

**Department of Planning and Zoning, City of Alexandria, VA
Green Building and Sustainable Development Working Group
Meeting No. 6 – 8.30am to 10.15am Thursday, December 4, 2008
Sister Cities Conference Room, City Hall, Alexandria, VA**

Draft Meeting Notes:

In Attendance:

Erica Bannerman
Geoffrey Booth
Al Cox
Jeff Farner
Brian M. Gordon
Ken Granata
Faroll Hamer
Elizabeth (Beth) Heider
Rich Josephson
Jeremy McPike, PMP, LEED AP
Judy Noritake
Peter Pennington
Robert Phinney
Frederick W. Rothmeijer
Barbara Ross
Lou Sagatov
Kenneth W. Wire, JD

Apologies:

Greg Ruff
Carlos Martin

Deliberations of the five previous Working Group Meetings

- Geoffrey Booth welcomed the group and ensured that everyone had a copy of the two page, “OUTLINE OF CITY OF ALEXANDRIA GREEN BUILDING POLICY (DRAFT)” which had been emailed to Working Group members.
- He outlined the process since the last meeting of the Working Group and the deliberations arising from the five previous working group meetings that had guided the preparation of the above document:
 - **Market Status and Progress:** The building and development industry has already begun the transition to green building, with the most pronounced commitment in the commercial building sector (LEED Silver) but with the residential sector following suit;
 - **Multi-Jurisdiction Consistency:** Green Building standards should be consistent across local government jurisdictions in the Washington Metro

region as multiple codes or varying standards will involve significant administrative cost to the building and development industry;

- **Policy Focus:** Green Building should focus on the creation of real estate assets that perform well for owners, tenants and the city (reducing the claim on infrastructure provision) thereby reducing the operational costs of real estate, reducing the pressure on public finance and capital raising to fund infrastructure upgrading to cover more profligate use of energy and utilities, and enhancing the quality of life and sustainability dividend;
- **Third Party Verification:** Third Party verification of Green Building consistent with existing rating standards that are consistent with the City's recently adopted Eco-Charter is considered preferable to the City developing its own Green Building Standards or Codes and employing additional staff to enforce them;
- **Green Building Standards and Codes:** For non residential development the preferred rating standard was certified LEED or equivalent (some preferred LEED certified, others LEED Silver)--for residential development the preferred rating standard was certified LEED for Homes or the ICC-700 National Green Building Standard equivalent. The City's Environmental Policy Commission thought that all development subject to the policy should be required to comply with ENERGY STAR;
- **City Policy Priorities:** In the assessment of whether or not another standard or code is "equivalent", consideration will be given to City's priorities of carbon footprint reduction, energy efficiency, and water conservation. The City should focus on the principles and goals it wishes to achieve with Green Buildings and Sustainable Development and resist the temptation to lock in on specific solutions, many of which do not have universal application;
- **Green Building Development:** The policy should apply to all development requiring a DSUP or site plan and should require compliance with the above green building standards and produce an accredited third party certification to the satisfaction of the Director of Planning and Zoning. Such certification is to be achieved to the satisfaction of the Director within two years of the issue of the Certificate of Occupancy;
- **Incentives:** What limited incentives that can be provided by the City are to be reserved for those developments satisfying the highest and not minimum green building rating standard and are to be targeted so as to encourage green building and not just inflate the land price of the development ;
- **Education and Outreach:** Education and Outreach are considered vital to the success of the Green Building and Sustainable Development Policy; and,

- **Promotion of Innovation:** Building Owners and Developers should be encouraged to innovate and achieve higher green building performance standards beyond the minimum set in the policy.

