



## **PALM BEACH COUNTY**

### **LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) ELECTRIC VEHICLE CHARGING STATION (EVCSs) SUBCOMMITTEE**

**FEBRUARY 4, 2021**

#### **SUBCOMMITTEE MEMBERS**

**Dr. Lori Vinikoor, Chair (District 5)  
Vacant, Vice-Chair (District 2)**

**Terrence Bailey (Florida Engineering Society)**

**Frank Gulisano (Realtors Association of  
the Palm Beaches)**

**Abraham Wien (Alternate At-Large #2)**

#### **INTERESTED PARTIES**

**Mike Gibaldi (Brickell Energy)**

**Evan Rosenblatt (Pebb Enterprises)**

**Emily O'Mahoney (2GHO & Associates, Inc.)**

**Ron Semp (PlugIn Stations Online)**

**Jeff Rothe (ChargePoint)**

**Linda Smithe (Destination Loop)**

**Drew Martin (Conservation Chair)**

**Daniel J. Walesky (Residential Builder)**

**Jaime M. Plana (Architect)**

#### **Board of County Commissioners**

**Dave Kerner  
Mayor, District 3**

**Robert S. Weinroth  
Vice Mayor, District 4**

**Maria G. Marino  
Commissioner, District 1**

**Gregg K. Weiss  
Commissioner, District 2**

**Maria Sachs  
Commissioner, District 5**

**Melissa McKinlay  
Commissioner, District 6**

**Mack Bernard  
Commissioner, District 7**

#### **County Administrator**

**Verdenia C. Baker**

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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
ELECTRIC VEHICLE CHARGING STATIONS (EVCSs) SUBCOMMITTEE**

**THURSDAY, FEBRUARY 4, 2021 AGENDA  
MEDIUM HEARING ROOM (VC-1E-60)/COMMUNICATIONS MEDIA TECHNOLOGY (CMT)  
1:00 P.M.**

**A. CALL TO ORDER**

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Additions, Substitutions, and Deletions to Agenda
4. Motion to Adopt Agenda
5. Adoption of Minutes – January 6, 2021 (Exhibit A)

**B. NEW BUSINESS**

1. Unified Land Development Code (ULDC) and EVCSs – Presentation by the Zoning Division:  
Art. 1, General Provisions; Art. 4, Use Regulations; and, Art. 6, Parking, Loading, and Circulation
2. EVCS Discussion
  - a. Subcommittee Members
  - b. Interested Parties
  - c. Public
  - d. Staff

**C. FUTURE MEETINGS/ANTICIPATED EXHIBITS**

1. March 3, 2021 – Review of Draft ULDC Amendments

**D. MEETING RECAP AND CONCLUSION**

**E. ADJOURNMENT**

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## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) ELECTRIC VEHICLE CHARGING STATIONS (EVCSs) SUBCOMMITTEE

(Updated 01/28/21)

#### Minutes of January 6, 2021 EVCSs Subcommittee Meeting

On Wednesday, January 6, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB) Electric Vehicle Charging Stations (EVCSs) Subcommittee, met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

#### A. CALL TO ORDER

##### 1. Roll Call

Chair Dr. Lori Vinikoor, called the meeting to order at 1:08 p.m. Mr. Alexander Biray, Site Planner I, called the roll.

##### Members Present: 5

Drew Martin (District 2, Commissioner Weiss)  
Dr. Lori Vinikoor (District 5, Commissioner Sachs)

Terrence Bailey (Florida Engineering Society)  
Frank Gulisano (Realtors Association of the Palm Beaches)

Abraham Wien (Alternate At-Large #2)\* \*\*

##### Interested Parties: 2

Mike Gibaldi (Brickell Energy)\*  
Linda Smithe (Destination Loop)

##### Members Absent: 2

Jaime M. Plana (American Institute of Architects)  
Daniel J. Walesky (Gold Coast Builders Association)

##### County Staff Present: 10

Jeff Gagnon, Principal Site Planner, Zoning  
Adam Mendenhall, Senior Site Planner, Zoning  
Jerome Ottey, Site Planner II, Zoning  
Alexander Biray, Site Planner I, Zoning  
Darlene Perez, Zoning Technician, Zoning  
Scott A. Stone, Assistant County Attorney  
Bryan Davis, Principal Planner, Planning\*  
Carolina Valera, Senior Planner, Planning\*  
Jake Leech, Environmental Analyst\*  
Lorinda J. Goldsmith, Senior Network Administrator\*

\* Present via Webex Events.

