



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Wednesday, May 3, 2023

3:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

The Ordinance Committee will hold a public hearing Citizens Zoning Petition from Craig Kelley, et al. – Cambridge Transportation Emissions Reduction and Car Sharing Act (APP 2023 #9)

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3:13 PM
Paul F. Toner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council's Ordinance Committee was held on Wednesday, May 3, 2023. The meeting was Called to Order at 3:00 p.m. by the Chair, Councillor McGovern. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via zoom.

At the request of the Chair, City Clerk LeBlanc called the roll.

Councillor Azeem – Present/Remote
Councillor Carlone – Present/In Sullivan Chamber
Vice Mayor Mallon – Present/Remote
Councillor McGovern – Present/In Sullivan Chamber
Councillor Nolan – Present/In Sullivan Chamber
Councillor Simmons – Absent*
Councillor Toner – Present/In Sullivan Chamber
Councillor Zondervan – Present/Remote
Mayor Siddiqui – Present/Remote

Present – 8, Absent – 1. Quorum established.

*Councillor Simmons was marked present and remote at 3:13 p.m.

The Chair, Councillor McGovern offered opening remarks and noted that the call of the meeting was on Citizen's Zoning Petition from Craig Kelley, et al. – Cambridge Transportation Emissions Reduction and Car Sharing Act (APP 2023 #9). Present at the

Minutes Acceptance: Minutes of May 3, 2023 3:00 PM (Committee Reports)

meeting was Iram Farooq, Assistant City Manager for the Community Development Department (CDD), joined Daniel Messplay, Acting Director, Zoning & Development, Susanne Rasmussen, Director of Environmental and Transportation Planning, and Evan Spetrini, Associate Zoning Planner. It was noted that Brooke McKenna, Chief of Traffic, Parking and Transportation, as well as the City Solicitor, Nancy Glowa, were present at the meeting as well. The Chair introduced the petitioner, Craig Kelley, who was joined by Leonardi Aray.

The Chair, Councillor McGovern recognized Craig Kelley and Leonardi Aray who gave an overview of their presentation titled, “Cambridge EV Charger and Peer-to-Peer Car Sharing Bill” (Attachment A), sharing that the petition highlights climate friendly zoning changes that would help decarbonize transportation and reduce the number of motor vehicles in Cambridge. The Petitioners shared that the zoning change would have no cost for Cambridge while expanding electric vehicle (EV) access and it would increase the convenience of not owning a car. The Petitioners noted that the zoning change would add three definitions, two uses, and one off street parking regulation change. After their presentation, the Petitioners were available to respond to questions and concerns from Committee members.

The Chair, Councillor McGovern recognized Evan Spetrini who reviewed the Planning Boards decision (Attachment B) and the memo from CDD to the Planning Board (Attachment C). Evan Spetrini shared that the Planning Board’s report had no positive or negative recommendation. It was noted that Board members supported the overall goal of the Petition to promote the expansion of both electric and shared vehicles in order to achieve the City’s goals of reducing greenhouse gas emissions. The Board also agreed that there is a shortage of EV charging stations available for the public to use. Evan Spetrini shared that the Board was unable to reach a consensus on whether the Petition, and the zoning, is the correct path to achieve the intended goals of the petition.

The Chair, Councillor McGovern opened Public Comment

Heather Hoffman, 213 Hurley Street, Cambridge, MA, offered concerns and suggestion on the Petition and agrees that the public needs good access to EV charging stations.

The Chair, Councillor McGovern recognized Councillor Nolan who made a motion to close public comment.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – No

Mayor Siddiqui – Yes

Yes – 8, No – 1. Motion passed.

The Chair, Councillor McGovern recognized Councillor Zondervan who noted that this was an important conversation on an important issue. Councillor Zondervan shared that he did have some questions regarding the petition and asked the City Solicitor if there was a way to limit the number of residential parking permits that could be obtained by households. City Solicitor Nancy Glowa responded by noting that there is the possibility of limiting residential

permits, but that would be under the discretion of Traffic, Parking, and Transportation. Councillor Zondervan shared that he would be interested in some conditions with the petition, one being restricting the property owner to only renting out one motor vehicle, requiring a limitation that it would have to be an EV, and having a third-party company handle the transaction between the property owner and the person charging their vehicle. Councillor Zondervan suggested the possibility of having special permits be put in place around some of the conditions, City Solicitor Glowa stressed that there are many issues that could arise, and having property owners rent out equipment to vehicles may involve other laws different from zoning. Councillor Zondervan shared that he would be making a motion at the end of the meeting that would summarize questions and concerns on the Petition that would help flush out some of the details.

