

ORDINANCE NO. 2021-0015

Adopted by the Sacramento City Council

April 20, 2021

An Ordinance Adding Chapter 15.38 to the Sacramento City Code, Amending Various Provisions of Title 17 of the Sacramento City Code, and Adopting Local Amendments to the California Building Standards Code, Relating to Green Building Standards and Electric Vehicles

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

In connection with the local amendments to the 2019 California Green Building Standards Code and pursuant to California Health and Safety Code sections 17958, 17958.5, 17958.7, and 18941.5, the City Council finds and determines that:

- A. The amendments are reasonably necessary because of local climatic, geological, or topographical conditions.
- B. Under this adopting ordinance, specific amendments are established that are more restrictive than those adopted by the State of California under the State Buildings Standards Code, Title 24 of the California Code of Regulations.
- C. Express Finding Number 1: Climatic

The burning of fossil fuels used for vehicle transportation, and for other uses is a significant contributor to greenhouse gas emissions and consequently climate change. “Burning fossil fuels like gasoline and diesel releases carbon dioxide, a greenhouse gas, into the atmosphere. The buildup of carbon dioxide (CO₂) and other greenhouse gases like methane (CH₄), nitrous oxide (N₂O), and hydrofluorocarbons (HFCs) is causing the Earth’s atmosphere to warm, resulting in changes to the climate we are already starting to see today.”¹ “Greenhouse gas emissions from transportation primarily come from burning fossil fuel for our cars, trucks, ships, trains, and planes. Over 90 percent of the fuel used for transportation is petroleum based, which includes primarily gasoline and diesel.”² “Scientists attribute the global warming trend observed since the mid-20th century to the human expansion of the ‘greenhouse effect’ warming that results when the atmosphere traps heat radiating from Earth toward space.”³

¹ United States Environmental Protection Agency, Carbon Pollution from Transportation, as of March 3, 2021, <https://www.epa.gov/transportation-air-pollution-and-climate-change/carbon-pollution-transportation>.

² United States Environmental Protection Agency, Sources of Greenhouse Gas Emissions, as of November 25, 2020, <https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions#commercial-and-residential>.

³ NASA, Causes of Climate Change, as of November 25, 2020, <https://climate.nasa.gov/causes/>.

Nitrous oxide, carbon dioxide, and methane are gases that contribute to the greenhouse effect.⁴

“Global climate change imposes substantial local impacts and risks on the Sacramento Valley, including rising temperatures, changing precipitation patterns and amounts, sea level rise, flooding, drought, and wildfire.”⁵ A general summary of climate risks facing the Sacramento Valley Region, including the City of Sacramento, are as follows:

- Warming air and water temperatures
- More extreme heat-waves
- Drier landscapes
- Less snow
- Variable precipitation and seasonal shifts
- More intense droughts and floods with less predictability
- Higher Delta water levels compounded by subsidence
- Increased risk of wildfire
- Loss of ecosystem habitat⁶

“The Sacramento Region is expected to experience hotter and drier conditions and reduced snowpack that could cause reduced reservoir supplies and Sacramento and American River flows.”⁷ “Increased flood frequency and elevated flood risk are expected in California as a result of sea level rise, more intense storm events, and shifts in the seasonal timing of rainfall and snow pack runoff.”⁸ “Higher temperatures and the increased frequency of heat waves associated with climate change are expected to significantly increase heat-related illness, such as heat exhaustion and heat stroke.”⁹

Imposing additional electric vehicle parking requirements will reduce the amount of greenhouse gas produced in Sacramento and will contribute to reducing the impact of climate change and the associated risks.

Based upon this express finding, the following building standards in the 2019 California Building Standards Code are amended or added:

- California Green Building Standards Code sections A4.106.8.2, A4.106.8.2.1, A4.106.8.3, A4.106.8.3.1, A5.106.5.3.2, and A5.106.5.3.5 (increasing electric vehicle infrastructure, thereby decreasing the impact of greenhouse gases); and

⁴ NASA, Causes of Climate Change, as of November 25, 2020, <https://climate.nasa.gov/causes/>.