\*\* Mr. Wien arrived at 1:13 p.m. and left at 1:40 p.m.

##### 2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimously (4-0).

##### 3. Introductions – Mr. Daniel J. Walesky as a New Subcommittee Member

Dr. Vinikoor introduced and welcomed Mr. Walesky to the Subcommittee. Mr. Walesky was absent.

##### 4. Additions, Substitutions, and Deletions to Agenda

Mr. Gagnon noted there were no additions, substitutions, and deletions to the Agenda.

##### 5. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimously (4-0). Staff were unable to hear Mr. Wien.

##### 6. Adoption of Minutes – December 10, 2020 (Exhibit A)

Mr. Biray noted a correction to the Minutes in the first paragraph under Section B.2, changing “referred” to “preferred.” Motion to adopt the Minutes from December 10, 2020 with the correction, by Mr. Martin, seconded by Mr. Gulisano. The motion passed unanimously (4-0).

#### B. NEW BUSINESS

##### 1. Unified Land Development Code (ULDC) and EVCSs – Presentation by the Zoning Division: Art. 1, General Provisions; Art. 4, Use Regulations; and, Art. 6, Parking, Loading, and Circulation

Mr. Gagnon gave a PowerPoint presentation featuring the following topics:

**P.1-3) Focus** – He summarized what will be discussed in the meeting, including conceptual language and general questions to help guide the final draft language.

**P.4) General Amendment Concepts** – He explained EVCSs are referred to in Articles 4 and 6, and there is a possibility to consolidate to Article 4 to help with ease of use and access. He asked for any input from the Subcommittee. Dr. Vinikoor asked if consolidating to just Article 4 was consistent with other uses. Mr. Gagnon responded that more analysis will be done and brought back to the Subcommittee.

**P.5) Design and Construction Standards** – Mr. Martin expressed concern about lightning. Mr. Gagnon responded that Staff will ask the Building Division about additional safeguards, and

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## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) ELECTRIC VEHICLE CHARGING STATIONS (EVCSs) SUBCOMMITTEE (Updated 01/28/21)

#### Minutes of January 6, 2021 EVCSs Subcommittee Meeting

incorporating them with the EVCSs. Mr. Gulisano asked if there will be provisions for locations that will become non-conforming when adding EVCSs. Mr. Gagnon responded that they are looking to have EVCS parking spaces count as regular ones. Mr. Gulisano noted that parking will be lost when adding the EVCS spaces, and relief should be provided for locations that will become non-conforming.

