



SEATTLE CITY COUNCIL

Legislative Summary

CB 119472

Record No.: CB 119472

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125815

In Control: City Clerk

File Created: 01/29/2019

Final Action: 05/08/2019

Title: AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.24.045, 23.49.019, 23.54.030, and 23.84A.010 of the Seattle Municipal Code; adding new requirements related to electric vehicle charging infrastructure.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: O'Brien

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: bonita.chinn@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------|--|------------|--|---|-----------|-----------------|---------|
| 1 | Mayor | 02/19/2019 | Mayor's leg transmitted to Council | City Clerk | | | |
| 1 | City Clerk | 02/19/2019 | sent for review | Council President's Office | | | |
| | Action Text: The Council Bill (CB) was sent for review. to the Council President's Office | | | | | | |
| | Notes: | | | | | | |
| 1 | Council President's Office | 02/22/2019 | sent for review | Planning, Land Use, and Zoning Committee | | | |
| | Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee | | | | | | |
| | Notes: | | | | | | |
| 1 | City Council | 03/04/2019 | referred | Sustainability and Transportation Committee | | | |
| | Action Text: The Council Bill (CB) was referred. to the Sustainability and Transportation Committee | | | | | | |

Notes:

- 1 Sustainability and Transportation Committee 04/02/2019 discussed
Action Text: The Council Bill (CB) was discussed.
Notes:

- 1 Sustainability and Transportation Committee 04/16/2019 pass as amended Pass
Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB).
Notes:

A Public Hearing was held.

In Favor: 2 Chair O'Brien, Member Sawant

Opposed: 0

- 2 City Council 04/29/2019 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:

In Favor: 7 Councilmember Bagshaw, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant

Opposed: 0

Absent(NV): 1 Councilmember Mosqueda

- 2 City Clerk 05/02/2019 submitted for Mayor's signature
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

- 2 Mayor 05/08/2019 Signed
Action Text: The Council Bill (CB) was Signed.

- 2 Mayor 05/08/2019 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk

- 2 City Clerk 05/08/2019 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
-

CITY OF SEATTLE

ORDINANCE

125815

COUNCIL BILL

119472

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.24.045, 23.49.019, 23.54.030, and 23.84A.010 of the Seattle Municipal Code; adding new requirements related to electric vehicle charging infrastructure.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.062 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.22.062 Unit lot subdivisions

* * *

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the King County Recorder. For common parking areas and garages, access easements and joint use and maintenance agreements shall include the right to use any required electric vehicle charging infrastructure and the terms of use.

* * *

Section 2. Section 23.24.045 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.24.045 Unit lot subdivisions

* * *

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open

space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections. For common parking areas and garages, access easements and joint use and maintenance agreements shall include the right to use any required electric vehicle charging infrastructure and the terms of use.

* * *

Section 3. Section 23.49.019 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.49.019 Parking quantity, location, and access requirements, and screening and landscaping of parking areas

* * *

K. Electric vehicle charging infrastructure. Off-street parking spaces shall be designed according to the standards of subsection 23.54.030.L.

Section 4. Section 23.54.030 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.54.030 Parking space and access standards

All parking spaces provided, whether required by Section 23.54.015 or not, and required barrier-free parking, shall meet the standards of this Section 23.54.030.

* * *

L. Electric vehicle (EV) charging infrastructure. New parking spaces provided on a lot when a new building is constructed shall be “EV-ready” as specified in this subsection 23.54.030.L. The required number of EV-ready parking spaces shall be determined by whether the parking is for a residential or nonresidential use. Parking that is clearly set aside and reserved

1 for residential use shall meet the standards of subsection 23.54.030.L.1; parking for all other uses
2 within the structure shall meet the standards of subsection 23.54.030.L.2.

3 1. Residential uses

4 a. Private parking for individual residential units. When parking for
5 any individual dwelling unit is provided in a private garage, carport, or parking area, separate
6 from any parking facilities serving other units, at least one parking space in that garage, carport,
7 or parking area shall be EV-ready.

8 b. Surface parking for multiple residences. When parking for
9 multifamily residential uses is provided in a surface parking area serving multiple residences, the
10 number of parking spaces that shall be EV-ready shall be as follows:

11 1) When between one and six parking spaces are provided,
12 each of those parking spaces shall be EV-ready;

13 2) When between seven and 25 parking spaces are provided, a
14 minimum of six of those parking spaces shall be EV-ready; and

15 3) When more than 25 parking spaces are provided, a
16 minimum of 20 percent of those parking spaces shall be EV-ready.

