

RESOLUTION NO. 2022-0375

Adopted by the Sacramento City Council

November 29, 2022

Amending the Master Fees and Charges Schedule to Authorize the Establishment of New Fees to Implement the Review of Applications for Waivers, and Cover the Cost of Appeals of Infeasibility Waiver Decisions Related to New Building Electrification

BACKGROUND

- A. In June 2020, the Mayors' Commission on Climate Change Final Report recommended the electrification of new and existing buildings, each of which are critical for the reduction of greenhouse gas emissions.
- B. On January 19, 2021, City Council adopted Resolution No. 2021-0022 establishing building electrification as a key strategy of the 2040 General Plan by:
 - 1. Requiring all new buildings to be all electric and eliminate the use of natural gas and fossil fuels for building operations.
 - 2. Gradually transition existing buildings away from natural gas to electric and assist low-income residents by offering financial incentives (Resolution No. 2021-0022).
- C. On June 1, 2021, Council Adopted the New Building Electrification Ordinance, which allows the Building Official to waive all-electric requirements for the portions of a building were all-electric is infeasible, provided the building permit applicant has established to the satisfaction of the Building Official that it is infeasible to comply with all-electric requirements.
- D. On September 6, 2022, the Budget & Audit Committee passed a motion forwarding the proposed amendment to the Master Fees and Charges Schedule to City Council for approval.
- E. On November 29, 2022, City Council adopted the 2022 New Building Electrification Ordinance to align it with the 2022 California Building Code.
- F. New fees are required to implement the review of applications for waivers for exceptions from all-electric requirements due to infeasibility, and to cover the City's costs related to appeals of infeasibility waiver decisions.

G. City Council finds that these fees are not “taxes” under Proposition 26 and under Cal. Const. art. XIII C (e)(2) as fees for government services.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1.

The City of Sacramento Master Fee Schedule is hereby amended as set forth in Exhibit A and Exhibit B, to establish new fees related to infeasibility waiver processing and appeals of infeasibility decisions for new building electrification as provided in section 15.38.030 of the Sacramento City Code.

SECTION 2.

Exhibit A and Exhibit B form parts of this resolution

TABLE OF CONTENTS:

Exhibit A – Application Fees

Exhibit B – Appeal Fee

Adopted by the City of Sacramento City Council on November 29, 2022, by the following vote:

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

Noes: None

Abstain: None

Absent: None

Attest:  12/14/2022

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.

Exhibit A – Application Fees

Fee Name: Infeasibility Waiver Application Fee

Current Fee \$0.00

Proposed Fee: \$492.00

Justification for Fee: Recover costs associated with administrative processing fee for the infeasibility waiver application. This fee also covers coordination with the technical consultant.

Proposition 26: This charge is not a tax under Proposition 26, as it falls under Exception 3, a regulatory fee. The proposed fee will cover the department's cost to administer the program.

Fee Name: Infeasibility Waiver Consultant Fee

Current Fee \$0.00

Proposed Fee: \$1,500.00

Justification for Fee: Recover costs associated with consulting services.

Proposition 26: This charge is not a tax under Proposition 26, as it falls under Exception 3, a regulatory fee. The proposed fee will cover the department's cost to administer the program.

Exhibit B – Appeal Fees

Fee Name: Infeasibility Waiver Appeal Fee

Current Fee \$0.00

Proposed Fee: \$1,640.00

Justification for Fee: Recover costs associated with applicant appeal process. This cost covers processing, report writing, consultation with City Council, and presentation to City Council.

Proposition 26: This charge is not a tax under Proposition 26, as it falls under Exception 3, a regulatory fee. The proposed fee will cover the department's cost to administer the program.