



## Zoning & Planning Committee Agenda

### City of Newton In City Council

Monday, November 13, 2023

7:00 pm  
Room 204

The Zoning and Planning Committee will hold this meeting as a hybrid meeting on Monday, November 13, 2023 at 7:00 PM that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://newtonma-gov.zoom.us/j/83278008509> or call 1-646-558-8656 and use the following Meeting ID: 832 7800 8509.

#### Items Scheduled for Discussion:

##### *Public Hearing*

**#205-23**

##### **Petition to rezone lots on Charles Street**

TERRENCE P. MORRIS, ESQ. petitioning to amend the City of Newton's Zoning Map by changing the current zoning of the property known as and numbered 132 Charles Street, Newton, Ma, and shown on the City of Newton Assessor's database as Section 41, Block 06, Lots 14, currently zoned MULTI-RESIDENCE 1 and MANUFACTURING, and Section 41, Block 06, Lot 26, currently zoned MANUFACTURING, to MIXED USE 1.

**Zoning & Planning Held 8-0 on 10/10/23**

**Chair's note:** *There is no word yet from DOER regarding whether our proposed ordinance is satisfactory. The committee will discuss when to close the public hearing and send this item forward into the next term.*

**#94-23**

##### **Discussion and possible ordinance requiring electrification of all new construction and substantial renovations**

COUNCILORS CROSSLEY, LIPOF, DOWNS, HUMPHREY, LAREDO, NORTON, MALAKIE, BOWMAN, DANBERG, WRIGHT, RYAN, LEARY, ALBRIGHT, GREENBERG, KELLEY, OLIVER, AND MARKIEWICZ requesting an update and discussion with the Sustainability Director on the requirements under the Ten Communities program, that would allow Newton to require electrification of all new

---

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

construction and substantial renovations, and to consider adopting such an ordinance.

**Zoning & Planning Held 7-0 on 06/14/23; Public Hearing Continued**

**Chair's Note:** *The Sustainability Team, joined by members of the Citizen's Commission on Energy, will provide an overview of the draft Newton BERDO ordinance, key elements of the program, lessons learned from outreach to property owners, and proposed program administration. The committee will discuss public education, and consider timing for setting public hearing in 2024.*

**#50-22** **Request for Discussion and Ordinance to require energy use reporting**  
COUNCILORS CROSSLEY, LEARY, NORTON AND BOWMAN on behalf of the Newton Citizens Commission on Energy (NCCE), requesting discussion and an ordinance that would require large property owners (campuses and large commercial buildings) to report energy use and associated greenhouse gas emissions annually to the city of Newton, to be used to encourage reductions in said energy use and greenhouse gas emissions in accordance and support of the goals set forth in the Newton Climate Action Plan. (formerly #181-21)

**Referred to Zoning & Planning and Public Facilities Committees**

**#48-22** **Requesting an update on the status of implementing the Climate Action Plan**  
PUBLIC FACILITIES and ZONING & PLANNING COMMITTEES requesting an update from the Sustainability Team and appropriate staff on the status of implementing Climate Action Plan measures, expanding municipal energy efficiency and renewable energy programs as follows:  
Newton Power Choice participation rates, municipal power purchasing contracts for gas and electricity; Solar Power Purchase Agreement including operational and PV installations under construction, municipal energy consumption (DOER report) Green Communities grant funded efficiency projects to date, Energy Coach/ "4 our Future" program and zoning ordinances both to increase building energy efficiency/renewables in the private sector and foster sustainable development patterns. (formerly #324-21)

**Zoning & Planning Approved 7-0 (Councilor Albright not voting) on 10/12/22**

**Respectfully Submitted,  
Deborah J. Crossley, Chair**



Ruthanne Fuller  
Mayor

# City of Newton, Massachusetts

Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#205-23**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

Barney Heath  
Director

## Property Owner Authorization

Date: 2/22/23

Property Location: 126-132 Charles Street

|                 |                       |                     |
|-----------------|-----------------------|---------------------|
|                 | Number                | Street Address      |
| Property Owner: | <u>WZ DNA LAB LLC</u> | <u>617 945-9697</u> |

|  |      |                |
|--|------|----------------|
|  | Name | Contact Number |
|--|------|----------------|

Current Mailing Address: 478 Franklin Street

|                 |           |              |
|-----------------|-----------|--------------|
|                 | Number    | Street Name  |
| <u>Franklin</u> | <u>MA</u> | <u>02038</u> |

|           |       |          |
|-----------|-------|----------|
| City/Town | State | Zip Code |
|-----------|-------|----------|

- I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:
1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission.
  2. I(we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.

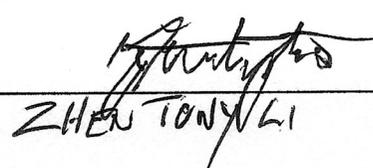
*NOTICE: The City of Newton's staff may need access to the subject property during regular business hours and will attempt to contact the applicant/agent prior to any visit. Further, members of a regulatory authority of the City may visit the property as well.*

The undersigned "Property Owner" assumes full responsibility for compliance with applicable codes, ordinances, regulations, and the City of Newton codes, procedures, and requirements.

I (we) give our permission for the applicant to submit this application as my agent (see Page 2).

*NOTICE: The applicant/agent is the primary contact and may be any individual representing the establishment or property owner. The applicant/agent must also be legally authorized to make decisions on behalf of the property owner(s) regarding the application.*

**Property Owner/Owner Representative Signature:**

  
 \_\_\_\_\_  
 ZHEN TONY LI

**Applicant/Agent Information**

**Applicant/Agent:** Terrence P. Morris, Esq.  
Name

**Applicant/Agent Address:**

|               |           |                   |  |
|---------------|-----------|-------------------|--|
| <u>57</u>     |           | <u>Elm Road</u>   |  |
| Number        |           | Street Name       |  |
| <u>Newton</u> | <u>MA</u> | <u>02460-2144</u> |  |
| City/Town     | State     | Zip Code          |  |

**Applicant/Agent Signature:**

Terrence P. Morris, Esq.

LEGAL DESCRIPTION  
126-132 CHARLES STREET, NEWTON, MASSACHUSETTS

The parcels of land, identified as SBL 41006 0026 and 41006 0014, together with the buildings and improvements situated thereon located in the Auburndale Village of Newton, Middlesex County, Massachusetts, shown on a plan entitled "Site Plan of Land Showing Proposed Zoning, Located at 132 Charles Street, Newton, MA" dated March 24, 2023, drawn by Boston Survey, Inc., and bounded and further described as follows:

Beginning at a point on the northerly side of Charles Street, thence running

- |               |   |
|---------------|---|
| NORTHWESTERLY | By Lot 1A on said plan, one hundred seventeen and 86/100 (117.86) feet, as shown on said plan;  |
| NORTHWESTERLY | Again by said Lot 1A, twenty-four and 99/100 (24.99) feet, as shown on said plan;   |
| NORTHWESTERLY | Again by said Lot 1A, forty-seven and 21/100 (47.21) feet, as shown on said plan;   |
| NORTHEASTERLY | By land of the Massachusetts Turnpike Authority one hundred fifty-two and 19/100 (152.19) feet as shown on said plan; and                     |
| NORTHEASTERLY | Again by land of the Massachusetts Turnpike Authority one hundred twenty-five and 62/100 (125.62) feet as shown on said plan;                 |
| SOUTHWESTERLY | Along a curved line by land of the Massachusetts Bay Transit Authority, three hundred ninety and 25/100 (390.25) feet, as shown on said plan. |
| NORTHWESTERLY | By Charles Street, one hundred twenty-eight and 64/100 (128.64) feet, to the point beginning.   |

Containing 33,986 square feet, more or less.

