



December 14, 2020

The Honorable Mayor Liccardo and City Councilmembers
San José City Council
200 E. Santa Clara St.
San Jose, CA 95113

Re: Support for the Updated Natural Gas Infrastructure Prohibition Ordinance

Dear Mayor Liccardo and City Councilmembers:

NRDC (Natural Resources Defense Council) supports the proposed updates to the Natural Gas Infrastructure Prohibition Ordinance to expand the current ordinance to cover virtually all new construction in San José with limited exceptions. This expansion will ensure the future of your city's building stock is cleaner, healthier, and more affordable for local residents and businesses.

Your approval of this expansion will reinforce San José's reputation as a U.S. leader on climate action.

NRDC is the implementing partner of the Bloomberg Philanthropies American Cities Climate Challenge. The City of San José was one of 25 cities to be awarded participation in the Climate Challenge due to its ambitious vision and commitment to execute upon carbon-reducing policies and programs, including taking aggressive action to remove fossil (a.k.a. "natural") gas from newly constructed homes and buildings.

Expanding the Gas Infrastructure Prohibition Ordinance to cover buildings of all types and sizes is a key step included in both these climate goals to which this Council has already committed:

- [Climate Smart San José](#), the City's ambitious climate action plan adopted by this Council in 2018, lays out the City's roadmap for reaching the targets set by the Paris Agreement.
- The [Climate Emergency Resolution](#) this Council signed in 2019 emphasizes the urgent need for transformative climate action and lays out specific steps for the City to act upon.

Across California, we have seen [nearly 40 other cities](#) approve electrification codes. San José will stand out as the largest city in the United States with a clean energy new construction code.

Making all of San José's new construction all-electric will benefit the community in several ways:

- Improving indoor air quality by avoiding dangerous chemicals emitted by gas appliances, including carbon monoxide, formaldehyde, and nitrous oxide – chemicals tied to an increased likelihood of childhood asthma and poor respiratory health.
- Avoiding GHG emissions and improving outdoor air quality, mitigating urban heat island effects and reducing San José's contribution to the dangers of climate change like wildfires and droughts.
- Saving San José residents money as fossil gas prices are projected to rise steeply in coming years, shielding tenants and developers alike from higher gas bills and costs to retrofit buildings later.

The California Statewide Codes and Standards Program has already found that with the appropriate design, fully electrified low-, mid-, and high-rise buildings cost less to build and operate than those with gas infrastructure. San José City staff and technical partners are already ensuring the development

NATURAL RESOURCES DEFENSE COUNCIL

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community has support to build all-electric in the most cost-effective way through educational resources and targeted technical assistance.

Expanding the gas infrastructure ban will make the city safer and more resilient. Removing gas infrastructure from new construction projects minimizes the risks of explosion or fire caused by damage to gas piping due to a potential severe seismic event, a not uncommon occurrence in Californian cities.

However, we continue to have serious concerns about the fourth exemption category added in the November 25 supplemental memo for “facilities with a distributed energy resource.” NRDC believes this exemption – which allows the continued use of gas-powered fuel cells along with co- and tri-generation systems in new construction – has the potential to undo many of the positive benefits the all-electric expansion could bring the community.

If you must pass this exemption now, we request that you also direct staff to begin a thorough analysis of the implications of exempting these gas-powered energy systems.

While the exemption implies it should only be used for backup power sources in the case of a grid outage, it **creates a loophole permitting perpetual use of dirty fossil gas at a significant scale — not just during outages but 24/7, 365 days/year.** This perpetual use of such gas-powered systems could compromise the local and global benefits of San José’s increasingly clean fuel mix, and even create demand for new fossil-gas infrastructure: exactly what the expanded ordinance is seeking to prevent.

To ensure this exemption does not cause undue harm to the San José community, we urge you to direct staff to complete the following by March 30, 2021:

- Conduct a thorough technical analysis of the health and climate impacts of the systems that fall under the umbrella of “distributed energy resources,” including fuel cells, cogeneration, and trigeneration systems; and
- Survey and analyze the reliability and cost-effectiveness and compare any health and climate impacts of alternative back-up power options that do not rely on fossil gas.

The ramifications of this exemption are not well understood. The potential consequences demand immediate analysis to keep San José’s climate leadership strong.

NRDC urges this Council to take this necessary step toward making San José a more resilient, affordable and sustainable city for all its residents.

Thank you for your consideration.

Sincerely,

Olivia Walker
Research Associate, Buildings and Energy
Bloomberg Philanthropies American Cities Climate Challenge
Natural Resources Defense Council (NRDC)

NATURAL RESOURCES DEFENSE COUNCIL

111 SUTTER STREET | SAN FRANCISCO, CA | 94104 | T 415.875.6100 | F 415.875.6161 | NRDC.ORG

Strengthen the gas ban (Agenda item 2.2a)

Jenny Green <[REDACTED]>

Sun 12/13/2020 11:06 AM

To: Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio
<[REDACTED]> Peralez, Raul <[REDACTED]> Diep, Lan <[REDACTED]> Carrasco,
Maqdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Mava
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]> Khamis,
Johnny <[REDACTED]>
Cc: City Clerk <[REDACTED]> Agendadesk <[REDACTED]> Romanow, Kerrie
<[REDACTED]> Davies, Ken <[REDACTED]>