The Chair, Councillor McGovern recognized Councillor Nolan who shared that it is important to find a way to increase EV charging stations throughout the City, but recognized the process of moving forward with this will come with challenges as far as regulations and zoning. Councillor Nolan stressed the importance of getting the language within the petition right so the City can move forward with such a critical matter. Councillor Nolan noted that they are ready to vote this petition as is to go to the full City Council and address the issues that are raised during the process.

The Chair, Councillor McGovern shared that he had to step out of the meeting and recognized Councillor Zondervan, Co-Chair of the Ordinance Committee, to act as Chair during his absence.

The Chair, Councillor Zondervan recognized Councillor Carlone who shared that he agreed with comments that were made during public comment regarding EV stations being away from the commercial zoned areas in Cambridge. Councillor Carlone had a question on the presentation regarding the \$62,000 per installation. Craig Kelley noted that that number came from participatory budgeting. Susanne Rasmussen responded and shared that there is a five-year plan to install one hundred charging ports between the fiscal years 2022 and 2027 and the City is on track to meet those goals while focusing on installing them in residential locations. Councillor Carlone shared concerns on tandem driveway parking and how that could raise issues and asked for clarity from the petitioners on third-party online programs that would assist with the payment transactions between property owners and vehicle drivers. Craig Kelley was available to respond regarding third-party involvement and noted that it is something they are willing to look more into if the petition goes forward.

Councillor McGovern resumed the Chair.

The Chair, Councillor McGovern recognized Councillor Toner who shared that he is in favor of having residential property owners rent or lease out their driveways in order for commuters to park, and noted that in the Economic Development and University Relations Committee meeting that was held the day before, many small business owners raised the concern of their employees having a hard time to park due to the amount of parking that has been taken off the main streets. Councillor Toner said that by having this petition go forward, it could not only help more people switch to EV vehicles, but it could also help small businesses and their employees with additional parking. Councillor Toner had a question regarding if a residential property owner does not have a motor vehicle but has a driveway that would be able to provide the service of having an EV station, is that something that they would be able to do. The Petitioners responded by noting they would not be against a scenario like that. Susanne Rasmussen also responded and noted that there are programs that are in place to support new development and their employees

to find alternative ways to get to their jobs without driving, stressing that if commuters have the ability to park in driveways it could affect the traffic impacts that the City has been working hard to regulate. Councillor Toner shared that they agree with comments that were made by Councillor Nolan regarding the petition moving forward and to continue to work out the details along the way.

The Chair, Councillor McGovern recognized Vice Mayor Mallon who offered concerns that have been shared by residents looking to change to an EV but are hesitant due to lack of charging stations or they do not have a driveway to install one themselves. Vice Mayor Mallon shared that it is important for the City to get creative when looking at this Petition, and if something like zoning is standing in the way, it is crucial to look at how to get zoning out of the way to move forward with innovative ideas to accomplish the City's goals to be more green. Vice Mayor Mallon shared her strong support to move the petition forward and address the challenges as they come and thanked the Petitioners for being persistent with their intended goals.

The Chair, Councillor McGovern shared that he agreed with Councillors Nolan and Toner, and Vice Mayor Mallon regarding the petition moving forward. Councillor McGovern noted that sometimes you must try something to see the results and adjust and work with issues as they come. Councillor McGovern had a question for the Petitioners regarding large residential buildings and if they would have the ability to switch their tenant parking to EV parking, which would then force the tenants to park on the street. The Petitioners suggested using language that could allow one or two charging stations per lot, but ultimately the goal is to have as many people using EV and the more charging stations available the better. Councillor McGovern referenced two Policy Orders, POR 2022 #151, and POR 2022 #266, and noted how they were relevant to the discussion today and asked the City Solicitor to have a response for them since they have already been passed.

