

**RESOLUTION NO. 2019-278**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING AN AMENDMENT TO THE CLIMATE ACTION PLAN MEASURE BE-7  
TO BE CONSISTENT WITH 2019 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**, 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 2019 California Building Standards Code or new requirements in the Elk Code Municipal Code; and

**WHEREAS**, the Climate Action Plan is intended to be periodically updated to adjust to changes in legislation or regulations; and

**WHEREAS**, the final 2019 California Building Standards Code includes requirements for solar photovoltaic systems 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 21, 2019, 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 11, 2019, 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 solar PV 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: 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. 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 revisions to the CAP 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, provide for more potential energy efficiency and greenhouse gas reduction potential than the CAP originally provided because the regulations apply to a wider range of building types and sizes. Therefore, 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 no further environmental review is required.

**AND, BE IT FURTHER RESOLVED**, that the City Council does hereby adopt the solar PV amendments to the Climate Action Plan, 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 BE-7 related to solar photovoltaics are necessary in order to ensure consistency with the 2019 California Energy Code. The proposed amendments would update the actions

outlined in the CAP related to solar photovoltaic readiness for new multi-family, nonresidential and mixed-use buildings or additions of greater than 2,000 square feet for such buildings. The intent is to provide sufficient space and structural integrity for the potential future installation of a solar energy system on-site. The CAP update would be consistent with the 2019 California Energy Code Title 24, Part 6, Section 110.10. This requirement is greater than what was anticipated by the City in the CAP and does not require any additional regulations beyond implementation of the Building Code.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 11<sup>th</sup> day of December 2019



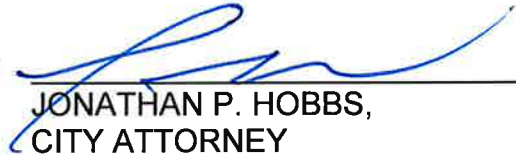
STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:




JONATHAN P. HOBBS,  
CITY ATTORNEY

**BE-7. Building Stock: Solar Photovoltaics in New and Existing Residential and Commercial Development**

*Encourage and require installation of on-site solar photovoltaic (PV) in new single-family and low-rise multi-family developments. Promote installation of on-site PV systems in existing residential and commercial development.*

This measure includes incentives to facilitate the installation of on-site solar PV systems in existing residential and commercial development and helps the City prepare for PV system requirements for new single-family homes that will be implemented through the 2019 Title 24 energy standards, which become effective in 2020. The City will work closely with SMUD to provide information to residences and businesses about key components of solar system installation including financing, rebates, contracting, permitting requirements, installation, and maintenance. The City will also support commercial development projects that include solar PV systems and promote the feasibility and benefits of these design standards for future commercial development in the City in general.



**Existing Efforts**

*General Plan Policy NR-6-1; NR-6-2; NR-6-3; SD-2-1; SD-2-2*

The City will revise and update existing building standards to begin the transition to requiring on-site solar PV systems for all new single-family residential development and to require solar-ready requirements construction for multi-family and non-residential buildings as part of the 2019 Title 24 standards. PV systems installation for multi-family and non-residential buildings will not be required in the 2019 Title 24 energy standards, though there are solar-ready requirements for certain new and/or expanded buildings. However, non-residential development (i.e., retail, office, industrial) may be subject to the same standards in the future as the State Energy Code is updated. To ensure new commercial buildings can support the added roof weight of a PV system if they are added in later years, the City will update existing building standards to require new non-residential buildings to be constructed with roof structural systems and adequate rooftop space to support future installation of PV systems.

**Action Items**

- The City will Concurrent with City actions to adopt the 2019 Title 24 building energy efficiency standards update, requiring:
  - A. New single-family residential construction to include solar PV systems installed consistent with Part 6, Section 150.1.(c).14;
  - B. New construction of multi-family residential, nonresidential or mixed-use projects, and additions of 2,000 square feet or more to provide structural capacity for on-site solar

energy production that would supply at least 15 percent of the project's annual electricity demand, consistent with Part 6, Section 110.10; and

- C. For development unable to comply with A or B above to meet on-site demand, require other improvements, including but not limited to other roof-mounted or ground-mounted solar energy production opportunity, or purchase of off-site credits (or combination thereof), the City will also develop and adopt amendments to the City Building Code that would require non-residential projects or mixed-use projects with at least 25,000 square feet or more in new non-residential construction to be "solar-ready" such that they either (a) be constructed with roof structural systems and adequate rooftop spaces that can support future installation of PV systems; OR, (b) identify a dedicated area(s) within on-site parking lot(s) for future installation of solar canopy structures with an equivalent surface area to rooftop PV generation on the project building(s), and pre-wire the dedicating parking lot solar canopy area for future solar canopy and PV panel installation; OR, (c) a combination of (a) or (b) as noted above, provided that the project as a whole is designed to be "solar-ready" as defined.

The City may also implement this action in combination with actions intended to further implementation of Measure BE-5.

- Promote SMUD's solar incentive programs on the City's website and at the planning and permitting counters in the City's Planning Department.
- Partner with private developers and SMUD to incentivize new developments to participate in design assistance and incentive programs to both increase efficiency and maximize renewable energy generation potential.
- Develop a program to reduce or waive planning, permitting, and inspections fees for the solar portion of permit fees; and, streamline the development review process for new commercial projects who commit to including solar PV systems as part of the project.
- Work with SMUD and private developers to prepare locally-specific preapproved single-family plans aligned with current solar or other relevant design assistance and incentive programs.
- Work with SMUD and non-profit community organizations to identify locations for large-scale solar installations that would benefit low income communities in Elk Grove
- Review and update the Citywide Design Guidelines and the Zoning Code to remove impediments to the installation of renewable energy facilities.
- Promote and provide additional incentives for SMUD's Commercial Battery Storage program for commercial projects that are including solar PV systems in the project design.

## Chapter 4

- Develop strategies to overcome barriers to PV solar system installation in non-residential buildings which are leased to multiple-tenants. The City will identify barriers expressed by building owners for installing PV solar systems in non-residential buildings and design incentives to overcome identified barriers. Common strategies used to overcome this barrier could include:
  - Provide information to property owners on "green leases" for tenants in which tenants commit to participating in shared cost of PV solar system installation.
  - Promote the benefits of PV solar systems to sell electricity back to the utilities through a Feed-In-Tariff program.
  - Promote the ease and availability of third-party PV system ownership in which third party sells electricity directly, often at lower rate than the utility, to the building tenant at a fixed or escalating electricity rate for a predetermined period of time.
  - If on-site PV systems are determined to be infeasible, encourage non-residential property owners to participate in off-site renewable energy programs, such as SMUD's SolarShares or Greenergy programs (see Measure BE-8).

### Target Indicators

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

- Residential:
  - Five percent participation rate for installation of PV systems in existing residential development by 2030.
- Commercial:
  - Five percent participation rate for installation of PV systems in existing and new commercial development by 2030.

(Note: Because of new requirements for the installation of PV systems for new residential development as part of the 2019 Title 24 standards beginning in 2020, this measure does not credit additional reductions from PV systems to avoid double counting reductions already accounted for in the legislative-adjusted BAU forecast discussed in Chapter 3.)

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-278**

**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 11, 2019 by the following vote:***

**AYES:            COUNCILMEMBERS:     Ly, Hume, Detrick, Nguyen, Suen**

**NOES:           COUNCILMEMBERS:     None**

**ABSTAIN:       COUNCILMEMBERS:     None**

**ABSENT:        COUNCILMEMBERS:     None**

  
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**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**