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Arenas, Carrasco, Davis, Diep, Esparza, Foley, Jimenez, Khamis, and Peralez,

As a San Jose resident, as a mother, and as a member of Mothers Out Front, I ask that you **strengthen San Jose's Expanded Gas Ban Ordinance by removing the exemption for Distributed Energy Resources (DER)**. The exemption undercuts the entire purpose of the gas ban. When you voted on the ordinance two weeks ago, I opposed the exemption because it would allow companies to install new gas pipelines to run gas-powered fuel cells, which are several times dirtier than the energy supplied by SJCE. Since then, I've learned more about DER and **it turns out the exemption would also allow the installation of even dirtier forms of energy -- technologies that emit even more greenhouse gases than fuel cells do.**

I realize you're concerned about what companies will do during electricity shut-offs. But the electricity shut-offs are happening because of massive wildfires caused by climate change. **We cannot defend ourselves against these types of climate disasters by burning more fossil fuels.** The only way to save our children from an increasingly dire climate situation is to reduce greenhouse gas emissions as quickly as possible.

We have only a short time to act. We must quickly, drastically reduce greenhouse gas emissions if we are to prevent the worst consequences of climate change. According to the United Nations' Intergovernmental Panel on Climate Change (IPCC), **we must reduce emissions dramatically within the next 10 years**, or risk creating climate feedback loops that we cannot control.

I think you all know about feedback loops and what they mean for our climate. I'll repeat it here anyway: Once the permafrost in the Arctic melts it will release massive amounts of methane into the atmosphere, heating the planet in ways that we cannot control. And as the polar ice caps melt, the surface of our planet becomes darker and consequently absorbs more heat from the sun, also heating the planet in ways we cannot control. The permafrost and polar ice caps are melting now. Soon it will be too late.

This means that **we won't have the chance to fix the climate crisis in the future -- we have to do it now.**

You think that we mothers aren't taking economic reality into consideration. But it is you who aren't taking climate reality into consideration.

At the very least, please direct the city's Environmental Services Department to provide the city council, sometime in the next three months, with a detailed analysis of how all the various types of DER could impact San Jose's greenhouse gas reduction goals, so the Council can fully consider the possible consequences of continuing to allow DER.

We are counting on you to prioritize our children's lives over short-term economic gains.

Sincerely,
Jenny Green
District 9 resident



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Strictly "green" for San Jose

Anna Fox <[REDACTED]>

Sun 12/13/2020 11:24 AM

To: Liccardo, Sam <[REDACTED]> Agendadesk <[REDACTED]>

[External Email]

To: Mayor Liccardo and the San José City Council
From: Anna Fox

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

We commend and thank you for extending San Jose's landmark all-electric code to virtually all new buildings! If not watered down by loopholes, this will be a significant step towards achieving our Climate Smart goals, since the gas burned in buildings causes at least a third of our city's greenhouse gas emissions. We are disappointed that the majority approved a last-minute exemption for "Distributed Energy Resources" (DER) after heavy lobbying by local company Bloom Energy, even though their fuel cells will be hooked up to new fossil gas infrastructure 24/7, 365.

After the vote on 11/17/20, alarming new information has come to light. A letter sent to you from Stet Sanborn (a LEED-certified architect from the Smith Group) explains that the exemption for DER is actually "a CO2-wolf in fuel cell clothing" that will open the door to power generation much dirtier than even gas-powered fuel cells. This is because DER:

"encompasses far more technology than natural gas powered fuel cells. That exemption also includes all combined heat and power [CHP] systems, including co-gen and tri-gen systems, [which use fossil fuels and generate large amounts of greenhouse gas emissions and] which are far more widespread and far cheaper than Bloom fuel cells...They also have a much longer lifespan, typically lasting from 12-20 years."

Staff's analysis, upon which Council relied for guidance, did not explain that the ordinance would allow for even dirtier energy than gas-powered fuel cells, about which we'd already raised alarms. And that these other technologies could be used for up to two decades!

Clearly, this is a very complicated, technical and consequential issue, and we're now seeing the wisdom of those who requested a Study Session before granting an exemption whose consequences are not fully understood. We are confident that you did not mean to undermine the intent of the expanded gas ban ordinance. However, with the exemption for DER, a Pandora's box has now been opened that could potentially offset all of the GHG reductions from your all-electric ordinance (threatening our ability to reach our climate-smart goals) as well as lower air quality and harm public health.

Therefore, we request that you take the following corrective actions:

Remove the fourth exemption (for DER) entirely. Any project seeking to use fuel cells would still have the hardship pathway available.

Request a thorough Staff analysis of, and Study Session by March 31, 2021, on DER and CHP system emissions and the potential impact on our climate-smart goals, as well as a comprehensive list of clean, renewable alternatives to provide reliable backup power.

Thank you in advance for taking action to protect our climate and health. We're counting on you to ensure that the updated ordinance does what it's intended to do: reduce GHG emissions from

San Jose's buildings, so we can improve public health and achieve our climate-smart goals.

Even at our own "inconvenience" we need to pursue innovation - ONLY new and renewable energies - and no longer pollute our environment. We know better. For our own health and lives, immediately and going forward, and for our children, don't compromise on what we know is right.