The Chair, Councillor McGovern recognized Mayor Siddiqui who shared that she agreed with comments made about the petition going forward and would be supportive of that.

The Chair, Councillor McGovern recognized Councillor Carlone who shared that he would like to see the Petition remain in the Committee to work out all of the questions and concerns before moving it forward to the Full Council.

The Chair, Councillor McGovern recognized Councillor Zondervan who shared his motion relative to the Petition on the screen. The full text is below.

MOTION:

WHEREAS: The Council would like to encourage and support the sharing of electric vehicles and electric vehicle charging stations in residential neighborhoods; therefore be it

ORDERED: That the City Manager be and hereby is requested to work with CDD, DPW, Traffic and Transportation, Licensing, Inspectional Services, Law Department and any other relevant departments, to bring forward amendments and associated regulations implementing the Kelley et.al petition, addressing and answering questions raised by the petition, including but not limited to:

Adjustments to the form and content of the petition to ensure enforceability and consistency with other aspects of the municipal code

1. Regulations to limit the number of residential parking permits that may be obtained by a single household

2. Potential conditions to allow the renting of an electric vehicle via special permit in a residential district, to include:
 - a. The property owner agrees to only rent out one vehicle from their parcel, which must be an Electric Vehicle owned or leased by and registered to the Property Owner
 - b. The property owner agrees to utilize a third party organization (e.g. [Turo](#)) to manage the rental of the vehicle.
 - c. The property owner agrees to obey all other rules and requirements that are in effect and to mitigate any concerns that are brought to their attention by the City such as noise, public nuisance, lack of cleanliness, etc.
3. Potential conditions to allow the sharing of an electric charging station for a fee via special permit (free sharing or sharing in the cost of installation will not be regulated) to other Cambridge residents in a residential district, to include:
 - a. The property owner agrees not to advertise availability of their EV charging station via any apps, websites, newspapers or other means without clearly specifying that only Cambridge residents may rent time at the EV charger
 - b. The property owner agrees to a cap on how much they will charge for the use of their charging station, e.g. the per kwh rate on their most recent utility bill + 25% or some other way to limit the fee.
 - c. The property owner agrees not to allow anyone to use the charging station for a fee unless they have a valid Cambridge residential parking permit sticker attached to the vehicle being charged
 - d. The property owner agrees to physically regulate access to the charging infrastructure via a secure mechanism such as a keycard, pincode, garage door or other mechanism that prevents unauthorized access to the charging station
 - e. The property owner agrees to limit the EVSE being rented to 2 charging ports per parcel, i.e. at most two vehicles can simultaneously charge for a fee using the charging station.
 - f. The property owner agrees to limit how long a vehicle can remain plugged in once charging is complete, including charging escalating fees for remain plugged in without charging.
 - g. The property owner agrees to share data with the CDD regarding use of their charging station by paying customers on at least an annual basis, and to require signing of a waiver by the customer allowing this data to be shared with CDD prior to granting access to the charging station
 - h. The property owner agrees to accept payment for renting their charging station via commonly used applications like Paypal, Venmo, etc. that allow for the easy transfer of payment, in addition to (optionally) accepting cash and check payments
 - i. The property owner agrees to obey all other rules and requirements that are in effect and to mitigate any concerns that are brought to their attention by the City such as noise, public nuisance, lack of cleanliness, etc.
4. Penalties for failure to comply, up to and including revocation of the Special Permit and a daily fine for unresolved violations.

5. A mechanism for notifying the City (CDD) that the property owner is terminating the rental service on their property and therefore is no longer obligated by the Special Permit conditions.

ORDERED: That the City Manager report back to the City Council on this matter prior to June 12th, 2023.

Councillor Zondervan spoke on what was shared.

The Chair, Councillor McGovern opened the floor to discussion on the motion.