Policy not Ordinance proposed

- Richard Josephson explained that the essence of the draft policy had been distilled into the two pages of the “OUTLINE OF CITY OF ALEXANDRIA GREEN BUILDING POLICY (*DRAFT*)”. He said it aimed to create a commitment not just to green building not but also through application to Co-ordinated Development Districts to the greening of areas undergoing comprehensive planning. Examples of Braddock Road and Landmark were used to illustrate this point.
- Richard Josephson explained that flexibility would be important in the implementation of the policy as the application of the full standard to some minor development, e.g. a minor extension to a school or a small restaurant may not be appropriate. In such cases the appropriate application of the policy would be at the discretion of the Director of Planning and Zoning.
- Kenneth Wire raised the question of flexibility and the exercise of the Director’s discretion by way of reference to the King’s Point Apartments. He said that as site plans involved “by right” development subject to Planning Commission approval of the site plan, would this type of development proposed be subject to the policy?
- Richard Josephson said that while it was intended that development subject to site plan approval was proposed to be subject to the policy, it would be applied with the appropriate flexibility.
- Jeffrey Farner pointed out that it was a policy and not an ordinance and was therefore not as rigid, providing instead for a performance based standard that would be subject to review and monitoring.
- Kenneth Wire explained that while the proposed flexibility was a good thing, the development and building applicants will be looking to determine with certainty whether they are “in the bucket or out of the bucket” and if so to what extent at an early stage in development conceptualization. This would be critical to financing arrangements.
- Jeffrey Farner explained that this would be done in preliminary review of proposed development as part of the “concept plan checklist”.

Monitoring and Feedback

- Peter Pennington asked whether the Department of Planning and Zoning would explain when and why individual developments would not be subject to compliance with the green building standards outlined in the policy?

- Jeffrey Farner explained using the small school extension as an example, saying that the staff report would explain the reasons for any exceptions and the exercise of discretion and that an annual report would be made to Council and the Planning Commission detailing how the policy had been applied and what it had achieved in the preceding twelve months.
- Faroll Hamer pointed out that the rationale in the staff report would explain why the green building standards set in the policy couldn't be achieved in their application to the individual circumstances of a particular site or development. The Annual Report would be very important to maintaining consistency in the application of the policy.
- Robert Phinney saw the policy as a significant improvement in approach to the application and achievement of green building compared to other jurisdictions in the Metropolitan Washington region. He saw particular advantages in the flexibility that was proposed for its implementation which would be an important tool in responding in a timely manner to changing circumstances.

Threshold Size of Development

- Al Cox also saw value in the flexibility proposed and referred to the Working Group's discussion of a proposed application to only those projects containing 10,000 square feet of floor space. He believed that the policy's application to projects of a smaller size than this could be problematic.
- Robert Phinney said that providing the policy was applied with sensitivity and flexibility to projects below 10,000 square feet then such problems could be overcome with good design.
- Jeffrey Farner explained that the application needed to be sensitively applied acknowledging both type of use and size as appropriate considerations. Under these circumstances the arbitrary adoption of a 10,000 square feet threshold might be problematic. He said that the staff report would address these issues.
- Robert Phinney said that he was in favor of not applying an arbitrary 10,000 square foot threshold.
- Richard Josephson explained that this threshold had originally been discussed when it was thought that the green building regulation was going to be in the form of an ordinance rather than a policy.
- Faroll Hamer spoke to the circumstances of particular examples of development within the city and explaining that few major developments in Alexandria went straight to Building Approval. Therefore the application of the policy with an appropriate degree of flexibility would provide for appropriate case-by-case determination.

- Al Cox said that he supported such an approach 100% but it was important to realize this will increase responsibility placed on city staff.

Equity and Consistency of Policy Flexibility

- Judy Noritake said that in determining when and to what extent to apply the green building standards of the policy to individual developments will raise Equity issues.
- Faroll Hamer agreed and said that this is why it is so important to keep a cumulative record of how the policy is applied and flexibility exercised.
- Jeffrey Farnar explained that we are all learning together on this issue of green building and that the matter of Equity is an important issue for us.

Standard of Green Building

- Frederick Rothmeijer felt that the policy set a certain bar for green building development without recognition of the additional costs involved. He said he was surprised that the Silver standard had been adopted as this would add at least an additional \$2.00 per square foot to the cost of development. On the operational savings over time he pointed out that this did not overcome the initial increase in capital cost to the developer and felt that the City had to point out what it could do to contribute to a more holistic approach. Frederick referred as an example to the City providing the curbside space for zip cars rather than demanding that these spaces be provided on-site at the developer's expense. He concluded by saying that the policy should not be one sided.
- Elizabeth Heider explained that Green Building did not necessarily cost more than conventional building and that it was all in the quality of design and conceptualization. Life cycle costs of the investment were very important and that these concerns if not addressed up-front were difficult to cost-effectively incorporate once the building had been completed. Elizabeth Heider said we all have a strong interest in creating better performance buildings.
- Frederick Rothmeijer referred to the additional costs involving LEED's fees, consultants' costs, bonding, and used the example of provision of capital items such as showers and lockers to achieve LEED credits which it was difficult to recoup.
- Geoffrey Booth explained that this policy did not include the requirement for the Developer to put up a bond for green building performance. Rather it was being approached on the basis of goodwill and mutual responsibility. If it was found in the light of performance that applicants were not abiding by their obligations then they would only have themselves to blame if a bonding obligation had to be imposed in the future.