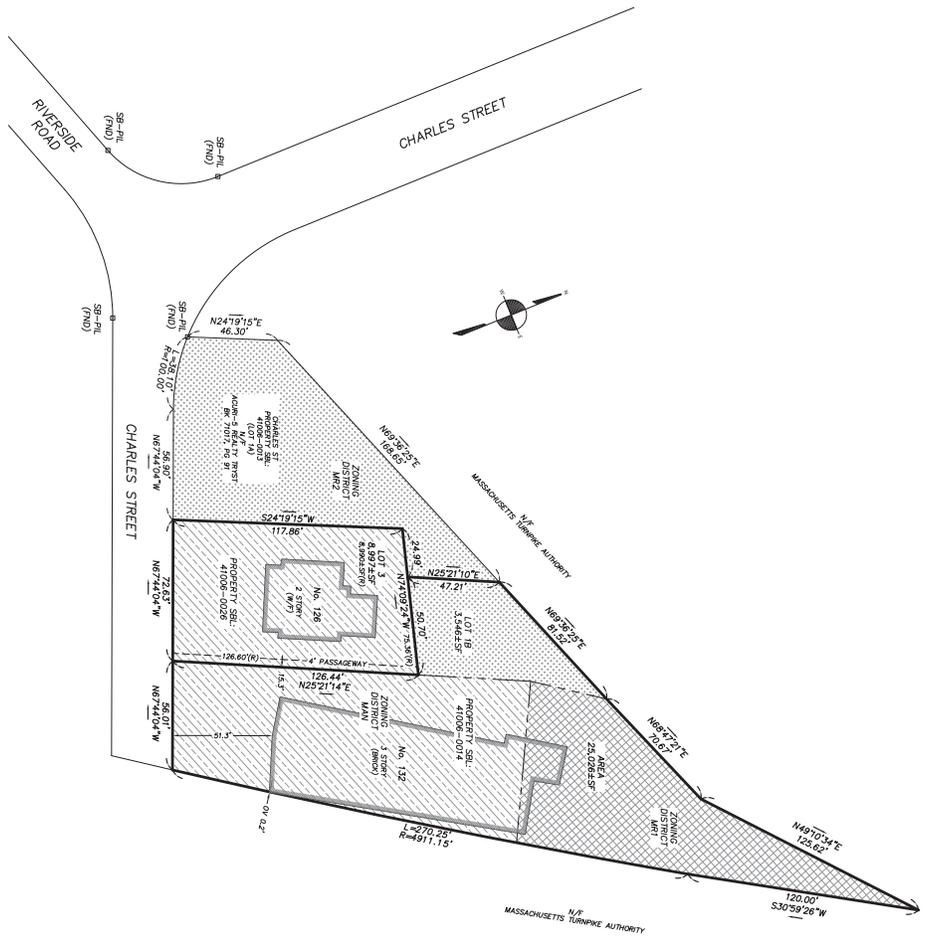
PREPARED FOR:  
 TURNPIKE REGION  
 428 MARKET STREET  
 BOSTON, MA 02108

DATE: 02/21/14, 05/31/14  
 PLAN: R-1200 RFD  
 R-1201 RFD  
 R-1202 RFD  
 R-1204 RFD  
 R-1205 RFD  
 R-1206 RFD  
 R-1207 RFD  
 R-1208 RFD  
 R-1209 RFD  
 R-1210 RFD  
 R-1211 RFD  
 R-1212 RFD  
 R-1213 RFD  
 R-1214 RFD  
 R-1215 RFD  
 R-1216 RFD  
 R-1217 RFD  
 R-1218 RFD  
 R-1219 RFD  
 R-1220 RFD  
 R-1221 RFD  
 R-1222 RFD  
 R-1223 RFD  
 R-1224 RFD  
 R-1225 RFD  
 R-1226 RFD  
 R-1227 RFD  
 R-1228 RFD  
 R-1229 RFD  
 R-1230 RFD  
 R-1231 RFD  
 R-1232 RFD  
 R-1233 RFD  
 R-1234 RFD  
 R-1235 RFD  
 R-1236 RFD  
 R-1237 RFD  
 R-1238 RFD  
 R-1239 RFD  
 R-1240 RFD  
 R-1241 RFD  
 R-1242 RFD  
 R-1243 RFD  
 R-1244 RFD  
 R-1245 RFD  
 R-1246 RFD  
 R-1247 RFD  
 R-1248 RFD  
 R-1249 RFD  
 R-1250 RFD  
 R-1251 RFD  
 R-1252 RFD  
 R-1253 RFD  
 R-1254 RFD  
 R-1255 RFD  
 R-1256 RFD  
 R-1257 RFD  
 R-1258 RFD  
 R-1259 RFD  
 R-1260 RFD  
 R-1261 RFD  
 R-1262 RFD  
 R-1263 RFD  
 R-1264 RFD  
 R-1265 RFD  
 R-1266 RFD  
 R-1267 RFD  
 R-1268 RFD  
 R-1269 RFD  
 R-1270 RFD  
 R-1271 RFD  
 R-1272 RFD  
 R-1273 RFD  
 R-1274 RFD  
 R-1275 RFD  
 R-1276 RFD  
 R-1277 RFD  
 R-1278 RFD  
 R-1279 RFD  
 R-1280 RFD  
 R-1281 RFD  
 R-1282 RFD  
 R-1283 RFD  
 R-1284 RFD  
 R-1285 RFD  
 R-1286 RFD  
 R-1287 RFD  
 R-1288 RFD  
 R-1289 RFD  
 R-1290 RFD  
 R-1291 RFD  
 R-1292 RFD  
 R-1293 RFD  
 R-1294 RFD  
 R-1295 RFD  
 R-1296 RFD  
 R-1297 RFD  
 R-1298 RFD  
 R-1299 RFD  
 R-1300 RFD  
 R-1301 RFD  
 R-1302 RFD  
 R-1303 RFD  
 R-1304 RFD  
 R-1305 RFD  
 R-1306 RFD  
 R-1307 RFD  
 R-1308 RFD  
 R-1309 RFD  
 R-1310 RFD  
 R-1311 RFD  
 R-1312 RFD  
 R-1313 RFD  
 R-1314 RFD  
 R-1315 RFD  
 R-1316 RFD  
 R-1317 RFD  
 R-1318 RFD  
 R-1319 RFD  
 R-1320 RFD  
 R-1321 RFD  
 R-1322 RFD  
 R-1323 RFD  
 R-1324 RFD  
 R-1325 RFD  
 R-1326 RFD  
 R-1327 RFD  
 R-1328 RFD  
 R-1329 RFD  
 R-1330 RFD  
 R-1331 RFD  
 R-1332 RFD  
 R-1333 RFD  
 R-1334 RFD  
 R-1335 RFD  
 R-1336 RFD  
 R-1337 RFD  
 R-1338 RFD  
 R-1339 RFD  
 R-1340 RFD  
 R-1341 RFD  
 R-1342 RFD  
 R-1343 RFD  
 R-1344 RFD  
 R-1345 RFD  
 R-1346 RFD  
 R-1347 RFD  
 R-1348 RFD  
 R-1349 RFD  
 R-1350 RFD  
 R-1351 RFD  
 R-1352 RFD  
 R-1353 RFD  
 R-1354 RFD  
 R-1355 RFD  
 R-1356 RFD  
 R-1357 RFD  
 R-1358 RFD  
 R-1359 RFD  
 R-1360 RFD  
 R-1361 RFD  
 R-1362 RFD  
 R-1363 RFD  
 R-1364 RFD  
 R-1365 RFD  
 R-1366 RFD  
 R-1367 RFD  
 R-1368 RFD  
 R-1369 RFD  
 R-1370 RFD  
 R-1371 RFD  
 R-1372 RFD  
 R-1373 RFD  
 R-1374 RFD  
 R-1375 RFD  
 R-1376 RFD  
 R-1377 RFD  
 R-1378 RFD  
 R-1379 RFD  
 R-1380 RFD  
 R-1381 RFD  
 R-1382 RFD  
 R-1383 RFD  
 R-1384 RFD  
 R-1385 RFD  
 R-1386 RFD  
 R-1387 RFD  
 R-1388 RFD  
 R-1389 RFD  
 R-1390 RFD  
 R-1391 RFD  
 R-1392 RFD  
 R-1393 RFD  
 R-1394 RFD  
 R-1395 RFD  
 R-1396 RFD  
 R-1397 RFD  
 R-1398 RFD  
 R-1399 RFD  
 R-1400 RFD  
 R-1401 RFD  
 R-1402 RFD  
 R-1403 RFD  
 R-1404 RFD  
 R-1405 RFD  
 R-1406 RFD  
 R-1407 RFD  
 R-1408 RFD  
 R-1409 RFD  
 R-1410 RFD  
 R-1411 RFD  
 R-1412 RFD  
 R-1413 RFD  
 R-1414 RFD  
 R-1415 RFD  
 R-1416 RFD  
 R-1417 RFD  
 R-1418 RFD  
 R-1419 RFD  
 R-1420 RFD  
 R-1421 RFD  
 R-1422 RFD  
 R-1423 RFD  
 R-1424 RFD  
 R-1425 RFD  
 R-1426 RFD  
 R-1427 RFD  
 R-1428 RFD  
 R-1429 RFD  
 R-1430 RFD  
 R-1431 RFD  
 R-1432 RFD  
 R-1433 RFD  
 R-1434 RFD  
 R-1435 RFD  
 R-1436 RFD  
 R-1437 RFD  
 R-1438 RFD  
 R-1439 RFD  
 R-1440 RFD  
 R-1441 RFD  
 R-1442 RFD  
 R-1443 RFD  
 R-1444 RFD  
 R-1445 RFD  
 R-1446 RFD  
 R-1447 RFD  
 R-1448 RFD  
 R-1449 RFD  
 R-1450 RFD  
 R-1451 RFD  
 R-1452 RFD  
 R-1453 RFD  
 R-1454 RFD  
 R-1455 RFD  
 R-1456 RFD  
 R-1457 RFD  
 R-1458 RFD  
 R-1459 RFD  
 R-1460 RFD  
 R-1461 RFD  
 R-1462 RFD  
 R-1463 RFD  
 R-1464 RFD  
 R-1465 RFD  
 R-1466 RFD  
 R-1467 RFD  
 R-1468 RFD  
 R-1469 RFD  
 R-1470 RFD  
 R-1471 RFD  
 R-1472 RFD  
 R-1473 RFD  
 R-1474 RFD  
 R-1475 RFD  
 R-1476 RFD  
 R-1477 RFD  
 R-1478 RFD  
 R-1479 RFD  
 R-1480 RFD  
 R-1481 RFD  
 R-1482 RFD  
 R-1483 RFD  
 R-1484 RFD  
 R-1485 RFD  
 R-1486 RFD  
 R-1487 RFD  
 R-1488 RFD  
 R-1489 RFD  
 R-1490 RFD  
 R-1491 RFD  
 R-1492 RFD  
 R-1493 RFD  
 R-1494 RFD  
 R-1495 RFD  
 R-1496 RFD  
 R-1497 RFD  
 R-1498 RFD  
 R-1499 RFD  
 R-1500 RFD  
 R-1501 RFD  
 R-1502 RFD  
 R-1503 RFD  
 R-1504 RFD  
 R-1505 RFD  
 R-1506 RFD  
 R-1507 RFD  
 R-1508 RFD  
 R-1509 RFD  
 R-1510 RFD  
 R-1511 RFD  
 R-1512 RFD  
 R-1513 RFD  
 R-1514 RFD  
 R-1515 RFD  
 R-1516 RFD  
 R-1517 RFD  
 R-1518 RFD  
 R-1519 RFD  
 R-1520 RFD  
 R-1521 RFD  
 R-1522 RFD  
 R-1523 RFD  
 R-1524 RFD  
 R-1525 RFD  
 R-1526 RFD  
 R-1527 RFD  
 R-1528 RFD  
 R-1529 RFD  
 R-1530 RFD  
 R-1531 RFD  
 R-1532 RFD  
 R-1533 RFD  
 R-1534 RFD  
 R-1535 RFD  
 R-1536 RFD  
 R-1537 RFD  
 R-1538 RFD  
 R-1539 RFD  
 R-1540 RFD  
 R-1541 RFD  
 R-1542 RFD  
 R-1543 RFD  
 R-1544 RFD  
 R-1545 RFD  
 R-1546 RFD  
 R-1547 RFD  
 R-1548 RFD  
 R-1549 RFD  
 R-1550 RFD  
 R-1551 RFD  
 R-1552 RFD  
 R-1553 RFD  
 R-1554 RFD  
 R-1555 RFD  
 R-1556 RFD  
 R-1557 RFD  
 R-1558 RFD  
 R-1559 RFD  
 R-1560 RFD  
 R-1561 RFD  
 R-1562 RFD  
 R-1563 RFD  
 R-1564 RFD  
 R-1565 RFD  
 R-1566 RFD  
 R-1567 RFD  
 R-1568 RFD  
 R-1569 RFD  
 R-1570 RFD  
 R-1571 RFD  
 R-1572 RFD  
 R-1573 RFD  
 R-1574 RFD  
 R-1575 RFD  
 R-1576 RFD  
 R-1577 RFD  
 R-1578 RFD  
 R-1579 RFD  
 R-1580 RFD  
 R-1581 RFD  
 R-1582 RFD  
 R-1583 RFD  
 R-1584 RFD  
 R-1585 RFD  
 R-1586 RFD  
 R-1587 RFD  
 R-1588 RFD  
 R-1589 RFD  
 R-1590 RFD  
 R-1591 RFD  
 R-1592 RFD  
 R-1593 RFD  
 R-1594 RFD  
 R-1595 RFD  
 R-1596 RFD  
 R-1597 RFD  
 R-1598 RFD  
 R-1599 RFD  
 R-1600 RFD  
 R-1601 RFD  
 R-1602 RFD  
 R-1603 RFD  
 R-1604 RFD  
 R-1605 RFD  
 R-1606 RFD  
 R-1607 RFD  
 R-1608 RFD  
 R-1609 RFD  
 R-1610 RFD  
 R-1611 RFD  
 R-1612 RFD  
 R-1613 RFD  
 R-1614 RFD  
 R-1615 RFD  
 R-1616 RFD  
 R-1617 RFD  
 R-1618 RFD  
 R-1619 RFD  
 R-1620 RFD  
 R-1621 RFD  
 R-1622 RFD  
 R-1623 RFD  
 R-1624 RFD  
 R-1625 RFD  
 R-1626 RFD  
 R-1627 RFD  
 R-1628 RFD  
 R-1629 RFD  
 R-1630 RFD  
 R-1631 RFD  
 R-1632 RFD  
 R-1633 RFD  
 R-1634 RFD  
 R-1635 RFD  
 R-1636 RFD  
 R-1637 RFD  
 R-1638 RFD  
 R-1639 RFD  
 R-1640 RFD  
 R-1641 RFD  
 R-1642 RFD  
 R-1643 RFD  
 R-1644 RFD  
 R-1645 RFD  
 R-1646 RFD  
 R-1647 RFD  
 R-1648 RFD  
 R-1649 RFD  
 R-1650 RFD  
 R-1651 RFD  
 R-1652 RFD  
 R-1653 RFD  
 R-1654 RFD  
 R-1655 RFD  
 R-1656 RFD  
 R-1657 RFD  
 R-1658 RFD  
 R-1659 RFD  
 R-1660 RFD  
 R-1661 RFD  
 R-1662 RFD  
 R-1663 RFD  
 R-1664 RFD  
 R-1665 RFD  
 R-1666 RFD  
 R-1667 RFD  
 R-1668 RFD  
 R-1669 RFD  
 R-1670 RFD  
 R-1671 RFD  
 R-1672 RFD  
 R-1673 RFD  
 R-1674 RFD  
 R-1675 RFD  
 R-1676 RFD  
 R-1677 RFD  
 R-1678 RFD  
 R-1679 RFD  
 R-1680 RFD  
 R-1681 RFD  
 R-1682 RFD  
 R-1683 RFD  
 R-1684 RFD  
 R-1685 RFD  
 R-1686 RFD  
 R-1687 RFD  
 R-1688 RFD  
 R-1689 RFD  
 R-1690 RFD  
 R-1691 RFD  
 R-1692 RFD  
 R-1693 RFD  
 R-1694 RFD  
 R-1695 RFD  
 R-1696 RFD  
 R-1697 RFD  
 R-1698 RFD  
 R-1699 RFD  
 R-1700 RFD  
 R-1701 RFD  
 R-1702 RFD  
 R-1703 RFD  
 R-1704 RFD  
 R-1705 RFD  
 R-1706 RFD  
 R-1707 RFD  
 R-1708 RFD  
 R-1709 RFD  
 R-1710 RFD  
 R-1711 RFD  
 R-1712 RFD  
 R-1713 RFD  
 R-1714 RFD  
 R-1715 RFD  
 R-1716 RFD  
 R-1717 RFD  
 R-1718 RFD  
 R-1719 RFD  
 R-1720 RFD  
 R-1721 RFD  
 R-1722 RFD  
 R-1723 RFD  
 R-1724 RFD  
 R-1725 RFD  
 R-1726 RFD  
 R-1727 RFD  
 R-1728 RFD  
 R-1729 RFD  
 R-1730 RFD  
 R-1731 RFD  
 R-1732 RFD  
 R-1733 RFD  
 R-1734 RFD  
 R-1735 RFD  
 R-1736 RFD  
 R-1737 RFD  
 R-1738 RFD  
 R-1739 RFD  
 R-1740 RFD  
 R-1741 RFD  
 R-1742 RFD  
 R-1743 RFD  
 R-1744 RFD  
 R-1745 RFD  
 R-1746 RFD  
 R-1747 RFD  
 R-1748 RFD  
 R-1749 RFD  
 R-1750 RFD  
 R-1751 RFD  
 R-1752 RFD  
 R-1753 RFD  
 R-1754 RFD  
 R-1755 RFD  
 R-1756 RFD  
 R-1757 RFD  
 R-1758 RFD  
 R-1759 RFD  
 R-1760 RFD  
 R-1761 RFD  
 R-1762 RFD  
 R-1763 RFD  
 R-1764 RFD  
 R-1765 RFD  
 R-1766 RFD  
 R-1767 RFD  
 R-1768 RFD  
 R-1769 RFD  
 R-1770 RFD  
 R-1771 RFD  
 R-1772 RFD  
 R-1773 RFD  
 R-1774 RFD  
 R-1775 RFD  
 R-1776 RFD  
 R-1777 RFD  
 R-1778 RFD  
 R-1779 RFD  
 R-1780 RFD  
 R-1781 RFD  
 R-1782 RFD  
 R-1783 RFD  
 R-1784 RFD  
 R-1785 RFD  
 R-1786 RFD  
 R-1787 RFD  
 R-1788 RFD  
 R-1789 RFD  
 R-1790 RFD  
 R-1791 RFD  
 R-1792 RFD  
 R-1793 RFD  
 R-1794 RFD  
 R-1795 RFD  
 R-1796 RFD  
 R-1797 RFD  
 R-1798 RFD  
 R-1799 RFD  
 R-1800 RFD  
 R-1801 RFD  
 R-1802 RFD  
 R-1803 RFD  
 R-1804 RFD  
 R-1805 RFD  
 R-1806 RFD  
 R-1807 RFD  
 R-1808 RFD  
 R-1809 RFD  
 R-1810 RFD  
 R-1811 RFD  
 R-1812 RFD  
 R-1813 RFD  
 R-1814 RFD  
 R-1815 RFD  
 R-1816 RFD  
 R-1817 RFD  
 R-1818 RFD  
 R-1819 RFD  
 R-1820 RFD  
 R-1821 RFD  
 R-1822 RFD  
 R-1823 RFD  
 R-1824 RFD  
 R-1825 RFD  
 R-1826 RFD  
 R-1827 RFD  
 R-1828 RFD  
 R-1829 RFD  
 R-1830 RFD  
 R-1831 RFD  
 R-1832 RFD  
 R-1833 RFD  
 R-1834 RFD  
 R-1835 RFD  
 R-1836 RFD  
 R-1837 RFD  
 R-1838 RFD  
 R-1839 RFD  
 R-1840 RFD  
 R-1841 RFD  
 R-1842 RFD  
 R-1843 RFD  
 R-1844 RFD  
 R-1845 RFD  
 R-1846 RFD  
 R-1847 RFD  
 R-1848 RFD  
 R-1849 RFD  
 R-1850 RFD  
 R-1851 RFD  
 R-1852 RFD  
 R-1853 RFD  
 R-1854 RFD  
 R-1855 RFD  
 R-1856 RFD  
 R-1857 RFD  
 R-1858 RFD  
 R-1859 RFD  
 R-1860 RFD  
 R-1861 RFD  
 R-1862 RFD  
 R-1863 RFD  
 R-1864 RFD  
 R-1865 RFD  
 R-1866 RFD  
 R-1867 RFD  
 R-1868 RFD  
 R-1869 RFD  
 R-1870 RFD  
 R-1871 RFD  
 R-1872 RFD  
 R-1873 RFD  
 R-1874 RFD  
 R-1875 RFD  
 R-1876 RFD  
 R-1877 RFD  
 R-1878 RFD  
 R-1879 RFD  
 R-1880 RFD  
 R-1881 RFD  
 R-1882 RFD  
 R-1883 RFD  
 R-1884 RFD  
 R-1885 RFD  
 R-1886 RFD  
 R-1887 RFD  
 R-1888 RFD  
 R-1889 RFD  
 R-1890 RFD  
 R-1891 RFD  
 R-1892 RFD  
 R-1893 RFD  
 R-1894 RFD  
 R-1895 RFD  
 R-1896 RFD  
 R-1897 RFD  
 R-1898 RFD  
 R-1899 RFD  
 R-1900 RFD  
 R-1901 RFD  
 R-1902 RFD  
 R-1903 RFD  
 R-1904 RFD  
 R-1905 RFD  
 R-1906 RFD  
 R-1907 RFD  
 R-1908 RFD  
 R-1909 RFD  
 R-1910 RFD  
 R-1911 RFD  
 R-1912 RFD  
 R-1913 RFD  
 R-1914 RFD  
 R-1915 RFD  
 R-1916 RFD  
 R-1917 RFD  
 R-1918 RFD  
 R-1919 RFD  
 R-1920 RFD  
 R-1921 RFD  
 R-1922 RFD  
 R-1923 RFD  
 R-1924 RFD  
 R-1925 RFD  
 R-1926 RFD  
 R-1927 RFD  
 R-1928 RFD  
 R-1929 RFD  
 R-1930 RFD  
 R-1931 RFD  
 R-1932 RFD  
 R-1933 RFD  
 R-1934 RFD  
 R-1935 RFD  
 R-1936 RFD  
 R-1937 RFD  
 R-1938 RFD  
 R-1939 RFD  
 R-1940 RFD  
 R-1941 RFD  
 R-1942 RFD  
 R-1943 RFD  
 R-1944 RFD  
 R-1945 RFD  
 R-1946 RFD  
 R-1947 RFD  
 R-1948 RFD  
 R-1949 RFD  
 R-1950 RFD  
 R-1951 RFD  
 R-1952 RFD  
 R-1953 RFD  
 R-1954 RFD  
 R-1955 RFD  
 R-1956 RFD  
 R-1957 RFD  
 R-1958 RFD  
 R-1959 RFD  
 R-1960 RFD  
 R-1961 RFD  
 R-1962 RFD  
 R-1963 RFD  
 R-1964 RFD  
 R-1965 RFD  
 R-1966 RFD  
 R-1967 RFD  
 R-1968 RFD  
 R-1969 RFD  
 R-1970 RFD  
 R-1971 RFD  
 R-1972 RFD  
 R-1973 RFD  
 R-1974 RFD  
 R-1975 RFD  
 R-1976 RFD  
 R-1977 RFD  
 R-1978 RFD  
 R-1979 RFD  
 R-1980 RFD  
 R-1981 RFD  
 R-1982 RFD  
 R-1983 RFD  
 R-1984 RFD  
 R-1985 RFD  
 R-1986 RFD  
 R-1987 RFD  
 R-1988 RFD  
 R-1989 RFD  
 R-1990 RFD  
 R-1991 RFD  
 R-1992 RFD  
 R-1993 RFD  
 R-1994 RFD  
 R-1995 RFD  
 R-1996 RFD  
 R-1997 RFD  
 R-1998 RFD  
 R-1999 RFD  
 R-2000 RFD  
 R-2001 RFD  
 R-2002 RFD  
 R-2003 RFD  
 R-2004 RFD  
 R-2005 RFD  
 R-2006 RFD  
 R-2007 RFD  
 R-2008 RFD  
 R-2009 RFD  
 R-2010 RFD  
 R-2011 RFD  
 R-2012 RFD  
 R-2013 RFD  
 R-2014 RFD  
 R-2015 RFD  
 R-2016 RFD  
 R-2017 RFD  
 R-2018 RFD  
 R-2019 RFD  
 R-2020 RFD  
 R-2021 RFD  
 R-2022 RFD  
 R-2023 RFD  
 R-2024 RFD  
 R-2025 RFD  
 R-2026 RFD  
 R-2027 RFD  
 R-2028 RFD  
 R-2029 RFD  
 R-2030 RFD  
 R-2031 RFD  
 R-2032 RFD  
 R-2033 RFD  
 R-2034 RFD  
 R-2035 RFD  
 R-2036 RFD  
 R-2037 RFD  
 R-2038 RFD  
 R-2039 RFD  
 R-2040 RFD  
 R-2041 RFD  
 R-2042 RFD  
 R-2043 RFD  
 R-2044 RFD  
 R-2045 RFD  
 R-2046 RFD  
 R-2047 RFD  
 R-2048 RFD  
 R-2049 RFD  
 R-2050 RFD  
 R-2051 RFD  
 R-2052 RFD  
 R-2053 RFD