The Chair, Councillor McGovern recognized Vice Mayor Mallon who shared that she was not in favor of moving Councillor Zondervan's motion forward and was opposed to having a special permit be a requirement. The Vice Mayor voiced her concerns regarding the motion and shared that she felt they would be overcomplicating something that seems to just be a very simple zoning change. Vice Mayor Mallon agreed with the comments made by the Chair when he referenced the two Policy Orders that have been with the Law Department to report back on and would like to see a response to them. Vice Mayor Mallon also voiced that she would not be supportive of car sharing vehicles only if it is an electric vehicle right now, but in the future that could be a goal.

The Chair, Councillor McGovern recognized Councillor Nolan who shared that she had an amendment by substitution to Councillor Zondervan's motion. The substitute motion was shown on the screen.

The Chair, Councillor McGovern recognized Councillor Zondervan who expressed concern about not adding detailed questions to help guide the appropriate staff who would be taking on the role of working out the language in the Petition.

The Chair, Councillor McGovern recognized Councillor Nolan who made a motion to amend by substitution so that it reads: Ordered: That the City Manager is directed to work with all relevant departments to recommend what new city regulations and council action or changes to existing regulations or ordinances are needed to put in place in order to implement the Craig Kelley et al. Zoning Petition for residential car sharing and renting of EV charging stations and bring those recommendations to the full council by June 12, 2023.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Absent

Councillor Toner – Yes

Councillor Zondervan – No

Mayor Siddiqui – Yes

Yes – 7, No – 1, Absent – 1. Motion passed.

ORDERED: That the City Manager is directed to work with all relevant departments to recommend what new city regulations and council action or changes to existing regulations or ordinances are needed to put in place in order to implement the Craig Kelley et al.

Zoning Petition for residential car sharing and renting of EV charging stations and bring those recommendations to the full council by June 12, 2023.

The Chair, Councillor McGovern recognized Vice Mayor Mallon who made a motion to send the Craig Kelley, et al. – Cambridge Transportation Emissions Reduction and Car Sharing Act Petition to the Full City Council with a favorable recommendation to Pass to a Second Reading.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – No

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Absent

Councillor Toner – Yes

Councillor Zondervan – No

Mayor Siddiqui – Yes

Yes – 6, No – 2, Absent – 1. Motion passed.

The Chair, Councillor McGovern recognized Councillor Nolan who made a motion to adjourn.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Absent

Councillor Toner – Yes

Councillor Zondervan – Absent

Mayor Siddiqui – Yes

Yes – 7, No – 0, Absent – 2. Motion passed.

Attachments

Attachment A – Presentation titled “Cambridge EV Charger and Peer-to-Peer Car Sharing Bill”

Attachment B – Planning Board recommendation report

Attachment C – Memo from CDD to the Planning Board

Clerk’s Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/495?view_id=1&redirect=true&h=32bfb7227bdbbdadf80918aadae4aa18

A Zoning Petition Has been received from Craig Kelley regarding Cambridge Transportation Emissions and Car Sharing Act

A communication was received from Acting Director, Zoning & Development, Daniel Messplay, transmitting the Planning Board makes the following report with no positive or negative recommendation Craig Kelley et. al. Zoning Petition.

A communication was received from Acting Director, Zoning & Development, Daniel Messplay, transmitting a Memo from the Community Development Department to the Planning Board regarding the Craig Kelley, et al. Zoning Petition.

A communication was received from Craig Kelley, regarding City Council May 2023 Cambridge Transportation Decarbonization and Congestion Mitigation Bill presentation.

Cambridge EV Charger and Peer-to-Peer Car Sharing Bill

Using Platform-Based Commerce to make Cambridge a more sustainable,
more equitable and more pleasant place to live, work and visit

WHY A ZONING CHANGE IS NEEDED

Because when money changes hands, the use suddenly becomes commercial and our zoning does not allow most commercial uses in residential zones. Without a zoning change allowing these uses where a commercial transaction occurs, their base status remains illegal in Cambridge.

These uses are similar to allowed Home Occupations such as a studio or dentist office but are not covered by those zoning exceptions.

Because these are service transactions- purchasing electricity and car usage- this proposal would not alter the status of a parking spot and they would remain accessory parking spots.

