

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2024 Legislative Session

Reference No.:	CB-067-2024
Draft No.:	2
Committee:	COMMITTEE OF THE WHOLE
Date:	10/15/2024
Action:	FAVORABLE (A)

REPORT: Committee Vote: Favorable, as amended, 8-0 (In favor: Chair Ivey, Council Members Blegay, Dernoga, Fisher, Harrison, Olson, Oriadha, and Watson)

The County Council convened as the Committee of the Whole on September 24, 2024, to consider CB-067-2024. The Committee voted 7-0 to hold the bill until October 15, 2024.

On October 15, 2024, the PHED Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on the referral. As presented on September 10, 2024, Draft-1 amends the Zoning Ordinance to set the minimum number of parking spaces with electric vehicle (EV) charging stations for newly constructed multifamily and commercial developments, the minimum required EV-Ready spaces in new multifamily developments, and the minimum required parking spaces with accessible EV charging stations.

The Planning Board voted to support CB-067-2024 (DR-1) with amendments. The policy analysis is listed below.

Policy Analysis: LDR-91-2024, as revised, would establish new EV-related definitions, new EV parking space requirements for future multifamily, office, retail, mixed-use, or "shopping center" development, authorize minor departures up to certain limits for EV off-street parking space requirements, and establish several additional EV-related standards. The Planning Department supports the general purpose and intent of LDR-91-2024 to facilitate EV charging infrastructure in Prince George's County and offers the following comments to help clarify the policy goals of this proposed legislative amendment. Targeted Uses LDR-91-2024 is focused on the following "uses": uses in the Office Uses principal use category, uses in the Retail Sales and Service Uses principal use category, the multifamily dwelling principal use type, "shopping centers," and "mixed-use developments." References to these uses are inconsistent on page 8 of the bill and should be reconciled for clarity. In the current Zoning Ordinance, "shopping centers" are not a use. A shopping center is a design solution to providing (generally) retail, personal service, eating and drinking establishments, and recreation uses, and is not in itself a use. Instead of referring to shopping centers as a use, LDR-91-2024 should reference shopping centers "as defined in Section 27-2500, Definitions". As to the term "mixed-use developments" (or, as appears in proposed Table 27-6305(e), "Mixed Use"), additional clarity is recommended to reconcile the terminology. The Table reference should be revised to read: "Mixed-Use Developments."

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Additionally, the Council may wish to consider requiring Level 3 charging stations for new development of the targeted use categories, multifamily dwellings, and "shopping centers," perhaps based on a threshold of development (e.g., 50,000 square feet or more) or minimum threshold of required parking spaces (e.g., 100 or more parking spaces). Currently, Level 3 "fast charging" stations are seldom found outside designated, standalone charging sites or gas stations and requiring Level 3 stations under specified circumstances should help facilitate EV use and even encourage additional spending in the County by persons who would otherwise pass through by locating "fast charging" stations at retail and restaurant destinations. The Planning

Department offers its recommended, revised Table 27-6305(e) below for the Council's consideration. This version reconciles terminology and adds clarity.

Finally, the Planning Department recommends flexibility in the definition of the term "EV Ready" Parking Space on lines 11-15 on page 3 of the proposed bill in recognition that the definition may be updated in future energy/building codes. The Department recommends recognition/incorporation of a reference to the International Energy Conservation Code, along the lines of "or as defined by the International Energy Conservation Code" in the definition.

Detailed Site Plan vs. Permit Review

The Planning Department does not understand why LDR-91-2024 seeks to require EV-Capable, EV-Ready, and EVSE-Install parking spaces only for the targeted uses when they may be subject to a detailed site plan review. Any such targeted use consisting of less than 25,000 square feet in size is exempt from detailed site plan review and thus exempt from the requirement for providing EV infrastructure. Similarly, multifamily dwelling buildings consisting of fewer than ten units are also exempt.