DATE: MARCH 26, 2015 SCALE: 1/4" = 30' FEET

**SITE PLAN OF LAND**  
 SHOWING THE EXISTING ZONING  
 AT 126 - 132 CHARLES STREET  
 NEWTON, MA

DATE: MARCH 26, 2015 SCALE: 1/4" = 30' FEET



**LEGEND**

**ZONING DISTRICTS**

|           |                        |
|-----------|------------------------|
| [Pattern] | M1 - MULTI RESIDENCE 1 |
| [Pattern] | M2 - MULTI RESIDENCE 2 |
| [Pattern] | M3 - MANUFACTURING     |

I CERTIFY THAT THIS PLAN WAS MADE FROM AN ORIGINAL SURVEY OF THE PROPERTY LOCATED AS SHOWN HEREON. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD HAZARD MAPS, THE PROPERTY IS NOT IN AN AREA DESIGNATED AS A FLOOD HAZARD. COMMUNITY PANEL: 25070354E EFFECTIVE DATE: 06/04/2010



|        |              |
|--------|--------------|
| FIELD: | JH           |
| DRAWN: | JH, GJC, MAE |
| CHECK: | GJC          |
| DATE:  | 03/26/15     |
| TOR #: | 15-00506     |

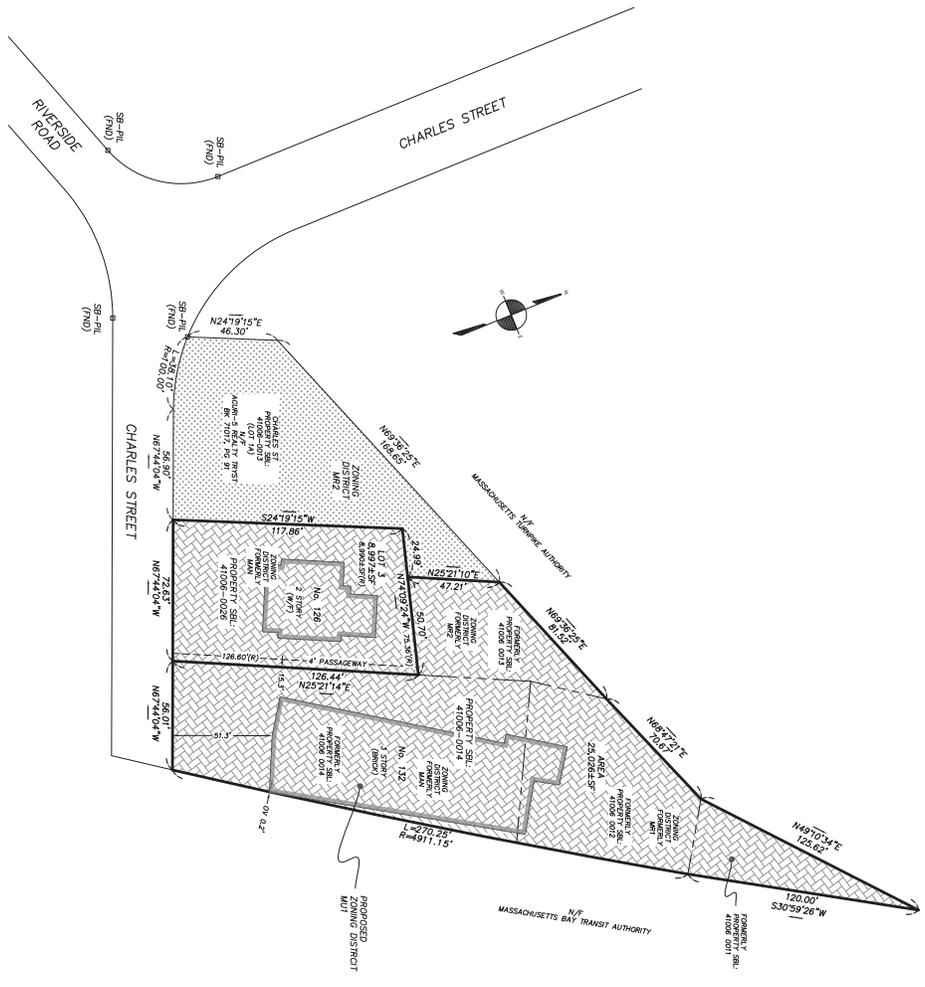
PREPARED FOR:  
 CITY OF NEWTON  
 428 MARKET STREET  
 NEWTON, MASSACHUSETTS  
 02459-1000

DATE: 03/29/2014, 05/31/2014, 06/03/2014, 06/04/2014, 06/05/2014, 06/06/2014, 06/09/2014, 06/10/2014, 06/11/2014, 06/12/2014, 06/13/2014, 06/14/2014, 06/15/2014, 06/16/2014, 06/17/2014, 06/18/2014, 06/19/2014, 06/20/2014, 06/21/2014, 06/22/2014, 06/23/2014, 06/24/2014, 06/25/2014, 06/26/2014, 06/27/2014, 06/28/2014, 06/29/2014, 06/30/2014

PROJECT:  
 #126 CHARLES STREET  
 #132 CHARLES STREET

**SITE PLAN OF LAND**  
 SHOWING PROPOSED ZONING  
 AT 126 - 132 CHARLES STREET  
 NEWTON, MA

DATE: MARCH 26, 2013 SCALE: 1/4" = 30' SHEET



**LEGEND**  
 ZONING DISTRICTS  
 M1 - MIXED USE 1  
 M2 - MULTI RESIDENCE 2

**NOTES:**  
 THE PURPOSE OF THIS PLAN IS TO PROPOSE NEW ZONING DISTRICTS FOR THE PROPERTIES SHOWN ON THE FOLLOWING CITY OF NEWTON PARCELS:  
 1) NO. 126 CHARLES STREET, PROPERTY SBL: 41006-0026, PROPERTY WITHIN THE (MANY) MANUFACTURING ZONING DISTRICT WILL NOW BECOME (M1) MIXED USE 1.  
 2) NO. 132 CHARLES STREET, PROPERTY SBL: 41006-0014, MANUFACTURING (MANY) MULTI RESIDENCE 1, AND (M2) MULTI RESIDENCE 2 ZONING DISTRICTS WILL NOW BECOME (M1) MIXED USE 1.