17 c. Parking garages for multiple residences. When parking for
18 multifamily residential uses is provided in a parking garage serving multiple residences, a
19 minimum of 20 percent of those parking spaces shall be EV-ready.

20 d. Other residential uses. When parking is provided for all other
21 residential uses, a minimum of 20 percent of those spaces shall be EV-ready.

22 2. Nonresidential uses. When parking is provided for nonresidential uses, a
23 minimum of ten percent of those spaces shall be EV-ready.

3. Rounding. When calculating the number of required EV-ready parking spaces, any fraction or portion of an EV-ready parking space required shall be rounded up to the nearest whole number.

4. Reductions

a. The Director may, in consultation with the Director of Seattle City Light, reduce the requirements of this subsection 23.54.030.L as a Type I decision where there is substantial evidence substantiating that the added electrical load that can be attributed to meeting the requirements will:

1) Alter the local utility infrastructure design requirements on the utility side of the legal point of service, so as to require on-property power transformation; or

2) Require an upgrade to an existing residential electrical service.

b. In cases where the provisions of subsection 23.54.030.L.4.a have been met, the maximum quantity of EV charging infrastructure required to be installed shall be reduced to the maximum service size that would not require the changes to transformation or electrical service in subsection 23.54.030.L.4.a. The Director may first reduce the required level of EV infrastructure at EV-ready parking spaces from 40-amp to 20-amp circuits. If necessary, the Director may also then reduce the number of required EV-ready parking spaces or otherwise reduce the level of EV infrastructure at EV-ready parking spaces.

c. The Director may establish by rule the procedures and documentation required for a reduction.

5. All EV charging infrastructure shall be installed in accordance with the Seattle Electrical Code. Where EV-ready surface parking spaces are located more than 4 feet

1 from a building, raceways shall be extended to a pull box or stub in the vicinity of the designated
2 space and shall be protected from vehicles.

3 6. Accessible parking. Where new EV-ready parking spaces and new
4 accessible parking are both provided, parking facilities shall be designed so that at least one
5 accessible parking space shall be EV-ready.

6 7. Nothing in this subsection 23.54.030.L shall be construed to modify the
7 minimum number of off-street motor vehicle parking spaces required for specific uses or the
8 maximum number of parking spaces allowed, as set forth in Section 23.54.015 or elsewhere in
9 this Title 23.

10 8. This Section 23.54.030 does not require EV supply equipment, as defined
11 by Article 100 of the Seattle Electrical Code, to be installed.

12 Section 5. Section 23.84A.010 of the Seattle Municipal Code, last amended by Ordinance
13 123649, is amended as follows:

14 **23.84A.010 “E”**

15 * * *

16 “Electric scooter” means a vehicle: (1) with a handlebar for steering, two wheels less than
17 18 inches in diameter, and a saddle or seat for the operator and any passenger; (2) propelled by
18 an electric motor or by an electric motor in combination with human propulsion; and (3)
19 incapable of exceeding a speed of 30 miles per hour on level ground.

20 “Electric vehicle” shall have the same meaning accorded by Article 100 of the Seattle
21 Electrical Code, as that section currently exists or is hereafter amended.

22 “Electric vehicle ready” or “EV-ready” means a parking space that is designed and
23 constructed to include a fully-wired circuit with a 208/240-volt, 40-amp electric vehicle charging

1 receptacle outlet or termination point, including conduit and wiring and the electrical service
2 capacity necessary to serve the receptacle, to allow for future installation of electric vehicle
3 supply equipment, as defined by Article 100 of the Seattle Electrical Code.

4 * * *

5 Section 6. The City Council requests that the Seattle Department of Construction and
6 Inspections and the Office of Sustainability and Environment provide a report to Council
7 evaluating the implementation of these requirements by June 1, 2022. The report should include
8 the number of electric vehicles and total number of light-duty motor vehicles registered in
9 Seattle, and the following information related to permits issued for development projects with
10 off-street parking facilities: the total number of new parking spaces provided; the number of EV-
11 ready parking spaces required by the Land Use Code and provided by the project; the type of
12 development (e.g., single-family, townhouses, apartments, commercial, etc.) associated with
13 these parking spaces and their location in Seattle; and the number of reductions to standards
14 granted through a Type I decision. The report should also recommend adjustments to EV-ready
15 standards if the standards are not meeting intended outcomes.

