



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, August 1, 2023

12:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

The Ordinance Committee will hold a public hearing on Tuesday, August 1, 2023 from 12:00p.m. to 2:00p.m. relative to amending the Municipal Code for the City of Cambridge to add a new Chapter, 15.30, titled “Fossil Fuel Free Demonstration”, proposed Ordinance 2023-3, and to consider a proposed amendment to BEUDO requiring new Covered Properties to achieve net zero by 2030.

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"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12:10 PM
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	1:25 PM
Paul F. Toner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12:53 PM

A public meeting of the Cambridge City Council’s Ordinance Committee was held on Tuesday, August 1, 2023. The meeting was Called to Order at 12:00 p.m. by the Chair, Councillor Zondervan. 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 – Absent

Councillor McGovern – Present/Remote*

Councillor Nolan – Present/In Sullivan Chamber

Councillor Simmons – Absent*

Councillor Toner – Present/In Sullivan Chamber

Councillor Zondervan – Present/In Sullivan Chamber

Mayor Siddiqui – Absent*

Present – 6, Absent – 3. Quorum established.

***Councillor McGovern moved from remote to in person participation at 12:10 p.m.**

***Mayor Siddiqui was marked present and remote at 12:10 p.m. and joined in person at 12:53 p.m.**

***Councillor Simmons was marked present and remote at 1:25 p.m.**

The Chair, Councillor Zondervan offered opening remarks and noted that the call of the meeting was to hold a public hearing relative to amending the Municipal Code for the City of Cambridge to add a new Chapter, 15.30, titled “Fossil Fuel Free Demonstration”, proposed Ordinance 2023-3, and to consider a proposed amendment to BEUDO requiring new Covered Properties to achieve net zero by 2030.

Councillor Zondervan shared that Susanne Rasmussen, Director of Environmental and Transportation Planning for the Community Development Department (CDD) was present in the Chamber and joined by Nikhil Nadkarni, Energy Planner. Susanne Rasmussen noted that Iram Farooq, Assistant City Manager for CDD would be joining the meeting shortly. City Solicitor, Nancy Glowa and Megan Bayer, Deputy City Solicitor were also present.

The Chair, Councillor Zondervan recognized Susanne Rasmussen and Nikhil Nadkarni who gave a presentation titled “Fossil Fuel Free Building Demonstration Program” which was provided in advance of the meeting and included in the Agenda Packet. The presentation offered an overview and introduction to the Fossil Fuel Free Demonstration Program and how it aligns with climate goals in Cambridge, a review of the requirements of the Fossil Fuel Free Demonstration and who they apply to, community engagement, research findings and community feedback, and proposed changes to the state’s suggested ordinance language.

After the presentation, the Chair, Councillor Zondervan opened Public Comment. The following individuals were allowed up to three minutes to speak.

Margery Davies, 35 William Street, Cambridge, MA, Mothers Out Front, shared that they were in favor of the Fossil Fuel Free program.

Cynthia Hibbard, 23 Ellsworth Avenue, Cambridge, MA, Green Cambridge, spoke in strong support of the Fossil Fuel Free program.

Joan Pickett, 59 Ellery Street, Cambridge, MA, shared concerns about the residential impact relative to the Fossil Fuel Free program.

Patrick Barrett, 41 Pleasant Street, Cambridge, MA, spoke in opposition to the Fossil Fuel Free program and proposed amendments to BEUDO.

Kendyl Maher-Trumble, 348 Walden Street, Cambridge, MA, on behalf of Harvard University, spoke in opposition to the proposed amendments to BEUDO.

Denise Jillson, Executive Director for the Harvard Square Business Association, spoke in opposition and shared concerns regarding the Fossil Fuel Free program.

The Chair, Councillor Zondervan recognized Councillors Toner, Azeem, Nolan, and McGovern for discussion, comments, and a series of questions. Iram Farooq, Susanne Rasmussen and Nikhil Nadkarni, responded to questions and concerns raised by Councillors. Megan Bayer

responded to legal questions. The Chair, Councillor Zondervan also offered comments and provided clarification on points raised throughout the discussion.

The Chair, Councillor Zondervan recognized Councillor Nolan who shared that she was bringing an amendment forward regarding commercial cooking equipment that is used in restaurants. Councillor Nolan provided a brief review of why she was bringing the amendment forward. The Chair opened the discussion to Councillors. Councillor Azeem expressed that he would like more time to review it. After discussion, Councillor Nolan withdrew the motion and noted that she would bring it forward at the August 7, 2023 Summer City Council meeting.

The Chair, Councillor Zondervan recognized Councillor Nolan who made a motion to recommend to the full City Council that the language passed to a second reading on June 26, 2023, proposed Ordinance 2023-3, Fossil Fuel Free Demonstration, be amended by substitution with the new language provided by CDD. (See Attached B for redline version and clean version of recommended language from CDD)

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Caralone – Yes

Vice Mayor Mallon – Absent

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 8, No – 0, Absent – 1. Motion passed.