⁵ Houlton, Benjamin, Jay Lund, (University of California, Davis), 2018. Sacramento Summary Report. California’s Fourth Climate Change Assessment. Publication number: SUM-CCCA4-2018-002, page 17.

⁶ Houlton, Benjamin Jay Lund, (University of California, Davis) 2018. Sacramento Summary Report. California’s Fourth Climate Change Assessment. Publication number: SUM-CCCA4-2018-002, page 6.

⁷ City of Sacramento, Sacramento Climate Action Plan, Expected effects on the Sacramento Region, section 3.3, page 3-11, January 13, 2012.

⁸ City of Sacramento, Sacramento Climate Action Plan, Expected effects on the Sacramento Region, section 3-3, page 3-13, January 13, 2012.

⁹ City of Sacramento, Sacramento Climate Action Plan, section 3.3, page 3-13, January 13, 2012.

- Sacramento City Code section 15.38.040 (implementing effective dates).

SECTION 2.

Chapter 15.38 is hereby added to the Sacramento City Code to read as follows:

Chapter 15.38 AMENDMENTS TO THE CALIFORNIA GREEN BUILDING STANDARDS CODE

15.38.010 Amendments to the CGC.

The CGC is amended as set forth in this chapter.

15.38.020 Title lines.

For the purposes of this chapter, and notwithstanding the provisions of section 1.04.060, the title lines (or “catchwords”) in this chapter shall be deemed to be part of such sections.

15.38.030 Local amendments to the CGC.

A. Tier 2 of Subsection A4.106.8.2 is added to read as follows:

A4.106.8.2 New Multifamily Dwellings

Tier 2. For new multifamily dwellings, twenty (20) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. An electric vehicle charging station shall be installed in at least one electric vehicle charging space.

B. A4.106.8.2.1 is added to read as follows:

A4.106.8.2.1 Technical Requirements

The EV spaces required by Section A4.106.8.2 shall be designed and constructed in accordance with Sections 4.106.4.2.1, 4.106.4.2.2, 4.106.4.2.3, 4.106.4.2.4, and 4.106.4.2.5.

C. Tier 2 of Subsection A4.106.8.3 is added to read as follows:

A4.106.8.3 New Hotels and Motels

Tier 2. For new hotels and motels, twenty (20) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. An electric vehicle charging station shall be installed in at least one electric vehicle charging space.

D. A4.106.8.3.1 is added to read as follows:

A4.106.8.3.1 Technical Requirements

The EV spaces required by Section A4.106.8.3 shall be designed and constructed in accordance with Sections 4.106.4.3, 4.106.4.3.2, 4.106.4.3.3, 4.106.4.3.4, 4.106.4.3.5, and 4.106.4.3.6.

E. Tier 2 Subsection 5.106.5.3.2 is amended to read as follows:

A5.106.5.3.2 New Nonresidential

Tier 2. For new nonresidential, twenty (20) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. An electric vehicle charging station shall be installed in at least one electric vehicle charging space.

F. A5.106.5.3.5 is added to read as follows:

A5.106.5.3.5 Technical Requirements

Raceways for electric vehicle charging spaces are required to be installed at the time of construction and shall be installed in accordance with the California Electrical Code Construction plans and specifications shall include, but are not limited to, the following:

1. The type and location of the EVSE.
2. The raceway(s) shall originate at a service panel or a subpanel(s) serving the area, and shall terminate in close proximity to the proposed location of the charging equipment and into listed suitable cabinet(s), box(es), enclosure(s) or equivalent.
3. Plan design shall be based upon 40-ampere minimum branch circuits.
4. Electrical calculations shall substantiate the design of the electrical system, to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EVs at its full rated amperage.

5. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

15.38.040 Effective Date of Local Amendments to the CGC.

Sections A4.106.8.2 Tier 2, A4.106.8.2.1, A4.106.8.3 Tier 2, A4.106.8.3.1, A5.106.5.3.2 Tier 2, and A5.106.5.3.5 are applicable to building permit applications filed on or after January 1, 2023, for new construction three stories or less and are applicable to building permit applications filed on or after January 1, 2026, for new construction four stories or more.