Mr. Martin asked why the EVCS spaces are wider. Mr. Gagnon responded that the intent is to have access similar to Americans with Disabilities Act (ADA) standards, but not be legally identified. Mr. Gulisano suggested one space should be ADA accessible. Mr. Gagnon responded that all the spaces provided have ADA accessible capabilities and the same dimensional requirements. Mr. Gulisano noted they need to meet the code for ADA accessibility. Mr. Mendenhall noted that the EVCSs supply another type of fuel, there is no actual ADA accessible space at gas pumps, there is no requirement to provide an EVCS at an ADA accessible space, and that it is to make sure anyone can access it. Mr. Gulisano further noted accessibility buttons at fuel pumps, and something similar should be provided or have an ADA accessible parking space. Mr. Mendenhall responded that it can be addressed by having an accessibility request button. Dr. Vinikoor agreed that accessibility buttons are a good idea. Mr. Ottey noted there are currently no regulations for ADA accessible EVCSs spaces. Mr. Gulisano noted there is a Federal mandate that says everything has to be ADA accessible and identified. Mr. Bailey expressed concern that a 12-foot space is too wide, and suggested leaving EVCS spaces at nine feet and using existing spaces for ADA-complaint ones. Mr. Stone noted he believes a State Statute requires any vehicle in an EVCS space must be capable of being charged, so they cannot overlap. Mr. Bailey further noted it needs to be decided if they are going to add new ADA accessible spaces or leave the nine-foot existing spaces and convert them to EVCS ones. Mr. Mendenhall suggested having an EVCS in between an ADA accessible and a regular parking space so that the ADA accessible space can use it if needed. Mr. Bailey responded he doesn't think this would address the issue. Mr. Martin agreed with Mr. Bailey and Mr. Gulisano's previous points, but thinks a current ADA accessible space cannot have an EVCS because there is too much competition for it. He further noted making one new ADA accessible space and leaving the others at nine feet will reduce space. Dr. Vinikoor agreed with Mr. Martin. Mr. Gulisano also noted there is a percentage that needs to be ADA accessible. Mr. Stone noted that Staff is going to require the minimum number of parking spots for ADA compliance regardless of the number of EVCS spaces. Mr. Bailey discussed having a similar table for ADA accessible EVCS spaces as for the regular parking ADA table. Mr. Ottey noted there is no Florida Statute for ADA accessible EVCS spaces and that they would not be able to create a table, as adding one would cause issues, and Zoning does not regulate ADA standards; Building does. Dr. Vinikoor concluded Staff needs further research and to look at other States.

Mr. Bailey noted a canopy is not worth the value for a Level 2 EVCS in for example, office buildings. Mr. Gagnon asked if it would be more use specific for gas stations. Mr. Bailey further noted charging a car takes more time. Mr. Mendenhall explained someone should be able to plug in their car without getting rained on, charging a car might not be fast now but could be in the future, and people should not be exposed to the elements. Dr. Vinikoor agreed with Mr. Mendenhall on canopies for gas stations, but not for office buildings. Mr. Mendenhall said that these uses could be available to the general public, and a slower charge does not mean they cannot have the same amenities. Mr. Gulisano said they should not encourage the general public to come onto the property. Dr. Vinikoor noted that fueling stations do not have paved pedestrian walkways, and does not see EVCSs needing it. Mr. Gagnon noted that it could be for the ADA accessible spaces. Dr. Vinikoor responded that ADA fueling stations do not have walkways either. Mr. Martin agreed.

**P.6) Recommended renovation threshold to require installation of EVCS** – Mr. Gagnon noted a new definition proposed to be included under substantial renovation. He explained the one percent of the assessed value is one of the thresholds that is being proposed to trigger all of the uses that are being looked at to incorporate EVCSs into the site design and layout. Mr. Bailey expressed concern that one percent is not high enough, and that 20 to 25 percent is better. Mr. Gulisano noted percentages when bringing a building up to Code, and why this percent is not similar. Dr. Vinikoor asked about the current substantial renovation percent. Mr. Gagnon responded that he believes it is 50 percent. Mr. Bailey expressed concern about the percentages not being met if work is done over time. Mr. Ottey noted that Staff have it in the proposed language for a cumulative of five years, and he spoke with Building for the assessed value. Currently, they have the substantial renovation definition based on the Improvement Value, but it specifically states non-conforming properties, so Building recommended the assessed value. He discussed the assessed value of some gas stations being in the millions, so the one percent would trip the threshold after five years, and the EVCSs would need to be implemented. Mr. Gulisano expressed concern about alterations when properties get new owners, and does not agree with a cumulative of five years because this could lead to work being done without permits. Dr. Vinikoor agreed the percentage should be worked on.