Sincerely, Anna Fox

San Jose native and resident most of my life

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Strengthen the gas ban (Agenda Item 2.2a)

Fran Salisbury <[REDACTED]>

Sun 12/13/2020 1:04 PM

To: Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio
<[REDACTED]> Peralez, Raul <[REDACTED]> Diep, Lan <[REDACTED]> Carrasco,
Maqdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Mava
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]> Khamis,
Johnny <[REDACTED]>

Cc: City Clerk <[REDACTED]> Agendadesk <[REDACTED]> Romanow, Kerrie
<[REDACTED]> Davies, Ken <[REDACTED]>
<[REDACTED]>

[External Email]

Greetings from a very longtime resident of San Jose.

I hope I am joining many of my neighbors to urge you to strengthen San Jose's Expanded Gas Ban Ordinance by removing the exemption for Distributed Energy Resources (DER).. This winter we need a detailed analysis of how all the various types of DER could impact San Jose's greenhouse gas reduction goals.

Let me give a shout out to *Mothers Out Front Silicon Valley* for drawing this subject to my attention. We have been consumed with the stress of dealing with the pandemic, BUT the pressing need of climate change is unrelenting. For the sake of your children and mine, strengthen the gas ban ordinance.

Sincerely,
Fran Salisbury

[REDACTED]

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No gas means no gas! Remove dirty gas exemption from San Jose's all-electric ordinance

Ayush Agarwal <[REDACTED]>

Mon 12/14/2020 6:49 AM

To: Liccardo, Sam <[REDACTED]> Agendadesk <[REDACTED]>

[External Email]

To: Mayor Liccardo and the San José City Council
From: Ayush Agarwal

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

We commend and thank you for extending San Jose's landmark all-electric code to virtually all new buildings! If not watered down by loopholes, this will be a significant step towards achieving our Climate Smart goals, since the gas burned in buildings causes at least a third of our city's greenhouse gas emissions. We are disappointed that the majority approved a last-minute exemption for "Distributed Energy Resources" (DER) after heavy lobbying by local company Bloom Energy, even though their fuel cells will be hooked up to new fossil gas infrastructure 24/7, 365.

After the vote on 11/17/20, alarming new information has come to light. A letter sent to you from Stet Sanborn (a LEED-certified architect from the Smith Group) explains that the exemption for DER is actually "a CO2-wolf in fuel cell clothing" that will open the door to power generation much dirtier than even gas-powered fuel cells. This is because DER: "encompasses far more technology than natural gas powered fuel cells. That exemption also includes all combined heat and power [CHP] systems, including co-gen and tri-gen systems, [which use fossil fuels and generate large amounts of greenhouse gas emissions and] which are far more widespread and far cheaper than Bloom fuel cells...They also have a much longer lifespan, typically lasting from 12-20 years."

Staff's analysis, upon which Council relied for guidance, did not explain that the ordinance would allow for even dirtier energy than gas-powered fuel cells, about which we'd already raised alarms. And that these other technologies could be used for up to two decades!

Clearly, this is a very complicated, technical and consequential issue, and we're now seeing the wisdom of those who requested a Study Session before granting an exemption whose consequences are not fully understood. We are confident that you did not mean to undermine the intent of the expanded gas ban ordinance. However, with the exemption for DER, a Pandora's box has now been opened that could potentially offset all of the GHG reductions from

your all-electric ordinance (threatening our ability to reach our climate-smart goals) as well as lower air quality and harm public health.

Therefore, we request that you take the following corrective actions:

Remove the fourth exemption (for DER) entirely. Any project seeking to use fuel cells would still have the hardship pathway available.

Request a thorough Staff analysis of, and Study Session by March 31, 2021, on DER and CHP system emissions and the potential impact on our climate-smart goals, as well as a comprehensive list of clean, renewable alternatives to provide reliable backup power.

Thank you in advance for taking action to protect our climate and health. We're counting on you to ensure that the updated ordinance does what it's intended to do: reduce GHG emissions from San Jose's buildings, so we can improve public health and achieve our climate-smart goals.

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Please strengthen the gas ban (Agenda Item No. 2.2a)

Terry Nagel <[REDACTED]>

Mon 12/14/2020 6:52 AM

To: Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio
<[REDACTED]> Perez, Raul <[REDACTED]> Diep, Lan <[REDACTED]> Carrasco,
Maqdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Mava
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]> Khamis,
Johnny <[REDACTED]>

Cc: City Clerk <[REDACTED]> Agendadesk <[REDACTED]> Romanow, Kerrie
<[REDACTED]> Davies, Ken <[REDACTED]>
<[REDACTED]>

[External Email]

Dear Mayor Liccardo and Council Members:

Please strengthen San Jose's Expanded Gas Ban Ordinance by removing the exemption for Distributed Energy Resources (DER), which undercuts the entire purpose of the gas ban.

Your action to address climate change is very impressive except for this one loophole. People throughout the state are looking to you for leadership on this important issue, and if you enact a complete gas ban, I firmly believe that California and other states will soon follow your example.