PUTTING THE PEER-TO-PEER CAR SCHARE DISCUSSION IN CONTEXT

- From ZIPCAR: *Thirteen personally owned cars are taken off the road for each Zipcar.* October, 2020.
- From the *National Equity Access: Nationwide, households headed by people of color are less likely than white households to have access to a vehicle. Black households are least likely to have access to a vehicle at 18 percent (2.62 million households).* 2020
- From the New York Times: *for many low-income and minority Americans, automobiles have been turbo-boasted engines of inequality, immobilizing their owners with debt.* December, 2022
- From Cambridge Community Development Department: *For many people, carsharing is a more affordable alternative to owning a car.*

PUTTING BOTH DISCUSSIONS IN CONTEXT

- From Puget Sound Clean Air Agency: *There is a strong interest in electric car-share from the low-income communities in the study.* 2022
- From the Journal of Science Policy and Governance: *Policy makers must ensure that barriers to access for shared mobility, electric vehicles, and automated vehicles are reduced or eliminated.* 2018
- From Salon, *How to ensure electric cars aren't just for rich people: Other areas could benefit more ... from car-sharing models that allow many people to use the same electric car.* 2021

THIRD TIME'S THE CHARM!*



Ordinance Committee favorably voted on these two proposals in 2022

The Planning Board & Community Development continue to be challenged by these two ideas but members generally agreed on the importance of moving forward on these issues, they just wanted more "study" ahead of making any changes.

*1st time was focused on Micromobility. But the second attempt started over a year ago.

A December, 2018 Council Order noted that "For people without a driveway, charging an electric car is **challenging, making access to such a car less likely than for those people with driveways.**"

WHAT EV CHARGING IN CAMBRIDGE COULD LOOK LIKE



Exactly as it looks now on private property. This proposal makes no changes to the built environment.

WHAT CAR RENTAL IN CAMBRIDGE COULD LOOK LIKE

EXISTING BOSTON AREA PLATFORM-
BASED CAR RENTALS (TURO.COM)



IF CRAIG DECIDED TO RENT HIS CAR
(NO CHANGES TO THE RESIDENTIAL
BUILT ENVIRONMENT)

WHAT ABOUT PRIVACY?

People may not (yet) know the person using (or charging) the car parked in their neighbor's driveway.



But the users won't be anonymous, and the actual use will be exactly as it is now.

And both EV charger renting and peer-to-peer car sharing offer new ways for people to meet their neighbors and build community

CAMBRIDGE HAS CHANGED RESIDENTIAL ZONING BEFORE TO MEET CHANGING NEEDS AND DESIRES

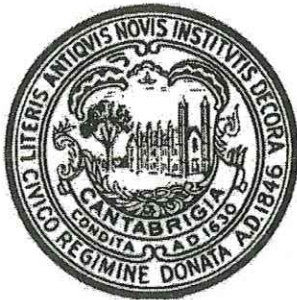
- Post Operative Animal Care 9/27/21
- Home Occupation Amendments 6/7/2021
- Beekeeping Zoning Petition 12/18/2017
- Short Term Rentals 08/07/2017
- Carsharing 1/11/2016
- Bicycle Sharing 09/19/2011

THE WORLD IS NOT A STATIC PLACE.
OUR ZONING CANNOT BE STATIC EITHER.



What is a PowerPoint without a cat picture?

But seriously, sometimes the world changes and we have to change with it.



CITY OF CAMBRIDGE, MASSACHUSETTS

P L A N N I N G B O A R D

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date: April 24, 2023

Subject: Craig Kelley et. al. Zoning Petition

Recommendation: The Planning Board makes the following report with no positive or negative recommendation.

To the Honorable, the City Council,

On April 11, 2023, the Planning Board (the "Board") held a public hearing to discuss a Zoning Petition by Craig Kelley, et. al. (the "Proponent"), to amend Article 4.000 of the Cambridge Zoning Ordinance to establish new use categories for "Shared Vehicle" and "Publicly-accessible, Privately-owned Electric Vehicle Charging System," both of which would be permitted by-right in all zoning districts except for Open Space districts. In addition, the Petition proposes to amend Section 6.20 Off Street Parking Regulations by inserting a new Section 6.21(a) which states that "Electric Vehicle Charging Systems may be installed in any parking space conforming to the dimensional and other requirements of Article 6.000, or if not, are lawfully non-conforming."

