

ORDINANCE NO. 34-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING PORTIONS OF THE ELK GROVE MUNICIPAL CODE TITLE 16 (BUILDING AND CONSTRUCTION) AND TITLE 23 (ZONING) RELATED TO ELECTRIC VEHICLE CHARGING FOR CONSISTENCY WITH THE CITY OF ELK GROVE'S CLIMATE ACTION PLAN

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, on December 11, 2019, the City Council approved an amendment to the CAP to maintain consistency with the 2019 California Building Standards Code, and approved updates to the Elk Grove Municipal Code (EGMC) to implement electric vehicle charging requirements of the CAP; and

WHEREAS, certain measures require adoption of new or updated regulations by the City, either through the implementation of the 2022 California Building Standards Code or new requirements in the EGMC; and

WHEREAS, future development projects that the City determines are not exempt from the California Environmental Quality Act (CEQA) and that 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 regarding updates to the CAP and amendments to EGMC on November 17, 2022, 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 14, 2022, 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 various sections of EGMC Title 16 (Building and Construction) and Title 23 (Zoning) as shown in Exhibit A to ensure consistency with the adopted and revised Climate Action Plan.

Section 2: Findings

California Environmental Quality Act (CEQA)

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

Evidence: CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposal includes changes to the Elk Grove Municipal Code Buildings and Construction, and Zoning ordinances and updates to the CAP, both of which are projects subject to CEQA.

The proposed Municipal Code amendments 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 revision to the CAP and the adoption of 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 pre-wiring for installation of electric vehicle charging. Therefore, there is no new significant environmental effects, no substantial increase in the severity of previously identified significant effects, 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 Municipal Code amendments are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to Title 16 (Buildings and Construction) and Title 23 (Zoning) are necessary in order to provide consistency with the Climate Action Plan and the 2022 California Building Standards Code. The proposed amendments add language to Section 16.07.500 to allow for automatic load management systems; Section 16.070.100 to define an automatic load management system; and amends the language in Section 23.58.120 to provide more stringent EV charging requirements, and to Section 23.100.020 to provide additional definitions for EV charging infrastructure, which are consistent with the updates to our CAP and the need for additional regulations noted in the CAP to achieve the 2050 goal.

Section 3: Amendments to Elk Grove Municipal Code Title 16 (Building and Construction) and Title 23 (Zoning)

EGMC Title 16 and Title 23 are hereby amended as shown in Exhibit A, attached hereto and made a part hereof.

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 effect 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: **34-2022**
INTRODUCED: December 14, 2022
ADOPTED: January 11, 2023
EFFECTIVE: February 10, 2023




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Signed: January 13, 2023

**Exhibit A
Municipal Code Amendments**

Electric Vehicle Charging

Changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Section 16.07.100 (Definitions) is hereby amended as follows:

16.070.100 Definitions.

A. "Automatic Load Management System (ALMS)" means a system designed to manage load across one or more electric vehicle supply equipment (EVSE) to share electrical capacity and/or automatically manage power at each connection point.

BA. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

CB. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

DC. "Electronic submittal" means an application submittal pursuant to this chapter by utilizing one (1) or more of the following:

1. Electronic mail or email;
2. The Internet; or
3. Facsimile.

Section 16.07.500 (Electric vehicle charging station installation requirements) is hereby amended as follows:

...

C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code and the California Green Building Code. Electric vehicle charging equipment shall be considered a continuous load.

...

E. An automatic load management system (ALMS) may be used to reduce the maximum required electrical capacity to each EVSE space served by the ALMS in accordance with requirements of the California Green Building Code.

F. The electric vehicle charging requirements set forth herein are intended to reflect the electric vehicle charging requirements set forth in the 2022 California Building Standards Code, Title 24 of the California Code of Regulations. State law shall govern in the event of any inconsistency relating to electric vehicle charging requirements between the 2022 California Building Standards Code, and Elk Grove Municipal Code Chapters 16.07.

Section 23.58.120 (Electric Vehicle Charging) is hereby amended 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), electric vehicle capable (EV Capable), or that include electric vehicle supply equipment (EVSE), as further defined herein, installed 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, EV capable, and EV ready spaces, as applicable, consistent with the requirements of this section.

3. Installation of EV Ready, EV capable, and EVSE shall conform to the requirements of EGMC Chapter 16.07, the California Green Building Code, including without limitation Section 4.106.4, Section 5.106.5.3, and Section 5.106.5.4, as applicable, and the California Electrical Code, including without limitation Article 625.

4. The electric vehicle charging requirements set forth herein are intended to reflect the electric vehicle charging requirements set forth in the 2022 California Building Standards Code, Title 24 of the California Code of Regulations. State law shall govern in the event of any inconsistency relating to electric vehicle charging requirements between the 2022 California Building Standards Code, and Elk Grove Municipal Code Chapters 23.58.

B. Exceptions. On a case-by-case basis, the City may determine EV charging and infrastructure are not feasible where there is no local utility power supply, the local utility is unable to supply adequate power or where the off-site power supply costs would be prohibitively expensive. Such determination shall be made by the designated approving authority for the subject project based upon a recommendation, if made, by the electrical service provider. Accessory Dwelling Units that are not subject to additional parking requirements are also exempt.

~~C.B- Residential, Single and Two Residential Unit 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 (1) “EV Ready” space is required per unit to be located in a garage or other parking area serving the new dwelling.