SECTION 3.

A. Section 17.108.060 is hereby amended to add the following definitions:

"Electric vehicle charger" means off-board charging equipment used to charge an electric vehicle.

"Electric vehicle charger level 2" means a 208-240 volt electric vehicle charger.

"Electric vehicle direct current fast charger" means at least a 400-volt electric vehicle charger.

"Electric vehicle charging space" means a parking space intended for future installation of EV charging equipment and charging of electric vehicles.

"Electric vehicle charging station" means one or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles.

B. Except as amended by subsection A above, all provisions of section 17.108.060 remain unchanged and in full effect.

SECTION 4.

A. Subsection H of section 17.608.020 of the Sacramento City Code is hereby amended to read as follows:

H. Accessibility and electric vehicle charging.

1. If a building permit requires an existing off-street parking facility to comply with any building standards or other requirements in the Sacramento City Building Code related to accessibility, or if accessible parking spaces are otherwise created, the number of

parking spaces required by this title may be reduced, redesigned, and restriped as necessary without issuance of a permit under this title.

2. If a building permit requires an existing off-street parking facility to comply with any building standards or other requirements in the Sacramento City Building Code related to electric vehicle charging spaces or if electric vehicle charging spaces are otherwise created, the number of parking spaces required by this title may be reduced, redesigned and restriped, as necessary without issuance of a permit under this title.

B. Except as amended by subsection A above, all provisions of section 17.608.020 remain unchanged and in full effect.

SECTION 5.

A. Section 17.608.040 of the Sacramento City Code is hereby amended as follows:

1. Subsection F.2.c is hereby added to read as follows:

c. Electric vehicle charging spaces and electric vehicle charging stations. The number of electric vehicle charging spaces and electric vehicle charging stations are determined by the Sacramento city building code. Electric vehicle charging stations shall be clearly marked "EV CHARGING ONLY."

2. Subsection M is hereby amended to read as follows:

M. Directional signage. If a development project includes directional signage to an off-street vehicle parking facility, the signage shall also indicate the location of bicycle parking and the existence of electric vehicle charging stations.

3. Subsection O is hereby added to read as follows:

O. Electric vehicle charging spaces and electric vehicle charging stations.

1. Electric vehicle charging stations and electric vehicle charging spaces shall comply with the requirements in the Sacramento city building code.

2. All off-street parking facilities, shall provide electric vehicle charging stations and electric vehicle charging spaces in compliance with the provisions in the Sacramento city building code.

B. Except as amended by subsections A above, all provisions of section 17.608.040 remain unchanged and in full effect.

SECTION 6.

A. Section 17.608.060 of the Sacramento City Code is hereby amended as follows:

1. Subsection A.1.b is hereby amended to read as follows:

b. Zero-emission carsharing.

One zero-emission carshare space may be substituted for four required on-site vehicle parking spaces up to a maximum of 20% of the required on-site vehicle parking spaces. "Zero-emission carshare space" means a parking space reserved for a zero-emission vehicle that can be rented or reserved for short periods of time, such as by the hour or minute.

2. Subsection A.1.h is hereby added to read as follows:

h. Additional electric vehicle charging station. One electric vehicle charging station utilizing an electric vehicle charger level 2 or an electric vehicle direct current fast charger may be substituted for two parking spaces.

B. Except as amended by subsection A above, all provisions of section 17.608.060 remain unchanged and in full effect.

SECTION 7.

If any provision of this Ordinance or its application to any person or circumstance is held invalid or ineffective by any court of competent jurisdiction, or by reason of any preemptive legislation, that invalidity shall not affect the validity of the remaining provisions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause, and phrase, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or words be declared invalid.

Adopted by the City of Sacramento City Council on April 20, 2021 by the following vote:

Ayes: Members Ashby, Guerra, Harris, Jennings, Loloee, Schenirer, Valenzuela, Vang, and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2021.05.07 13:11:02
-07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: April 13, 2021

Published: April 16, 2021

Effective: May 20, 2021