Sincerely,

Terry Nagel

Terry Nagel
Chair, Sustainable San Mateo County
Former Mayor, Burlingame

[REDACTED] | [REDACTED]

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San Jose Gas Ban - DER exemption

Janika McFeely <[REDACTED]>

Mon 12/14/2020 10:17 AM

To: Agendadesk <[REDACTED]> City Clerk <[REDACTED]>

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

Thank you for your tremendous leadership in expanding San Jose's all-electric code to almost all new construction. I understand, however, that the majority approved a last-minute exemption for "Distributed Energy Resources" (DER) after heavy lobbying by local company Bloom Energy, even though their fuel cells will be hooked up to new fossil gas infrastructure 24/7, 365.

This exemption will undermine San Jose's progress by inadvertently allowing fossil fuel based energy systems that will become stranded assets in their long lifetimes. As Stet Sanborn (architect and mechanical engineer from Smith Group) explained in a letter sent to you, the exemption for DER is actually "a CO2-wolf in fuel cell clothing" that will open the door to power generation much dirtier than even gas-powered fuel cells. This is because DER: "encompasses far more technology than natural gas powered fuel cells. That exemption also includes all combined heat and power [CHP] systems, including co-gen and tri-gen systems, [which use fossil fuels and generate large amounts of greenhouse gas emissions and] which are far more widespread and far cheaper than Bloom fuel cells...They also have a much longer lifespan, typically lasting from 12-20 years."

I am sure that you did not mean to undermine the intent of the expanded gas ban ordinance. However, with the exemption for DER, a Pandora's box has now been opened that could potentially offset all of the GHG reductions from your all-electric ordinance (threatening San Jose's ability to reach our climate-smart goals) as well as lower air quality and harm public health.

I hope that you will consider the following corrective actions:

- Remove the fourth exemption (for DER) entirely. Any project seeking to use fuel cells would still have the hardship pathway available
- Request a thorough Staff analysis of, and Study Session by March 31, 2021, on DER and CHP system emissions and the potential impact on our climate-smart goals, as well as a comprehensive list of clean, renewable alternatives to provide reliable backup power.

Thank you in advance for taking such a significant step towards reducing carbon emissions. Your leadership is a beacon of hope in these challenging times.

Respectfully,

Integral Group | Trust | Nurture | Inspire

30

| [Did you miss our last IG|VISION event? Watch the recordings here!](#)

Please note: Our US offices will be closed for winter holidays from December 24, 2020 - January 1, 2021. Happy Holidays!

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Untitled

Ann Edminster <[REDACTED]>

Mon 12/14/2020 11:15 AM

To: Agendadesk <[REDACTED]>

City Clerk <[REDACTED]>

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

Thank you for extending San Jose's landmark all-electric code to virtually all new buildings! I urge you to remove the exemption for "distributed energy resources" (DER). As you learned from architect Stet Sanborn, the exemption will open the door to dirty sources of power generation, which unfortunately, Staff's analysis did not explain. This is a very complicated issue, and while I'm sure it was not your intention to undermine the intent of the expanded gas ban ordinance, the exemption for DER could potentially offset all of the GHG reductions from your all-electric ordinance. I therefore implore you to remove that exemption.

Thank you again for taking action to address the threats posed by accelerating climate change.

Sincerely,

Ann V. Edminster, M.Arch. *(she/her)*

[REDACTED]

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DER and Climate Smart goals don't mix

Lauren Weston <[REDACTED]>

Mon 12/14/2020 11:20 AM

To: Agendadesk <[REDACTED]> City Clerk <[REDACTED]>

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

Thank you for extending San Jose's landmark all-electric code to virtually all new building.! This will be a significant step towards achieving our Climate Smart goals, since the gas burned in buildings causes at least a third of our city's greenhouse gas emissions. We can however, only meet our Climate Smart goals if we stay true to the intent: We are disappointed that the majority approved a last-minute exemption for "Distributed Energy Resources" (DER) after heavy lobbying by local company Bloom Energy, even though their fuel cells will be hooked up to new fossil gas infrastructure not some of the time, but ALL of the time. Stet Sanborn states DER: "encompasses far more technology than natural gas powered fuel cells. That exemption also includes all combined heat and power [CHP] systems, including co-gen and tri-gen systems, [which use fossil fuels and generate large amounts of greenhouse gas emissions and] which are far more widespread and far cheaper than Bloom fuel cells...They also have a much longer lifespan, typically lasting from 12-20 years."

Staff's analysis, upon which Council relied for guidance, did not explain that the ordinance would allow for even dirtier energy than gas-powered fuel cells, about which we'd already raised alarms. And that these other technologies could be used **for up to two decades**. This is a very complicated, technical and consequential issue. The exemption for DER has created a Pandora's box that could potentially offset all of the GHG reductions from your all-electric ordinance (threatening our ability to reach our climate-smart goals) as well as lower air quality and harm public health.

Please commit to the following:

- 1) Remove the fourth exemption (for DER) entirely. Any project seeking to use fuel cells would still have the hardship pathway available.
- 2) Request a thorough Staff analysis of, and Study Session by March 31, 2021, on DER and CHP system emissions and the potential impact on our climate-smart goals, as well as a comprehensive list of clean, renewable alternatives to provide reliable backup power.