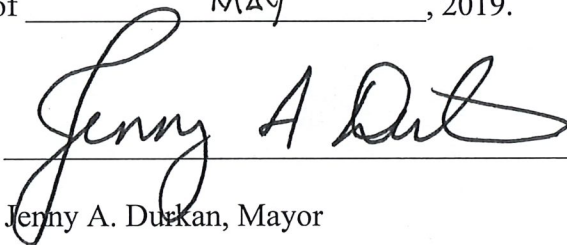
Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of April, 2019,
and signed by me in open session in authentication of its passage this 29th day of
April, 2019.

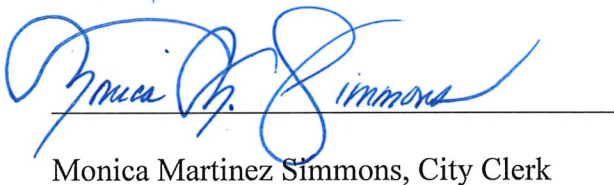


President _____ of the City Council

Approved by me this 8th day of May, 2019.


Jenny A. Durkan, Mayor

Filed by me this 8th day of MAY, 2019.


Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

| Department: | Dept. Contact/Phone: | CBO Contact/Phone: |
|--|------------------------------|-------------------------------|
| Seattle Department of Construction & Inspections | Christina Ghan /206-233-3749 | Christie Parker /206-684-5211 |

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.24.045, 23.49.019, 23.54.030, and 23.84A.010 of the Seattle Municipal Code; adding new requirements related to electric vehicle charging infrastructure.

Summary and background of the Legislation:

The Department of Construction and Inspections (SDCI) is recommending amendments to the parking standards in the Land Use Code, to require all new buildings in Seattle that include new off-street parking to provide electric vehicle (EV) charging infrastructure.

The proposal was developed in partnership with the Office of Sustainability and Environment. It was included in Mayor Durkan's 2018 Climate Action Strategy as one of her 12 priority climate actions and is a key milestone in the City's efforts to electrify vehicles in Seattle and put us on the path to meet our carbon neutral goal. The proposal is an important component of the City's strategy to support the electrification of transportation, as established in Council Resolution 31696 in 2016.

The proposed bill would require that a certain portion of new off-street parking provided in association with new buildings include the wiring and power outlets necessary to be considered "EV-ready" to make it easier for someone to install charging equipment/stations there in the future. The required power outlets would provide 208/240 volt, 40-amp power, which is sufficient for "Level 2" charging. The bill would not require installation of charging stations. The number of EV-ready parking spaces required would vary depending on 1) the type of land use, and 2) the type and number of parking facilities provided. The legislation includes the following key components:

- Requires that each private garage or private parking area provided for an individual residence (such as a single-family house, duplex, or townhouse) includes an EV-ready space (a 208/240 volt, 40-amp power outlet);
- Requires that multifamily development with shared parking garages or shared surface parking lots provide at least 20% of the spaces as EV-ready, with higher requirements for smaller parking facilities;
- Requires that parking facilities for non-residential uses include a minimum of 10% of the spaces as EV-ready; and
- Allows flexibility from the EV requirements in instances where meeting the requirements would require certain types of upgrades to the utility infrastructure.

These requirements would apply regardless of whether the parking was required by the Land Use Code or provided for other reasons. The requirements are not intended to impact the number of off-street parking spaces constructed. The proposal would apply to properties in all areas of the City, where new development providing off-street parking occurs.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The legislation is not anticipated to require additional staffing resources. The new EV infrastructure requirements would not impact the number of applications for land use/building permits or electrical permits from SDCI, or the number of applications for new service connections submitted to City Light. Permit reviews for the EV infrastructure required by the legislation would be incorporated into the reviews for a new development project that would otherwise occur. SDCI staff time reviewing individual land use/building permits for new development that includes parking is likely to increase slightly due to the added requirements, however not to an extent that would likely require additional resources. Similarly, SDCI staff time reviewing electrical permits and City Light staff time reviewing new service connections may increase slightly due to the increase in the amount of electrical infrastructure in a new development project, however this change is expected to be minimal when compared to the total amount of time spent reviewing plans for new development. Customers may also contact City Light staff about load considerations earlier than is typical, however the timing of such conversations is not expected to have an impact on staff resources. The legislation would likely increase the amount of electrical service equipment (such as transformers) required for new development that includes parking, however City Light collects the costs of providing that equipment from customers through its process for new service connections, so the department would not experience any fiscal impacts.