- Geoffrey Booth further explained that the Silver standard had been adopted in part for the Equity issue and because this was the standard being applied by most reputable developers to meet tenant (such as GAO) requirements. To adopt a lesser standard in the policy would be to penalize those reputable developers and send a message that the City was encouraging a lesser standard of green building development to that which a growing sector of the development industry were committed.

Incentives

- Geoffrey Booth referring to Frederick's point that the policy appeared one-sided said that it would be very useful if Frederick and the development industry representatives could report on those requirements (such as the on-site parking allocation for Zip Cars) that would provide for a holistic approach. On the issue of incentives Geoffrey went back to previous discussions in the Working Group which determined that there existed an extremely limited range of incentives available within the City's current resources.
- Frederick Rothmeijer said that the City should consider tap fee reductions where Green Buildings reduced the impact of development with respect to water. If the developer was reducing the burdens on the city to supply a certain level of urban services then the developer should as a matter of equity participate in the commensurate savings.
- Elizabeth Heider referred to examples like Portland, Oregon where they are looking to harvest future financial savings of green buildings and apply those in the form of "fee bates". If you don't achieve the higher green building standards you pay a penalty. The Living Building Challenge which aimed at very high performance buildings was discussed along with the "Robin Hood" approach to green building.
- Peter Pennington pointed out that the City's stage one environmental action plan called for the creation of a taskforce in 2009 to address the issue of incentives across the board.
- Jeffrey Farner said that this was why the City was looking to adopt a phased approach with its Green Building policy because it understood that it couldn't resolve all the issues up-front. He said he would welcome suggestions from the Development industry on such matters as zip cars but wondered if they were off-site whether they would qualify as a LEED credit.
- Richard Josephson explained that it was important to recognize the support that the City was already providing the development industry that made a significant contribution to the quality and therefore value of individual projects.
- Elizabeth Heider explained that she was renovating her home in Alexandria and that just trying to source the right green building materials was a challenge. A website that

brought together all information on green building and such related matters as the Clinton Global Challenge climate material and resources would be invaluable.

- Robert Phinney pointed out that just adopting LEED Silver as the standard may not of itself achieve reduced water consumption or water discharge from the project. He said that the incentives would have to be better aligned and city and other standards modified if you wished to properly align policy and deliver incentives to developers. The example he used was the control over number of toilets when what was really important was the level of water consumption and the quantum and rate of discharge which was very much dependant of the type and not so much the number of toilets.
- Peter Pennington explained that this was in fact extremely important and was a major consideration in the City's stage one environmental action plan.

City Priorities

- Judy Noritake said that it will be an important consideration in the flexible application of the policy to determine just how effective a development proposal will be in reducing water and energy consumption and its carbon footprint.
- Robert Phinney pointed out that this is a shortcoming in LEED and other rating systems where you can effectively "game the system" to achieve the necessary credits to achieve a certain level, but not achieve the desired water, energy and carbon generation reductions.
- Judy Noritake used the example of an SUV driven only a few miles a year to that of a Hybrid that was driven tens of thousands of miles a year. In terms of aggregate environmental impact the Hybrid in this circumstance could have a greater impact.
- Lou Sagatov said that here it was important to look at the issue on a holistic basis. Hybrids had the additional environmental costs of production and disposal of their batteries. Lou felt that it was much better to set benchmarks and targets. He used as an example the achievement of 15% better than code on Energy reduction. He pointed out that in older areas like Alexandria the infrastructure was ageing and in need of renewal. What was needed was a clear articulation of just where the City wished to be in say, 5, 10 and even 100 years.
- Judy Noritake said that this was exactly what the City Eco-City initiative was trying to do.
- Lou Sagatov explained that the city needed to be clear on where it wished to be in terms of greening its building stock in the next 5 to 10 years.
- Jeremy McPike explained that the City was working on stormwater studies at the City's expense which should be available to developers and the community as the studies are completed. This should help developers estimate what it will cost to

upgrade the stormwater infrastructure related to their property. Such information is not yet currently available.

