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MEMORANDUM

DATE: February 11, 2022

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Councilor Rebecca Walker Grossman, Chair, Finance Committee
Members of the Zoning & Planning Committee and Finance Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning

RE: **#48-22 Requesting an update on the status of implementing the Climate Action Plan**
Chair's Note: Sustainability Directors will join the committee to present the array of action items pertaining to reducing emissions and fostering clean energy sources in Newton buildings. With Sustainability and Planning staff we will discuss options for advancing the work both within ZAP committee, and by using working group/s, other committees, commissions, etc. as well as outside resources to inform how zoning can be used to set the desired policy in each case.

MEETING: February 14, 2022

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer
Ann Berwick, Co-Director of Sustainability
Bill Ferguson, Co-Director of Sustainability
Liora Silkes, Energy Coach
Jennifer Steel, Chief Environmental Planner
Nicole Freedman, Director of Transportation Planning

Introduction

At the 2022 City of Newton Inauguration both Mayor Fuller and Council President Albright spoke to the dire need for taking actions that address climate change. Particularly, multiple items dealing with the reduction of building energy use and greenhouse gas emissions (GHG) all fall to the ZAP Committee. While climate considerations have been incorporated as part of recent zoning, there is an acknowledgement that more can and should be done to quickly and efficiently tackle these items and achieve the goals set out in [Newton's Climate Action Plan](#) (CAP). At the upcoming ZAP meeting City staff will present an overview of these CAP items, which include:

- BERDO - Building Energy Reduction and Disclosure Ordinance ("Boston/Cambridge Model")
- Sustainable Residential Incentives ("Lexington Model")
- Updates to Sustainable Development Requirements (Ch. 30 Sec. 5.13)

- Solar requirements for new commercial buildings (“Watertown Model”)
- Reduced size threshold for projects to comply (Special Permit criterion 5) and address electrification requirements for Special Permit projects
- Embodied carbon tracking and monitoring
- Increased electric vehicle (EV) requirements
- Electrification home rule petition/the State electrification bill
 - The home rule petition is currently at Public Facilities and is not intended to come to ZAP unless the petition is approved by the State when additional ordinance language will be needed. Similarly, no action will be required of ZAP on the State electrification bill until/if it is approved.
 - Note: no City Council action is required now, but Newton State Representative Kay Khan has filed a bill, HD 4755, requiring that all new construction and substantial renovations statewide be electric.

Building Energy Items Before ZAP

Newton’s Co-Directors of Climate and Sustainability, Ann Berwick and Bill Ferguson, recently outlined the building energy use and GHG emissions items above in a memo to the Mayor (attachment A). This memo provides a brief introduction to each item: what it is, why it is being undertaken, and the overlap between the different proposals. The Co-Directors’ memo begins to outline the need for a different process to work through these items and what that might look. The ideas are further expanded upon and refined below.

Workplan for Building Energy CAP Items

Addressing all the above CAP items, through the traditional approach, in light of the current zoning efforts on ZAP’s general calendar, will not be efficient in terms of timing which is of the essence. Given this, the City’s Sustainability Directors and the Planning Department recommend that the CAP items be analyzed through two working groups (BERDO and Sustainable Residential Incentives) made up expressly to tackle those items. There is expected to be overlap of working group members, but each item has a different set of experts and stakeholders as well. The working groups would not only technically assess and create proposals for ZAP to consider, but also engage the appropriate stakeholders to build a coalition of support in advance of the item returning to ZAP and a City Council vote. Lastly, multiple working groups mean that both items can progress simultaneously.

City staff believe the third category of items, updates to Sustainable Development Requirements, can be handled internally by staff with the assistance of expert advisors as needed. Some of these items, like embodied carbon, are currently moving forward in this manner and portions should be ready for ZAP soon.

Generally, the size and makeup of each working group should be proportional to the impact and priority of the item. BERDO, for example, would only apply to commercial and large residential buildings and therefore would require representation from commercial property owners and the broader economic development community. The Sustainable Residential Incentives, in its current form in Lexington, would only apply to new construction and substantial renovations of single- and two-family homes. For both these items, appropriate thresholds for Newton will need to be determined.

It is the expectation that City Councilors would participate in these working groups. If broader policy issues arise the City Councilors on the working group can provide guidance, and if needed recommend that a broader conversation be held at ZAP. City Councilors would also play a critical role in broader outreach to impacted stakeholders. The engagement with stakeholders and the transparency of the

process are critical to success. Luckily other communities like Boston and Cambridge for BERDO have provided us with successful models. In addition, City staff believe outside support may be needed in particular for outreach and communications. Informing and soliciting feedback from the broader community is a priority for City staff.

To begin thinking about these CAP items and the various needs each one has, City staff have drafted a calendar of building energy CAP items (Attachment B). It attempts to put these items in order of priority/impact, as well as feasibility given staffing constraints. The time devoted to each item would follow a similar process:

- Kick-off presentation to ZAP
- Working group meetings – technical and outreach (# dependent on item)
- Check-ins at ZAP (if policy decisions arise or if item has a longer timeline)
- Zoning Ordinance proposals at ZAP and Public Hearing

At the upcoming ZAP meeting, City staff recommend the conversation focus on the merits of this model, appropriate group make-up, and the general timelines.

A Note on the Recent DOER Net Zero Stretch Code Proposal

The Department of Energy Resources (DOER) released a straw proposal on February 8 related to updates to the “stretch energy code” and the more ambitious “specialized code.” Newton is already a stretch code community and, as such, automatically adopts the new stretch code. Adoption of the specialized code would require City Council action. It is important to note that neither the stretch code nor the specialized code gives the City the authority to require that all new construction be electrified. The details of these codes are not yet available, but it appears that they make substantial progress on building envelope requirements.

Looking Ahead / Next Steps

To proceed, City staff are looking to ZAP for confirmation that building energy CAP items described above are considered the correct implementation tools to achieve many of the policy goals in the CAP approved upon by the City Council in 2019.

Attachments

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| Attachment A | Newton Directors of Sustainability Letter to the Mayor |
| Attachment B | Building Energy CAP Items Draft Calendar |