The Planning Department recommends extending the EV infrastructure requirements of LDR-91-2024 to the targeted uses when they are subject to permit review and not linking the requirements to whether a detailed site plan may be required.

Regarding terminology, the phrase "detailed site plans issued" should be revised to "detailed site plans approved" should the Council retain the requirements for detailed site plan review.

Additionally, the Council should be aware that the requirements of LDR-91-2024 will not apply to any detailed site plan approved on or after January 1, 2025, that was accepted, reviewed, and decided under the transition provisions in Part 27-1 of the Zoning Ordinance; LDR-91-2024 will only apply to applications accepted under the regulations of the current Zoning Ordinance.

The Planning Department recommends that LDR-91-2024 be revised to remove references to detailed site plans on page 8 and simply start Subsections (e)(2)(A) -(C) with "On or after January 1, 2025...."

Minor Departure

LDR-91-2024 attempts to authorize minor departures from the newly proposed off-street parking standards for electric vehicle charging stations; in other words, it would authorize minor departures from Section 27-6305(e), Electric Vehicle (EV) Charging Stations (this would be the correct Section reference; LDR-91-2024's proposed reference language is slightly inaccurate).

However, the Planning Department believes this action is unnecessary because it is already possible for developers to seek relief from Section 27-6305(e) as a minor administrative waiver or modification of development standard (refer to Table 27-3614(b)(5): Minor Administrative Waivers or Modifications to Development Standards. Both a minor departure and a minor administrative waiver or modification to development standards is a Planning Director's decision.

The Planning Department recommends deleting the entirety of language pertaining to Section 27-3614, Departure (Minor and Major), from LDR-91-2024. This would mean deleting lines 24-31 on page 3, lines 1-8 on page 4, Table 27-3614(b)(1): Minor Departures on pages 4-7, revising the bill's purpose statement to remove references to "allowing minor departures up to certain limits for off-street parking space standards", and removing Section 27-3614 from lines 11 and 19 on page 1.

Alternatively, the Planning Department recognizes it may be the intent of the sponsors to set thresholds for the level of departure – in other words, establishing a maximum percentage of required spaces that may be waived. If this is the Council's intent, then the minor departure language referenced above would remain, but Table 27-3614(b)(5): Minor Administrative Waivers or Modifications to Development Standards must be added to the bill, and the authorization on relief from Section 27-6305(e) should be deleted from that table.

EV-Ready Parking Spaces, Generally

Since retrofitting parking areas to accommodate EV charging infrastructure will be more costly than incorporating EV-ready infrastructure during original construction, the Council may consider being more aggressive in requiring EV-ready spaces. Perhaps twenty percent, or even up to forty or fifty percent, is a more appropriate goal to facilitate EV use and reduce greenhouse gas emissions.

Similarly, the Council may wish to consider being more aggressive regarding the minimum percentage of EV charging stations; instead of ten percent for most targeted uses, perhaps the minimum requirement should be twenty percent. Current goals under the Biden Administration strive for fifty percent EV sales share by 2030, an ambitious goal but one that would lead to significant increases in EV charging station demand over the rest of the decade.

Potential Conflict with ADA Requirements

Subsection (e)(2)(E) on line 23 on page 8 and lines 1-7 on page 9 may conflict with the Americans with Disabilities Act (ADA) in that staff are unsure if ADA regulations permit

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designated accessible vehicle stations to be used for non-disabled persons, at least regarding the minimum number of required accessible vehicle parking spaces. As worded, this Subsection makes no distinction between the minimum number of accessible vehicle parking spaces required by law and accessible charging stations, so there could be overlap and confusion in practice.

Should the Council wish to set aside EV charging spaces for accessible charging stations as part of the overall minimum number of accessible parking spaces required by law, such stations should be solely dedicated to those with disabilities and not be allowed to be used for EV vehicles owned by non-disabled persons.