- Elizabeth Heider said that there needed to be a complete matrix of these infrastructure costs put up on the City's website.
- Kenneth Wire explained that in getting the draft policy out to a selection of his clients, the focus of their response had been on the City's requirement for the silver standard, which response could be encapsulated as follows: "Silver, dan it, I can do silver, but here's my delta".
- Frederick Rothmeijer said the draft policy was unclear as to whether or not it went beyond core and shell. It should not extend to individual tenant fit out as this was beyond the control of the developer in many cases.
- Kenneth Wire said that it was probably worth consulting with the City Attorney to determine whether the City could deny a site plan on green building grounds.
- Peter Pennington said that the City can not afford shoddy development.
- Kenneth Wire explained that he was not advocating shoddy development rather just a prudent understanding of what the City was legally entitled to request in the site plan approval.
- Frederick Rothmeijer said that perhaps on hotels there should be a separate green building rating system as it was the operational aspects of the hotel rather than its design that had most impact on the environment.
- Robert Phinney said that building design was very important and that he did not believe that a separate rating system was required.
- Frederick Rothmeijer explained that the operational side of the building after it was designed and built had a very significant impact on the environment.
- Judy Noritake used the example of one of her clients that was committed to green building but their operational parameters involve very high levels of electrical energy consumption that another occupier of the building may not require.
- Peter Pennington pointed out that the City does have a major stormwater problem.
- Judy Noritake explained that education could play a big part in alerting people to this problem and then urging them to modify their behavior as part of the solution.
- Faroll Hamer made reference to the "sustainable sites" program.

- Lou Sagatov pointed out that stormwater issues were now being taken up at a State level.
- Erica Bannerman confirmed that the City was in discussions with the State of Virginia on the subject of stormwater.
- Peter Pennington said that the policy would probably need to reference historic buildings and this had been a major point of discussion with respect to the City's stage one environmental action plan.
- Richard Josephson suggested that perhaps the flexibility inherent in the policy might be the best way to address individual historic preservation issues.
- Elizabeth Heider said that this subject of heritage building, product performance and appearance could be the subject of an ad hoc taskforce.

Written Responses to the Draft Policy

- Jeffrey Farnar asked that all written responses to the draft policy be forwarded to Richard Josephson by Thursday 11th December, 2008.

Comments on City of Alexandria Draft Green Building Policy received prior to the Meeting:

A. Carlos Martin, NAHB (rec'd 5.00pm Wed 3rd December, 2008)

1. You shouldn't refer to the National Green Building Standard as "NAHBSv2." That document was only a draft utilized during the American National Standards consensus process. If you're going to refer to it in any policy document, it should be "ICC-700 National Green Building Standard." It's not an NAHB rating system, just one we endorse. By the way, ANSI accepted the last round of responses to its queries so it's in its last march.
2. You should title the fourth point as "Specific Green Rating Systems." LEED is proprietary and the other rating systems you list aren't part of it.
3. The equivalency point contradicts the previous point. If you allow explicit multiple rating systems, there should be no equivalency. Otherwise, you set equivalency with no explicit rating system. Incidentally, Energy Star New Homes contains only energy-efficiency criteria, not all established green criteria. So, I'm not clear what sort of equivalency is being ranked.

Public Forum on Green Building

- Richard Josephson explained that the City's Public Forum on Green Building would be held between 7.00pm and 9.00pm on Wednesday 28th January, 2009. Venue to be advised. Rich asked that Working Group members give some thought to whom they would like to see invited and pass these suggestions to him by or at the next Working Group meeting.

The Meeting concluded at 10.15am with the next meeting to be held at 8.30am on Thursday 18th December, 2008 in the City Council Workroom on the 2nd Floor, City Hall, Alexandria, VA.

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