

ORDINANCE NO. 20-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING PORTIONS OF ELK GROVE MUNICIPAL CODE TITLE 16 (BUILDINGS 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) (SCH No. 2017062058) and adopted the 2019 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 related to solar photovoltaics and electric vehicle charging, and approved updates to the Elk Grove Municipal Code (EGMC) to implement electric vehicle charging requirements of the CAP; and

WHEREAS, on December 14, 2022, the City Council approved an amendment to the CAP to maintain consistency with the 2022 California Building Standards Code, and approved updates to the EGMC to implement electric vehicle charging requirements of the CAP; and

WHEREAS, certain measures require adoption of new or updated regulations by the City of Elk Grove (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 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 greenhouse gas (GHG) reduction measures specified 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 Planning Commission of the City of Elk Grove (the "Planning Commission") held a duly noticed public hearing on November 21, 2024, 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 of the amendments to the Elk Grove Municipal Code to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on December 11, 2024, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting; and

WHEREAS, on December 11, 2024, the City Council adopted Resolution No. 2024-237 adopting an Addendum to the previously-certified EIR for the 2019 General Plan and Climate Action Plan.

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 (Buildings and Construction) and Title 23 (Zoning) as shown in Exhibit A, attached hereto and incorporated by reference, to ensure consistency with the adopted Climate Action Plan as amended.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: An Addendum to the previously certified Environmental Impact Report is appropriate pursuant to State CEQA Guidelines Section 15164.

Evidence: An Addendum to the General Plan EIR has been prepared based upon the provisions of State CEQA Guidelines Sections 15164 and 15162, and has been adopted by the City Council on December 11, 2024,. The Addendum concludes that the proposed amendments to the Elk Grove Municipal Code (the Project) do not meet the criteria for preparing a subsequent or supplemental EIR under State CEQA Guidelines Section 15162.

- First, the proposed amendments to the Project are not substantial changes. They would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the prior EIR (State CEQA Guidelines Section 15162[a][1]) that would require major revisions to the EIR. All impacts would be equivalent to or less than the impacts previously analyzed in the EIR.
- Second, proposed modifications to the Project are not changes in physical circumstances that would cause a new significant impact or substantially increase the severity of a previously-identified significant impact, and there have been no other changes in the circumstances that meet this criterion (State CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the City not contemplated and analyzed in the EIR that would result in new or substantially more severe environmental impacts.
- Third, there is no new information of substantial importance (which was not known or could not have been known at the time of the Project approval in February 2019) that identifies: a new significant impact (State CEQA Guidelines Section 15162[a][3][A]); a substantial increase in the severity of a previously identified significant impact (State CEQA Guidelines Section 15162[a][3][B]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the Project (State CEQA Guidelines Section 15162[a][3][C]); or mitigation measures or alternatives which are considerably different from those analyzed in the EIR which would substantially reduce one or more significant effects on the environment (State CEQA Guidelines Section 15162[a][3][D]). None of the “new information” conditions listed in the CEQA Guidelines Section 15162[a][3] are present here to trigger the need for a subsequent or supplemental EIR.

An Addendum to the EIR is the appropriate CEQA document for the CAP and Municipal Code amendments. The proposed amendments are not substantial changes nor changes in the physical circumstances, and will result in equivalent or lower GHG emissions. The Addendum provides more detailed analysis concluding that the proposed amendments to the Project do not meet the criteria for preparing a subsequent or supplemental EIR under State CEQA Guidelines Section 15162. Therefore, the proposed changes to the Project may be considered and no further CEQA review is required beyond adoption of the Addendum, which has been accomplished pursuant to Resolution No. 2024-__ of the City Council of the City of Elk Grove.

General Plan Consistency

Finding: The proposed amendments to the Elk Grove Municipal Code 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 include:

- Consolidation of terminology related to EVs and EV charging to one location, removing it from Section 23.100.020 (General Definitions) and moving it to Section 16.07.100 (Definitions);
- Amendments to or addition of terminology related to EV charging stations and EV supply equipment in EGMC Section 16.07.100 (Definitions) to ensure consistency with the 2022 Building Standards Intervening Code;
- Addition of language to EGMC Section 16.07.500 (Electric Vehicle Charging Station Installation Requirements) related to California Building Code amendments; and
- Removal of detailed articulation of the California Building Code requirements related to EV charging infrastructure, instead referencing the current edition of the California Building Code in EGMC Section 23.58.120 (Electric Vehicle Charging).

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

EGMC Title 16 and Title 23 are hereby amended as shown in Exhibit A, attached hereto and incorporated by reference.

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: **20-2024**
INTRODUCED: December 11, 2024
ADOPTED: January 8, 2025
EFFECTIVE: February 7, 2025




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, 2025

Proposed Municipal Code Revisions

Electric Vehicle Charging – Draft Dated December 1, 2024

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

Section 16.07.100 (Definitions) is hereby amended as follows (term listing renumbered as appropriate):

16.070.100 Definitions.

B. “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.

C. “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.

D. “Electric Vehicle (EV) Charger” means off-board charging equipment used to charge an electric vehicle.

E. “Electric Vehicle Charging Space (EV Space)” means a space intended for future installation of EV charging equipment and charging of electric vehicles.