The legislation contains a pathway for applicants to request flexibility from EV requirements if providing the required infrastructure would require certain types of electric utility upgrades. Only a limited number of projects (estimated at 20 to 40 townhouse/rowhouse/DADU projects a year) are expected to apply and qualify for such requests. This request would occur at the time of the electrical permit review, which could slightly increase the amount of staff time necessary to complete the review. Existing fees for electrical permits, including hourly fees for revisions or corrections, would be adequate to cover any costs associated with staff time for this additional process. City Light staff would also need to be consulted for these requests, however this would likely occur as part of the applicant's request for a new electrical service connection. As such, existing SDCI and SCL staff resources and permit fees are anticipated to be adequate.

This legislation does not include resources related to performance reporting on the amount of EV infrastructure provided in new development after the changes are implemented. Such reporting would likely require technology improvements necessary to allow EV-charging data to be more easily tracked in SDCI's permitting software program or staff time to manually gather the data from individual permit records.

Is there financial cost or other impacts of *not* implementing the legislation?

In the long run, if current trends continue and EVs continue to increase in popularity, it will become increasingly necessary for many property owners to retrofit parking facilities for EV charging. This could increase the number of electrical and/or building permits needed to complete such retrofits. Some retrofits would also require upgrades to existing electrical service connections or new service connections from City Light.

EV readiness is a critical pathway to EV adoption. It is unlikely that Seattle will be able to achieve its transportation-electrification and carbon-neutral goals without adopting robust EV readiness requirements.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

As acknowledged in Section 3 above, the legislation has implications for Seattle City Light in regard to electrical services connections for new development.

b. Is a public hearing required for this legislation?

Yes. The City Council is required to hold a public hearing on the proposal and will conduct a public hearing during their review of the proposed legislation anticipated to be held in 2019.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was also made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.

e. Does this legislation affect a piece of property?

This legislation would apply to properties in all areas of the City, where new development providing off-street parking occurs.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

This legislation is not anticipated to negatively impact vulnerable or historically disadvantaged communities. The proposal is intended to provide equitable access to charging infrastructure in all new development regardless of income levels or geography. This would allow low-income communities better access to EVs, which can reduce localized carbon emissions and can offer reduced transportation costs.

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

Not applicable. This legislation does not involve a new initiative or programmatic expansion. It is a component of the Drive Clean Seattle initiative.

List attachments/exhibits below:

None.

STATE OF WASHINGTON -- KING COUNTY

--SS.

373962

No. 125812,813,814,815

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

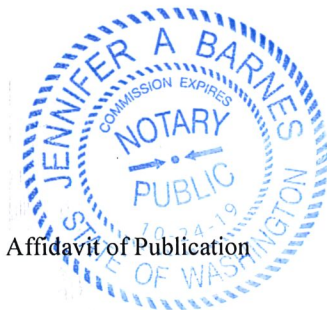
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCES

was published on

05/17/19

The amount of the fee charged for the foregoing publication is the sum of \$77.63.



Affidavit of Publication

Subscribed and sworn to before me on

05/17/2019

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on April 29, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125812

Council Bill 119503

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125813

Council Bill 119502

AN ORDINANCE relating to the Cedar River Municipal Watershed; amending the Secondary Use Policies, adopted by Ordinance 114632, to provide for the limited application of the herbicide imazapyr to treat invasive knotweed species.

Ordinance 125814

Council Bill 119493

AN ORDINANCE relating to City employment, commonly referred to as the First Quarter 2019 Employment Ordinance; designating positions as exempt from the civil service system; authorizing payment of the employee's 2019 premium share into the Washington State paid family and medical leave insurance program; and ratifying and confirming certain prior acts; all by a 2/3 vote of the City Council.

Ordinance 125815

Council Bill 119472

AN ORDINANCE relating to land use and zoning; amending Sections 23.22.062, 23.24.045, 23.49.019, 23.54.030, and 23.84A.010 of the Seattle Municipal Code; adding new requirements related to electric vehicle charging infrastructure.

Date of publication in the Seattle Daily Journal of Commerce, May 17, 2019.

5/17(373962)