I CERTIFY THAT THIS PLAN WAS MADE FROM AN ORIGINAL SURVEY OF THE PROPERTY AND THAT THE DATE OF JULY 31, 2013 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.  
 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD HAZARD MAPS, THE PROPERTY IS NOT IN AN AREA DESIGNATED AS A SPECIAL FLOOD HAZARD AREA.  
 COMMUNITY PANEL: 25070303AE  
 EFFECTIVE DATE: 06/09/2010

|       |              |
|-------|--------------|
| FIELD | JH           |
| DRAWN | JH, GJC, DAV |
| CHECK | GJC          |
| DATE  | 07/24/13     |
| JOB # | 15-00506     |



**Abutters List**

Date: October 04, 2023

Subject Property Address: CHARLES ST AUB Newton, MA  
Subject Property ID: 41-006-0013

Subject Property Address: 132 CHARLES ST AUB Newton, MA  
Subject Property ID: 41-006-0014

Subject Property Address: 126 CHARLES ST AUB Newton, MA  
Subject Property ID: 41-006-0026

Search Distance: 300 Feet

-----  
Owner: CHAISSON AIMEE LEE  
Co-Owner: BRYANT BENJAMIN P  
Prop ID: 41-004-0030  
Prop Location: 67-69 CHARLES ST AUB #67 Newton, MA  
Mailing Address:

67 CHARLES ST  
AUBURNDALE, MA 02466

-----  
Owner: TREPAGNIER WILLIAM  
Co-Owner: GIROUARD TAYLOR L  
Prop ID: 41-004-0030-A  
Prop Location: 67-69 CHARLES ST AUB #69 Newton, MA  
Mailing Address:  
67-69 CHARLES ST AUB #69  
AUBURNDALE, MA 02466

-----  
Owner: COMMONWEALTH OF MASSACHUSETTS  
Co-Owner: MDC- PARK COMM  
Prop ID: 41-005-0001  
Prop Location: 1 RIVERSIDE RD Newton, MA  
Mailing Address:  
20 SOMERSET ST  
BOSTON, MA 02108

-----  
Owner: COMMONWEALTH OF MASSACHUSETTS  
Co-Owner: MDC- CENTRAL SERVICES DIVISION  
Prop ID: 41-005-0002

Prop Location: 107 CHARLES ST AUB Newton, MA  
Mailing Address:  
1 MONSIGNOR O'BRIEN HWY  
CAMBRIDGE, MA 02141

---

Owner: COMMONWEALTH OF MASSACHUSETTS  
Co-Owner: MDC- PARK COMM  
Prop ID: 41-005-0003  
Prop Location: 139 CHARLES ST AUB Newton, MA  
Mailing Address:  
20 SOMERSET ST  
BOSTON, MA 02108

---

Owner: MASSACHUSETTS TURNPIKE AUTHORITY  
Prop ID: 41-005-0004  
Prop Location: 149 CHARLES ST AUB Newton, MA  
Mailing Address:  
80 BOYLSTON ST  
BOSTON, MA 02116

---

Owner: MASSACHUSETTS TURNPIKE AUTHORITY  
Prop ID: 41-006-0013-A  
Prop Location: 132 R CHARLES ST REAR AUB Newton, MA  
Mailing Address:  
80 BOYLSTON ST  
BOSTON, MA 02116

---

Owner: MCDONALD KEITH & JOYCE TRS  
Co-Owner: MCDONALD FAMILY TRUST  
Prop ID: 41-007-0025  
Prop Location: 30 CHARLES ST AUB Newton, MA  
Mailing Address:  
30 CHARLES ST  
AUBURNDALE, MA 02466

---

Owner: ARCURI JAMES  
Prop ID: 41-007-0027  
Prop Location: 13 NEWLAND ST Newton, MA  
Mailing Address:

13 NEWLAND ST  
AUBURNDALE, MA 02466

---

---

Owner: MASSACHUSETTS TURNPIKE AUTHORITY  
Prop ID: 41-007-0028  
Prop Location: 11 NEWLAND ST Newton, MA  
Mailing Address:  
80 BOYLSTON ST  
BOSTON, MA 02116

---

---

Owner: COMMONWEALTH OF MASSACHUSETTS  
Co-Owner: MDC  
Prop ID: 42-011-0001  
Prop Location: 355 R GROVE ST OFF Newton, MA  
Mailing Address:  
20 SOMERSET ST  
BOSTON, MA 02108

---

---

Owner: COMMONWEALTH OF MASSACHUSETTS  
Co-Owner: MDC  
Prop ID: 42-011-0001-A  
Prop Location: 355 X GROVE ST OFF Newton, MA  
Mailing Address:  
20 SOMERSET ST  
NEWTON, MA 02465

---

---

Owner: MASSACHUSETTS TURNPIKE AUTHORITY  
Prop ID: 42-011-0001-B  
Prop Location: GROVE ST OFF Newton, MA  
Mailing Address:  
80 BOYLSTON ST  
BOSTON, MA 02116

---

---

Owner: ABEND LAWRENCE J  
Prop ID: 43-029-0013-B  
Prop Location: 329 CENTRAL ST Newton, MA  
Mailing Address:  
329 CENTRAL ST  
AUBURNDALE, MA 02466

---

Owner: LEE KEVIN K Q  
Co-Owner: SUN LI J TRS  
Prop ID: 43-029-0014  
Prop Location: 337 CENTRAL ST Newton, MA  
Mailing Address:  
12 CHRISTIAN WAY  
ANDOVER, MA 01810

---

---

Owner: WOODRUFF WENDY R  
Co-Owner: PIKE JEFFREY  
Prop ID: 43-029-0015  
Prop Location: 347 CENTRAL ST Newton, MA  
Mailing Address:  
347 CENTRAL ST  
AUBURNDALE, MA 02466

---

---

Owner: HSU CHUNG HAN  
Co-Owner: HSU BECKY LAM  
Prop ID: 43-029-0016  
Prop Location: 357 CENTRAL ST Newton, MA  
Mailing Address:  
357 CENTRAL ST  
AUBURNDALE, MA 02466

---

---

Owner: THEODOROU IGNATIUS E & ANGELINA  
Co-Owner: MCNEIL EO  
Prop ID: 43-029-0017  
Prop Location: 369 CENTRAL ST Newton, MA  
Mailing Address:  
369 CENTRAL ST  
AUBURNDALE, MA 02466

---

---

Owner: LEVINE HERBERT O & NANCY M  
Prop ID: 43-029-0018  
Prop Location: 379 CENTRAL ST Newton, MA  
Mailing Address:  
379 CENTRAL ST  
AUBURNDALE, MA 02466

---

Owner: MASSACHUSETTS TURNPIKE AUTHORITY  
Prop ID: 43-029-0019  
Prop Location: 379 R CENTRAL ST OFF Newton, MA  
Mailing Address:  
80 BOYLSTON ST  
BOSTON, MA 02116

---

---

Owner: SANGIOLO JOHN & AMY MAH  
Prop ID: 43-029-0020  
Prop Location: 387-389 CENTRAL ST Newton, MA  
Mailing Address:  
387 389 CENTRAL ST  
AUBURNDALE, MA 02466

---

**DRAFT (11-08-2023)**

**City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

**WHEREAS:** Buildings contribute to 64 percent of greenhouse gas emissions in the City of Newton; and

**WHEREAS:** Buildings over 20,000 Gross Floor Area contribute 26 percent of greenhouse gas emissions in the City of Newton; and

**WHEREAS:** The City of Newton’s Climate Action Plan details strategies to reduce carbon emissions from buildings; and

**WHEREAS:** The Newton City Council passed a resolution unanimously in April 2022 declaring that the City should pass a Building Emissions and Reduction Ordinance.

**THEREFORE, THE FOLLOWING ORDINANCE IS ADOPTED:**

**SECTION 1. Building Emissions Reduction and Disclosure**

**(a) Purpose**

It is the intent of this Ordinance to reduce the emissions of air pollutants, including greenhouse gases, from building energy production and consumption, and thereby to encourage efficient use of energy; to develop further investment in building a green economy, including by encouraging the hiring and training of green jobs; and to protect public health. To do so, the provisions of this Ordinance require the reporting and disclosure of annual

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

energy use in all covered buildings and compliance with emissions reduction requirements in accordance with this Ordinance.

**(b) Definitions**

When used in this Ordinance, unless a contrary intention clearly appears, the following terms shall have the following meaning:

*Alternative Compliance Payment* means a per-metric ton payment based on the average cost per metric ton of CO<sub>2</sub>e to decarbonize Buildings subject to this Ordinance.

*Building* means a City Building, Non-Residential Building, or Residential Building as defined in this Ordinance or by the Regulations.

*Building Portfolio* means two or more Buildings, on one or more properties, provided that all Buildings within the Portfolio have the same Owner; for this purpose, a Building management company does not constitute an Owner.

*Building Use* means (i) space type as defined in the Regulations, which refers to the primary activity for which a given space is utilized, as entered into the EPA Energy Star Portfolio Manager reporting tool; or (ii) other activities as defined in Portfolio Manager or by the Regulations.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

*Carbon Dioxide Equivalent (CO<sub>2e</sub>)* means greenhouse gas Emissions, including carbon dioxide, methane and nitrous oxide. CO<sub>2e</sub> shall be calculated using a methodology as set forth in the Regulations.

*City* means the City of Newton.

*City Building* means a Building that is owned by the City of Newton.

*Climate/Sustainability Office* means the City's team within the Mayor's office devoted to addressing climate and sustainability issues.

*Days* means consecutive calendar days.

*Electrical Vehicle Supply Equipment (EVSE)* means equipment for the purpose of transferring electric Energy to a battery or other Energy storage device in an electric vehicle, including but not limited to electric vehicle charging stations.

*Emergency Backup Generation/Backup Power* means a device or mechanism, such as battery storage, reciprocating internal combustion engine, or turbine, that serves solely as a secondary source of mechanical or electrical power whenever the primary Energy supply is disrupted or discontinued during power outages or natural disasters that

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

are beyond the control of the Owner, occupant, or operator of a Building.

*Emissions* means the emission of greenhouse gases, measured in units of CO<sub>2</sub>e associated with the generation and transmission of Energy used by a Building.

*Emissions Factor* means CO<sub>2</sub>e calculated according to regional Energy and greenhouse gas factors as set forth in the Regulations.

*Energy* means electricity, heating and cooling from any fuel source including, but not limited to, natural gas, fuel oil, propane, and power used to generate steam and hot and chilled water, and any other sources of Energy that the Climate/Sustainability Office may designate.

*EPA ENERGY STAR Portfolio Manager or Portfolio Manager* means the U.S. Environmental Protection Agency's online tool for reporting and managing Building Energy data.

*Environmental Justice Population* means a neighborhood that meets one or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 percent or more of the population; (iii) 25 percent or more of households lack English

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

language proficiency; or (iv) minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the state annual median income; or such other meaning as is adopted or amended by the Commonwealth's Executive Office of Energy and Environmental Affairs, by state statute, or defined in the Regulations.

Gross Floor Area (GFA) means the total Building area, measured between the outside surface of the exterior walls of the Building. The Climate/Sustainability Office shall publish Regulations governing the calculation of Gross Floor Area, including types of areas that shall be excluded from the calculation.

*Hardship Compliance Plan* means alternative Emissions reduction targets and/or timelines for a Building or Building Portfolio.

*Individual Compliance Schedule* means an alternative timeline for complying with the Emissions Standards outlined in this Ordinance.

*Law Department* means the City department that handles the City's legal affairs, including enforcement and litigation matters.

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

*Non-Residential Building* means a Building that equals or exceeds 20,000 square feet in Gross Floor Area, and 50 percent or more of which is used for commercial, retail, office, professional, educational, or other non-residential purposes.