The Planning Department believes accessible parking/charging spaces provided above the minimum number required by Federal, State, and County law can serve a dual purpose, but this should be clearer in LDR-91-2024 is this is the intent. The Planning Department recommends deleting Subsection (e)(2)(E)(iii) on lines 6-7 on page 9 or modifying the sentence to clarify that any additional accessible parking spaces that may be provided above the minimum number of accessible parking spaces required by law may be shared EV charging/accessible charging spaces.

Discouraged vs. Prohibited

Subsection (e)(1) on lines 1-5 on page 8 strives to discourage the use of dedicated EV charging stations by non-electric vehicles (see line 9). With LDR-91-2024 and its emphasis on encouraging EV use, the Council should consider replacing the word “discouraged” with “prohibited.” Coordination with Building Code.

The Planning Department is aware that a draft bill to amend the County's building code (Subtitle 4) to require EV infrastructure is also pending. Should both LDR-91-2024 and the building code bill proceed, they should be closely aligned moving forward to ensure that requirements such as the minimum number of EV parking spaces required for development are identical across Subtitles 4 and 27 to avoid future interpretation challenges.

Mr. Eric Irving, Fiscal, and Legislative Specialist discussed CB-67-2024 (Proposed DR-2). He explained that the amendments include adding definitions to make implementation of the legislation easier, the definition for commercial uses was redefined to target specific commercial uses, the bill set a date for compliance, and increasing the percentage for multifamily EV parking spaces. The most recent draft of the bill reflects discussions among the bill sponsors and some but not all of the recommendations of the Planning Board.

The amendments are as follows:

On page 1, lines 3 through 10, amend the title to read "For the purpose of revising and providing certain definitions regarding electric vehicles and electric vehicle parking spaces; requiring a minimum number of electric vehicle parking spaces for newly constructed multifamily, office, retail and mixed-use developments; minimum required parking spaces with accessible EV charging stations; and generally regarding vehicle parking.”

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Line 20, Section 27-2500 is added to the bill to include definitions to the bill.

On page 2, lines 20 through 31, and page 3, lines 1 through 29, the bill includes definitions for "Electric Vehicle," "Electric Vehicle Supply Equipment (EVSE)," "EV-capable Parking Space," "EV Level 2 Charging," "EV Level 2 Charging Station Ready Outlet," "EV-Ready Parking Space," and "EVSC-Installed Parking Space." These are best practices terms from the International Code Council.

On page 4, lines 12 through 30, the language pertaining to minimum EV Parking space requirements are deleted, and the new percentages are placed in a table on page 5 of the bill. The language increased the percentages from ten percent (10%) to twenty percent (20%).

Page 4, line 31, and page 5, lines 1 through 17, set compliance dates for submitting detailed site plan applications.

On page 5, the bill breaks down commercial uses within the table into more specific uses, such as "Office Uses," "retail sales and service uses," "Shopping Centers," and "Mixed Use Developments."

The bill sets a date specific for when the regulations will apply to projects. The applicability date is on or after January 1, 2025.

A column for EV-capable parking Spaces with percentage requirements is added to the table for minimum EV parking spaces.

On page 6, language is added to require a minimum level 2 or higher charging capacity.

Ms. Dinora Hernandez, with the Office of Law, found the bill in proper legislative form and had no legal impediments to its enactment. It complies with local and state laws to modify parking regulations.

Ms. Sakinda Skinner, County Council Liaison with the County Executive's Office, stated that the Administration takes no position on the legislation.

Council Member Blegay, a bill sponsor, explained that Council Members met with environmental stakeholders to discuss the need for electric vehicle charging infrastructure. Many Prince George's County residents would like to purchase electric vehicles, but currently, there is not enough infrastructure in place.

Chair Ivey, a bill sponsor, spoke in support of the bill. She explained that she and Council Member Blegay, the other bill sponsor, wanted to make sure they were not hurting the development of affordable housing. The County Council wants to listen to all parties.

Ms. Janet Gingold, with the Prince George's County Sierra Club, testified in support of the legislation, including the amendments described by Mr. Irving. The legislation will address air quality and environmental justice issues.