The Board heard a presentation from Craig Kelley and received written materials prior to the hearing from staff in the City's Community Development Department (CDD). Following the presentation, public comment, and discussion among Board members, the Planning Board voted to forward this report to the City Council without making a positive or negative recommendation.

Board members supported the overall goal of the Petition to promote the expansion of both electric vehicle and shared vehicle use in order to achieve the City's goals of reducing greenhouse gas emissions and agreed that there is a shortage of electric vehicle charging infrastructure available for public use. Some Board members believed that access to vehicles is an equity issue, and finding ways of making vehicles accessible without the need for automobile ownership can increase mobility and access for underserved populations. Further, in order to achieve the City's mobility and climate goals, the Board expressed strong support for the City to study a possible policy framework that could include strategies like the activities described in the Proponent's Petition. The Board acknowledged the ongoing planning studies on these topics being undertaken by the City and felt that these studies will assist in formalizing recommendations on possible regulatory changes to accommodate these types of strategies.

The Board did not reach consensus as to whether the Petition, and zoning more broadly, is the appropriate mechanism to achieve the intended policy goals. Board members acknowledged that zoning is just one aspect of a broader planning and policy strategy to address the issues that the



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: Community Development Department (CDD) Staff

Date: April 11, 2023

Re: Craig Kelley, et al., Zoning Petition

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

Overview

Petitioner: Craig Kelley, et al., (group of at least 10 registered voters)

Zoning Articles: 2.000 (Definitions), 4.000 (Use Regulations), 6.000 (Parking and Loading Requirements)

Petition Summary: To amend Article 4.000 of the Zoning Ordinance by adding the following new use categories: "M. Shared Vehicle" and "N. Publicly-accessible, Privately-owned Electric Vehicle Charging System," with definitions included for "Shared Vehicle" and "Publicly-accessible, Privately-owned Electric Vehicle Charging System,"; and to insert "Yes" next to all such uses in all zoning districts except Open Space; and to amend Section 6.20 "Offstreet Parking Regulations" to add as follows: "6.21 (a). Publicly-accessible, Privately-owned Electric Vehicle Charging Systems may be installed in any parking space conforming to the dimensional and other requirements of Article 6.000, or, if not, are lawfully nonconforming."

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of the proposed zoning, background information on the topic of the Petition, and considerations and comments from staff.

344 Broadway
Cambridge, MA 02139
Voice: 617 349-4600
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www.cambridgema.gov

Minutes Acceptance: Minutes of May 3, 2023 3:00 PM (Committee Reports)

Electric Vehicle Charging

CDD has devoted significant attention to how the city will need to adapt in order to adequately accommodate increasing demand for electric vehicle (EV) charging. Unlike fueling stations for automobiles that run on petroleum, EV charging stations or “EVSE” (Electric Vehicle Supply Equipment) tend to be installed as ancillary fixtures in parking lots and garages or on public property along the curb. EV charging is less noxious or hazardous than petroleum fueling, and it tends to take a longer amount of time to recharge than to refuel.

The City is currently taking steps to expand the EV charging network within the City. Beyond increasing the number of City-owned public charging station locations, the City has worked with developers of parking facilities subject to Planning Board Project Review Special Permits to provide a minimum of 25% of new spaces to have EVSE, with infrastructure in place to make 100% of spaces ready for future EV charging capabilities. The City also convened a working group which established a goal of installing 100 new, publicly-available EV charging ports within the City by 2027.

Current Zoning for Shared Transportation Systems*Carsharing*

The City Council adopted zoning amendments to enable carsharing services in 2016 (Section 6.24 of the Zoning Ordinance). Carsharing programs – not to be confused with “ridesharing,” which means carpooling or “ride-hailing,” which refers to services such as Uber and Lyft – offer members access to a fleet of automobiles that can be reserved for short periods of time using an online or app-based system. These programs offer an alternative to car ownership for people who only need to use them occasionally. Carsharing programs are typically operated as private ventures, unlike bikeshares such as Bluebikes where the system is owned by the City.

