RESOLUTION NO. 2022-317

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING AN AMENDMENT TO THE CLIMATE ACTION PLAN MEASURE TACM-9 TO BE CONSISTENT WITH 2022 CALIFORNIA BUILDING CODES

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 for the CAP; 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, the CAP includes measures that, when implemented, are intended to reduce the per capita greenhouse gas emissions in the City; 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, the CAP is intended to be periodically updated to adjust to changes in legislation or regulations; and

WHEREAS, the final 2022 California Building Standards Code includes requirements for electric vehicle charging that were not known at the time of adoption of the CAP and that are more stringent than the CAP directed through local implementation; 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 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, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that no further environmental review is required pursuant to State CEQA Guidelines Section 15162 for the EV charging amendment to the CAP based upon the following finding:

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 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 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 CAP, which reflect unanticipated changes to the Building Code, offer more greenhouse gas reduction potential than the CAP originally provided because the regulations require more EV charging installed and more EV charging capable spaces. 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.

AND, BE IT FURTHER RESOLVED, that the City Council does hereby adopt the amendments to the Climate Action Plan concerning EV charging requirements, attached hereto as Exhibit A and incorporated herein by this reference, based upon the following finding:

Climate Action Plan Amendment

Finding: The proposed Climate Action Plan amendments are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to CAP Chapter 4, Measure TACM-9 related to electric vehicle charging are necessary in order to ensure consistency with the 2022 California Building Standards Code. The proposed amendments would update the

actions outlined in the CAP related to electric vehicle charging requirements for new multi-family, hotels/motels, and non-residential buildings or alterations for multi-family residential parking facilities. The intent is to provide sufficient on-site EV charging and sufficient electrical capacity for future expansion to meet growing electric vehicle charging needs. The CAP update would be consistent with the 2022 California Building Standards Code Title 24, Part 11, Sections 4.106.4 and 5.106.5. This requirement is greater than what was anticipated by the City in the CAP and also requires updates to the EGMC to remain consistent.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of December 2022

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

ATTEST:

JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

JONATHAN P. HOBBS,
CITY ATTORNEY

TACM-9. EV Charging Requirements

Adopt an electric vehicle (EV) charging station ordinance that establishes minimum EV charging standards for all new residential and commercial development. Increase the number of EV charging stations at municipal facilities throughout the City.

Existing Efforts

General Plan Policy MOB-7.9

The State continues to lead the way for the country in the adoption of Zero Emissions Vehicle (ZEV) technologies. In January 2018, the State adopted a new target of five million ZEVs and 250,000 vehicle charging stations in California by 2030. Due to the increasing affordability of EVs and increased access to public and private EV charging stations, there are now over 350,000 EVs on California roadways. This measure serves to support increased rates of EV ownership in the City by establishing minimum standards for EV charging stations and associated infrastructure in new residential and non-residential development. The measure also sets targets for installing EV charging stations at public facilities, setting the City up as a leader in the adoption of EV technologies. As recent studies have shown, for EV owners, 80 percent of charging is done at home. If individuals have access to workplace charging, approximately 96 percent of charging is either done at home or work (Idaho National Laboratory 2015). As a result, this measure places a strong emphasis on investments for residential and workplace EV charging stations. This measure supports increased EV ownership among City residents by removing barriers to EV ownership and increasing public awareness of the availability of EV charging stations in the City.

Action Items

- Adopt an ordinance, concurrently with adoption of the ~~2019~~2022 Building Code, ~~establishing~~updating minimum requirements for either pre-wiring or installing electric vehicle supply equipment (EVSE), as defined by Article 625 of the California Electrical Code, and Sections 4.106.4 or Sections 5.106.5 of the California Green Building Code, in all new residential and non-residential development. The following requirements shall be included in the ordinance:
    - ~~**Residential projects with** **One- and two-family dwelling units and townhouses with attached**~~**unit residential development with private garages:** Garages or other parking areas serving each new dwelling unit will be "EV Ready" to allow for the future installation of EVSE to provide an electric vehicle charging station for use by the resident. The definition of "EV Ready" for this measure 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 goal 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.

- **~~Multi-family~~Multiple unit residential and ~~non-residential~~hotel/motel developments:** New ~~multifamily~~ multiple unit residential projects, hotel/motel, and ~~non-~~residential parking facility projects shall be designed and constructed to include dedicated EV parking spaces, including a minimum number of spaces with EVSE installed, as well as dedicated spaces for future installation of additional EVSE as demand for on-site EV charging increases. **Table 4-3** includes the specific requirements for new multi~~family~~unit, hotel/motel, and ~~non-~~residential parking facilities EV Parking.