Thank you in advance for taking action to protect our climate and health. We're counting on you to ensure that the updated ordinance does what it's intended to do: reduce GHG emissions from San Jose's buildings, so we can improve public health and achieve our climate-smart goals.

Lauren Weston
Executive Director



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December 14, 2020

San Jose Mayor and City Council
via email

Re: Item 2.2 Final Adoption of Ordinances (Natural Gas Ban), Dec. 15, 2020 Council Meeting

Dear San Jose Mayor Liccardo and Council Members,

Please approve the ordinance to amend Chapter 17.845 of Title 17 of the San Jose municipal code to prohibit natural gas infrastructure in newly constructed buildings.

However, the exemption for Distributed Energy Resources (DER) will need to be addressed early next year.

As a two minute participant and observer of more than 4 hours of Council discussion on this ordinance exemption before its December 1 vote, it was clear to me that the lengthy discussion ensued from a lack of adequate science and technical information about the current energy grid and backup energy options provided by staff. It is difficult to make decisions when you don't have enough information from your personal staffs or that of City planners.

While the Mayor did his best to help provide this information by asking questions of Bloom Energy Board Member Gardino and Bloom Energy CEO Sridhar, with all due respect, these men cannot be considered the impartial experts needed to provide information on the possibilities of climate friendly alternatives to the GHG infrastructure they propose.

Staff provided no information about which grids are vulnerable, what role the natural gas Metcalf Energy Center and esVolta battery facility have played and might play with PG&E de-energizing susceptible transmission lines, comparisons of diesel generators and other backup alternatives to new natural gas infrastructure, for example.

The lack of information provided by your capable staff is understandable when last minute changes are proposed – but mistakes are avoidable. As a San Jose resident, I request a thorough Staff analysis and Study Session by March 31, 2021 on DER and CHP system emissions and the potential impact on our climate-smart goals, as well as a comprehensive list of clean, renewable alternatives to provide reliable backup power.

Sincerely,

David W. Poeschel, retired engineer,
San Jose, District 10

Re: PASS gas ban; REJECT Bloom Energy exemption - deferred from last week

Nassim Nouri [REDACTED]

Mon 12/14/2020 2:04 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>;

Cc: Agendadesk <Agendadesk@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>;

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident I urge you to support the gas ban and to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. This forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children, unless you allow it to be watered down and circumvented by corporations like Bloom Energy.

I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas, violating the gas ban prohibition and derailing our city's climate goals.

You must not allow the greenwashing of the Bloom Box technology that's powered by dirty fracked gas producing energy that is much dirtier than that provided by either San Jose Clean Energy or PG&E. We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.

I ask you, the city's leaders responsible for our safety, to hold the line and insist on the strongest possible gas ban ordinance so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

Nassim Nouri
San Jose District 4, 95131

[REDACTED]

Nassim Nouri

Fw: san Jose gas ban: remove exemption

City Clerk

Mon 12/14/2020 2:05 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>;

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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From: reira [REDACTED]
Sent: Monday, December 14, 2020 1:33 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: san Jose gas ban: remove exemption

[External Email]

Dear Mayor,

It has come to my attention that Bloom energy has nefariously inserted an exemption for the gas ban that was not fully understood. I demand that this exemption be removed.

Your constituent,
Linda Reis

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Untitled

yelena keselman [REDACTED] >

Mon 12/14/2020 5:02 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>;

Cc: City Clerk <city.clerk@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>; Romanow, Kerrie <Kerrie.Romanow@sanjoseca.gov>; Davies, Ken <Ken.Davies@sanjoseca.gov>; rosalyh.hughes@sanjoseca.gov <rosalyh.hughes@sanjoseca.gov>;

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

We commend and thank you for extending San Jose's landmark all-electric code to virtually all new buildings! If not watered down by loopholes, this will be a significant step towards achieving our Climate Smart goals, since the gas burned in buildings causes at least a third of our city's greenhouse gas emissions. We are disappointed that the majority approved a last-minute exemption for "Distributed Energy Resources" (DER) after heavy lobbying by local company Bloom Energy, even though their fuel cells will be hooked up to new fossil gas infrastructure 24/7, 365.

After the vote on 11/17/20, alarming new information has come to light. A letter sent to you from Stet Sanborn (a LEED-certified architect from the Smith Group) explains that the exemption for DER is actually "a CO2-wolf in fuel cell clothing" that will open the door to power generation much dirtier than even gas-powered fuel cells. This is because DER: "encompasses far more technology than natural gas powered fuel cells. That exemption also includes all combined heat and power [CHP] systems, including co-gen and tri-gen systems, [which use fossil fuels and generate large amounts of greenhouse gas emissions and] which are far more widespread and far cheaper than Bloom fuel cells...They also have a much longer lifespan, typically lasting from 12-20 years."

Staff's analysis, upon which Council relied for guidance, did not explain that the ordinance would allow for even dirtier energy than gas-powered fuel cells, about which we'd already raised alarms. And that these other technologies could be used for up to two decades!

Clearly, this is a very complicated, technical and consequential issue, and we're now seeing the wisdom of those who requested a Study Session before granting an exemption whose consequences are not fully understood. We are confident that you did not mean to undermine the intent of the expanded gas ban ordinance. However, with the exemption for DER, a Pandora's box has now been opened that could

potentially offset all of the GHG reductions from your all-electric ordinance (threatening our ability to reach our climate-smart goals) as well as lower air quality and harm public health.