The Chair, Councillor Zondervan noted the time and asked the Council if they wished to extend the meeting to discuss the proposed amendments to BEUDO. Councillor McGovern and Mayor Siddiqui noted they would not be able to stay. The Chair, Councillor Zondervan stated that another meeting would be scheduled.

The Chair, Councillor Zondervan recognized Councillor Simmons who made a motion to adjourn.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Caralone – Yes

Vice Mayor Mallon – Absent

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 8, No – 0, Absent – 1.

The Ordinance Committee adjourned at approximately 1:56 p.m.

Attachments

Attachment A: Written communications received from the public.

Attachment B: Proposed Ordinance 2023-3, Redline version and clean version of recommended language from CDD.

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/553?view_id=1&redirect=true&h=b2fa1919d6f5c8d2703578102cc0cf28

A communication was received from Diane LeBlanc, City Clerk, transmitting proposed Ordinance 2023-3 relative to amending the Municipal Code. Passed to a second reading on June 26, 2023.

A communication was received from Susanne Rasmussen, Director of Environmental and Transportation Planning, transmitting a redline version of proposed language for Ordinance 2023-3.

A communication was received from Susanne Rasmussen, Director of Environmental and Transportation Planning, transmitting presentation regarding the Fossil Fuel-Free Demonstration program.

A communication was received from Susanne Rasmussen, Director of Environmental and Transportation Planning, transmitting a chart regarding Cambridge building emissions regulations.

A communication was received from Councillor Zondervan, transmitting a proposed amendment to BEUDO related to Covered Properties.

Attachment A

Erwin, Nicole

From: Elena Fagotto <elenafagotto@gmail.com>
Sent: Tuesday, August 1, 2023 11:37 AM
To: City Council
Cc: City Clerk; City Manager
Subject: Fossil Fuel Free Demonstration Program

Dear City Councilors,

As you consider the Fossil Fuel Free Demonstration Program, I encourage you to adopt it without exempting restaurants. There is plenty of evidence about the harms of cooking with gas. The combustion causes the release of dangerous compounds, such as nitrogen dioxide and benzene. Such chemicals exacerbate respiratory conditions such as asthma and benzene is carcinogenic. For a review of the evidence, please read <https://rmi.org/gas-stoves-health-climate-asthma-risk/>

Recently, Stanford university researchers found that indoor levels of benzene from cooking are even higher than those found in second hand smoke <https://news.stanford.edu/2023/06/16/cooking-gas-stoves-emits-benzene-2/>

The health of workers in restaurant kitchens should be protected. They can cook as efficiently, but in a much safer environment, using electricity, with induction stoves, for example.

Burning fossil fuels is bad for our health and our planet. There are plenty of safe, affordable electric alternatives that have been used in other countries for years. It's time for Cambridge to support that switch. The climate crises demands swift and responsible action.

Thank you for your consideration

Elena Fagotto

26 Bigelow sr unit B

Sent from mobile phone

Erwin, Nicole

From: David Rabkin <dgrabkin@gmail.com>
Sent: Tuesday, August 1, 2023 11:05 AM
To: City Council; City Clerk; City Manager
Cc: Rasmussen, Susanne; Shaw, Meghan; Steven Nutter
Subject: Fossil fuel demo project -- minimize exemptions, and make any we adopt short-term

To the City Council:

I'm David Rabkin, a resident living at 184 Huron Avenue and the Chair of the City's Climate Committee.

As you discuss the fossil fuel ban, I'd encourage you to limit exemptions as much as possible. I'd recommend against granting any blanket exemptions for more than 5 years. Of the exemptions under consideration, I'd be particularly reluctant to grant an exemption for new restaurants.

A few factors to consider:

- Adding fossil fuel-burning infrastructure and failing to retrofit when renovating runs contrary to our city's, and our society's, need to reduce greenhouse gas emissions.
- Given the City's goal to lead on climate policy and programs, and thus help other municipalities advance their own efforts, Cambridge needs to move quickly and aggressively.
- The fossil-free demonstration addresses new construction and renovation. Weakening it locks in future emissions at a time when we should be eliminating them.
- We know that fossil-free new construction is possible and, over time, will become increasingly routine and economical. We should be particularly strict with regard to new construction.

The fossil fuel-free ban – and BEUDERO, too – place requirements on property-owners and developers that are, in fact, inconvenient if not challenging. Unfortunately, that is inevitable. There will always be opposition, even among many who believe in the goals that drive them.

We should not back off on this set of regulations. They, along with everything else we're doing, get us only partway to our stated emission reduction goals. Let's stay true to the goals, lead the way, grant the minimum blanket exemptions possible, and do so only for a maximum of 5 years.

Then, as I've stated before, let's immediately turn our attention to the regulations needed to address the rest of our building infrastructure (existing buildings not covered by BEUDERO

and this demonstration project) and also to creating the supporting policies and programs property-owners need to be able to respond effectively to our city's new requirements.