Table 4-3: *~~Multifamily~~Multiple Residential Unit and ~~Non-Residential~~Hotel/Motel EV Parking Requirements*

Development ~~Type~~Size	Minimum ~~Size Threshold for Application~~ EV Capable Spaces	~~Dedicated Spaces with EVSE Installed~~[1] Minimum Spaces EV Ready for future expansion of EVSE	Spaces EV Ready for future expansion of EVSE2
~~Multifamily Residential~~ New Multiple Residential Unit with less than 20 dwelling units, hotels/motels with less than 20 sleeping units or guest rooms	~~All~~ 10% of the total number of parking spaces are capable of supporting future Level 2 EVSE	~~2.5%~~ 25% of the total number of parking spaces ~~provided~~[3] shall be equipped with low power Level 2 EV charging receptacles	~~2.5% of total spaces provided~~[3]
~~Retail~~	~~Any project ≥10,000 square feet~~	~~3% of total spaces provided~~[3]	~~3% of total spaces provided~~[3]
~~Office~~New Multiple Residential Unit with 20 or more dwelling units, hotels/motels with 20 or more sleeping units or guest rooms	~~Any project ≥10,000 square feet~~ 10% of the total number of parking spaces are capable of supporting future Level 2 EVSE	~~5%~~ 25% of the total number of parking spaces provided[3] shall be equipped with low power Level 2 EV charging receptacles	5% of the total number of parking spaces ~~provided~~[3] shall be equipped with Level 2 EVSE
~~Industrial~~ Alterations of Parking Facilities Serving Existing Mulitple Residential Unit Buildings	~~Any project ≥10,000 square feet~~ 10% of the total number of parking spaces added or altered shall be capable of supporting future Level 2 EVSE	~~3% of total spaces provided~~[3]	~~3% of total spaces provided~~[3]

~~*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 Building Official.*~~

~~*3. A minimum of two spaces shall be provided. Calculation for spaces shall be rounded up to the nearest whole number.*~~

Non-Residential (Other Than Previously Provided): New non-residential projects, shall be designed and constructed to include dedicated EV parking spaces, including a minimum number of spaces with EVSE installed, as well as dedicated spaces for future installation of additional EVSE as demand for on-site EV charging increases. Table 4-4 includes the specific requirements for new non-residential parking facilities EV Parking.

Table 4-4: Non-Residential EV Parking Requirements

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

- Develop guidelines for the design of EV charging stations for incorporation into the City's development code as part of the EV charging station ordinance process. Use the Governor's Office of Planning and Research's "Zero-Emission Vehicle Community Readiness Guidebook" to help guide development of the EV charging station guidelines.

- Develop a program to waive planning, permitting and inspection fees and streamline the development review process for homebuilders who commit to including EV charging stations in single family home developments.
- Promote residential and non-residential EV charger incentives offered by SMUD during the permitting process for all new residential and non-residential developments.
- Provide promotional material regarding EV charger incentives offered by SMUD at the City's planning counter.
- Promote State rebates (e.g., California Clean Vehicle Rebate Program), federal EV tax credits and SMUD's EV charger incentive program incentives to all new homeowners in Elk Grove through the City's website.
- Install a minimum of two EV charging stations at all major municipal facilities.
- Develop a strategy to work with Transportation Network Companies (e.g., Uber, Lyft), car sharing services, and other transportation service companies to provide EV charging stations at strategic locations to promote EV usage by drivers employed by these businesses in the City.

Target Indicators

The following target indicators serve to monitor progress towards achieving measure implementation:

- Installation of EV charging stations at all public facilities and commercial land uses.
    - 10 EV charging stations installed in public facilities and commercial land uses by 2020.
    - 100 EV charging stations installed in public facilities and commercial land uses by 2030.
    - 200 EV charging stations installed in public facilities and commercial land uses by 2050.
- 459 EV charging stations installed in multi-family residential and office land uses by 2030
- 907 EV charging stations installed in multi-family residential and office land uses by 2050

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2022-317

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

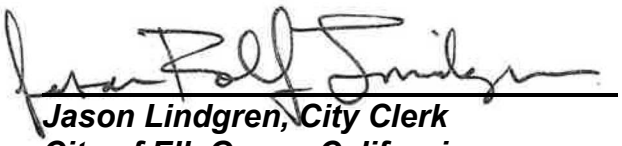
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 14, 2022 by the following vote:

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

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Jason Lindgren, City Clerk
City of Elk Grove, California