~~D.C- Multifamily Multiple Residential Unit, Hotels/Motels, and Non-Residential Developments, and Residential Parking Facilities.~~ New multi-family residential projects, hotels/motels and non-residential projects, and residential parking facilities 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” and “EV Capable” 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) “EV Capable” 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 23.58-6

Electric Vehicle Parking Requirements for Multifamily Residential and Nonresidential Developments

Land Use Type	Minimum Size Threshold for Application	Dedicated Spaces with EVSE Installed¹	Spaces EV Ready for Future Expansion of EVSE²
Multifamily Residential	All	2.5% of total spaces provided	2.5% of total spaces provided
Retail	Any project ≥10,000 square feet	3% of total spaces provided	3% of total spaces provided
Office	Any project ≥10,000 square feet	5% of total spaces provided	5% of total spaces provided
	Any project ≥10,000 square feet	3% of total spaces provided	3% of total spaces provided

Table 23.58-6

Development Size	Minimum EV Capable Spaces¹	Minimum Spaces EV Ready for future expansion of EVSE¹	Level 2 EVSE Installed

<u>New Multiple Residential Unit with less than 20 dwelling units; hotels/motels with less than 20 sleeping units or guest rooms</u>	<u>10% of the total number of parking spaces are capable of supporting future Level 2 EVSE</u>	<u>25% of the total number of parking spaces shall be equipped with low-power Level 2 EV charging receptacles</u>	<u>N/A</u>
<u>New Multiple Residential Unit with 20 or more dwelling units, hotels/motels with 20 or more sleeping units or guest rooms</u>	<u>10% of the total number of parking spaces are capable of supporting future Level 2 EVSE</u>	<u>25% of the total number of parking spaces shall be equipped with low-power Level 2 EV charging receptacles</u>	<u>5% of the total number of parking spaces shall be equipped with Level 2 EVSE</u>
<u>Alterations of Parking Facilities Serving Existing Multiple Residential Unit Buildings</u>	<u>10% of total number of parking spaces added or altered shall be capable of supporting future Level 2 EVSE</u>		<u>N/A</u>

Notes:

1. Definition is provided in Section 23.100.020. 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.

E. All Non-Residential (Uses Other Than Previously Provided). EV capable spaces shall be provided in accordance with Table 23.58-7 for all non-residential uses not identified in Table 23.58-6.

Table 23.58-7

Minimum Electric Vehicle Parking Requirements for Non-Residential Buildings

<u>Total Number of Actual Parking Spaces</u>	<u>Minimum Number of Required EV Capable Spaces¹</u>	<u>Minimum Number of EV Capable Spaces with EVSE Installed^{2, 3}</u>
<u>0-9</u>	<u>0</u>	<u>0</u>
<u>10-25</u>	<u>4</u>	<u>0</u>
<u>26-50</u>	<u>8</u>	<u>2</u>
<u>51-75</u>	<u>13</u>	<u>3</u>
<u>16-100</u>	<u>17</u>	<u>4</u>
<u>101-150</u>	<u>25</u>	<u>6</u>
<u>151-200</u>	<u>35</u>	<u>9</u>
<u>201 and over</u>	<u>20% of total parking spaces⁴</u>	<u>25% of EV capable spaces</u>

Notes:

1. The installation of each DCFC EVSE shall be permitted to reduce the minimum number of required EV Capable spaces without EVSE (column 2) by five.
2. The EVSE may be provided by any combination of Level 2 and Direct Current Fast Charging (DCFC), except that at least one Level 2 EVSE shall be provided.
3. The number of required EV capable spaces with EVSE installed (column 3) count toward the total number of required EV capable spaces (column 2)
4. Calculations for spaces shall be rounded up to the nearest whole number.

F. Medium and Heavy-Duty EV Charging. Warehouses, grocery stores, and retail stores with planned off-street loading spaces shall comply with the California Green Building Code Section 5.106.4 for future installation of medium- and heavy-duty EVSE.

Section 23.100.020 (General Definitions) is hereby amended as follows:

23.100.020 General definitions

E. "E" Definitions

...

2. "Electric Vehicle (EV)" 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 Capable Space (EV Capable)" means a vehicle parking space with electrical panel space and load capacity to support a branch circuit and necessary raceways, both underground and/or surface mounted, to support EV charging.

~~4.3. "Electric Vehicle Ready" or "(EV Ready)" means a vehicle parking space which is provided with a branch circuit with a minimum of 40 ampere; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger. 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.~~

54. "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.

6. "Level 2 Electric Vehicle Supply Equipment (EVSE)" means the 208/240-volt 40-ampere branch circuit, and the electric vehicle charging 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.

7. "Low Power Level 2 Electric Vehicle (EV) Charging Receptacle" means a 208/240-volt 20-ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.

58. "Equivalent financial incentive" means a monetary contribution, based upon a land cost per dwelling unit value, equal to one (1) of the following:

- a. A density bonus and an additional incentive(s).
- b. A density bonus, where an additional incentive(s) is not requested or is determined to be unnecessary.

69. "Establishment sign" means a sign displayed on an establishment which displays any combination of noncommercial messages and on-site commercial messages.

710. "Establishment" means any nonresidential use of land involving structures, as defined in the building code, and the presence of human beings during normal hours of operation. By way of example and not limitation, this definition includes: businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries. The term does not include power transformer or other utility facilities at which human beings are usually not present, single-family homes, mobile homes, residential apartments, residential care facilities or residential condominiums.

811. "Exempt sign" means a sign which is not subject to a sign permit.

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 34-2022

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 14, 2022, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 11, 2023, by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Spease, Brewer, Robles, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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



Jason Lindgren, City Clerk
City of Elk Grove, California