Sincerely,

David Rabkin

Erwin, Nicole

From: Dan Totten <dantottencambridge@gmail.com>
Sent: Tuesday, August 1, 2023 11:00 AM
To: City Council
Cc: City Clerk
Subject: advance climate action today

Hi council,

I'm writing to ask you to advance the Fossil Fuel Free Demonstration Ordinance. As a reminder, this is not something that was invented in Cambridge. In fact, this was a rare bipartisan effort, signed into law by Governor Baker in his last days in office. This ordinance is largely template language recommended by the state and many other communities including Boston and Somerville are advancing it. There is also a timing issue here because the deadline to submit a complete application is in September...so please do not keep this in the ordinance committee today. That would jeopardize our status as a participating community and there are several others waiting in line who would love to take our spot. That would be embarrassing for everybody, especially on the heels of such a big climate victory last month.

Best,

Dan Totten
54 Bishop Allen Drive #2

Erwin, Nicole

From: Nancy Donohue <ndonohue@cambridgechamber.org>
Sent: Tuesday, August 1, 2023 10:26 AM
To: City Clerk; Crane, Paula
Subject: fossil fuel free
Attachments: DOC080123.pdf

Attached please find a letter for the record for today's Ordinance Committee meeting.



David P. Maher
Chamber President & CEO
Gilda Nogueira, Chair
East Cambridge Savings Bank
Robyn Culbertson, Vice Chair
Cambridge Office for Tourism
Jay Kiely, Vice Chair
BioMed Realty
Paul Lee, Treasurer
Hong Kong Restaurant
Katherine Roffeley, Secretary
Mount Auburn Hospital
Alex Attia
The Charles Hotel
Ken Barron
CAPU Associates
Dennis Benzan
La Fabrica
Michelle Consalvo
Tokeda
Kara Cournoyer
Noxoris
Julie Cox
Astellas
Sarah Gallop
MIT
Bob Giffens
Bridges Howard
Sean Hope
Hope Real Estate
Michelle Lower
Alexandria Real Estate
Thomas Lucey
Harvard University
Susan Marlin
MossBio
Jim McSweeney
CIP Group
Michael Guleserian
Sheraton Commander
Carl Nagy-Koechlin
Jest-A-Start Corporation
Krina Patel
Biogen
Wayne Patenaude
Cambridge Savings Bank
Sasha Purpura
Food for Free
Elizabeth Schwab
Google

August 1, 2023

Mayor Sumbul Siddiqui
Members of the City Council
Cambridge City Hall
Cambridge, MA 02139

Mayor Siddiqui and City Councillors,

On behalf of our members, I am writing to express some significant concerns we have with the "Fossil Fuel Free" ordinance that is currently before the Council for consideration. While we certainly understand the intent behind the proposed ordinance, we are deeply concerned about the impact passage will have on small businesses, especially on our small, independent restaurants which contribute so much to the multi-ethnic vibrancy of our city.

Restaurants are an integral part of the fabric of our neighborhoods and community. This sector has been through one of the most trying periods in many decades and are still rebuilding their businesses. Adopting an outright ban on fossil fuels, including natural gas, would potentially cause irrevocable harm to our independent businesses. We ask that the Council adopt a provision that includes an exemption for restaurants.

Cambridge is a national leader in climate change; this is proven by the adoption of BEUDO, our green building zoning, green roof zoning, commitment to the net-zero stretch code, removal of parking requirements and steadfastness to housing density. The Chamber is proud of our role in working with the city to promote environmental protections.

As always, the Chamber looks forward to continuing our work with the city and the Council to ensure Cambridge remains a desirable place to live, work and thrive.

Sincerely,

A handwritten signature in black ink that reads "David P. Maher".

David P. Maher
President & CEO

Erwin, Nicole

From: Davies, Margery W. <Margery.Davies@tufts.edu>
Sent: Tuesday, August 1, 2023 10:21 AM
To: City Council
Cc: City Clerk; City Manager; CDDat344
Subject: VOTE FOR a comprehensive Fossil Fuel-Free Demonstration Program in Cambridge

Dear Cambridge City Councillors,

I am writing to you about the Fossil Fuel-Free Demonstration Program. First of all, I strongly encourage you to vote to adopt this ordinance.

Second, I have been hearing that there is a proposal to exempt restaurants from the requirement that cooking equipment not be allowed to utilize “coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels.” PLEASE do not exempt restaurants. There has been a lot of information recently about the health hazards of cooking with natural gas – methane, as well as carbon dioxide, emissions. Why would we allow newly-constructed restaurants to prolong these health hazards, subjecting the workers in restaurants, in particular, to their dangers? When we have a good opportunity to address the health hazards of fossil fuel cooking, we should take it.

The Fossil Fuel-Free Demonstration Program that Massachusetts is allowing ten cities to pilot has a very significant weakness -- research laboratories for scientific or medical research, hospitals, and medical offices are exempted. This loophole has already weakened the program a lot. (As you know, you are also considering a policy order that would close this loophole, which I encourage you to do.)

Please don't further weaken the Fossil Fuel-Free Demonstration Program by exempting restaurants.

Ever since I was appointed as a member of the Net Zero Action Plan 5-Year Review Task Force, and then as a member of the Climate Crisis Working Group, I and other members of Mothers Out Front have been watching as our government – from the City Council, to the City Manager, to the Community Development Department – have deliberated over how thoroughly, and how quickly, to address climate change. You have taken a very important step in passing the BEUDO Amendments on June 26, 2023. Please take another important step today and make the Fossil Fuel-Free Demonstration Program as comprehensive as it can be in Cambridge.

