% of total spaces provided</u>	<u>5% of total spaces provided</u>
<u>Industrial</u>	<u>Any project ≥ 10,000 square feet</u>	<u>3% of total spaces provided</u>	<u>3% of total spaces provided</u>

**Notes:**

1. Spaces dedicated for EV parking only, with EVSE (charging equipment) installed.
2. Spaces dedicated for EV parking and marked as “EV Ready” spaces on project plans. Such spaces shall have a cabinet, box, or enclosure connected to a conduit linking the parking space to the electrical service in a manner approved by the Chief Building Official.

**Section 23.100.020 (General Definitions) is hereby amended as follows (term listing renumbered as appropriate):**

**23.100.020 General definitions**

E. "E" Definitions

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2. "Electric Vehicle" means an automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are considered electric vehicles.

3. "Electric Vehicle Ready" or "EV Ready" means a parking space that is pre-wired with a dedicated 208/240 branch circuit installed in the wall that originates at the electrical service panel or sub-panel with a 40 ampere minimum overcurrent protection device, and terminates into a cabinet, box, or enclosure, in a manner approved by the building official. The intent is to ensure adequate electrical system capacity and design to allow for future residents to install EVSE if desired, with minimal additional cost or effort.

4. "Electric Vehicle Supply Equipment (EVSE)" means the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

25. "Equivalent financial incentive"...

...

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 29-2019**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on December 11, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 8, 2020 by the following vote:*

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>Ly, Detrick, Hume, Nguyen, Suen</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>COUNCILMEMBERS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>None</b>

***A summary of the ordinance was published pursuant to GC 36933(c) (1).***

  
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**Jason Lindgren, City Clerk  
City of Elk Grove, California**