

**\*\*PUBLIC HEARING DRAFT\*\***

**ORDINANCE NO. 2022-14**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, amending Sections 18.15.020 and 18.36.030 and Tables 18.15.020-3 and 18.15.020-4 of the Bainbridge Island Municipal Code related to electric vehicle charging.

**WHEREAS**, a 2020 report from the American Lung Association found that “widespread transition to zero-emission transportation technologies could produce emission reductions in 2050 that could add up to \$72 billion in avoided health harms, saving approximately 6,300 lives and avoiding more than 93,000 asthma attacks and 416,000 lost work days annually due to significant reductions in transportation-related pollution”; and

**WHEREAS**, the 2020 Climate Action Plan adopted by the City Council on November 10, 2020, highlights the importance of reducing transportation emissions, and identifies increased electric vehicle charging as a strategy that could yield a notable greenhouse gas reduction and upon which local government could have a strong direct influence; and

**WHEREAS**, the 2020 Climate Action Plan includes a target to have 80 percent of registered vehicles on Bainbridge Island be either electric vehicles or plug-in hybrid electric vehicles by 2045; and

**WHEREAS**, providing adequate charging infrastructure can reduce barriers to electric vehicle adoption; and

**WHEREAS**, WAC 51-50-0429 sets requirements for electric vehicle supply equipment installation for the construction of new buildings and accessory units, in accordance with applicable requirements of Chapter 19.28 RCW and the National Electrical Code, Article 625; and

**WHEREAS**, the City wishes to be a leader in promoting low carbon forms of transportation and ensuring that any new, applicable development is planning for future electric vehicle demand; and

**WHEREAS**, the Planning Commission considered draft Ordinance No. 2022-14 on July 28 and August 25, 2022; and

**WHEREAS**, the Planning Commission held a public hearing on Ordinance No. 2022-14 on September 29, 2022, and after closing the public hearing, continued discussion of Ordinance No. 2022-14, and made a recommendation of \_\_\_\_\_ to the City Council; and

**WHEREAS**, notice was given on September 16, 2022, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

**WHEREAS**, on \_\_\_\_\_, the City Council considered Ordinance No. 2022-14; and

**WHEREAS**, on \_\_\_\_\_, the City Council approved Ordinance No. 2022-14.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Section 18.15.020.B. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

**B. General Requirements.**

1. Driveways, parking, and walkways shall accommodate pedestrians, motor vehicles and bicycles used by occupants or visitors of a structure or use. Location is subject to review of the planning and engineering departments.
2. No building permit shall be issued until the applicant has submitted satisfactory plans demonstrating that required parking facilities will be provided and maintained.
3. Unless authorized by a conditional use permit or this title, the use of property in a residential zone for commercial parking is prohibited.
4. All driveways and other parking areas, except those serving single-family residences, shall be surfaced with permanent materials acceptable to the public works department, and shall be designed to manage stormwater runoff in accordance with Chapter 15.20 BIMC.
5. Residential parcels are encouraged to have two-track driveways (also known as Hollywood or wheel strip driveways).
6. Unless approved by the director, only a single access to public right-of-way is allowed for an individual lot. More than one access may be allowed by the director if the director determines, based on drawings or other information submitted by the applicant, that (a) the proposed site access includes measures that mitigate any identified negative impacts or effects that would result from the additional access point(s); and (b) the additional access point(s) will improve on-site or off-site traffic flow or is necessary for, or will help facilitate, compliance with other requirements of this chapter.

7. Joint use of required access ways with adjacent properties is encouraged. The director may approve joint access if the applicant demonstrates to the satisfaction of the director that the joint access (a) will promote the orderly development of the surrounding area; or (b) will help reduce or avoid cumulative adverse impacts that would result from each property accessing the right-of-way separately; and (c) will not create a safety hazard.
8. With the exception of single-family and duplex buildings on individual lots, access and parking spaces shall be designed so that no backing movement by a vehicle, except emergency and service and delivery vehicles, shall be allowed onto a public right-of-way; provided, that the director may waive this requirement where no reasonable design alternative exists.
9. No parking space may block access to other parking spaces unless tandem parking has been approved for a single residence or individual dwelling units of a multifamily structure.
10. On-street parking created or designated in conjunction with and adjacent to a project may be included in the parking space calculation upon approval of the director.
11. ~~When a new or expanded commercial or mixed use development is required to provide parking for more than 10 25 cars, at least one parking space near the entrance must be reserved and signed for use by a shared car program or the development shall integrate electric vehicle charging station infrastructure as required in BIMC 18.15.020.C.3. For the purposes of this section, expansion means that a development is expanded by more than five percent of its existing floor area, or by more than five percent of its overall size in cases where floor area is not applicable.~~
12. When a new development is required to provide parking for more than 25 cars, at least one parking space near the entrance must be reserved and signed for use by a shared-car program. All parking spaces reserved and signed for use by a shared-car program must also be EV-capable.
13. The provisions of subsections 11 and 12 are intended to amend and supersede the state building code provisions in WAC 51-50-0429. Further, the provisions of subsections 11 and 12 do not apply to single-family residences and multifamily residential buildings containing four or fewer residential units as defined in RCW 19.27.015(4).
14. ~~12.~~ For all development except for single-family residential, the required parking for two or more complementary uses may be reduced up to 50 percent when provided by a common parking lot, but may not be reduced below the highest parking requirement. The reduction shall be reviewed and authorized by the director of planning and community development together with a site

