



Memo

Date: October 21, 2022

To: Planning and Sustainability Commission members

From: Ingrid Fish and Phil Nameny

Cc: Patricia Diefenderfer and Sandra Wood

Re: Electric Vehicle (EV) Ready Code Project – Potential Amendments

On October 25, 2022, the Planning and Sustainability Commission (PSC) will hold a work session and vote on the Electric Vehicle (EV) Ready Code Project. This memo includes the code language for potential amendments that the PSC discussed on October 11. Staff also had a technical amendment requested for the draft. The amendments cover the following areas:

1. Allowing Electric Vehicle (EV) chargers and equipment in a portion of perimeter parking lot landscaping.
2. Including Electric Bike (e-bike) chargers in the list of nonconforming cost exemptions.
3. Staff Technical Amendment on car sharing spaces providing EV chargers.

Below are the three amendments. For the first amendment, we have also included some background information for the amendment, based on questions raised during the October 11 work session. We are looking to the PSC to discuss and vote on the amendments and then vote on the whole project. Commentary will be changed within the Recommended Draft to reflect these code amendments.

1. Allowing Electric Vehicle (EV) chargers and equipment in a portion of perimeter parking lot landscaping

Staff's proposal limited the EV chargers and equipment from locating in the required perimeter landscaped areas, which is 5-feet in most zones (10-feet in EG2 and IG2 zones). The intent of the original proposal was to ensure that the screening, buffering, tree canopy and stormwater options could be maintained, as stated in the purpose of the regulation. Where perimeter landscaping couldn't be maintained, applicants may apply for an Adjustment where options and mitigation could be discussed on a case-by-case basis.



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At the PSC work session, Commissioners expressed an interest in allowing increased flexibility for locating chargers and accessory equipment, especially for Level 2 chargers which often take up less space. (Note that the Level 2 charger is the anticipated minimum charger size that state and local regulations anticipate as part of the EV-ready requirements.) At the same time, staff was interested in continuing to keep a minimum amount of area for maintaining landscaping.

The following amendment allows chargers, equipment and protective barriers like bollards to locate 2-feet within the perimeter landscaping strip. This would allow the chargers to locate adjacent to the parking space without having to be placed in the paved parking area in many situations. In addition, the amendment removes the option for equipment to project into minimum required parking spaces, since that was found to not be feasible. The following amendment replaces the language originally proposed in 33.266.130, with the shaded areas indicating the main changes.

33.266.130 Development Standards for All Other Development

- A. Purpose.** The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution; and
- Provide flexibility for locating electric vehicle chargers and equipment while limiting their impact on adjacent streets and lots



B. Where these standards apply. The standards of this section apply to all vehicle areas whether required or excess parking, except for residential vehicle areas subject to the standards of 33.266.120.

C-F. [No change]

G. Parking area setbacks and landscaping.

1. All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.
2. Setbacks and perimeter landscaping.
 - a-b. [No change.]
 - c. Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Unless allowed under 33.266.130.H, protective curbs, tire stops, bollards or other protective barriers are not allowed within the minimum required setbacks.

Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E, I, or CI zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS, R, or IR zone lot line	5 ft. of L3	10 ft. of L3

d. [No change]

3. [No change]

H. Electric vehicle chargers in parking areas. Electric vehicle chargers, accessory equipment, and protective curbs, tire stops, bollards or other barriers needed to protect the charger or accessory equipment, may be located within parking areas, or outside of parking areas but directly adjacent to a parking space, as follows:

1. The chargers, accessory equipment, and protective barriers cannot project more than 2 feet into required perimeter landscaping areas; and
2. Accessory equipment must be screened from the street and adjacent residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.



2. Including Electric Bike (e-bike) chargers in the list of nonconforming cost exemptions

The Proposed Draft included a provision within the nonconforming upgrade chapter that exempted the installation of EV chargers and equipment from being calculated into total project costs for the purpose of assessing nonconforming upgrades. PSC members suggested including electric bike installations in this exemption. The following code language includes an amendment to the section 33.258.070. The area that is altered from the staff proposal has been shaded.

33.258.070 Nonconforming Development

A-C. [No change]

D. Development that must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. [No change]
2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.
 - a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$330,800. The following alterations and improvements do not count toward the threshold:
 - (1-7) [No change];
 - (8) Landscaping required by 33.475.220; ~~and~~
 - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900' ~~and~~;
 - (10) The installation of electric bike and electric vehicle chargers and accessory equipment.
 - b-d. [No change]

E-G. [No change]



3. BPS Technical Amendment re: car sharing spaces providing EV chargers

At the time of the original proposal, the outcome of the State's Climate Friendly and Equitable Communities rulemaking was still in flux. Staff had proposed an additional requirement for car sharing spaces to be electrified to reduce minimum parking requirements. Since the time of the proposal, the City anticipates that it will remove all minimum parking requirements to conform with the new state rules. As a result, this section of code would be removed. Staff has proposed to eliminate this new requirement from the EV Ready Code Project, as it would only be in place for 3 months. The language proposed to be removed is on page 39 of the Proposed Draft.

The code below is being shown for illustrative purposes because no amendments to the current Zoning Code are necessary (other than the re-lettering shown in shaded font). With the elimination of requiring electrification of car sharing spaces, this code section will read as follows:

33.266.110 Minimum Required Parking Spaces

ED. **Exceptions to the minimum number of parking spaces.** The minimum number of required parking spaces may be reduced as follows:

1. [No change]
2. Other exceptions. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this Paragraph. The 50 percent limit applies cumulatively to all exceptions in this Paragraph:
 - a-e. [No change]
 - f. Car-sharing parking spaces may substitute for required parking if all of the following are met:
 - (1) For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by 2 spaces, up to a maximum of 25 percent of the required parking spaces;
 - (2) The car-sharing parking spaces must be shown on the building plans; and
 - (3) A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.
 - g. [No change]

Next Step

As stated above, once these amendments are discussed and approved on October 25, we are looking for the PSC to make their recommendation to City Council. The recommendation from the PSC is for City Council to:

- Adopt the Proposed Draft, as amended.
- Amend Title 33, Planning and Zoning as reflected in the Proposed Draft, as amended.