~~FB. “Electric Vehicle Charging Station” or “charging station” means one or more electric vehicle charging spaces served by electric vehicle supply equipment or receptacle(s), 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.~~

G. “Electric Vehicle Ready Space (EV Ready)” means a vehicle parking space which is provided with a branch circuit; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

H. “Electric Vehicle Supply Equipment (EVSE)” means the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personnel protection system, 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.

~~I. D.~~ “Electronic submittal”...

J. “Level 1 Electric Vehicle (EV) Charging Receptacle” means a 120-volt 20-ampere minimum branch circuit and a receptacle.

K. “Level 2 Electric Vehicle (EV) Charger” means a 208/240-volt 30-ampere minimum electric vehicle charger connected to the premises electrical system capable of charging electric vehicles.

L. “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.

M. “Low Power Level 2 Electric Vehicle (EV) Charging Receptacle” means a 208/240-volt 20-ampere minimum branch circuit and a receptacle.

~~N. C.~~ “Specific, adverse impact”...

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

...

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, as may be amended from time to time by the California Building Standards Commission. State law shall govern in the event of any inconsistency relating to electric vehicle charging requirements between the 2022 California Building Standards Code and this chapter. [Ord. 34-2022 §3 (Exh. A), eff. 2-10-2023; Ord. 25-2017 §3, eff. 10-27-2017]

Section 23.58.120 (Electric Vehicle Charging) is hereby amended as follows:

23.58.120 Electric Vehicle Charging

Electric vehicle charging infrastructure shall be provided within all new parking areas and qualifying remodels and expansions as required by the City adopted building codes set forth in EGMC Title 16, as may be amended from time to time.

~~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 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. Residential, Single and Two (2) Residential Unit. 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. Multiple Residential Unit, Hotels/Motels, and Residential Parking Facilities. New multifamily residential projects, hotels/motels, 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 23.58-6. 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 and two (2) “EV ready” parking spaces.

Table 23.58-6

Development Size	Minimum EV Capable Spaces¹	Minimum Spaces EV Ready for future expansion of EVSE¹	Level 2 EVSE Installed
New Multiple Residential Unit with less than 20 dwelling units; hotels/motels with less than 20 sleeping units or guest rooms	10% of the total number of parking spaces are capable of supporting future Level 2 EVSE	25% of the total number of parking spaces shall be equipped with low-power Level 2 EV charging receptacles	N/A
New Multiple Residential Unit with 20 or more dwelling units, hotels/motels with 20 or more sleeping units or guest rooms	10% of the total number of parking spaces are capable of supporting future Level 2 EVSE	25% of the total number of parking spaces shall be equipped with low-power Level 2 EV charging receptacles	5% of the total number of parking spaces shall be equipped with Level 2 EVSE
Alterations of Parking Facilities Serving Existing Multiple Residential Unit Buildings	10% of total number of parking spaces added or altered shall be capable of supporting future Level 2 EVSE		N/A

Notes:

1. Definition is provided in Section 23.100.020.

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

Total Number of Actual Parking Spaces	Minimum Number of Required EV Capable Spaces¹	Minimum Number of EV Capable Spaces with EVSE Installed^{2,3}
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 ⁴	25% of EV capable spaces

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

A. "A" Definitions

...

22. "Automatic load management system (ALMS)" refer to definition in Section 16.070.100.

23. "Awning"...

E. "E" Definitions

...

2. "Electric Vehicle (EV)" refer to definition in Section 16.070.100 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)" refer to definition in Section 16.070.100 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. "Electric Vehicle (EV) Charger" refer to definition in Section 16.070.100.

5. "Electric Vehicle Charging Space (EV Space)" refer to definition in Section 16.070.100.

6. "Electric Vehicle Charging Station" or "charging station" refer to definition in Section 16.070.100.

74. "Electric vehicle Ready Space (EV Ready)" refer to definition in Section 16.070.100 means a vehicle parking space which is provided with a branch circuit with a minimum of forty (40) ampere; any necessary raceways, both underground and/or surface mounted; to accommodate EV charging, terminating in a receptacle or a charger.

85. "Electric Vehicle Supply Equipment (EVSE)" refer to definition in Section 16.070.100 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.

9. "Level 1 Electric Vehicle (EV) Charging Receptacle" refer to definition in Section 16.070.100.

10. "Level 2 Electric Vehicle (EV) Charger" refer to definition in Section 16.070.100.

116. "Level 2 Electric Vehicle Supply Equipment (EVSE)" refer to definition in Section 16.070.100 means the two hundred eight/two hundred forty (208/240) volt forty (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.

127. "Low Power Level 2 Electric Vehicle (EV) Charging Receptacle" refer to definition in Section 16.070.100 means a two hundred eight/two hundred forty (208/240) volt twenty (20) ampere minimum branch circuit and a receptacle for use by an EV driver to charge their electric vehicle or hybrid electric vehicle.

138. "Equivalent financial incentive"...

149. "Establishment sign"...

1540. "Establishment"...

1644. "Exempt sign"...

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 20-2024

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, 2024, 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, 2025, by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Suen*

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



Jason Lindgren, City Clerk
City of Elk Grove, California