

TOWN OF BROOKLINE
ADVISORY COMMITTEE
PLANNING AND REGULATION SUBCOMMITTEE

ARTICLE 14 – ELECTRIC VEHICLE (EV)-READY PARKING SPACES

The Planning and Regulation Subcommittee held a Public Hearing on Warrant Article 14 on September 12, 2019. Attendees at the Hearing were Petitioner Scott Ananian, and Maria Morelli and Zoe Lynn of the Department of Planning and Community Development. Subcommittee members present were Steve Kanes (Chair), Lee Selwyn, Carol Levin, Neil Wishinsky, Carlos Ridruejo, and Ben Birnbaum. The Hearing was continued to September 25, 2019 for the purpose of reviewing revised language that was to be provided by Maria Morelli. Attending the September 25, 2019 Hearing were Subcommittee members Steve Kanes (Chair), Lee Selwyn, Neil Wishinsky, Carlos Ridruejo, and Ben Birnbaum. Also present were Petitioner Scott Ananian, Maria Morelli and Zoe Lynn of the Department of Planning and Community Development, Linda Pehlke (TMM Pct. 2), Jonathan Davis (TMM Pct 10), Jeff Pratt, Chris Williams, and Sabiru Waldeck.

At the September 12, 2019 hearing, Petitioners Scott Ananian explained that the objective of the article was to make additional EV parking infrastructure available in Brookline to better accommodate the anticipated increase in the adoption of plug-in electric vehicles, both all-electric and hybrid. The Warrant Article as submitted would introduce a new zoning requirement (§6.04.15 – ELECTRIC VEHICLES) mandating that in all newly constructed or substantially renovated residential and non-residential parking areas with 15 or more parking spaces, that at least 15 percent of all parking spaces (but not less than one space) be Electric Vehicle (“EV”) Ready. (Since 15% of 15 is 2.25, which would be rounded down to 2, the effective minimum number of EV-Ready spaces would thus always be two.) Small parking areas with fourteen or fewer spaces would be exempt; thus, single family dwellings and small multi-family dwellings would not fall within this requirement. The Warrant Article cross-references, but does not include, the definition of “EV Ready” as it may appear from time to time in the State Building Code. The current edition of the State Building Code includes the following definitions pertaining to Electric Vehicles:

ELECTRIC VEHICLE. An automotive-type vehicle for on-road use, such as passenger automobiles, busses, trucks, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). The conductors, including the ungrounded, grounded and equipment grounding conductors, and the Electric Vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the Electric Vehicle.

ELECTRIC VEHICLE CHARGING SPACE (“EV READY SPACE”): A designated parking space which is provided with one dedicated 50-ampere branch circuit for EVSE servicing Electric Vehicles.

At the September 25, 2019 hearing, Maria Morelli, Senior Planner at the Town’s Department of Planning and Community Development offered a modified version of the Petitioner’s proposed language so as to better conform the Town’s Zoning By-Law with the State Building Code, which currently applies to parking areas with 15 or more parking spaces, but requires that only one (1) EV-Ready space be provided. As revised, §6.04.15 – ELECTRIC VEHICLES would provide as follows:

For Parking Areas, Non-residential and Residential, with 15 or more parking spaces, at least 15% of the total parking spaces, and not fewer than two parking spaces, shall be EV Ready Spaces. The definitions of EV Ready Space, Electric Vehicle, and Electric Vehicle Supply Equipment (EVSE) are as defined in the latest edition of the Massachusetts State Building Code. For additions and renovations to existing buildings, exceptions to this paragraph shall be consistent with the latest edition of the Massachusetts State Building Code.

Thus, Brookline’s By-law would exceed the State Building Code minimum EV-Ready requirement. For example, a parking area with 100 spaces would require only one (1) EV-Ready space under the State Building Code, but would require 15 such spaces under the proposed By-Law. The Petitioner indicated his acceptance of the modified language.

The proposed language, as revised by Ms. Morelli, does not specify whether the 15% is to be rounded up or down if the result is other than an integer. For example, 15% of 15 spaces is 2.25. However, §6.02.1(a) provides that “[w]here the computation of required parking space results in a fractional number, only the fraction of one-half or more shall be counted as one.” Thus, in the above example, the 15% requirement for a 15-space parking area would require 2 EV-ready spaces.

As submitted, the original proposal also covered parking lots between 7 and 15 spaces. However, the Subcommittee felt that the By-law trigger should align with the 15-space trigger in the State Building Code. The Subcommittee was cognizant of trying to avoid unintended consequences of requiring what could be an expensive electrical upgrade to accommodate the new 50 amp circuits when the building code wouldn’t have otherwise required it.

Questions were raised with respect to multi-unit residential buildings where parking spaces are assigned to individual units, whether rented or owned as condominiums. Ms. Morelli expressed the opinion that this was something that could be dealt with by the landlord or condominium association, such as by placing the EV-Ready spaces in common or “visitor” spaces, or perhaps by exchanging assigned spaces for EV-Ready spaces where a tenant or owner requests it.

Following discussion, the Subcommittee VOTED 5-0-0 for FAVORABLE ACTION on an amended and revised Article 14, as follows:

ARTICLE 14

To see if the Town will amend Section 6.04 of the Zoning By-law (“Design of All Off- Street Parking Facilities”) by adding a new paragraph 15, as follows:

§6.04.15 – ELECTRIC VEHICLES

15. For Parking Areas, Non-residential and Residential, with 15 or more parking spaces, at least 15% of the total parking spaces, and not fewer than two parking spaces, shall be EV Ready Spaces. The definitions of EV Ready Space, Electric Vehicle, and Electric Vehicle Supply Equipment (EVSE) are as defined in the latest edition of the Massachusetts State Building Code. For additions and renovations to existing buildings, exceptions to this paragraph shall be consistent with the latest edition of the Massachusetts State Building Code.

or act on anything relative thereto.