Thank you,

Margery Davies

Member, Net Zero Action Plan 5-Year Review Task Force

Member, Climate Crisis Working Group

Member, Cambridge Mothers Out Front

35 William Street, #1

Cambridge, MA 02139

Erwin, Nicole

From: Susan Martin <Susan.Martin@massbio.org>
Sent: Tuesday, August 1, 2023 10:01 AM
To: City Council
Cc: City Manager; City Clerk
Subject: MassBio Comment Letter on the BEUDO "new building amendment" and Cambridge's application to be part of the MA Fossil Fuel Free demonstration project
Attachments: MassBio Comment Letter on BEUDO new building amendment and Cambridge's application to be part of the MA Fossil Fuel Free demonstration project .pdf

Members of the Cambridge City Council:

On behalf of Kendalle Burlin O'Connell, CEO and President of MassBio, attached please find our comment letter relative to the BEUDO "new building amendment" and Cambridge's application to be part of the MA Fossil Fuel Free demonstration project.

Thank you for your time and consideration of these comments.

Susan

Susan Martin She/Her/Hers
Senior Director of Government Affairs and Advocacy
MassBio
📞 617-694-5134
🌐 massbio.org
📍 700 Technology Square, 5th Fl, Cambridge MA 02139



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August 1, 2023

Cambridge City Council
795 Massachusetts Avenue, 2nd Floor
Cambridge, MA 02139



main: 617 • 674 • 5100 fax: 617 • 674 • 5101

Massachusetts Biotechnology Council
700 Technology Square, 5th Floor
Cambridge, MA 02139

Dear Members of the Cambridge City Council:

On behalf of MassBio and our 1,600+ members, we appreciate your consideration of these written comments relative to amending the Municipal Code for the City of Cambridge to add a new Chapter, 15.30, titled “Fossil Fuel Free Demonstration,” proposed Ordinance 2023-3, and more specifically the proposed amendment to BEUDO offered by Councilor Zondervan that requires new covered properties to achieve net zero by 2030.

MassBio represents a wide range of member organizations, including biotech companies, teaching hospitals, and academic institutions, the majority of which are directly engaged in cutting-edge research, development, and manufacturing of innovative products that improve the lives of sick people around the world.

As you know, Cambridge is the home to a world-leading biotech cluster. As such, our industry must lead the way toward solutions around issues like sustainability and diversity. Our members and the biopharmaceutical industry in Massachusetts are helping lead the way in the development of energy efficient green buildings. Many of the industry’s latest buildings have achieved the highest LEED (Leader in Energy and Environmental Design) designations from the U.S. Green Building Council. Our industry “thinks green” out of a strong social and civic consciousness, as well as necessity.

We applaud the City of Cambridge for its continued efforts to reduce building energy use and MassBio, and our member companies, want to be a partner in this effort. MassBio members have already undertaken significant efforts to comply with BEUDO’s already accelerated 2035 net zero deadline for 100,000 sf non-residential buildings. However, MassBio opposes Councillor Zondervan’s proposed BEUDO amendment shortening to 2030 the timeline for net zero compliance for buildings of 100,000 sf and larger “that receive their Certificate of Occupancy (CO) prior to January 1, 2025.” Buildings on track to receive a CO by January 1, 2025, are well into the design and construction process. Imposing a 2030 net zero deadline is unfair, presents technical challenges, and ignores the efforts that went into the recent passage of a comprehensive series of BEUDO amendments.

As the life sciences industry pursues the research and development of life-changing medical treatments and cures, our companies and non-profit research institutions use the latest research and manufacturing processes. While new technologies and an industry commitment to green technologies are helping improve energy efficiency overall, the research, development and manufacture of biopharmaceuticals necessarily requires that facilities serving the industry are as energy efficient as possible.

We hope that the proposed order is not adopted and that we can continue the stakeholder dialogue to ensure that we can identify the best path forward. MassBio and our members want to work with the City and all the relevant stakeholders, to be part of crafting real solutions that achieve our shared goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Kendalle Burlin O'Connell".

Kendalle Burlin O’Connell
CEO & President

Erwin, Nicole

From: Harris, Jonathan <Jonathan.Harris@tufts.edu>
Sent: Monday, July 31, 2023 7:00 PM
To: City Council
Cc: City Clerk; City Manager
Subject: Fossil Fuel Free Ordinance and Policy Order #115

Dear City Councillors,

Congratulations on the June 26 passage of amendments to BEUDO! It was very encouraging to see cooperative and constructive work by all councillors to achieve this groundbreaking energy and climate policy, putting Cambridge in the lead in what this summer's heat and flood events have clearly shown is the critical issue of our time.

Two important steps remain: submitting Cambridge's Fossil Free Demonstration Ordinance for "new buildings and buildings undergoing major renovations" by the state deadline of September 1, and closing the remaining gap by requiring BEUDO-eligible buildings that are exempted from this ordinance by state policy (including laboratory, research, and medical facilities) to meet a rapid fossil-free deadline of 2030 (Policy Order #115).