Therefore, we request that you take the following corrective actions:

Remove the fourth exemption (for DER) entirely. Any project seeking to use fuel cells would still have the hardship pathway available.

Request a thorough Staff analysis of, and Study Session by March 31, 2021, on DER and CHP system emissions and the potential impact on our climate-smart goals, as well as a comprehensive list of clean, renewable alternatives to provide reliable backup power.

Thank you in advance for taking action to protect our climate and health. We're counting on you to ensure that the updated ordinance does what it's intended to do: reduce GHG emissions from San Jose's buildings, so we can improve public health and achieve our climate-smart goals.

Best,
Yelena Keselman
San Jose Resident

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Strengthen the gas ban (Agenda Item 2.2a)

Ralf Buengener 

Mon 12/14/2020 5:14 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>;

Cc: City Clerk <city.clerk@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>; Romanow, Kerrie <Kerrie.Romanow@sanjoseca.gov>; Davies, Ken <Ken.Davies@sanjoseca.gov>; rosalyh.hughes@sanjoseca.gov <rosalyh.hughes@sanjoseca.gov>;

[External Email]

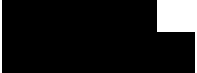
Dear Mayor and Council Members:

Thank you for making our city more sustainable by working towards a ban of natural gas. As a San Jose resident and supporter of 350 SV San Jose, I ask that you strengthen San Jose's Expanded Gas Ban Ordinance by removing the exemption for Distributed Energy Resources (DER). The exemption would allow companies to install new gas pipelines to power gas-powered fuel cells or even dirtier forms of energy. This undercuts the entire purpose of the gas ban, which is to reduce our city's fossil fuel use and greenhouse gas emissions.

At the very least, please direct the city's Environmental Services Department to provide the city council, sometime in the next three months, a detailed analysis of how all the various types of DER could impact San Jose's greenhouse gas reduction goals, so the Council can fully consider the possible consequences of continuing to allow DER.

I am counting on you to prioritize our children's future over fossil-fuel company profits.

Sincerely,
Dr. Ralf Buengener



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Expanded Gas Ban Ordinance - DERs Are Bad

Susan Butler-Graham <[REDACTED]>

Mon 12/14/2020 5:38 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>;

Cc: City Clerk <city.clerk@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>; Romanow, Kerrie <Kerrie.Romanow@sanjoseca.gov>; Davies, Ken <Ken.Davies@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>;

[External Email]

Dear Mayor and Council Members,

As a San Jose resident in District 9 and a member of Mothers Out Front Silicon Valley, I urge you to strengthen the Expanded Gas Ban Ordinance and remove the exemption for Distributed Energy Resources (DER). The exemption would allow companies to install new gas pipelines to power gas-powered fuel cells or even dirtier forms of energy. This exemption undermines the entire purpose of the gas ban, and will make it very difficult if not impossible for San Jose to meet our Climate Smart goals.

If you are unwilling to remove the exemption, at the very least please direct the Environmental Service Department to provide the city council, sometime in the next three months, a detailed analysis of how all the various types of DER could impact San Jose's greenhouse gas reduction goals, so the Council can fully consider the possible consequences of continuing to allow DER.

We need you to prioritize our children's future over fossil-fuel company profits.

Sincerely,

Susan Butler-Graham

Mothers Out Front Silicon Valley

Pronouns: She/her/hers

www.mothersoutfront.org

Live in San José? Join the [Climate Smart Challenge!](#) Learn easy ways to save energy, lower your bills, get fit and make a difference in the fight against climate change.

Live elsewhere? Join [WeRenew!](#)

“The iron law of climate change is that the less you did to cause it, the sooner you feel its effects...Those who poured the most carbon into the air will be dead before its effects are fully felt.” -Bill McKibben

"Do-nothing climate policy is racist policy." -Ibram X. Kendi

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No gas ban exemption

Martin Kupferman [REDACTED]

Mon 12/14/2020 7:30 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>; lindah [REDACTED] <[REDACTED]>

[External Email]

We commend and thank you for extending San Jose's landmark all-electric code to virtually all new buildings! If not watered down by loopholes, this will be a significant step towards achieving our Climate Smart goals, since the gas burned in buildings causes at least a third of our city's greenhouse gas emissions. We are disappointed that the majority approved a last-minute exemption for "Distributed Energy Resources" (DER) after heavy lobbying by local company Bloom Energy, even though their fuel cells will be hooked up to new fossil gas infrastructure 24/7, 365.

Please eliminate the exemption and finalize an exemption-free gas ban!

Martin

Martin Kupferman
[REDACTED]

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Approve All-Electric Ordinance; Study DER exemption (Agenda Item 2.2a)

Linda Hutchins-Knowles <[REDACTED]>

Tue 12/15/2020 12:55 AM

To: Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio
<[REDACTED]> Peralez, Raul <[REDACTED]> Diep, Lan <[REDACTED]> Carrasco,
Maaddalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>
Khamis, Johnny <[REDACTED]>
Cc: Agendadesk <[REDACTED]> Romanow, Kerrie <[REDACTED]> Davies, Ken
<[REDACTED]>

[External Email]



December 15, 2020

Dear Mayor Liccardo, Vice Mayor Jones, and Councilmembers Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

We commend and thank you for extending San Jose's landmark all-electric code to virtually all new buildings! If not watered down by loopholes, this will be a significant step towards achieving our Climate Smart goals, since the gas burned in buildings causes at least a third of our city's greenhouse gas emissions.