plan and design review permit, building permit, or business license, depending on when the parking space reduction is proposed.

**Section 2.** Section 18.15.020.C. of the Bainbridge Island Municipal Code is hereby amended to add a new subsection as follows:

3. Electric vehicle (“EV”) charging infrastructure. Electric vehicle charging infrastructure shall be provided for new or expanded buildings, and new paved surface parking lots and parking garages, according to this section and Tables 18.15.020-3 and 18.15.020-4. Where a building or development contains more than one occupancy, the electric vehicle charging infrastructure percentages of Table 18.15.020-3 shall be applied to the number of spaces required for each occupancy.
  - a. Rounding. When calculating the number of required EV parking spaces, any fraction or portion of an EV parking space required shall be rounded up to the nearest whole number.
  - b. Higher levels of EV infrastructure can satisfy lower EV infrastructure requirements. For instance, an EVSE parking space may count towards meeting EV-capable or EV-ready parking space requirements of Table 18.15.020-3.
  - c. Ten percent of the accessible parking spaces, rounded to the next whole number, shall have EV Charging Stations and 10 percent shall be EV-ready. There shall be at least one accessible space for each type of EV charging system. The EV charging infrastructure may also serve adjacent parking spaces not designated as accessible parking. A maximum of 10 percent of the accessible parking spaces, rounded to the next whole number, are allowed to be included in the total number of electric vehicle parking spaces required under Table 18.15.020-3.
  - d. Where EV-ready and EV-capable exterior on-grade surface parking spaces are located more than 4 feet from a building, raceways shall be extended to a pull box or stub in the vicinity of the designated space and shall be protected from vehicles by a curb or other device.
  - e. Where an electric vehicle load management system is installed to fulfill the requirements of Table 18.15.020-3, the maximum number of EVSE parking spaces that may be connected to the same electrical circuit in the building is as shown in Table 18.15.020-4.
  - f. All EV charging infrastructure shall be installed in accordance with the National Electrical Code (NFPA 70). For EV-ready parking spaces, the branch circuit shall be identified as “Electric Vehicle Ready” in the service panel or

subpanel directory, and the termination location shall be marked as “Electric Vehicle Ready.”

- g. Incentives for providing additional EV charging infrastructure.
  - i. If DC fast charging stations (480 volts) are provided rather than Level 2 charging stations, the required number of vehicle parking spaces may be reduced by 5%.
  - ii. If one electric vehicle charging station is provided for every 5 required parking stalls, the required number of vehicle parking spaces may be reduced by 5%.
- h. Electric vehicle charging stations are reserved solely for charging of electric vehicles. All EVSE parking spaces shall have designated signage and pavement markings as set forth in RCW 46.08.185. Contact information for the charging station operator shall be posted on the charging station equipment in order to report malfunctions or other issues.

**Table 18.15.020-3 Electric vehicle (“EV”) charging infrastructure**

<u>Building Code Occupancy</u>	<u>Number of EVSE Parking Spaces</u>	<u>Number of EV-Ready Parking Spaces</u>	<u>Number of EV-Capable Parking Spaces</u>
<u>Group A, B, E, F, H, I, M, and S occupancies (nonresidential buildings)</u>			
<u>New buildings</u>	<u>10% of total parking spaces</u>	<u>30% of total parking spaces</u>	<u>20% of total parking spaces</u>
<u>Existing buildings proposed for expansion</u>	<u>5% of total parking spaces</u>	<u>10% of total parking spaces</u>	<u>20% of total parking spaces</u>
<u>New Paved Surface Parking Lots and Parking Garage Uses</u>	<u>10% of total parking spaces</u>	<u>30% of total parking spaces</u>	<u>20% of total parking spaces</u>
<u>Group R-2 buildings with 5 or more dwelling units</u>			
<u>New buildings</u>	<u>10% of total parking spaces</u>	<u>25% of total parking spaces</u>	<u>10% of total parking spaces</u>
<u>Existing buildings proposed for expansion</u>	<u>5% of total parking spaces</u>	<u>10% of total parking spaces</u>	<u>20% of total parking spaces</u>

Note: Building Code Occupancies are defined in the International Building Code and International Residential Code.