**P.7) Abbreviations and Acronyms, and Multifamily Uses** – Mr. Bailey expressed concern about not having enough parking spaces. Mr. Gagnon responded that provisions will be created for special circumstances that won't allow the Code requirements to work. Mr. Bailey asked if there is an existing threshold for a public amenity requirement. Mr. Mendenhall responded there is. Mr. Bailey discussed

## EXHIBIT A

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#### Minutes of January 6, 2021 EVCSs Subcommittee Meeting

using public amenities instead of using the spaces at the units. Mr. Ottey noted that the language mentions common parking spaces. Mr. Bailey asked about older locations. Dr. Vinikoor suggested that exemptions be added for locations built before a certain date. Mr. Gulisano noted that Staff needs to differentiate new from existing construction, quickly go through the objections which gives Staff the opportunity to address them, and to give the Subcommittee a draft before the meeting. He also suggested another meeting to be scheduled.

**P.8) Business or Professional Office uses** – Mr. Stone asked if a definition of EV-ready is or will be available. Mr. Bailey noted that EV-ready needs to have a minimum threshold, and suggested a definition. Mr. Martin agreed that a specific and detailed definition is needed.

**P.9) Retail Gas and Fuel Sales** – Mr. Gagnon explained that based on previous research, eight or more pumps would be a more appropriate threshold for requiring EVCSs. Mr. Stone asked if the five-year time frame is for existing stations, and if they need to be substantially renovated. Mr. Gagnon noted having a time frame and whichever is met first, either the years or renovation threshold. Mr. Bailey expressed concern about costs, timeline, and if the capacity would be reached. Dr. Vinikoor suggested reducing the number of pumps required after a certain number of years. Mr. Ottey clarified the difference between pumps and fueling positions. Mr. Gagnon noted that during the last meeting, eight pumps was the number discussed. He asked for any other input, including having a dual threshold. Dr. Vinikoor suggested bringing the Code that is written or revised, and asked to have the Code brought to the Subcommittee a day or two before the meeting.

**P.12) EVCS – Payment Considerations** – Mr. Mendenhall suggested that pumps have a universal payment option and be able to go into an app to pay. Dr. Vinikoor asked if everyone agreed. Mr. Gulisano disagreed. Mr. Bailey noted how cellular service and card information can get stolen. Mr. Mendenhall responded that he believes neither method is safer than the other. He also noted that it is about making sure the convenience is there for customers. He asked if payment method types should be regulated, or left to the location to decide. Mr. Gulisano expressed concern that they are putting too much control on private enterprise. Mr. Stone suggested that it would be helpful for the Subcommittee to take a look at the example provided, and to generate comments for the next meeting. The Subcommittee asked for a copy of the presentation by email. Staff agreed to send the presentation.

#### 2. EVCS Discussion

##### a. Subcommittee Members

There was no further discussion.

##### b. Interested Parties

Linda Smithe noted she owns an EV. She does not think wider spaces or canopies are needed, agreed with call-for-service buttons for ADA accessible EVCS spaces, and noted that more car companies are moving to make more EVs. She asked that the quantity of infrastructure requirements be doubled. She also noted that she believes Florida Power & Light (FP&L) has a program that pays for the cost of a 240-volt EVCS. She also noted based on the pace, what they are discussing will need to be reinvented in about five years, but buildings that don't have EVCSs won't have a spaces for people to use because the EVs will be available sooner than the buildings will be renovated.

##### c. Public

There were no public comments.

##### d. Staff

No further discussion.

#### C. FUTURE MEETINGS/ANTICIPATED EXHIBITS

##### 1. February 4, 2021 – Review of Draft ULDC Amendments

Dr. Vinikoor asked that the meeting scheduled for February 4, 2021 be used to continue the presentation talking points, and discussed the possibility of an additional meeting. Mr. Gagnon agreed. March 3, 2021 at 1:00 p.m. was suggested.

#### D. MEETING RECAP AND CONCLUSION

Dr. Vinikoor said there is no need to recap and to conclude.

#### E. ADJOURNMENT

Motion to adjourn, by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimously (4-0).

The LDRAB EVCSs Subcommittee adjourned at 2:36 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.