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After the vote on 11/17/20, alarming new information has come to light. A letter sent to you from Stet Sanborn (a LEED-certified architect from the Smith Group) explains that the exemption for DER is actually "**a CO2-wolf in fuel cell clothing**" that will open the door to power generation much dirtier than even gas-powered fuel cells.

This is because DER “encompasses far more technology than natural gas powered fuel cells. That exemption also includes all combined heat and power [CHP] systems, including co-gen and tri-gen systems, [which use fossil fuels and generate large amounts of greenhouse gas emissions and] which are far more widespread and far cheaper than Bloom fuel cells...They also have a much longer lifespan, typically lasting from 12-20 years.”

Staff’s analysis, upon which Council relied for guidance, did not explain that the ordinance would allow for **even dirtier energy than gas-powered fuel cells**, about which we’d already raised alarms. And that these other technologies could be used for **up to two decades!**

Clearly, this is a very complicated, technical and consequential issue, and we’re now seeing the wisdom of those who requested a Study Session before granting an exemption whose consequences are not fully understood. We are confident that you did not mean to undermine the intent of the expanded gas ban ordinance. However, with the exemption for DER, **a Pandora’s box has now been opened that could potentially offset all of the GHG reductions from your all-electric ordinance** (threatening our ability to reach our climate-smart goals) as well as lower air quality and harm public health.

Therefore, we request that you take the following corrective actions:

- **Remove the fourth exemption (for DER) entirely. Any project seeking to use fuel cells would still have the hardship pathway available.**
- **Request a thorough Staff analysis of, and Study Session by March 31, 2021, on DER system emissions and the potential impact on our climate-smart goals, as well as a comprehensive list of clean, renewable alternatives to provide reliable backup power.**

Thank you in advance for taking action to protect our climate and health. We’re counting on you to ensure that the updated ordinance does what it’s intended to do: reduce GHG emissions from San Jose’s buildings, so we can improve public health and achieve our climate-smart goals.

Sincerely,

Linda Hutchins-Knowles for Mothers Out Front Silicon Valley

Signed by 133 people on our [Action Network petition](#)

Linda Hutchins-Knowles
California Senior Organizer
Mothers Out Front
Pronouns: She/her/hers
www.mothersoutfront.org

Live in San José? Join the [Climate Smart Challenge!](#) Connect with

friends & neighbors to learn easy ways to save energy, lower your bills, and get fit—all while helping to preserve a livable climate.

Learn how [you can help us make this program a big success!](#) Let's do this!

"When you see something that is not right, you must say something.
You must do something."

-John Lewis

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Blair Beekman. sj council. December 15, 2020. Item 2.2.

b. beekman <

Tue 12/15/2020 8:53 AM

To: Agendadesk <

[External Email]

Dear community of San Jose, and city govt.,

The mayor's, recent community energy planning, with new, hydrogen cell storage, using smaller amounts of natural gas, may be an interesting trade off, in comparison to, the large amount of pollutants, from the fossil fuel of diesel.

And can possibly be, an interesting choice, to develop, as back-up generator needs, in a time of a natural disaster.

I hope the mayor, in promoting, hydrogen fuel cell storage, for the next 3 years, will also want to work, to raise public awareness, of solar power, and its growing storage capacity.

And how, these two renewable ideas, can work, hand in hand, to build, a more sustainable future, in San Jose.

It seems important, at this time, to begin to learn, how to focus, a continued use & growth, of these two renewable technologies, along with other, renewable energy ideas - as ways to prepare, immediately before & after, natural disaster events, of the next 5-10 years.

As I hope, these good efforts, from all of us, can work to reduce, the need of diesel, and other, brown energy/dirty fuels, that will be demanded, in the days, weeks, months and years, after a large catastrophic event.

Here in San Jose, and the S.F. Bay Area, the continued threat of wildfires, and a major earthquake, in the next 5-10 years, is a very likely scenario - that I hope we can learn, how to more openly talk about, and regularly plan for, in our city govt. decision making, and public meeting process.

Sincerely,
Blair Beekman

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Please reject DER exemption from Natural Gas Infrastructure Prohibition Ordinance

Bret Andersen <[REDACTED]>

Mon 12/14/2020 10:35 PM

To: Liccardo, Sam <[REDACTED]>

Cc: Agendadesk <[REDACTED]> City Clerk <[REDACTED]>

[External Email]

Honorable Mayor and Council,

As a member of Carbon Free Palo Alto and South Bay Area resident I again thank you for your leadership in bringing San Jose's Natural Gas Infrastructure Prohibition Ordinance to a vote. It represents a huge and visible step forward on climate action and equity for the South Bay.

At your second reading, I again urge you to approve the Ordinance without the exemption for natural gas fueled Distributed Energy Resources (DERs) used for every-day, baseload power.