I am writing to urge you to make sure that we meet the September 1 deadline for the Fossil Free Demonstration Ordinance, and also that we pass separate legislation to require newly constructed BEUDO-eligible buildings to reach net zero by 2030.

The technology is already in use to enable large new buildings to be fossil free, and is very economically viable. Having these regulations in place will ensure that no new and wasteful fossil fuel infrastructure is built. If buildings use geothermal heat and on-site solar, net zero can be accomplished for new buildings with little or no additional grid electrical demand. In addition, there will be significant community benefits from reduced ground-level pollution.

This has been an extraordinary year for catastrophic climate events. Let's also make it an extraordinary year for Cambridge's forward-looking climate policy!

Jonathan Harris
9 Marie Avenue

--
Jonathan M. Harris
Visiting Scholar
Tufts University Global Development and Environment Institute

Erwin, Nicole

From: Beth O'Neill Maloney <beth@kendallsquare.org>
Sent: Monday, July 31, 2023 3:06 PM
To: City Council; City Clerk; City Manager
Subject: Statement of the Kendall Square Association re August 1 Ordinance Committee Hearing

Good afternoon,

In advance of the **Tuesday, August 1** Cambridge City Council Ordinance Committee meeting, I would like to submit the following statement into the record on behalf of the Kendall Square Association.

First, the KSA is opposed to Councillor Zondervan's proposed BEUDO amendment shortening to **2030** the timeline for net zero compliance for buildings of 100,000 sf and larger "**that receive their Certificate of Occupancy prior to January 1, 2025**" on several grounds.

- Please know that the KSA is deeply concerned about climate change, and as we share every week in the Kendall GREEN section of our newsletter, our community is committed to combating climate change through innovation, conservation, and implementation of practices ranging from renewable energy to composting to developing a circular economy.
- Here in Kendall Square, our members have undertaken significant efforts to reduce GHG emissions, and continue to do so because it's the right thing to do and to comply with BEUDO's *already accelerated* 2035 net zero deadline for 100,000 sf non-residential buildings. No further acceleration is needed.
- The KSA opposes Councillor Zondervan's BEUDO amendment on the grounds that **buildings on track to receive a CO by January 1, 2025 are well into the design and construction process. Imposing a 2030 net zero deadline is unfair, presents technical challenges, and ignores the efforts that went into the recent passage of a comprehensive series of BEUDO amendments.** Addressing climate change effectively requires collaboration between the City and land/building owners.

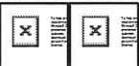
Second, with respect to Cambridge's application to be a part of the **MA Fossil Fuel Free demonstration project** which would prohibit the use of fossil fuels in new construction or major renovations, the KSA supports an exception to the Fossil Fuel Free demonstration project for restaurants and commercial kitchens.

Thank you for your thoughtful consideration.

Beth

Beth O'Neill Maloney
Kendall Square Association

EXECUTIVE DIRECTOR | *she/her/hers*
510 Kendall Street, Cambridge MA 02142
M: 617 460-5181



Erwin, Nicole

From: cshibbard79@gmail.com
Sent: Monday, July 31, 2023 1:27 PM
To: City Council
Cc: City Clerk; citymanager@cambridge.gov; 'Steven Nutter'; greencambridgeboard@googlegroups.com
Subject: Support for Policy Order 2023 #115 - Proposed Amendment to BEUDERO
Attachments: Letter Green Cambridge to Ordinance Cte re BEUDERO Policy Order 2023 #115.pdf

Dear City Council Ordinance Committee,

On behalf of the Green Cambridge Board Executive Committee, I am submitting this letter of support for the proposed BEUDERO Amendment in Policy Order 2023 #115, which will be considered at the Ordinance Committee Hearing on August 1st.

Thank you,

Cynthia Hibbard
Green Cambridge Board Chair and President



July 31, 2023

Cambridge City Council Ordinance Committee

via email

Subject: Support Policy Order 2023 #115

Dear Ordinance Committee:

Green Cambridge is deeply appreciative of the City Council's extraordinary achievement in passing the June 26th amendments to the Building Energy Use Disclosure Ordinance (BEUDO), setting net zero requirements for large existing buildings. We also strongly support your work at this meeting to adopt an ordinance that would allow Cambridge to participate in the 10-Town Fossil-Fuel-Free Demonstration Program for new construction. We urge the Ordinance Committee and full Council to complete this important work by approving Policy Order #115 to close a gap that exists between these two programs.

