

To: The Select Board's Climate Action Committee
From: Linda Olson Pehlke
Re: SBCAC recommendation to the Select Board on the requests by Jesse Gray et.al.
Date: August 19, 2020

Dear fellow members of the SBCAC:

I'm writing to share my thoughts on the requests by Jesse Gray et.al. asking the SBCAC to direct the Select Board to follow up on WA 21 by advancing three specific actions. I am unable to attend our meeting Monday night, and thought this topic was important enough to necessitate my writing. Thank you for your consideration.

The request contains three different parts. I will comment on each separately:

1) File a home rule petition on Beacon Hill asking the legislature to allow Brookline to adopt WA 21, as passed by Town Meeting, MAYBE. It's hard to know if this is advisable. My sense of it is that it would be highly unlikely that our legislature would choose to do an end run around our Attorney General. While there is strong support for positive action on the climate crisis on Beacon Hill, I would defer to our State Representatives and their thoughts on whether or not this was advisable. I fear doing too many home rule petitions will not help Brookline's reputation at the State House.

2) Ask staff to incorporate electrification into the review of major impact projects. YES!!! This makes a lot of sense and if applied to large new construction could be very impactful. While this is advisory, there is a very good chance that this suggestion will willingly be adopted by project proponents. We made this change to recommend EV chargers and it has been successful in getting developers to install EVSE.

3) Do a zoning amendment to incentivize electrification. NO, at least not for this Fall's Town Meeting. My reasons for this answer are as follows:

(a) **Zoning changes are both complex and extremely impactful.** For instance, there are many substantive questions that would need to be answered before advancing a zoning change, such as which zoning districts would be included and why? How much of an incentive is necessary, given the fact that we were told that going electric is by and large a net cost positive for developers? Do we really need incentives at all? Won't the amount of incentive necessary to trigger adoption of all electric building change over time and how will we manage the necessary changes over time brought on by new technologies, changes in pricing, changes in contractor knowledge, etc. Where in Town is additional building square footage appropriate, which type of building uses? What would happen to the other public benefits we are also trying to incentivize, which are affordable housing, open space, and historic preservation? How do we evaluate the relative value of these public benefits to the community? What impact will larger buildings have on Town costs for services, transportation, education, park and recreation space, etc.? Will the incentive cause our population to increase? What are the impacts of that for quality of life, etc.?

(b) **Lack of time, staff resources and public process.** Zoning changes are extremely impactful to both the real estate development community, and to existing

home owners, businesses and residents. The general public needs to be involved in the discussion of any such change. A zoning change should not be drafted hastily without time for appropriate analysis, public process, or thorough vetting. When we did the original WA 21, there were several public forums and interdepartmental meetings to get professional advice and public input, *in advance of the drafting the article*. Zoe was working for the Town and dedicated herself full time to shepherding the drafting and vetting of the WA, and still, TMM's , Advisory Committee and Town staff were completely stretched and all their other work was neglected in order to deal with vetting the original article in that compressed time frame. We do not have that kind of staff help now and a zoning change would probably need even more staff support than the original WA 21 did. Not to mention, the fact that our stretched thin staff are dealing with the devastating impacts of the COVID-19 pandemic on our business community. The proposal here does not include a substantive drafting working group or professional advice, or public process, and if contemplated for the Fall, this is an extremely short time frame. Passing a poorly planned zoning amendment that carries with it unexpected impacts would be detrimental to both those negatively impacted, but also

(c) **Process does not allow for corrective changes once begun.** Once a proposed zoning amendment Warrant Article is filed, it is extremely difficult to make changes because of Town Meetings rules about amendments needing to be within the original scope of the Article. The agenda for Town Meeting this Fall already contains a great deal of very controversial and complex Warrant Articles. Therefore, the SBCAC should recommend to the Select Board that they should not recommend pursuing an incentivized electrification zoning change at this time. Attempting to use zoning, which is meant to be about the use and scale of buildings, and exists to implement existing land use plans, to get building electrification, is a stretch. If this route is still considered an attractive option, a balanced working group, with some members with the appropriate expertise, and analytic abilities, should be established to flesh out some of these unanswered questions.

The very best route is to support and encourage an opt-in change to the State building code, as is being pursued by Rep. Vitolo and others.