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Ms. Sarah Price, speaking on behalf of the Maryland Retailers Alliance, expressed that the organization understands the need for the legislation but has concerns about the inclusion of retail. There are many questions regarding the cost of installing and maintaining infrastructure, which will increase the cost of development.

On motion of Chair Ivey, seconded by Council Member Blegay, the Committee of the Whole voted 7-0 to hold the bill.

On October 15, 2024, the County Council sitting as the Committee of the Whole continued discussions on CB-067-2024 (Proposed DR-2)

Mr. Irving discussed additional amendments to CB-067-2024 (Proposed DR-2). The amendments include removing EV-capable parking spaces, expanding the applicable projects beyond those requiring detailed site plan approval, revising the implementation date from January 1, 2025, to January 1, 2027, reducing the parking percentage requirements, and removing retail sales uses and shopping centers from the bill. The amendments are listed below.

On page 1, Line 7, strike “, retail”

On page 2, strike Lines 30 and 31 in their entirety. Also, on Page 3, strike Lines 1-5 in their entirety.

On the following pages, strike the phrase “For detailed site plans issued”

Page 4, Line 31

Page 5, Line 5

Page 5, Line 11

On the following pages, strike “2025” and insert “2027”

Page 4, Line 31

Page 5, Line 5

Page 5, Line 11

On Page 5, Line 1, strike “multifamily dwellings” and insert “the multifamily dwelling principal use type”.

On the following pages, strike “EV-Capable,”:

Page 5, Line 2

Page 5, Line 7

Page 5, Line 12

On Page 5, Line 6, strike “uses in the following principal categories” and insert “office uses”.

On Page 5, Lines 9-10, strike "Office Uses; Retail Sales and Service Uses; and Shopping Centers”.

On Page 5, Line 18, Table 27-6305(e):

Delete Column 2 “EV-Capable Parking Spaces”

Row 2, Column 1, strike “Office Uses” and insert “Uses in the Office Uses Principal Use Category”

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Row 2, Column 4, strike “10%” and insert “5%”

Strike Rows 3 and 4 in their entirety.

Row 5, Column 1, strike “Multifamily Dwellings” and insert “The Multifamily Dwelling Principal Use Type”

Row 5, Column 3, strike “20%” and insert “10%”

Row 5, Column 4, strike “20%” and insert “5%”

Row 6, Column 1, strike “Mixed Use” and insert “Mixed Use Developments”.

Row 6, Column 4, strike “10%” and insert “5%”

Chair Ivey explained that she and Council Member Blegay, the other bill sponsor, wanted to ensure that they were not harming the development of affordable housing by enacting overly burdensome legislation.

Council Member Blegay stated that electric vehicles are the future and that Prince George's County will be ahead of the region. The County Council is trying to strike a balance.

Ms. Janet Gingold with the Prince George's County Sierra Club testified in support of CB-067-2024 (Proposed DR-2) but was disappointed that the amendments decreased the number of parking spaces. The legislation is an important step in the right direction. Ms. Gingold requested the County Council reconsider the percentage of EV parking spaces. People should have available EV charging where they work and live.

Ms. Sarah Price, speaking on behalf of the Maryland Retailers Alliance, testified in support of CB-067-2024 (Proposed DR-2) with additional amendments.

Mr. Brendan Mahoney with the Restaurant Association of Maryland testified in support of legislation CB-067-2024 (Proposed DR-2) with amendments. He requested that the County Council examine where EV charging would make the most sense. He explained that quick-service restaurants may not be the appropriate location since customers are there for a very short period of time.

Council Member Blegay clarified that the bill is not intended for quick-service restaurants, although that may be needed in the future. However, it does require EV charging in office locations.

On motion of Council Member Blegay, seconded by Chair Ivey, the County Council sitting as the Committee of the Whole voted 8-0 favorably on CB-067-2024 as amended.