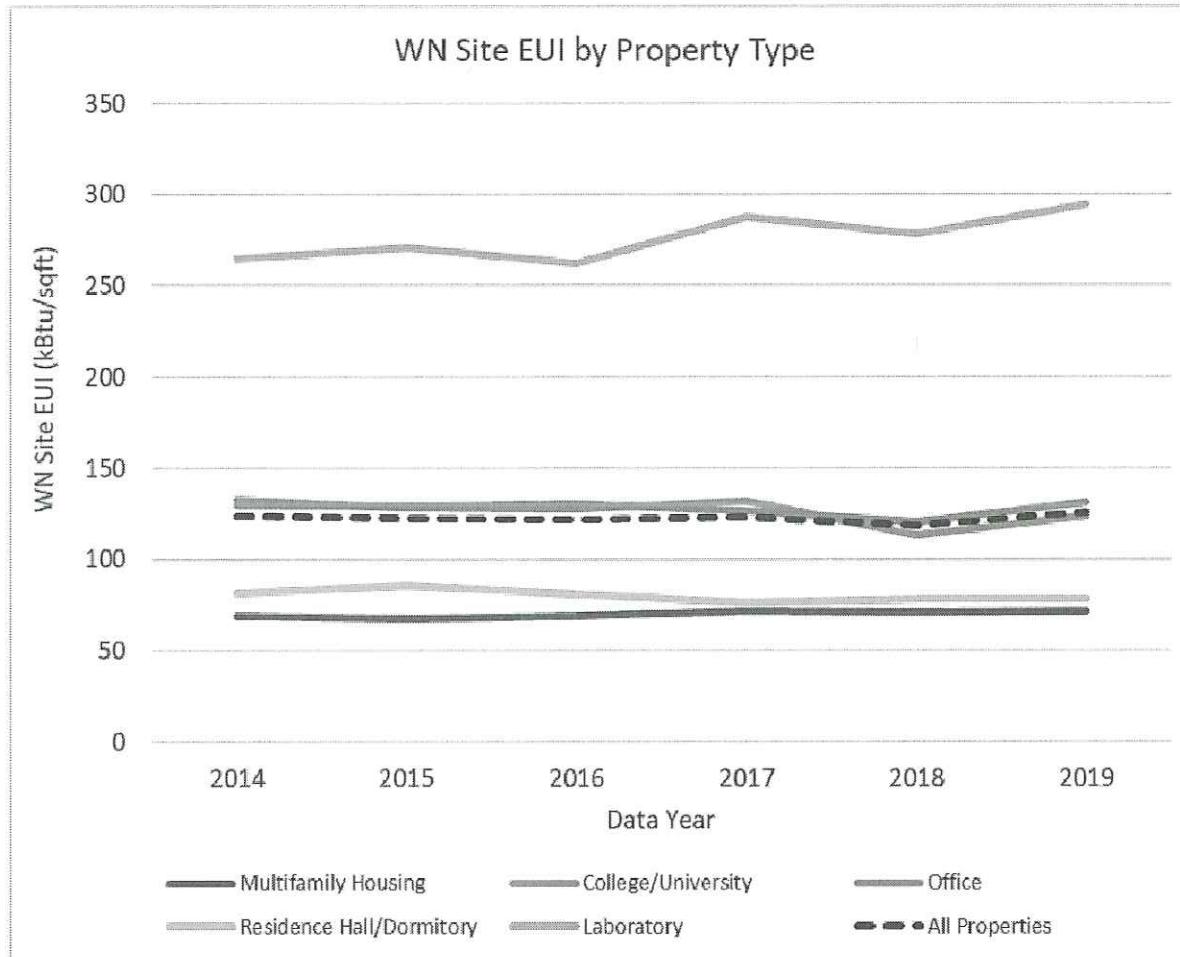
Green Cambridge is a 501(c)3 non-profit organization that works to create a more sustainable city and to protect the environment for the health and safety of all. Green Cambridge's leadership and advocacy contributed to the City's creation of "Getting to Net Zero Task Force" in 2013, and the resulting Net Zero Action Plan adopted by the City Council in 2015. Action 2.1 of the Net Zero Action Plan calls for achieving net zero greenhouse gas emissions in ALL new buildings.

BEUDO requires emissions reductions and progress toward net zero for all existing non-residential buildings 25,000 square feet or larger, including laboratory, medical and research buildings. However, the 10-Town Fossil-Fuel-Free Demonstration Program for new buildings would exempt laboratory, medical and research buildings. This would create the counterproductive and inefficient situation in which a laboratory building could be constructed with fossil fuel infrastructure, and then as soon as it is complete, be regulated as an existing building required to reduce its emissions to net zero by 2035 or 2050 (depending on its size).

Proposed Policy Order #115 would close this counterproductive loophole by requiring newly constructed BEUDO-eligible buildings to reach net zero on an accelerated timeline, by 2030. The fast track to net zero will incentivize otherwise exempt new lab, medical and research new buildings to be built without fossil fuel infrastructure.

The chart below shows how important it is to not delay in making greenhouse gas emissions reductions in laboratory buildings! They are by far our most energy intensive use in Cambridge.

Weather-Normalized Site Energy Use Intensity by Property Type



Source: City of Cambridge Community Development Department, BEUDO Amendment Proposal Presentation, May 12, 2022.

Our coalition partner, Mothers Out Front, points out in their comments that large new lab, medical, and research buildings are being successfully constructed without fossil fuel infrastructure in Cambridge (Moderna), Boston (IQHQ) and Brockton (Boston Medical Center satellite hospital).

