



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, December 6, 2022

1:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

The Ordinance Committee will hold a public hearing on Article 22 Sustainable Design and Development (Emissions Accounting Zoning Petition), Ordinance #2022-20

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 type="checkbox"/>	<input checked="" type="checkbox"/>	1:45 PM
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"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<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 Tuesday, December 6, 2022. The meeting was Called to Order at 1:00 p.m. by the Chair, Councillor McGovern. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, 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.

City Clerk LeBlanc called the roll.

Councillor Azeem – Present/Remote

Councillor Carlone - Present

Vice Mayor Mallon – Absent*

Councillor McGovern – Present

Councillor Nolan – Present

Councillor Simmons – Present/Remote

Councillor Toner – Present/Remote

Councillor Zondervan – Present

Mayor Siddiqui – Present/Remote

Present – 8 Absent – 1. Quorum established. *Vice Mayor Mallon joined at 1:45 p.m.

The Chair, Councillor McGovern gave opening remarks and noted that the call of today's meeting was on Article 22 Sustainable Design and Development (Emissions Accounting Zoning Petition), Ordinance #2022-20. Joining today's meeting via Zoom was Iram Farooq, Assistant City Manager for the Community Development Department (CDD) and her team Seth Federspiel, Climate Program Manager, Jeff Robets, Zoning and Development Director, and

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Susanne Rasmussen, Director of Environmental and Transportation Planning. The City Solicitor, Nancy Glowa, was also present.

The Chair, Councillor McGovern recognized Councillor Zondervan who provided an overview of the original petition and presented two amendments which are shown in Attachment A.

The Chair, Councillor McGovern recognized Jeff Roberts and Nancy Glowa for comments.

The Chair, Councillor McGovern recognized Councillor Zondervan who made a motion to amend the proposed Zoning petition, Ordinance #2022-20.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – 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 passes.

The Chair, Councillor McGovern opened Public Comment.

Public Comment

Sarah Gallop, 77 Massachusetts Avenue, Cambridge, MA, spoke on the proposed ordinance asking for a seat at the table.

Patrick Barrett, 41 Pleasant Street, Cambridge, MA, spoke on the proposed ordinance expressing concern about its impact on small developers.

The Chair, Councillor McGovern recognized Councillor Azeem who asked if there was an assessment of cost implications for various size projects. Iram Farooq and Susanne Rasmussen both responded. The Chair, Councillor McGovern recognized Councillor Carlone, Councillor Toner and Councillor Nolan for comments and questions to which Iram Farooq, Susanne Rasmussen, and Jeff Roberts responded. Councillor McGovern voiced concerns regarding the ordinance and noted the importance of discussion that needs to happen with those that will need to comply.

The Chair, Councillor McGovern 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 – Absent

Councillor Toner – Yes
 Councillor Zondervan – Yes
 Mayor Siddiqui – Yes
 Yes–8, No–0, Absent–1. Motion passes.

The Chair, Councillor McGovern made a motion to extend the meeting by 10 minutes.

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 – Yes
 Mayor Siddiqui – Yes
 Yes–8, No–0, Absent–1. Motion passes.

The Chair, Councillor McGovern recognized Councillor Zondervan who made a motion that the City Manager be requested to direct Legal Department and CDD to review the final language of the emissions accounting zoning petition, and make any recommended adjustments, including to the effective date, to the city council prior to ordination.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes
 Councillor Carlone – 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 passes.

ORDERED: That the City Manager be requested to direct Legal Department and CDD to review the final language of the emissions accounting zoning petition, and make any recommended adjustments, including to the effective date, to the city council prior to ordination.

The Chair, Councillor McGovern recognized Councillor Zondervan who made a motion that the City Manager be requested to direct CDD to work with relevant stakeholders to provide a preliminary estimate of the cost and time burden of compliance with the emissions accounting provision, prior to ordination.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes
 Councillor Carlone – 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 passes.

ORDERED: That the City Manager be requested to direct CDD to work with relevant stakeholders to provide a preliminary estimate of the cost and time burden of compliance with the emissions accounting provision, prior to ordination.

The Chair, Councillor McGovern recognized Councillor Zondervan who made a motion that city manager be requested to direct CDD to work with relevant stakeholders to inform the design of future regulations associated with accounting for embodied emissions.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – 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 passes.

ORDERED: That the City Manager be requested to direct CDD to work with relevant stakeholders to inform the design of future regulations associated with accounting for embodied emissions.

The Chair, Councillor McGovern recognized Councillor Nolan Vice Mayor Mallon, Mayor Siddiqui and Councillor Azeem on whether the matter should be sent to the full City Council or remain in Committee for further discussion.

The Chair, Councillor McGovern recognized Councillor Zondervan who made a motion to send proposed Ordinance #2022-20, Emissions Accounting Zoning as amended, to the full City Council with a favorable recommendation to pass to a second reading. Copy attached as Attachment B.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – Yes

Vice Mayor Mallon – Present

Councillor McGovern – No

Councillor Nolan – Yes

Councillor Simmons – Absent

Councillor Toner – No

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes–5, No–2, Present–1, Absent–1. Motion passes.

The Chair, Councillor McGovern recognized Councillor Zondervan 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 – Yes

Mayor Siddiqui – Yes.

Yes–8, No–0, Absent–1. Meeting adjourned at approximately 2:10p.m.

Attachment A: Councillor Zondervan’s Amendments (copy of email)

Attachment B: Ordinance #2022-20, Emissions Accounting Zoning as amended

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/368?view_id=1&redirect=true&h=925a49f6698f40a82d35ec4abf82615d

All meetings are “closed captioned”. After each meeting the “closed captioned transcripts” are available online at: <https://app.box.com/s/9qormcahynjt4pzpt1n5opixogl3q7k5>

Please note that there is no editing of these “closed captioned transcripts” and they do not constitute a verbatim transcript prepared by a certified transcriber.