To be effective the ordinance should ensure, where feasible, that only renewable, zero emissions, DERs are put in place and that new gas connections are not. Renewable DERs typically include on-site solar electricity generation but practical solutions also more generally include batteries, thermal storage, demand management, microgrids and other advantageous measures. Renewable DER such as these can fully accomplish the GHG mitigation goals of the ordinance. An exception for natural gas (or any fossil fuel) based DERs therefore seems unnecessary and will most likely be counterproductive. The ordinance already provides a hardship pathway for any party, including those that might have some circumstance that would somehow require that onsite baseload power be generated from natural gas.

Thank you for your attention and your commitment to urgent and far reaching action to protect our climate.

Bret Andersen, Carbon Free Palo Alto

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SIERRA CLUB

LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

December 15, 2020

San José City Council
200 E. Santa Clara Street
San José, CA 95113

RE: Agenda item 2.2: Final Adoption of Natural Gas Prohibition Ordinance

Dear Mayor Sam Liccardo and San José City Councilmembers,

The Sierra Club Loma Prieta Chapter would like to thank the Mayor, City Council and Staff for their effort and leadership in making San José the largest city in the nation poised to prohibit natural gas in new buildings. Fossil gas is a threat to the health, safety and climate future of San José residents and of life on Earth. It is imperative that we stop building the unnecessary, costly, and dangerous gas infrastructure that accelerates climate change.

It is for these reasons that we have some concerns with some of the last-minute exemption added to the original ordinance for “distributed energy resources” (DER). This language would allow for gas fuel cells, which require the expansion of gas pipeline infrastructure to supply them with fuel which is then released as methane into our atmosphere. We are also concerned that this language could allow for cogeneration and trigeneration systems, which are effectively on-site gas power plants. Allowing for the construction of this fossil gas infrastructure contradicts the core intention of this gas prohibition ordinance.

Council was not presented with the full details of the impacts of these fossil fuel-dependent systems and made their vote lacking crucial information. Even today, the City does not have a clear understanding of the estimated emissions impacts of these exemptions, the costs of expanding gas pipeline infrastructure, and the options for clean energy alternatives.

Ideally, we want the City Council to remove the DER exemption until its effects are fully understood. However, if Council decides to proceed with the second reading today:

We also believe that the San José City Council and residents deserve to fully understand the impacts of the exemptions. We are calling for Council to motion to direct Staff to return to Council by March 31st, 2021 with a study of: 1) The impacts of distributed energy resources (gas fuel cells, cogeneration and trigeneration systems) on the City’s Climate Smart goals, and 2) The available alternatives to distributed energy resources, including renewable options.

The direction to staff to study these impacts would not change the ordinance language itself, allowing Council to approve the second reading of the ordinance today. This study will provide the public with a much-needed understanding of how this newly added language will affect their future.

Sincerely,

Dashiell Leeds, Conservation Assistant, Sierra Club Loma Prieta Chapter

San Jose Reach Code Public Comment

Andrew Chu [REDACTED]

Tue 12/15/2020 10:43 AM

To: Agendadesk <Agendadesk@sanioseca.gov>; City Clerk <city.clerk@sanioseca.gov>

Cc: Jared Johnson [REDACTED]; Andrew Chu [REDACTED]

[External Email]

Thank you for this opportunity to give a testimonial in favor of a full natural gas ban, without exceptions. I want to offer my perspective as a youth and student, hopefully to give you context for what some of your constituents may be thinking. I want to begin by saying that I have lived in California all my life and throughout the ups and downs of federal political turmoil it has always given me pride to be able to say that I was from California, the unquestioned progressive leader on building a sustainable and equitable future. For the past four years, my community in Silicon Valley and all of us across the state have stood strong in the face of a socially regressive and morally corrupt presidential administration; every lawsuit Xavier Becerra filed against the federal government, EPA, or DOJ truly brought me hope.

Yet this is not the time now to retreat into complacency when we are confronted with an urgent existential threat like global warming and all that stands between us and the solution is the political willpower to catalyze this change. Local legislation fully eliminating natural gas in new buildings would be both a symbolic and material step forwards in combating climate change.

In such an affluent state like California, it's absolutely inexcusable to shrug and move on from such a proposal. Ordinances such as these are one of our primary tools to rapidly decarbonize the residential and industrial sectors and anything less than an ambitious plan will simply not suffice. We, the students, the children, and the activists, look towards your leadership as a precedent-setting, paradigm-shifting signal to the rest of the world.

If not us, who else will make and inspire these changes? California is home to the 5th largest economy globally and taking such ambitious action here in Arcata will ripple across the state, nation, and ultimately the planet. Every decision is magnified and if you choose to ignore this issue, we resign ourselves to a bleak fate. And while this may seem like an abstract or insignificant issue to you, know that if you walk back on a proposal to eliminate natural gas in construction, my generation will see you deliberately throwing away our future. Instead, today you are now empowered to make true change in our community and beyond, and embrace the calls of youth for a cleaner, fairer future for all. So councilmembers, I hope that San José can become part of the solution through a complete ban on gas in new buildings and join the groundbreaking climate work being done by others.

Thank you and I appreciate you considering this proposal.