

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2022 Legislative Session

Reference No.: CB-067-2022

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 9/21/2022

Action: FAV (A)

REPORT:

Committee Vote: No Recommendation as amended, 4-0 (In favor: Council Members Franklin, Glaros, Harrison, and Turner)

The Planning, Housing and Economic Development (PHED) Committee convened on September 13, 2022, and September 21, 2022, to consider CB-67-2022. At the September 13 Committee worksession, the Planning, Housing and Economic Development (PHED) Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. This bill is for the purpose of amending Subtitle 5. Business and Licenses to add a new section concerning Electric Vehicle Charging Station Safety to provide for the safety and security of persons using electric vehicle charging stations at public and private parking garages and lots.

Council Member Taveras, the bill sponsor, requested the Committee's support of this pioneering legislation to ensure safety of individuals using EV charging stations. Ms. Taveras commented that no other jurisdiction in the country has the regulations proposed in CB-67-2022.

The Zoning Hearing Examiner submitted a September 9, 2022, memorandum with suggested revisions as follows:

1. On page 1, line 21, delete "Safety " since the bill addresses additional items (i.e., aesthetics, use of funds collected, etc.).
2. On page 2, lines 4-5, delete everything after "Subdivision" as surplusage.
3. On page 2, lines 16-17 require further thought. A private garage may or may not have additional uses "on the premises". If the sponsor agrees it might be better to add "associated with the private garage" at the end of line 17.
4. On page 2, line 22 should be revised to delete "the charging is for daytime purposes only" and insert "use of the station occurs solely during the daytime."
5. The language on page 2, line 31, to page 3, line 2, only requires that one reviews the feasibility of installing solar panels. As a law the bill should either mandate such use or allow an exemption for such installation under prescribed circumstances. A non-codified section could be used to urge consideration of solar panels wherever possible. Similar language is used on page 3, lines 25-27 and I would also suggest that it be removed since the language doesn't actually require an owner to do anything.

6. On page 3, line 13 should be revised to insert “non-residential” before “sites” and delete “except residential properties, “.
7. On page 3, line 18, delete “for the purposes of this subsection” since the word “charging” alone isn’t utilized in the subsection. If a definition of charging is required it should be added to page 2 in the definitions subsection.
8. Aesthetics of the use could only be approved via a Site Plan or other zoning approval. Accordingly, I’m not sure who would decide whether screening should be provided via landscaping or erection of walls, as required on page 3, lines 30-31. This language should be inserted in the Zoning Ordinance. If the Council chooses to allow it to remain I would suggest the language be revised since it is not clear how aesthetics supports a positive environmental impact with a positive business experience. If the intent of the language is to ensure that the electric vehicle charging station not detract from the aesthetics of the surrounding uses that language should be utilized instead.
9. The language concerning vandalism on page 4, lines 1-3, again requires assessment of the risk by someone, and the bill should address how that might be done.
10. Finally, monies paid to the County may have to go into the General Fund under most circumstances, so I am not sure that the language on page 4, lines 5-7 is permissible. I also am unsure what is meant “by lock box” and would need further information in order to comment.

The Office of Audits and Investigations (A&I) provided a September 12, 2022, Policy Analysis and Fiscal Impact Statement stating enactment of CB-067-2022 will have a nominal adverse fiscal impact on the County, mainly through increased workload of inspection and permitting the charging stations. It is not known to what extent the additional workload of inspecting and approving the permitting that this Bill poses will be offset by the permit fee itself. Enactment of CB-067-2022 could have a positive indirect impact by increasing the safety of individuals using charging stations, and the mandated or unmandated clauses for site aesthetics, and shelter infrastructure that the legislation contains.

During the September 13 meeting, the Committee reviewed a Proposed DR-2 with revisions prepared at the bill sponsor’s request to address referral comments. The revisions are as follows:

- Removes surplusage from intent section of the bill.
- Provides that the Act applies solely to commercial properties as defined and set forth in the Zoning Ordinance.
- Amends the definition of owner to include a third-party guarantor to act in the place of an owner when legally required to do so.
- Adds text “associated with the private garage” to pertain to private garages that may or may not have additional uses on the premises.
- Makes a stylistic change regarding daytime and times of day for operation were changed to 7:00AM to 7:00PM.

- Strikes text regarding alternate light sources (solar panels) and moves it to an uncodified section providing that a feasibility study on solar panels is encouraged but not mandatory.
- Corrects the reference to public and private garages.
- Changes wording to non-residential properties.
- Removes reference to charging.
- Strikes text regarding shelter and moves it to an uncodified section providing that a feasibility study on shelter is encouraged but not mandatory.
- Narrows the purpose of the aesthetics provision.
- Provides that the risk of vandalism is to be assessed by the owner.
- Removes the lockbox and dedication of fees provision.

Ryan Washington, Apartment and Office Building Association (AOBA) of Metropolitan Washington, submitted a Position Statement expressing AOBA members' concerns with CB-67-2022. Mr. Washington also testified during the Committee meeting regarding their concerns. Maryland Building Industry Association submitted a letter in opposition to the legislation.

Department of Permitting, Inspections and Enforcement (DPIE) Director Bolling and Senior Adviser to the DPIE Director Lori Parris were present to comment on the agency's concerns associated with impact on staffing, inspectors, and plan reviewers if the bill is enacted.

The Committee discussed concerns with revisions to the bill lacking clarity on the safety measures being voluntary instead of required. The Office of Law concurred. After public testimony and discussion by Council Members, the bill was held in Committee to allow time for the bill sponsor to work with Council staff and agency representatives on additional amendments to address the comments received on Proposed DR-2.

At the September 21 Committee meeting, Council Member Taveras commented on additional revisions in a Proposed DR-2A and provided photographs of "safer EV stations" and "less safe EV stations". The Council's Legislative Officer summarized revisions in Proposed DR-2A (three amendments from DR-2 to DR-2A) as follows:

- The first amendment is regarding the scope and applicability of the Act. DR-2 provided that the Act applies solely to commercial properties as defined and set forth in the Zoning Ordinance of Prince George's County. DR-2A provides that the Act applies to public and private parking garages and parking lots on non-residential properties in Prince George's County as defined therein.
- The second amendment is regarding lighting and was provided by DPIE. DR-2A modifies DR-2 language to more specifically require that there be a minimum of 15 footcandle uniform lighting illumination level surrounding the Electric Vehicle Charging Station.

- The third amendment moves the aesthetics section to an uncodified section of the bill and removes a specific reference to environmental impact.

Ryan Washington also testified during the September 21 meeting indicating that AOBA still has concerns with DR-2A. The Committee discussed their concerns that the provisions may be more appropriate in a different subtitle of the County Code, the bill is not clear on the meaning of “non-residential property”, and that the bill could potentially discourage the siting of EV charging stations. Upon a suggestion that the provisions of the bill be moved into a different subtitle of the Code, the PHED Committee Director advised and the Legislative Counsel concurred, that a revision to that extent would require a different bill with a new bill number.

Due to the limited time remaining in the Legislative Year which would require that a new bill bypass presentation and go straight to introduction, on a motion by Council Member Harrison and second by Council Member Turner, the Committee voted No Recommendation as amended, 4-0, on CB-67-2022 Proposed DR-2A.