Discussion

A communication was received from Diane P. LeBlanc, City Clerk, transmitting a copy of Ordinance #2022-20 and a Planning Board report with a recommendation to adopt the Emissions Accounting Zoning Petition (Version 3) with clarifying comments.

ATTACHMENT A - COUNCILLOR ZONDERVAN'S AMENDMENTS

From: Zondervan, Quinton

Sent: Tuesday, December 6, 2022 11:30 AM

To: City Clerk <cityclerk@Cambridgema.gov>; McGovern, Marc <mmcGovern@cambridgema.gov>; Roberts, Jeffrey <jroberts@cambridgema.gov>; Federspiel, Seth <sfederspiel@cambridgema.gov>

Cc: Huang, Yi-An <yhuang@cambridgema.gov>; Farooq, Iram <ifarooq@cambridgema.gov>; Glowa, Nancy <nglowa@cambridgema.gov>

Subject: Two small amendments to emissions accounting petition based on Planning Board recommendation

Hi All,

I'll be introducing these two small [amendments](#) to the petition today based on the Planning Board recommendation:

(7) Embodied Emissions: A full lifecycle analysis of the estimated emissions generated by the construction of the Green Building Project. The **Community Development** Department shall promulgate regulations for how these estimated emissions are to be reported. Such regulations shall include at minimum the required reporting of estimated lifecycle emissions generated by the use of major building materials, including but not limited to wood, concrete, steel, aluminum and glass, using Passive House or other acceptable energy and emissions modeling software and industry standards. This paragraph will become effective on ~~July~~**January** 1, 2023, and shall not impose a requirement on any Green Building Project that is a project of the Affordable Housing Trust or otherwise for the construction of low and moderate-income housing meeting the standards established pursuant to any City, State or Federal housing program designed to assist low and moderate-income households.

Best,

Q

"Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." - Dr. Martin Luther King Jr. ^[1]_[SEP]

Quinton Zondervan

[Cambridge City Councilor](#)

617-901-2006 ^[1]_[SEP]

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ATTACHMENT B – CLEAN COPY OF ORDINANCE #2022-20 AS AMENDED

ORDERED: That section 22.25.1(c) of [Article 22](#), entitled Sustainable Design and Development, be amended as follows:

(c) Net Zero Narrative: A written description of how the Green Building Project is being designed in response to the City's Net Zero Action Plan, which seeks to neutralize greenhouse gas emissions resulting from buildings by reducing their energy use intensity and promoting renewable sources of energy. This information is provided for advisory review by CDD staff, and CDD may provide a questionnaire template to the developer for completing this narrative. At a minimum, this narrative shall include the following information:

1. Anticipated building envelope performance, including roof, foundation, walls and window assemblies, and window-to-wall ratio;
2. Anticipated energy loads, baseline energy simulation tool assumptions, and proposed energy targets, expressed in terms of site energy use intensity ("EUI"), source EUI (expressed as British Thermal Unit (BTU) per square foot per year), and annual greenhouse gas emissions projected until 2050, expressed as Metric Tons of Carbon Dioxide Equivalents (MTCO_{2e}), and calculated in accordance with the standards and requirements established in Chapter 8.67 of the Municipal Code ("Building Energy Use") and associated regulations. If anticipated tenant plug loads (EUI and emissions) are provided, they shall be separately broken out and clearly identified as such;
3. A description of ways in which building energy performance has been integrated into aspects of the Green Building Project's planning, design, and engineering, including building use(s), orientation, massing, envelope systems, building mechanical systems, on-site and off-site renewable energy systems, and district- wide energy systems;
4. A description of the technical framework by which the Green Building Project can be transitioned to net zero emissions prior to 2050 (acknowledging that such a transition might not be economically feasible at first), including future net zero emissions options for building envelope, HVAC systems, domestic hot water, interior lighting, and on- and off-site renewable energy sources;
5. A description of programs provided by local utility companies, government agencies, and other organizations that provide technical assistance, rebates, grants, and incentives that can assist in achieving higher levels of building performance, summarizing which entities have been contacted and which programs could be utilized in the Green Building Project; and
6. An assessment of the technical and financial feasibility to meet the projected HVAC and domestic hot water demands of the building (as set forth in Paragraph (2) above) using energy systems that do not consume carbon-based fuels on-site (to include solar photovoltaics and hot water, ground source, water source or air source heat pumps, district energy, geothermal

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systems, and/or similar systems) compared to code-compliant energy systems that consume carbon-based fuels on-site (including, where applicable, the construction or expansion of energy plants controlled by the developer that may be necessary to produce energy for that specific building), which shall include the cost of installation, maintenance and upkeep of the energy system and its components (incorporating programs and incentives as set forth in Paragraph (5) above). This paragraph will become effective on February 23, 2021.

7. Embodied Emissions: A full lifecycle analysis of the estimated emissions generated by the construction of the Green Building Project. The Community Development Department shall promulgate regulations for how these estimated emissions are to be reported. Such regulations shall include at minimum the required reporting of estimated lifecycle emissions generated by the use of major building materials, including but not limited to wood, concrete, steel, aluminum and glass, using Passive House or other acceptable energy and emissions modeling software and industry standards. This paragraph will become effective on July 1, 2023, and shall not impose a requirement on any Green Building Project that is a project of the Affordable Housing Trust or otherwise for the construction of low and moderate-income housing meeting the standards established pursuant to any City, State or Federal housing program designed to assist low and moderate-income households.