Carsharing programs can generally fall into one of four categories:

- 1) Round-trip carsharing: payment for the hour, mile or both where users begin and end a trip in the same location.
- 2) One-way/free-floating carsharing: users begin and end trips at different locations, and is more often used for shorter trips/periods of time and rental fees are charged on a time-basis (e.g., \$/minute).
- 3) Peer-to-peer carsharing: privately-owned vehicles are made available for rent by others for a certain period of time, and the vehicle fleet is a virtual fleet made up of vehicles from participating owners. This is not currently permitted in Cambridge because per the definition of “carsharing vehicle” in the Cambridge Zoning Ordinance, all vehicles must be owned by a Carsharing Organization, which is defined as a “membership-based entity with a distributed fleet of carsharing vehicles that charges a use-based fee related to a specific vehicle.”
- 4) Fractional ownership: users co-own a vehicle and share its cost and use (this is not currently regulated by zoning in Cambridge).

State law permits vehicles that are part of a carsharing fleet to display plates issued by the RMV and to operate on public streets. The provisions in Section 6.24 of the Cambridge Zoning Ordinance allow

- Parking Regulations – Because the Petition proposes to allow both EVSE and parking to be made more broadly available, it may conflict with other parking regulations in the Zoning Ordinance, the Parking and Transportation Demand Management (PTDM) Ordinance, and the Commercial Parking Ordinance and associated “parking freeze” which sets an EPA-mandated cap on the total number of commercial parking spaces in the City. CDD is undertaking a study of these regulations to consider changes to meet current transportation goals, including EV charging and other mobility issues. This study is focusing on issues such as social equity and accessibility. We set this study up as a comprehensive planning process, but due to staffing constraints will not be able to resolve many details by the original schedule we set for ourselves. The community engagement portion of this process has been completed. The Draft Report is here. Staff are now creating a recommendation for which actions to move forward now, and which will require more detailed study.
- Transportation Impacts – Even if it is permissible, making EVSE and parking spaces available to the general public could have transportation impacts. For example, if residential property owners have the ability to lease parking spaces to commuters with EVs, it could increase traffic in residential neighborhoods and throughout the City in general if it encourages more EV-owning commuters to drive, especially commuters with vehicles not registered in Cambridge, exposing it to legal challenge.
- Enforcement - Though the Petition adds restrictions on how a charging system may be used and by whom, it is not clear how that standard could effectively be monitored and enforced, especially since there is no proposed requirement to register the use with the City. Additionally, further clarification on the 10-hour use limit is needed to understand whether that limit is measured per charging session, per day, etc. There are also no clear regulations about where an EVSE can be installed, such as inside or outside the dimensions of a parking space. Likewise there are no clear regulations regarding the size, height, lighting, safety measures, and other physical characteristics of an electric vehicle charging station.
- Ambiguity – The new Section 6.21(a) which is proposed to be inserted states that “Electric Vehicle Charging Systems may be installed in any parking space conforming to the dimensional and other requirements of Article 6.000, or if not, are lawfully non-conforming.” This language is ambiguous and therefore confusing. If such installation is permitted, it is not “lawfully non-conforming.” We therefore recommend if the Council wishes to amend the Ordinance as proposed that this language be revised to remove the phrase: “, or if not, are lawfully non-conforming.”

Conclusions

As articulated in the Envision Cambridge report, it will be important to support innovations in transportation that will advance the City’s climate goals.

A common issue among the two different parts of the Petition is the limited effectiveness of zoning in regulating transportation systems. The primary effect of zoning is to regulate where and how different types of vehicles may be parked in off-street lots. It might seem reasonable to be more permissive in



City of Cambridge

~~APP-~~
APP #
FIRST IN COUNCIL
May 15, 2023

History:

02/27/23 City Council
05/03/23 Ordinance Committee

REFERRED TO COMMITTEE

Cambridge Transportation Emissions Reduction and Car Sharing Act

Adding the following definitions to Section 2.0 of the Cambridge Zoning Code's Definitions:

Publicly-accessible, Privately-owned Electric Vehicle Charging System. An electric vehicle charging system and its attendant parking spot located on privately owned property that is available, for free or through a financial transaction, to members of the general public for the sole purpose of charging an electric vehicle owned by an entity other than the property owner. There is 10 hour maximum use for an EV not owned by the charger system owner and vehicles must be actively charging if they are not owned by the owner of the charger system.