Green Cambridge believes the time is right to encourage builders of our most energy-intensive land use to do it correctly now! It is in their best interest to not have to retrofit/replace fossil fuel infrastructure before the end of its useful life. It is in the community's best interest to stop

Cambridge City Council Ordinance Committee
July 31, 2023
Page 3

cumulative greenhouse gas emissions increases from our largest emitters as soon as possible. Green Cambridge urges the Ordinance Committee to report Policy Order #115 out favorably to the City Council for final approval and implementation.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Hibbard".

Cynthia Hibbard, Green Cambridge Board Chair and President
On behalf of the Green Cambridge Board Executive Committee

cc: City Clerk

Steven Nutter, AICP, Green Cambridge Executive Director
Green Cambridge Board of Directors
Margery Davies and Lowry Hemphill, Mothers Out Front

Erwin, Nicole

From: Nina Porzucki <nporzucki@gmail.com>
Sent: Monday, July 31, 2023 1:18 PM
To: City Council
Cc: City Clerk; City Manager
Subject: Support Policy Order 2023 #115

Dear City Councillors,

Firstly, I want to thank you all for your support and leadership in passing the amendments to BEUDO on June 26th.

And it's in that spirit, that I write to continue to urge you to support the strongest possible BEUDO amendments this upcoming meeting, August 1st. The proposed Policy Order #115, is needed to close a loophole that remains for BEUDO-eligible buildings.

New buildings should be required to build fossil-free infrastructure from the get-go. Why build brand-new buildings with fossil-fuel infrastructure and then wait until 2035 or 2050 to have these new buildings update their systems? Passing Policy Order #115 just makes sense.

As you most certainly know, this July will be the hottest month in recorded history. The urgency of our actions is in the headlines daily. Let's do this together and make the changes needed for climate justice. I urge you to support this policy order and continue to help our city do its part.

Many thanks,

Nina Porzucki

10 Ellery Street, Unit B

Erwin, Nicole

From: Arthur MacEwan <Arthur.Macewan@umb.edu>
Sent: Saturday, July 29, 2023 1:43 PM
To: City Council
Cc: City Clerk; citymanager@cambridge.gov
Subject: Please fix the loophole in the BEUDO Amendments

Dear Cambridge City Councilors:

I was quite pleased that you passed the BEUDO Amendments several weeks ago. We all knew that there was, however, a major loophole remaining—namely that new buildings would not necessarily be required to become Net Zero by 2030. While, with Cambridge becoming one of the ten cities to be included in the state's fossil-fuel-free pilot program, closing the loophole might seem unnecessary. However, as I assume you know, the state's program exempts new labs, scientific research facilities, and medical facilities. This is an unfortunate aspect of the state program, but there is no reason for Cambridge to follow the state. (I should add that the state program, by exempting such buildings, creates an incentive for them and that is necessarily a disincentive for housing. I would think that Cambridge does not want such a housing disincentive.)

So, I very strongly urge you to support the amendment that, I understand, is coming before the Council at its August 1 meeting. Please vote to close the loophole and secure Cambridge's position as an exemplary leader in efforts to curtail climate change.

Thanks very much.

Sincerely yours,

Arthur MacEwan
35 William Street
Cambridge, MA 02139
Email: arthur.macewan@umb.edu
Phone: 617-599-6103

SAMPLE BY LAW:

Chapter _____

[Adopted 0-0-2023 ATM/STM by Art.]

§ ____ 1 Definitions

§ ____ 2 Purpose

§ ____ 3 Applicability

§ ____ 4 Fossil Fuel-Free Demonstration

ORDINANCE NO. 2023-3 - FIRST PUBLICATION

CITY OF CAMBRIDGE

In the Year Two Thousand and Twenty-Three

AN ORDINANCE

In amendment to the Ordinance entitled "Cambridge Municipal Code"

That the Municipal Code of the City of Cambridge be amended to add a new Chapter 15.30 entitled "Fossil Fuel-Free Demonstration" as follows:

Chapter 15.30 FOSSIL FUEL-FREE DEMONSTRATION

§ 15.30.10 Definitions

§ ____ 1 Definitions

Fossil Fuel-Free Demonstration – Codified by the entirety of 225 CMR 24.00, the Fossil Fuel-Free Demonstration

Major Renovation - Defined as any of the following:

(a) Low-rise residential additions over 1,000 square feet and additions that exceed 100% of the conditioned floor area of the existing dwelling unit,

(b) Additions over 20,000 square feet and additions that exceed 100% of the conditioned floor areas of the existing building for all building use types except low-rise residential,

(c) Level 3 Alterations as defined in the International Existing Building Code (IEBC 2021) in which the work area exceeds 50% of the building area and exceeds 1,000 square feet for residential buildings.

(d) Level 3 Alterations as defined in the International Existing Building Code (IEBC 2021) in which the work area exceeds 50% of the building area or alterations that exceed 20,000 square feet for non-residential building uses.

(e) Change of use of over 1,000 square feet per International Energy Conservation Code (IECC 2021) Sections R505,

(f) Change of use of over 20,000 square feet or change of use of 100% of the conditioned floor areas of the existing building for all building use types except low-rise residential, International Energy Conservation Code (IECC 2021) Sections C505.