*Owner* means a Building's Owner of record, provided that the "Owner" may be deemed to include (i) multiple Owners in common ownership; (ii) the association or organization of unit Owners responsible for overall management in the case of a condominium and (iii) the board of directors in the case of a cooperative apartment corporation. In the case of a Building subject to a lease that assigns maintenance, regulatory compliance, and/or capital improvement costs to Tenants with a term of at least 30 years, inclusive of all renewal options, the Owner may designate the lessee as "Owner" for purposes of compliance with this Ordinance; such designation must be provided in writing to the Climate/Sustainability Office as required by the Regulations. An Owner may designate an agent to act on its behalf, including reporting as required by this Ordinance; provided, however, that any designation (i) must be provided in writing to the Climate/Sustainability Office, and (ii) does not relieve the Owner of any compliance obligation under this Ordinance.

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

*Power Purchase Agreement* means a contract by which an Owner agrees to purchase electricity from a generating facility over a fixed term of years.

*Regulations* means the Climate/Sustainability Office Building Emissions Reduction and Disclosure Regulations

*Residential Building* means a Building that equals or exceeds 20,000 square feet in Gross Floor Area, 50 percent or more of which, with hallways and other common spaces, serves residents.

*Renewable Energy Certificate (REC)* means a certificate representing the environmental attributes associated with the production of 1 megawatt hour (MWh) of electricity by a renewable Energy facility.

*Tenant* means any tenant of a building covered by this Ordinance.

*Verification Year* means any year in which an Owner must report third-party verified reporting data. Verification Years will be the second reporting year for each building category following the enactment of this Ordinance, and every five years thereafter.

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)****(c) Building Portfolios**

Building Portfolios must be approved by the Climate/Sustainability Office, and Building Portfolio Owners must submit documentation confirming eligibility as a Building Portfolio. Notwithstanding the approval of a Building Portfolio, Owners must continue to report the Energy use, Emissions data, and any other information required by this Ordinance for each individual Building. If a Building is removed from or added to a Building Portfolio for any reason, including transfer to a different Owner, the Building shall retain its individual reporting data and be subject to the Emissions standards, and the Building Portfolio shall be adjusted to reflect the removal or addition of the Building.

**(d) Energy and Emissions Reporting Required*****(i) Data Reporting Requirements.***

Each year, the Owner of each Building subject to reporting requirements shall accurately report to the Climate/Sustainability Office, via the Portfolio Manager or as required by the Regulations, the following information for the previous calendar year:

- (a) Energy use of each Building and other Building characteristics necessary to evaluate CO<sub>2</sub>e Emissions on a kgCO<sub>2</sub>e/SF/yr. basis.

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

- (b) The primary Building Use(s) of each Building in accordance with the categories listed in the Portfolio Manager and the Regulations. Multiple primary Building Uses shall be reported, provided that each use occupies at least 10 percent of the Building's Gross Floor Area or accounts for at least 10 percent of the Building's annual Energy use or CO<sub>2</sub>e Emissions.
- (c) If applicable, any Renewable Energy Certificates (RECs) used to comply with the Emissions standards set forth in this Ordinance, including proof that RECs have been removed from availability for resale.
- (d) If applicable, any Energy purchased via a Power Purchase Agreement(s) that was used at the Building and/or used to comply with the Emissions standards set forth in this Ordinance, including, if relevant, proof of removal of availability for resale of associated RECs and the Emissions Factor of the electric grid where the generating facility is located if on a grid other than ISO New England. Owners must provide the terms of an executed Power Purchase Agreement that demonstrates (i) the quantity of Energy purchased in the relevant calendar year, (ii) the type and generation location of the Energy purchased, (iii) the ownership of any RECs associated with the Energy, and (iv) other information required by the Regulations.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

(e) Contact information for Owners and any designated agents.

(ii) Reporting Schedules.

The initial reports shall occur according to the following schedule:

1. For every Non-Residential Building equal to or greater than 100,000 Gross Floor Area, the first report shall be submitted no later than September 15, 2025.
2. For every Non-Residential Building equal to or greater than 50,000 Gross Floor Area but less than 100,000 Gross Floor Area, the first report shall be submitted no later than September 15, 2025.
3. For every Non-Residential Building equal to or greater than 35,000 Gross Floor Area but less than 50,000 Gross Floor Area, and Residential Buildings over 50,000 Gross Floor Area, the first report shall be submitted no later than September 15, 2025.
4. For every Non-Residential Building, greater than 20,000 Gross Floor Area but less than 35,000 Gross Floor Area, the first report shall be submitted no later than September 15, 2026.

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

5. For every Residential Building equal to or greater than 50,000 Gross Floor Area, the first report shall be submitted no later than September 15, 2025.

6. For every Residential Building equal to or greater than 20,000 Gross Floor Area but less than 50,000 Gross Floor Area, the first report shall be submitted no later than September 15, 2026.

Building Owners may apply to the Climate/Sustainability Office for a one-time six-month extension on their reporting deadline.

Notwithstanding the foregoing, the Climate/Sustainability Office shall develop a procedure for establishing alternative reporting dates for Building Owners who supply timely notification of extenuating circumstances as defined by the Regulations.

**(e) Direct Upload**

Provided that the necessary mechanisms already exist, Building Owners may authorize electric and gas utilities or other third party to report Building-specific data on their behalf to the Climate/Sustainability Office. Such authorization shall not create an obligation on the part of Energy utilities or remove the obligation of Building Owners to comply with reporting requirements.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

**(f) Equitable Emissions Investment Fund**

The City Comptroller shall establish the Equitable Emissions Investment Fund (hereinafter, the “Fund”) as a separate account, and credit to the Fund all Alternative Compliance Payments, penalties and fees paid pursuant to this Ordinance; the City may direct other funds to the Fund at its discretion.

During each fiscal year, the City may incur liabilities against and spend monies from the Fund.

The Climate/Sustainability Office is responsible for directing expenditures from the Fund.

At the discretion of the Climate/Sustainability Office, and approval by the Mayor, expenditures from the Fund may be made for the following purposes:

- Projects that benefit Environmental Justice Populations and populations disproportionately affected by air pollution;
- Costs incurred by the City in administering the program created pursuant to this Ordinance;
- Costs incurred by the City in complying with the program created pursuant to this Ordinance;
- Costs incurred by non-profit entities that operate within the City, including but not limited to entities

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

that operate affordable housing, in complying with the program created pursuant to this Ordinance;

- Other projects intended to reduce greenhouse gas emissions within the City;
- Education related to implementation of the requirements of this ordinance.

**(g) Data Verification**

- a. Building Owners shall self-certify their reporting data every year.
- b. In the Building's second year of reporting, Building Owners shall provide a third-party verification of their reporting data for the previous year. For every Verification Year thereafter, Building Owners shall provide a third-party verification for the five calendar years prior, but not including the current year. Verifications must be performed by qualified Energy professionals, as defined by the Regulations, and submitted no later than the reporting deadline of the relevant year.

By regulation, the Climate/Sustainability Office may revise requirements for data verification and qualified Energy professionals.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

**(h) Emissions Requirements**

Each Building subject to the reporting requirements of this Ordinance shall comply with the CO<sub>2</sub>e Emissions standards set forth in Table 1 below; provided, however, that Building Owners may develop and request approval for an Individual Compliance Schedule pursuant to the requirements in SECTION 1(k) or request a Hardship Compliance Plan pursuant to SECTION 1(i). Buildings must comply with the Emissions standards on an annual basis and compliance shall be measured as a total of kg of CO<sub>2</sub>e Emissions per square foot. Buildings will be subject to the emissions standards in Table 1 based on the schedule for each Tier and Building Category in Tables 2 through 6. Any Building the construction of which has been completed after the date of implementation of this Ordinance shall comply with Emissions Standards consistent with zoning approvals, provided that they are more stringent than the Emissions standards in this Ordinance.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
 Disclosure Ordinance (BERDO)**

Table 1: CO<sub>2</sub>e Emissions Standards by Building Use

| Building use                 | Emission standards (kgCO <sub>2</sub> e/SF/yr) |          |          |          |          |          |
|------------------------------|--|----------|----------|----------|----------|----------|
|                              | Period 1                                       | Period 2 | Period 3 | Period 4 | Period 5 | Period 6 |
| Assembly                     | 8.4  | 6.0      | 4.7      | 2.8      | 1.4      | 0.0      |
| College/University           | 12.6   | 8.5      | 5.8      | 3.4      | 1.6      | 0.0      |
| Education                    | 4.2  | 3.3      | 2.6      | 1.7      | 0.8      | 0.0      |
| Food Sales & Service         | 19.0   | 13.4     | 10.2     | 6.4      | 3.2      | 0.0      |
| Healthcare                   | 15.2   | 12.6     | 10.1     | 6.6      | 3.2      | 0.0      |
| Lodging                      | 6.3  | 4.7      | 3.7      | 2.4      | 1.1      | 0.0      |
| Manufacturing/<br>Industrial | 27.1   | 22.9     | 18.6     | 11.7     | 5.0      | 0.0      |
| Office                       | 5.9  | 4.4      | 3.3      | 2.0      | 0.9      | 0.0      |
| Residential                  | 4.8  | 3.5      | 2.6      | 1.6      | 0.8      | 0.0      |
| Retail                       | 9.3  | 6.3      | 4.4      | 2.2      | 0.9      | 0.0      |
| Services                     | 9.3  | 6.5      | 4.7      | 3.0      | 1.5      | 0.0      |
| Storage                      | 7.3  | 5.1      | 3.4      | 1.8      | 0.6      | 0.0      |
| Technology/Science           | 20.3   | 15.9     | 12.3     | 7.0      | 3.3      | 0.0      |

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
 Disclosure Ordinance (BERDO)**

*Table 2. Compliance Periods by Building Use—Tier 1  
 Buildings: Non-residential Buildings Equal to or Greater  
 than 100,000 square feet **Gross Floor Area.***

| Building use                 | Emission standards (kgCO <sub>2</sub> e/SF/yr) |               |               |               |               |       |
|------------------------------|--|---------------|---------------|---------------|---------------|-------|
|                              | 2027-<br>2031                                  | 2032-<br>2036 | 2037-<br>2041 | 2042-<br>2045 | 2046-<br>2049 | 2050- |
| Assembly                     | 8.4  | 6.0           | 4.7           | 2.8           | 1.4           | 0.0   |
| College/University           | 12.6   | 8.5           | 5.8           | 3.4           | 1.6           | 0.0   |
| Education                    | 4.2  | 3.3           | 2.6           | 1.7           | 0.8           | 0.0   |
| Food Sales &<br>Service      | 19.0   | 13.4          | 10.2          | 6.4           | 3.2           | 0.0   |
| Healthcare                   | 15.2   | 12.6          | 10.1          | 6.6           | 3.2           | 0.0   |
| Lodging                      | 6.3  | 4.7           | 3.7           | 2.4           | 1.1           | 0.0   |
| Manufacturing/<br>Industrial | 27.1   | 22.9          | 18.6          | 11.7          | 5.0           | 0.0   |
| Office                       | 5.9  | 4.4           | 3.3           | 2.0           | 0.9           | 0.0   |
| Retail                       | 9.3  | 6.3           | 4.4           | 2.2           | 0.9           | 0.0   |
| Services                     | 9.3  | 6.5           | 4.7           | 3.0           | 1.5           | 0.0   |
| Storage                      | 7.3  | 5.1           | 3.4           | 1.8           | 0.6           | 0.0   |
| Technology/Science           | 20.3   | 15.9          | 12.3          | 7.0           | 3.3           | 0.0   |

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
 Disclosure Ordinance (BERDO)**

Table 3. Compliance Periods by Building Use—Tier 2  
 Buildings: Non-residential Buildings Equal to or Greater than  
 50,000 Square Feet and Less than 100,000 square feet **Gross  
 Floor Area.**

| Building use                 | Emission standards (kgCO <sub>2</sub> e/SF/yr) |               |               |               |               |       |
|------------------------------|--|---------------|---------------|---------------|---------------|-------|
|                              | 2028-<br>2032                                  | 2033-<br>2037 | 2038-<br>2041 | 2042-<br>2045 | 2046-<br>2049 | 2050- |
| Assembly                     | 8.4  | 6.0           | 4.7           | 2.8           | 1.4           | 0.0   |
| College/University           | 12.6   | 8.5           | 5.8           | 3.4           | 1.6           | 0.0   |
| Education                    | 4.2  | 3.3           | 2.6           | 1.7           | 0.8           | 0.0   |
| Food Sales &<br>Service      | 19.0   | 13.4          | 10.2          | 6.4           | 3.2           | 0.0   |
| Healthcare                   | 15.2   | 12.6          | 10.1          | 6.6           | 3.2           | 0.0   |
| Lodging                      | 6.3  | 4.7           | 3.7           | 2.4           | 1.1           | 0.0   |
| Manufacturing/<br>Industrial | 27.1   | 22.9          | 18.6          | 11.7          | 5.0           | 0.0   |
| Office                       | 5.9  | 4.4           | 3.3           | 2.0           | 0.9           | 0.0   |
| Retail                       | 9.3  | 6.3           | 4.4           | 2.2           | 0.9           | 0.0   |
| Services                     | 9.3  | 6.5           | 4.7           | 3.0           | 1.5           | 0.0   |
| Storage                      | 7.3  | 5.1           | 3.4           | 1.8           | 0.6           | 0.0   |
| Technology/Science           | 20.3   | 15.9          | 12.3          | 7.0           | 3.3           | 0.0   |