Electric vehicle. Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets and that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, producing zero tailpipe emissions or pollution when stationary or operating.

Shared Vehicle. Any privately-owned vehicle that is licensed and registered for operation on public and private highways, roads, and streets. A shared vehicle does not include Carsharing Vehicles and Organizations as regulated in Section 6.24.

Adding two new uses to the Table of Use Regulations

Article 4.32 Table of Use Regulations; Transportation, Communication & Utility Uses:

Add these new use categories:

	Open Space	Res A 1& 2	Res B	Res C, C- 1, C- 1A, 2, 2A, 2B,3, 3A, 3B	Off 2, 2A, 2, 3, 3A	Bus A- 1,A- , A- 3	Bus A, A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A- 1, A-2	Ind A	Ind B- 1, B-2	Ind B	Ind C
M.Shared Vehicle	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
N. Publicly- accessible, Privately- owned Electric Vehicle Charging System	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Amend section 6.20 "Offstreet Parking Regulations" to add as follows:

6.21 (a). Publicly-accessible, Privately-owned Electric Vehicle Charging Systems may be installed in any parking space conforming to the dimensional and other requirements of Article 6.000, or, if not, are lawfully non-conforming.

2023 FEB 17 AM 10:44
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS



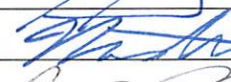
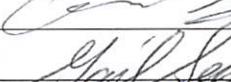
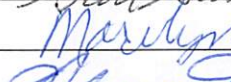
We, the undersigned Cambridge registered voters, support the

Cambridge Transportation Emissions Reduction and Car Sharing Act

to

further Cambridge's efforts to decarbonize transportation and to decrease parking demands by changing the City's zoning to

1. allow owners of private EV charging systems to make those charging systems, and associated parking spots, available for rent via an internet-based platform for up to 10 hours to charge EVs; and
2. allow owners of private automobiles parked on private property to offer those automobiles for rent via an internet-based platform (such as Turo.com)

Name, Printed	Name, Signed	Registered voting address
✓ CRAIG KELLEY		6 ST. GERARD TERR
✓ Hope L Hayden Kelley	Hope L Hayden Kelley	6 St. Gerard Terrace 02140
✓ SEAN ROGERS	Sean Rogers	177 PENBIRTON ST #17
✓ ART BARSIGLIE		7 BEECIK ST, #414
✓ LEONARDO AZEVEDO		600 AUSTIN AVE #2
✓ MAX ROTTENBERG		2 Warwick Park Apt 2
✓ JESSIE BERRY		101 Dunster St. 02138
✓ GAIL SEIDMAN	Gail Seidman	30 Normandy Ave Apt 404
✓ Marilyn Bernstein	Marilyn Bernstein	2 AVON ST #2
✓ Michael Harmon	Michael Harmon	30 Churchill Ave 176 Pleasant St #1
✓ Patrick Barrett	Patrick Barrett	41 Pleasant St
✓ Robert Winters	Robert Winters	366 Broadway, 02139

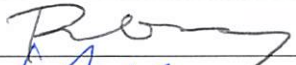


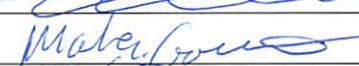


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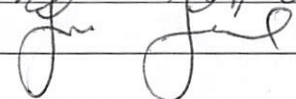
Name, Printed	Name, Signed	Registered voting address
✓ PETE TRAVERS		31 COGSWELL AVE.
Alec McChesney		23 Dudley St.
✓ ERIC GRUNEBAU		98 MONTGOMERY ST.
✓ Mark Gottlieb		43 Loomis St
✓ John Doucet		68 Jackson St.
DAVID BORRUS		9 Haller St

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Name, Printed	Name, Signed	Registered voting address
✓ Mark Mascia		137 OTIS ST. Cambridge
marilyn Rottersman		2 WARWICK PK, Cambridge
✓ SAM SEIDEL		43 HARRIS, Cambridge