Residential building - Defined as a building containing one or more dwelling units, and whose use is primarily (greater than 75% of the conditioned floor area) residential.

As defined in 225 C.M.R. 24.00.

Specialized Energy Code – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

§ 15.30.20 Purpose

§ ____ 2 Purpose

The purpose of 15.30, also referred to as the Fossil Fuel-Free Demonstration is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free.

§ 15.30.30 Applicability

§ ____ 3 Applicability

This restriction applies to residential and non-residential buildings that qualify as new construction or major renovation, as defined in 225 CMR 24.00. This restriction shall not apply to research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in 225 CMR 24.00.

§ 15.30.40 Fossil Fuel-Free Demonstration

The Fossil Fuel-Free Demonstration, as codified by the entirety of 225 CMR 24.00, is herein incorporated by reference into the City of Cambridge Code of Ordinances, Chapter 15 with an effective date of January 1, 2024 or three months after approval by the Department of Energy Resources (DOER), whichever is later.

§ ____ 4 Fossil Fuel Free Demonstration

The Fossil Fuel Free Demonstration, as codified by the entirety of 225 CMR 24.00, is herein incorporated by reference into the Town of _____, General [or Zoning] By laws, Chapter _____ with an effective date of _____.

With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code are adopted. These changes are enforceable by the inspector of buildings or building commissionerCommissioner of Inspectional Services and will go into effect for any project seeking a Building Permit on or after the effective date.

a. Low-rise Residential Code (225 CMR 22 Appendix RC)

i. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction.

b. Commercial and All Other (225 CMR 23 Appendix CC)

i. Sections CC103 and CC105 "Zero Energy Pathway" and "Mixed-Fuel Pathway" shall not be permitted for new construction, with the following exceptions:

1. Research laboratories for scientific or medical research,
2. Hospitals regulated by the department of public health as a health care facility,
3. Medical offices regulated by the department of public health as a health care facility.
4. Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027 may utilize gas or propane for domestic water heating as the only combustion equipment.

5. Emergency and standby power systems, as defined as level 1 and level 2 systems in the NFPA 110 (2022) Section 4.4.

6. Equipment in critical use facilities for medical care and intensive research that meet the definitions of Critical Operations Data Systems and Critical Operations Power Systems as defined by the Massachusetts Electrical Code.

7. Commercial cooking equipment used in a restaurant in a building that has applied for a building permit prior to January 1, 2035, provided that the electrical panel has sufficient capacity for the later installation of fully electric food preparation equipment.

8. Heating or domestic hot water that are supplied to a building through a district energy system or central utility plant.

9. Onsite vehicle fueling connections.

10. A waiver may be granted by the Commissioner of Inspectional Services for the use of fossil fuels for manufacturing process loads if the process load cannot physically or reasonably be converted to an all-electric process, as demonstrated by the applicant.

11. A waiver may be granted by the Commissioner of Inspectional Services for any equipment for which sufficient utility electric service cannot be provided by the time of building occupancy, provided that the applicant shall furnish a letter signed by a design professional and a utility letter describing service limitations. The building owner shall commit to converting said equipment to all-electric within three (3) years of when sufficient electric capacity can be made available by the utility.

12. A waiver may be granted by the Commissioner of Inspectional Services for the following:

Historic buildings, defined in Chapter 2 of the IECC 2021 as any building or structure that is one or more of the following:

- a) Listed, or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
- b) Designated as historic under an applicable state or local law.

c) Certified as a contributing resource within a National Register-listed, state-designated or locally designated historic district.

Provided that a report has been submitted to the Commissioner of Inspectional Services and signed by a registered design professional, a representative of the State Historic Preservation Office, or the historic preservation authority having jurisdiction, demonstrating that compliance with that provision would threaten, degrade, or destroy the historic form, fabric, or function of the building.

c. Equipment or appliances used for space heating, service water heating, cooking, clothes drying, and/or lighting that can utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels may not be installed in the permitted work area as part of any residential or non-residential Major Renovation, with the exception of b.i.1-4-12 above. All Major Renovations associated with b.i.1-4-12 must follow applicable stretch code requirements.

d. The Commissioner of Inspectional Services shall have the authority to promulgate regulations for the implementation of the provisions of this Ordinance.

Passed to a second reading as amended at the City Council meeting held on June 26, 2023 and on or after July 17, 2023 the question comes on passage to be ordained.

MOTION PASSED IN COMMITTEE ON AUGUST 1, 2023

- TO RECOMMEND TO THE FULL CITY COUNCIL THAT THE LANGUAGE PASSED TO A SECOND READING ON JUNE 26, 2023, PROPOSED ORDINANCE 2023-3, FOSSIL FUEL FREE DEMONSTRATION, BE AMENDED BY SUBSTITUTION WITH THE NEW LANGUAGE PROVIDED BY CDD.**

THIS IS A CLEAN COPY OF THE NEW LANGUAGE.

CITY OF CAMBRIDGE
In the Year Two Thousand and Twenty-Three
AN ORDINANCE
In amendment to the Ordinance entitled "Cambridge Municipal Code"

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