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

*Table 4. Compliance Periods by Building Use—Tier 3  
Buildings: Residential Buildings Equal to or Greater than  
50,000 Square Feet and Non-residential Buildings Equal to  
or Greater than 35,000 Square Feet and Less Than 50,000  
square feet **Gross Floor Area.***

| Building use                 | Emission standards (kgCO <sub>2</sub> e/SF/yr) |               |               |               |               |       |
|------------------------------|--|---------------|---------------|---------------|---------------|-------|
|                              | 2029-<br>2033                                  | 2034-<br>2037 | 2038-<br>2041 | 2042-<br>2045 | 2046-<br>2049 | 2050- |
| Assembly                     | 8.4  | 6.0           | 4.7           | 2.8           | 1.4           | 0.0   |
| College/University           | 12.6   | 8.5           | 5.8           | 3.4           | 1.6           | 0.0   |
| Education                    | 4.2  | 3.3           | 2.6           | 1.7           | 0.8           | 0.0   |
| Food Sales &<br>Service      | 19.0   | 13.4          | 10.2          | 6.4           | 3.2           | 0.0   |
| Healthcare                   | 15.2   | 12.6          | 10.1          | 6.6           | 3.2           | 0.0   |
| Lodging                      | 6.3  | 4.7           | 3.7           | 2.4           | 1.1           | 0.0   |
| Manufacturing/<br>Industrial | 27.1   | 22.9          | 18.6          | 11.7          | 5.0           | 0.0   |
| Office                       | 5.9  | 4.4           | 3.3           | 2.0           | 0.9           | 0.0   |
| Residential                  | 4.8  | 3.5           | 2.6           | 1.6           | 0.8           | 0.0   |
| Retail                       | 9.3  | 6.3           | 4.4           | 2.2           | 0.9           | 0.0   |
| Services                     | 9.3  | 6.5           | 4.7           | 3.0           | 1.5           | 0.0   |
| Storage                      | 7.3  | 5.1           | 3.4           | 1.8           | 0.6           | 0.0   |
| Technology/Science           | 20.3   | 15.9          | 12.3          | 7.0           | 3.3           | 0.0   |

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
 Disclosure Ordinance (BERDO)**

*Table 5. Compliance Periods by Building Use—Tier 4  
 Buildings: Non-residential Buildings Equal to or Greater  
 than 20,000 Square Feet and Less Than 35,000 square feet  
 Gross Floor Area.*

| Building use                 | Emission standards (kgCO <sub>2</sub> e/SF/yr) |               |               |               |               |       |
|------------------------------|--|---------------|---------------|---------------|---------------|-------|
|                              | 2030-<br>2033                                  | 2034-<br>2037 | 2038-<br>2041 | 2042-<br>2045 | 2046-<br>2049 | 2050- |
| Assembly                     | 8.4  | 6.0           | 4.7           | 2.8           | 1.4           | 0.0   |
| College/University           | 12.6   | 8.5           | 5.8           | 3.4           | 1.6           | 0.0   |
| Education                    | 4.2  | 3.3           | 2.6           | 1.7           | 0.8           | 0.0   |
| Food Sales &<br>Service      | 19.0   | 13.4          | 10.2          | 6.4           | 3.2           | 0.0   |
| Healthcare                   | 15.2   | 12.6          | 10.1          | 6.6           | 3.2           | 0.0   |
| Lodging                      | 6.3  | 4.7           | 3.7           | 2.4           | 1.1           | 0.0   |
| Manufacturing/<br>Industrial | 27.1   | 22.9          | 18.6          | 11.7          | 5.0           | 0.0   |
| Office                       | 5.9  | 4.4           | 3.3           | 2.0           | 0.9           | 0.0   |
| Retail                       | 9.3  | 6.3           | 4.4           | 2.2           | 0.9           | 0.0   |
| Services                     | 9.3  | 6.5           | 4.7           | 3.0           | 1.5           | 0.0   |
| Storage                      | 7.3  | 5.1           | 3.4           | 1.8           | 0.6           | 0.0   |
| Technology/Science           | 20.3   | 15.9          | 12.3          | 7.0           | 3.3           | 0.0   |

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
 Disclosure Ordinance (BERDO)**

*Table 6. Compliance Periods by Building Use—Tier 5  
 Buildings: Residential Buildings Equal to or Greater than  
 20,000 Square Feet and Less than 50,000 square feet Gross  
 Floor Area.*

| Building use | Emission standards (kgCO <sub>2</sub> e/SF/yr) |               |               |               |               |       |
|--------------|--|---------------|---------------|---------------|---------------|-------|
|              | 2031-<br>2034                                  | 2035-<br>2038 | 2039-<br>2042 | 2043-<br>2046 | 2047-<br>2049 | 2050- |
| Residential  | 4.8  | 3.5           | 2.6           | 1.6           | 0.8           | 0.0   |

**(i) Blended Emissions Standard**

Buildings or Building Portfolios with more than one primary use may comply with a blended CO<sub>2</sub>e Emissions standard as defined by Regulation; provided, however, that a use may constitute a primary use only if it (i) occupies at least 10 percent of a Building's or Building Portfolio's Gross Floor Area, or (ii) accounts for more than 10 percent of a Building's or Building Portfolio's total annual Energy use or CO<sub>2</sub>e Emissions. Building Owners using a blended CO<sub>2</sub>e Emissions standard must (i) designate the blended standard in annual reports to the Climate/Sustainability Office, and (ii) provide documentation verifying the qualification of each primary use in annual reports to the Commission for the first year a blended CO<sub>2</sub>e Emissions

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

standard is used and in any subsequent year for which the blended Emissions standard or primary use(s) changes.

**(j) Energy Use Exempt from Emissions Requirements**

Building Owners may deduct Energy used by Emergency Backup Generation/Backup Power and Electrical Vehicle Supply Equipment (EVSE) from a Building's total Energy use subject to the CO<sub>2e</sub> Emissions standard of this Ordinance, provided that:

- i. Emergency Backup Generation/Backup Power provides Energy only to the Building or Building Portfolio;
- ii. EVSE is separately metered or is capable of tracking and reporting accurate energy usage, and EVSE meets specifications defined by the Regulations; and
- iii. Building Owners annually report (i) Energy used by Emergency Backup Generation / Backup Power and EVSE; (ii) the date(s), hour(s) and conditions that required the use of Emergency Backup Generation/Backup Power; and (iii) any other information required by the Regulations. Such reporting shall be subject to the self-certification and third-party verification procedures in

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

SECTION 1(g);

- iv. In the event that Emergency Backup Generation/Backup Power serves, or has the potential to serve, multiple Buildings in a Building Portfolio, the Energy use from such activities shall be allocated to individual Buildings in proportion to the gross square footage of each Building.

The Climate/Sustainability Office may revise the availability and use of these exemptions or add additional exemptions pursuant to the Regulations.

**(k) Individual Compliance Schedules**

Owners of Buildings or Building Portfolios may apply for an Individual Compliance Schedule as an alternative to the CO<sub>2</sub>e Emissions standard reduction schedule in Table 1. Individual Compliance Schedules must establish declining CO<sub>2</sub>e Emissions standards in 4- to 5-year increments, and such standards must (i) decline on a linear or better basis, (ii) reduce Emissions 40 percent by period 3, and (iii) reduce Emissions 100 percent by period 6; and

- a. Use the year that a Building was first required to report Energy use pursuant to this Ordinance as the baseline for emissions, provided, however, that the Building's or Building Portfolio's Energy use, Gross Floor Area, and any relevant Emissions Factors have

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

been reported to the Climate/Sustainability Office in accordance with this Ordinance and the Regulations or are retroactively reported in accordance with the data verification requirements of this Ordinance and the Regulations; or

- b. Use a baseline from any year starting in 2013 to the first required reporting year, provided, however, that the Building or Building Portfolio Owner provides documentation of Energy use, Gross Floor Area, and relevant Emissions Factors by the Building or Building Portfolio for the selected baseline year and the year in which an Individual Compliance Schedule is requested, in accordance with the data verification requirements of this Ordinance and the Regulations.

A Building or Building Portfolio that failed to comply with previous reporting requirements may use an Individual Compliance Schedule; provided, however, that the necessary data is submitted to the Climate/Sustainability Office and any applicable penalties for past non-compliance are paid in full.

Individual Compliance Schedules must be approved by the Climate/Sustainability Office. Building and Building Portfolio Owners must submit the information required in this Ordinance, and any other documentation specified in the Regulations, when requesting an Individual Compliance

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

Schedule. The Climate/Sustainability Office may include additional conditions on the approval of Individual Compliance Plans, consistent with the Regulations.

**(l) Hardship Compliance Plans**

A Building Owner may apply to the Climate/Sustainability Office for a Hardship Compliance Plan if there are extraordinary characteristics or circumstances associated with the Building in complying with the Emissions standards in this Ordinance. Such characteristics or circumstances, to be detailed in the Regulations, may include historic Building designations, affordable housing refinancing timelines, pre-existing long-term Energy contracts without reopeners, recently installed high-efficiency fossil fuel-fired equipment, or extraordinary financial hardship. The application, review process, and conditions for Hardship Compliance Plans shall be set forth in the Regulations. The Climate/Sustainability Office shall have sole discretion in approving Hardship Compliance Plans; such plans may include alternative Emissions standards and timelines for compliance. The Climate/Sustainability Office may include additional conditions on the approval of Hardship Compliance Plans consistent with the Regulations.

**(m) Additional Compliance Mechanisms**

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

- a. Municipal Aggregation: Buildings may participate in Newton Power Choice and may utilize the applicable Emissions Factor applied to such electricity.
- b. Renewable Energy Certificates (RECs): Buildings may mitigate CO<sub>2</sub>e Emissions from electricity use by purchasing and removing from the possibility of resale unbundled RECs that:
- (i) Are generated by non-CO<sub>2</sub>e emitting renewable sources and meet the Massachusetts Renewable Portfolio Standards (RPS) Class I eligibility criteria in 225 CMR 14.05;
  - (ii) Are tracked by the New England Power Pool Generation Information System;
  - (iii) Are generated in the compliance period in which they are used;
  - (iv) Comply with any additional or different requirements set forth in the Regulations. In the event of a conflict between the requirements for RECs in this provision and the Regulations, the requirements in the Regulations shall prevail.
- b. Power Purchase Agreements: Buildings may mitigate CO<sub>2</sub>e Emissions from electricity use by entering Power Purchase Agreements for Energy generated by renewable non-emitting fuel sources, provided that:

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

- (i) The Energy purchased pursuant to a Power Purchase Agreement is generated during the compliance period for which a Building is mitigating CO<sub>2</sub>e Emissions.
  - (ii) The RECs associated with the Energy purchased under a Power Purchase Agreement are retired by the Building Owner within six months after the compliance period in which they are used.
  - (iii) The Power Purchase Agreement complies with any additional or different requirements set forth in the Regulations. In the event of a conflict between the requirements for Power Purchase Agreements in this provision and the Regulations, the requirements in the Regulations shall prevail.
- c. Alternative Compliance Payments: Buildings may mitigate CO<sub>2</sub>e Emissions from Energy use by making Alternative Compliance Payments. The price of an Alternative Compliance Payment shall be based on the average cost per metric ton of CO<sub>2</sub>e to decarbonize Buildings subject to this Ordinance. The initial cost of an Alternative Compliance Payment shall be \$234 per metric ton of CO<sub>2</sub>e. The cost of an Alternative Compliance Payment shall be reviewed every five years by the Climate/Sustainability Office, and may be adjusted by the Regulations.

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

The Climate/Sustainability Office may revise the availability and use of these compliance mechanisms or add additional compliance mechanisms pursuant to the Regulations.

**(n) Preservation of Documents**

Building Owners shall preserve records and information (i) required to be submitted by this Ordinance and/or (ii) submitted pursuant to this Ordinance in order to demonstrate compliance with the Emissions standards, including but not limited to information regarding Building Uses, Emissions Factors, compliance mechanisms outlined in this Ordinance, Individual Compliance Schedules, and Hardship Compliance Plans, for such time as set forth in the Regulations, and shall make such records available for inspection and audit by the Climate/Sustainability Office or the Law Department upon request.