**Table 18.15.020-4 Maximum Number of EVSE Per Circuit Breaker Rating**

<u>Minimum Circuit Breaker Rating (AMPS)</u>	<u>Maximum Number of EVSE Per Circuit</u>
<u>20</u>	<u>1</u>
<u>30</u>	<u>2</u>
<u>40</u>	<u>4</u>
<u>50</u>	<u>5</u>
<u>60</u>	<u>6</u>
<u>70</u>	<u>7</u>
<u>80</u>	<u>8</u>
<u>90</u>	<u>10</u>
<u>100</u>	<u>11</u>
<u>125</u>	<u>14</u>
<u>150</u>	<u>17</u>

**Section 3.** Effective July 1, 2023, Table 18.15.020-3 is further amended to read as follows:

**Table 18.15.020-3 Electric vehicle (“EV”) charging infrastructure**

<u>Building Code Occupancy</u>	<u>Number of EVSE Parking Spaces</u>	<u>Number of EV-Ready Parking Spaces</u>	<u>Number of EV-Capable Parking Spaces</u>
<b>Group A, B, E, F, H, I, M, and S occupancies (nonresidential buildings)</b>			
<u>New buildings</u>	<u>10% of total parking spaces</u>	<u>30% of total parking spaces</u>	<u>20% of total parking spaces</u>
<u>Existing buildings proposed for expansion</u>	<u>5% of total parking spaces</u>	<u>10% of total parking spaces</u>	<u>20% of total parking spaces</u>
<u>New Paved Surface Parking Lots and Parking Garage Uses</u>	<u>10% of total parking spaces</u>	<u>30% of total parking spaces</u>	<u>20% of total parking spaces</u>
<b>Group R occupancies</b>			
<u>Buildings that do not contain more than two dwelling units</u>	<u>Not required</u>	<u>One for each dwelling</u>	<u>Not required</u>
<u>Dwelling units with private garages</u>	<u>Not required</u>	<u>One for each dwelling</u>	<u>Not required</u>
<u>All other Group R occupancies</u>	<u>10% of total parking spaces</u>	<u>25% of total parking spaces</u>	<u>10% of total parking spaces</u>

Note: Building Code Occupancies are defined in the International Building Code and International Residential Code.

**Section 4.** Section 18.36.030 of the Bainbridge Island Municipal Code is hereby amended to add the following definitions:

“Electric Vehicle” or “EV” means a vehicle registered for on-road use, primarily powered by an electric motor that draws current from a rechargeable storage source that is charged by being plugged into an electrical current source.

“Electric Vehicle Capable Parking Space” or “EV-Capable Parking Space” means a parking space that is provided with a listed raceway capable of accommodating a minimum of 40-ampere dedicated 208/240-volt branch circuit. The raceway shall terminate into a cabinet, box, or other enclosure in close proximity to the proposed location of the EV-Capable parking space. Raceways and related components that are planned to be installed underground, and in enclosed, inaccessible, or concealed areas and spaces, shall be installed at the time of original construction.

“Electric Vehicle Ready Parking Space” or “EV-Ready Parking Space” means a parking space that is provided with a minimum 40-ampere dedicated 208/240-volt branch circuit for electric vehicle supply equipment that is terminated at a receptacle, junction box, or electric vehicle supply equipment within the parking space in order to allow for future installation of electric vehicle supply equipment.

“Electric Vehicle Supply Equipment” or “EVSE” means the conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personnel protection system, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and an electric vehicle.

“Electric Vehicle Supply Equipment Parking Space” or “EVSE Parking Space” means a parking space with electric vehicle supply equipment capable of supplying current at 208/240 volts.

“Electric Vehicle Load Management System” means a system designed to optimize a property’s charging loads so that electricity is equitably distributed among multiple electric vehicle supply equipment simultaneously.

**Section 5. Severability.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.



**Section 6.** This ordinance shall take effect on January 1, 2023, provided, that the amendment of Table 18.15.020-3 set forth in Section 3 of this ordinance shall take effect on July 1, 2023. The ordinance will be published as required by law.

PASSED by the City Council this \_\_\_\_\_.

APPROVED by the Mayor this \_\_\_\_\_.

ATTEST/AUTHENTICATE:

\_\_\_\_\_  
Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE:

January 1, 2023; Pursuant to Section 3, Table 18.15.020-3 is further amended as stated herein effective July 1, 2023.

ORDINANCE NUMBER:

2022-14