**(o) Obligation to Request and Report Information**

Where a unit or other space in a Building is occupied by a Tenant and the unit or space is separately metered, the Owner of the Building may request aggregate use data from the utility. If aggregate use data is not available from the utility then the Owner may request it from the Tenant. The Owner may also request information from the Tenant relating to the Tenant's purchase of renewable energy or RECs, use of space, operating hours, and other information required for Portfolio Manager reporting, for the previous

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

calendar year, and the Tenant shall report such information to the Owner. The Climate/Sustainability Office may designate and make available a form to be used to request and report such information. Notwithstanding the foregoing, individual residential Tenants shall have no obligation to report Energy use to Building Owners.

The Owner may request information related to the Tenant's metered Energy and other related information for the previous calendar year no earlier than January 1 and no later than January 31 of any year in which the Owner is required to report such information.

1. Upon receiving such a request, a Tenant shall report information relating to the Tenant's separately metered Energy use for the previous calendar year no later than February 28 of any year in which the Owner is required to report such information.
2. If a Tenant vacates a unit or other space before the end of the calendar year without reporting metered Energy use, the Owner may immediately request such information for any period of occupancy relevant to the Owner's obligation to report, and the Tenant shall respond within 30 Days.
3. Failure of any Tenant to report the information required in this Ordinance does not relieve the Owner of the obligation to report.
4. Where an Owner of a Building is unable to obtain complete Energy use data due to the failure of any

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

Tenant to report the information required, the Owner shall use values or formulas established by the Climate/Sustainability Office to estimate whole Building Energy use.

**(p) Disclosure**

The Climate/Sustainability Office shall make Energy and Emissions information for Buildings available to the public on the City's website no later than November 30 of every year, except for 2025, in which it shall make such information available to the public no later than December 15, 2025. Such disclosure shall include, at a minimum, Building identification, Energy use intensity, CO<sub>2</sub>e Emissions per square foot, and Emissions compliance status. Before any such disclosure, the Climate/Sustainability Office shall subject all data to a quality-assurance/quality-control process.

1. At least 30 Days prior to disclosure, the Climate/Sustainability Office shall provide Building Owners an opportunity to review the accuracy of information to be disclosed.
2. The Climate/Sustainability Office shall also, from time to time, publicly report on implementation of, compliance with, and overall results from this Ordinance.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

**(g) Enforcement for Failure to Comply with this Ordinance**

1. Failure to comply with the provisions of this Ordinance or the Regulations shall result in the imposition of penalties by the City. For any failure to comply, the City shall have the authority to: (i) issue a notice of violation subject to penalties if not corrected; and (ii) seek an injunction from a court of competent jurisdiction requiring a Building Owner or non-residential Tenant to comply with the requirements of this Ordinance or the Regulations. These enforcement provisions shall not apply to residential Tenants.

2. Notice of violation. The Law Department shall issue a written notice of violation to any Building Owner or non-residential Tenant who fails to comply with any of the provisions of this Ordinance or the Regulations. The notice of violation shall indicate which obligations the Building Owner or non-residential Tenant has not fulfilled and provide the Building Owner or non-residential Tenant 30 days to either: (i) correct the violation by complying with this Ordinance and Regulations; or (ii) send a written request to the Law Department for a hearing by the Law Department for a determination of whether the Building Owner or non-residential Tenant violated this Ordinance or the Regulations.

3. Request for a Hearing. If a Building Owner or non-residential Tenant requests a hearing, the Law Department

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

shall hold such hearing within 60 days of the receipt by the Law Department of a written request for a hearing. The hearing shall be conducted according to the requirements of M.G.L. c. 30A. If the Law Department determines that the Building Owner or non-residential Tenant violated this Ordinance or the Regulations, that person shall have 30 days from the issuance of a final decision to correct the violation.

4. Failure to comply with notice of violation. If a person who does not request a hearing fails to correct a noticed violation within 30 Days after the Law Department issues a written notice of violation, that person shall be deemed to have failed to comply with the notice of violation. If a person who requested a hearing fails to correct a noticed violation within 30 Days after the issuance of an adverse hearing decision, that person shall be deemed to have failed to comply with the notice of violation. Any person who has failed to comply with a notice of violation shall be subject to a penalty as set forth in SECTION 1(r).

5. Injunctive relief. The City may seek an injunction from a court of competent jurisdiction instructing a Building Owner or non-residential Tenant who has failed to comply with a notice of violation to comply with this Ordinance and the Regulations.

**DRAFT (11-08-2023)****City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

6. Penalties. All penalties issued under this Ordinance may be enforced pursuant to M.G.L. c. 40, s. 21D or M.G.L. c. 111, s. 31C. For any penalties that remain unpaid 30 Days following the receipt of a notice of violation, the City may take steps to place an assessment on the Building Owner's tax bill or a lien on the Building pursuant to M.G.L. c. 40U, s. 12.

**(r) Penalties for Failure to Comply with this Ordinance**

The penalties outlined in this Ordinance may be revised by the Regulations. The Regulations shall provide a Building Owner with an opportunity to administratively appeal any such penalties pursuant to an appeal mechanism that is consistent with that required by M.G. L. c. 40U.

**(i) Failure to Comply with Reporting Requirements**

Penalties under this section will not be levied prior to the third year of the effective date of the emissions requirement. Each Day, in whole or in part, that a Building Owner is out of compliance with the reporting requirements of this Ordinance, or the Regulations shall be deemed a separate violation and subject to a penalty of:

1. \$300 a Day for:
  - a. Non-Residential Buildings equal to or greater than 35,000 Square Feet of Gross Floor Area; and

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

b. Residential Buildings equal to or greater than 35,000 Square Feet of Gross Floor Area.

2. \$150 a Day for:

a. Non-Residential Buildings equal to or greater than 20,000 Gross Floor Area but less than 35,000 Square Feet of Gross Floor Area; and

b. Residential Buildings equal to or greater than 20,000 Square Feet of Gross Floor Area, but less than 35,000 Square Feet of Gross Floor Area.

No penalty shall be assessed prior to 30 Days after receipt of a notice of violation by a Building Owner or if a Building Owner corrects the violation within 30 Days of receipt of a notice of violation.

(ii) Failure to Comply with Emission Standards

Penalties under this section will not be levied prior to the third year of the effective date of the emissions requirement. If a Building Owner does not comply with the applicable Emissions standard in a calendar year, each Day of that calendar year that the violation is not corrected shall be deemed a separate violation of this Ordinance and subject to a penalty of:

1. \$1,000 a Day for:

**DRAFT (11-08-2023)**

**City of Newton Buildings Emissions Reduction and Disclosure Ordinance (BERDO)**

- a. Non-Residential Buildings equal to or greater than 35,000 Square Feet of Gross Floor Area; and
- b. Residential Buildings equal to or greater than 35,000 Square Feet of Gross Floor Area.

2. \$300 a Day for:

- a. Non-Residential Buildings equal to or greater than 20,000 Square Feet of Gross Floor Area but less than 35,000 Square Feet of Gross Floor Area; and
- b. Residential Buildings equal to or greater than 20,000 Square Feet of Gross Floor Area, but less than 35,000 Square Feet of Gross Floor Area.

For any Building Owner that has failed to report any or all information required by this Ordinance in order to calculate compliance with the Emissions standard, the Building shall be deemed to be in noncompliance with the Emissions standard and subject to the penalties in this Ordinance. A Building Owner may correct such noncompliance by providing the information required by this Ordinance in order to calculate compliance with the Emissions standard and, if necessary, make use of relevant Compliance Mechanisms to account for any failure to meet the Emissions standard.

No penalty shall be assessed prior to 30 Days after receipt of a notice of violation by a Building Owner or if a

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

Building Owner corrects the violation within 30 Days of receipt of a notice of violation.

(iii) Failure to Report Information Accurately

In the event that third-party verification of information reported by a Building Owner identifies a discrepancy with a Building Owner's self-certified reporting, and such discrepancy is not reconciled pursuant to a process to be outlined by Regulation, such discrepancy shall be deemed a violation of this Subsection and subject to a fine between \$1,000 and \$5,000. The Law Department, in consultation with the Climate/Sustainability Office, shall determine the penalty, taking into account whether the failure to accurately report information impacted a determination of compliance with an Emissions standard. An Owner may petition the Law Department for a reduction in such a penalty in accordance with the conditions outlined in the Regulations, which shall include circumstances in which a third-party verification was filed by a prior Owner.

In the event that a failure to accurately report information resulted in inaccurately determining that a Building Owner complied with an Emissions standard, the penalties from subclause (r)(ii) above shall apply.

(iv) Penalty reductions and waivers

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

In its discretion the Law Department, in consultation with the Climate/Sustainability Office, may grant penalty reductions and waivers. Details regarding petitions for penalty reductions and waivers, review process, and conditions may be set forth in the Regulations. In determining whether to grant any reduction in penalty for failure to comply with Emission standards, the Law Department and the Climate/Sustainability Office shall consider an Owner's plans for bringing a Building into full compliance and whether there are Building characteristics or circumstances that present a hardship in complying with the Emissions standards.

SECTION 1(r) shall not apply to any City Building.

**(s) Fees**

(i) Submittal fees. The City may levy fees at the time of submittal of annual reports. These fees will be based on the total Gross Floor Area of the Buildings or Building Portfolio included in the annual report and will be defined by the Regulations.

(ii) Administrative fees may be set for plan reviews. Fees will be set by the Regulations for the review of individual plans and other documents subject to review by the City under this Ordinance.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

**(t) Review and Power to Suspend**

The Climate/Sustainability Office shall review the implementation of this Ordinance every five years. As part of such review, the Climate/Sustainability Office shall hold at least one public hearing and solicit comments from the public. Such request for comments shall include a request for information regarding how, if at all, implementation of this Ordinance has impacted air quality, Energy cost burdens, and other qualitative and quantitative metrics related to Environmental Justice Populations and equitable implementation of this Ordinance; to the extent such information is available from other City departments, the Climate/Sustainability Office shall take all reasonable steps to collect and analyze such information.

**(u) Regulatory Authority**

The Climate/Sustainability Office shall promulgate rules and regulations necessary to implement and enforce this Subsection, pursuant to M.G.L. c. 30A.

**(v) Applicability**

If any provision of this Ordinance imposes greater restrictions or obligations than those imposed by any other regulation, rule, ordinance, order, or policy of the City, then the provisions of this Ordinance shall control.

**DRAFT (11-08-2023)**  
**City of Newton Buildings Emissions Reduction and  
Disclosure Ordinance (BERDO)**

**(w) Notice**

Within two months of the adoption of this Ordinance, notification concerning reporting and disclosure obligations and emissions reductions obligations shall be provided to Owners subject to the requirements of this Ordinance.

This notice, and any other notice required by this Ordinance shall be delivered to the contact information in the Assessor's database unless an Owner provides alternative contact information to the City Assessor's office.

SECTION 2. If any provision of this ordinance is held invalid by a court of competent jurisdiction, then such provision should be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 4. The provisions of this Ordinance shall be effective upon passage.

# City of Newton Proposed BERDO

Building Emissions Reduction and Disclosure  
Ordinance

Nov. 13, 2023

## Discussion

---

BERDO Team

---

Why BERDO?

---

Buildings Covered

---

Boston as Model

---

Emissions Standard

---

Compliance Timeline for Bldg Owners

# Discussion

Continued

---

Compliance Flexibility

---

Enforcement

---

Emissions Investment Fund

---

Legal Authority

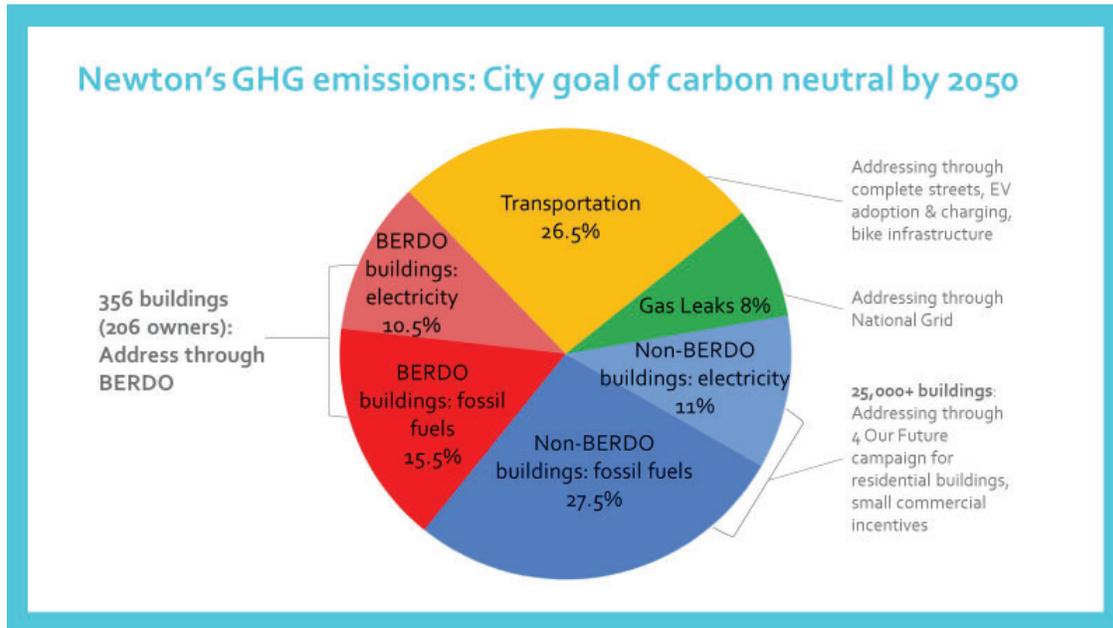
---

Issues Still Under Review by BERDO Team

## Newton BERDO Team

- City Staff- Bill Ferguson, Ann Berwick, Liora Silkes, Barney Heath, John Sisson
- NCCE- Halina Brown, Phil Hanser, Michael Gevelber
- Green Newton- Dan Ruben
- Consultant- Philip Eash-Gates, Synapse Energy Economics

## Why BERDO?



## Buildings Covered

- 356 buildings equal to or greater than 20,000 square feet of gross floor area
- Residential and non-residential buildings
- Exceptions: residential condos?, state and federal buildings

## Proposed Covered Buildings (Excluding Residential Condos)

- There are 356 BERDO-covered buildings, with a combined GFA of 22.7 million square feet.
- Covered buildings account for 1.6% of the total number of buildings in Newton, 16.3% of the total building floor area in Newton and 26% of total emissions.

| Tier         | Description                              | Count of Buildings | Number of Owners | Total GFA (sq ft) | Emissions (metric tons CO <sub>2</sub> e) |             |
|--------------|--|--------------------|------------------|-------------------|---|-------------|
| 1            | Non-residential, GFA ≥ 100,000 sq ft     | 47                 | 29               | 8,631,279         | 77,774                                    | 42%         |
| 2            | Non-residential, GFA 50,000–99,999 sq ft | 70                 | 41               | 4,948,885         | 42,246                                    | 23%         |
| 3            | Non-residential, GFA 35,000–49,999 sq ft | 67                 | 15               | 2,825,059         | 23,480                                    | 13%         |
|              | Residential, GFA ≥ 50,000 sq ft          | 18                 | 51               | 2,191,572         | 11,824                                    | 6%          |
| 4            | Non-residential, GFA 20,000–34,999 sq ft | 107                | 88               | 2,848,581         | 23,678                                    | 13%         |
| 5            | Residential, GFA 20,000–49,999 sq ft     | 47                 | 25               | 1,279,608         | 6,845                                     | 4%          |
| <b>Total</b> | <b>All covered buildings</b>             | <b>356</b>         | <b>206*</b>      | <b>22,724,984</b> | <b>185,845</b>                            | <b>100%</b> |

\*Note that the total number of covered building owners is less than the sum of the rows, because some building owners appear in multiple tiers.

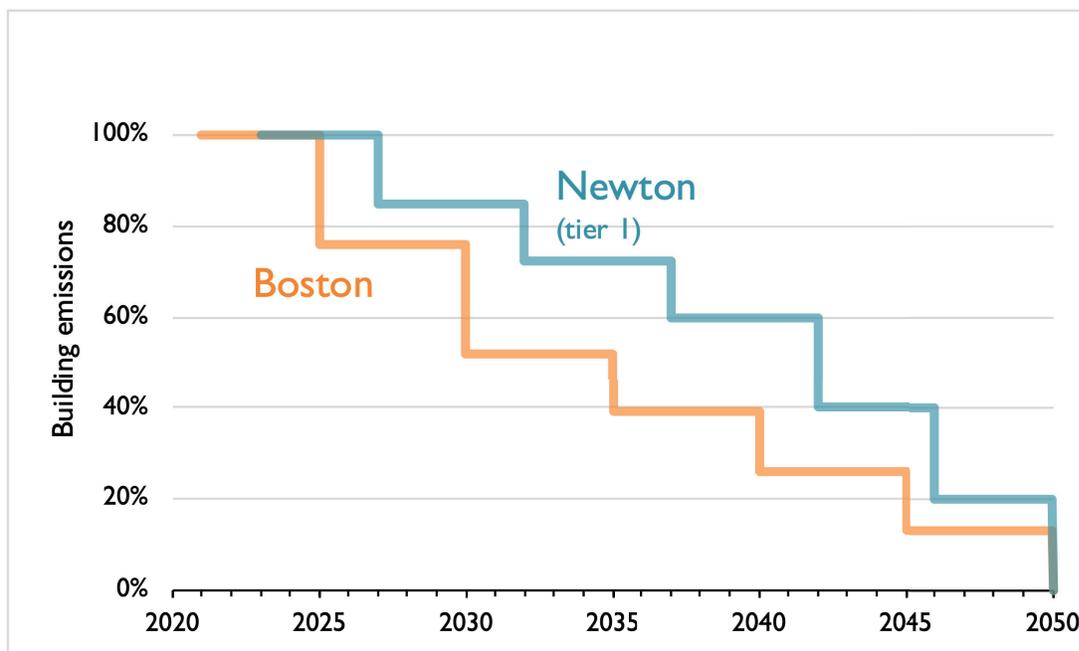
## Boston as a Model-Proposed Differences

- Since 2013 Boston has had a Building Energy Reporting Requirement.
- In Sept. 2022 Boston adopted an Emissions standard because the reporting requirement was not achieving energy savings.
- Newton’s proposed BERDO is based on Boston with some notable exceptions:
  - Timeline: Emissions reductions start in 2025 in Boston-2027 in Newton.
  - Newton is focused on individual buildings and Boston includes buildings on a parcel.
  - Rate of Emissions reduction is not steep in the early years.

Proposed Table 1: CO<sub>2</sub>e Emissions Standards by Building Use

| Building use             | Emission standards (kgCO <sub>2</sub> e/SF/yr) |          |          |          |          |          |
|--------------------------|--|----------|----------|----------|----------|----------|
|                          | Period 1                                       | Period 2 | Period 3 | Period 4 | Period 5 | Period 6 |
| Assembly                 | 8.4  | 6.0      | 4.7      | 2.8      | 1.4      | 0.0      |
| College/University       | 12.6   | 8.5      | 5.8      | 3.4      | 1.6      | 0.0      |
| Education                | 4.2  | 3.3      | 2.6      | 1.7      | 0.8      | 0.0      |
| Food Sales & Service     | 19.0   | 13.4     | 10.2     | 6.4      | 3.2      | 0.0      |
| Healthcare               | 15.2   | 12.6     | 10.1     | 6.6      | 3.2      | 0.0      |
| Lodging                  | 6.3  | 4.7      | 3.7      | 2.4      | 1.1      | 0.0      |
| Manufacturing/Industrial | 27.1   | 22.9     | 18.6     | 11.7     | 5.0      | 0.0      |
| Office                   | 5.9  | 4.4      | 3.3      | 2.0      | 0.9      | 0.0      |
| Residential              | 4.8  | 3.5      | 2.6      | 1.6      | 0.8      | 0.0      |
| Retail                   | 9.3  | 6.3      | 4.4      | 2.2      | 0.9      | 0.0      |
| Services                 | 9.3  | 6.5      | 4.7      | 3.0      | 1.5      | 0.0      |
| Storage                  | 7.3  | 5.1      | 3.4      | 1.8      | 0.6      | 0.0      |
| Technology/Science       | 20.3   | 15.9     | 12.3     | 7.0      | 3.3      | 0.0      |

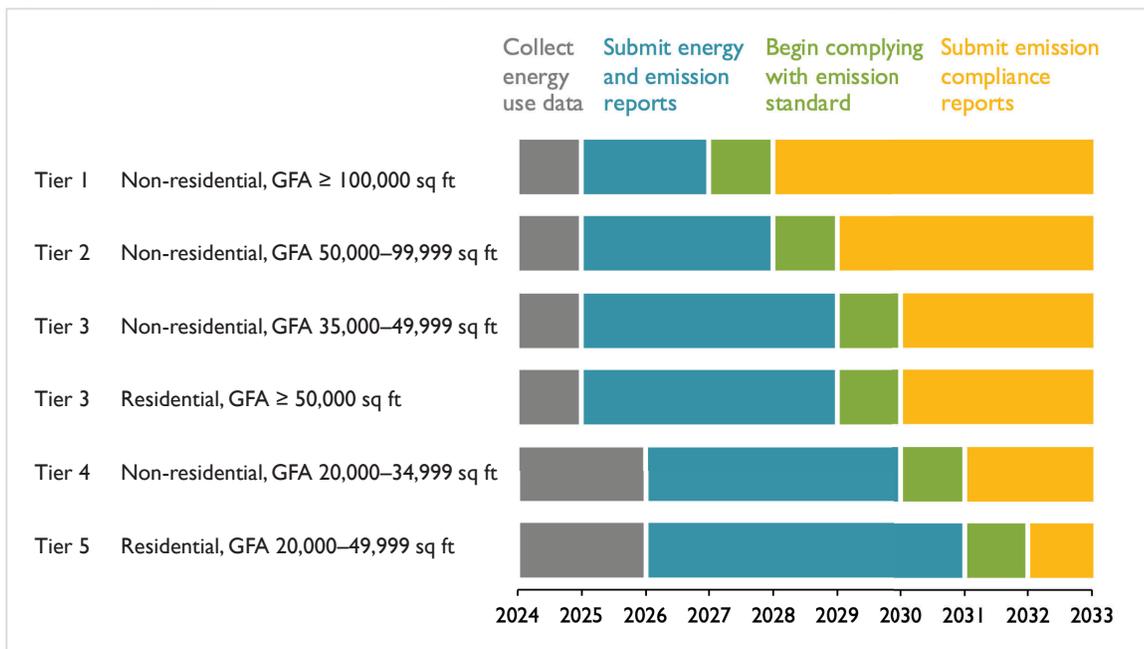
## Proposed Rate of Emissions Reduction



# Proposed Compliance Timeline for Bldg. Owners

| Building Tier | Bldg Description                                      | 1st Energy and Emissions Report Due | 1st Emissions Compliance Year | 1st Report under Emissions Compliance |
|---------------|---|-------------------------------------|-------------------------------|---------------------------------------|
| Tier 1        | NR ≥ 100,000 sf GFA                                   | September 15, 2025                  | 2027                          | September 15, 2028                    |
| Tier 2        | NR ≥ 50,000 < 100,000 sf GFA                          | September 15, 2025                  | 2028                          | September 15, 2029                    |
| Tier 3        | R > 50,000 sf GFA and NR ≥ 35,000 and < 50,000 sf GFA | September 15, 2025                  | 2029                          | September 15, 2030                    |
| Tier 4        | NR > 20,000 and < 35,000 sf GFA                       | September 15, 2026                  | 2030                          | September 15, 2031                    |
| Tier 5        | R > 20,000 and < 50,000 sf GFA                        | September 15, 2026                  | 2031                          | September 15, 2032                    |
|               | NR= Non-residential buildings                         |                                     |                               |                                       |
|               | R= Residential buildings                              |                                     |                               |                                       |
|               | GFA= Gross Floor Area                                 |                                     |                               |                                       |

# Proposed Compliance Timeline for Bldg. Owners



## Proposed Compliance Flexibility

- Portfolios- combine emissions rating of 2 or more buildings.
- Individual Compliance Plans- choose a base year from 2013 to now.
- Hardship Plans- unique circumstances or conditions.
- Multiple Compliance Pathways- phased compliance, energy efficiency, ACP.

## Enforcement

- Enforcement will be by the Newton Law Department.
- Penalties for non-compliance begin the third year after the effective date of emissions requirements.
  - Failure to submit a report.
  - Inaccurate report.
  - Failure to meet emissions standard.
- Penalties and other enforcement provisions do not apply to residential tenants.

# Proposed Emissions Investment Fund

- Fines, fees and penalties are placed in a special City fund.
- Fund is administered by the Climate/Sustainability Office and can be used for:
  - Projects that benefit Environmental Justice Populations,
  - Costs incurred by the City in administering the program created pursuant to this Ordinance,
  - Costs incurred by the City in complying with the program created pursuant to this Ordinance,
  - Costs incurred by non-profit entities that operate within the City, including but not limited to entities that operate affordable housing, in complying with the program created pursuant to this Ordinance,
  - Education related to implementation of the requirements of this ordinance.

## Legal Authority

- Newton Law Department has reviewed.
- This is new territory legally.
- Wouldn't be surprised if it is challenged by some building owners in Boston.

## Issues Still Under Review by BERDO Team

- Maryland approach: do not include electricity emissions in standard.
- Residential Condos: should they be included?
- Residential Buildings: 20,000 sq. ft. GFA adjustment?