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## COUNCIL OF THE CITY OF PHILADELPHIA

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## COMMITTEE ON THE ENVIRONMENT

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Room 400, City Hall  
Philadelphia, Pennsylvania  
Wednesday, December 2, 2009  
11:15 a.m.

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## PRESENT:

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COUNCILMAN JAMES F. KENNEY, CHAIR

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COUNCILMAN FRANK DiCICCO

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COUNCILMAN CURTIS JONES, JR.

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COUNCILMAN JACK KELLY

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COUNCILWOMAN DONNA REED MILLER

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COUNCILWOMAN BLONDELL REYNOLDS BROWN

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COUNCILMAN FRANK RIZZO

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BILL 080025 - An ordinance amending Chapter  
17-100 of The Philadelphia Code, entitled  
"Procurement Contracts," by adding a new  
Section, providing that any contract for the  
construction, extension or major renovation of  
certain buildings, paid for with public funds,  
contain a provision requiring the contractor  
to certify that a certain level in energy and  
design efficiency will be achieved...

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V A R A L L O Incorporated

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Litigation Support Services

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Eleven Penn Center

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1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

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215.561.2220 215.567.2670

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COUNCILMAN KENNEY: Good

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morning, ladies and gentlemen. The

4

Committee on the Environment has a

5

quorum, with the members present

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Councilman Rizzo, Councilman Kelly,

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Councilman Donna Reed Miller and

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Councilman Frank DiCicco.

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I'll read the proposed

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ordinance into the record before we wait

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for the sponsors.

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Bill No. 080025, an ordinance

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amending Chapter 17-100 of The

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Philadelphia Code, entitled "Procurement

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Contracts," by adding a new Section,

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providing that any contract for the

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construction, extension or major

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renovation of certain buildings, paid for

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with public funds, contain a provision

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requiring the contractor to certify that

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a certain level of energy and design

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efficiency will be achieved, in

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accordance with the Leadership in Energy

24

and Environmental Design Rating System,

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or that equivalent standards will be met,

1           12/2/09 - ENVIRONMENT - BILL 080025  
2           requiring LEED certified professionals,  
3           and by providing for penalties, all under  
4           certain terms and conditions.

5                     The Chair recognizes  
6           Councilwoman Blondell Reynolds Brown.

7                     COUNCILWOMAN BROWN: Thank you,  
8           Mr. Chairman. Thank you to members of  
9           the Committee and to all of us who care  
10          about this new issue.

11                    My opening comments are as  
12          follows: First, I must commend the  
13          leadership of all the interested  
14          stakeholders who were a part of this  
15          conversation since the introduction of  
16          this bill over a year ago. Their input  
17          has helped us to reexamine the bill fully  
18          and make adjustments that we believe make  
19          sense, are reasonable and, further, will  
20          help move the needle on this new emerging  
21          public policy issue called  
22          sustainability.

23                    The amendments offered will  
24          require all City-owned buildings only to  
25          meet LEED standards versus our initial

1           12/2/09 - ENVIRONMENT - BILL 080025  
2           language wherein we suggested all  
3           City-funded buildings. So let me repeat  
4           that so that we're clear. The amendments  
5           offered will require all City-owned  
6           buildings only to meet LEED standards  
7           versus all City-funded buildings.

8                       These amendments reflect  
9           extensive year-long conversations with  
10          the Law Department, the Administration  
11          and a roundtable of interested  
12          stakeholders that included developers,  
13          union leaders, environmental lawyers and  
14          builders who were convened by a  
15          businesswoman, Terry Graboyes.

16                      I also want to acknowledge and  
17          say thank you to Joe Meade, my former  
18          Legislative Director, now with the School  
19          District of Philadelphia, for his initial  
20          hard work, and Jeffrey Knowles, my former  
21          graduate fellow from the University of  
22          Penn, who worked aggressively on this  
23          bill and has landed as the Project  
24          Manager at the Pennsylvania Environmental  
25          Council. Pleased to have this bill,

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2           because it is consistent with the Mayor's  
3           Greenworks Philadelphia plan.

4                       And I'll close with just a  
5           couple of points of information before we  
6           hear from our witnesses.

7                       The Entrepreneur Magazine  
8           featured ten top trends for 2009. And we  
9           know that "trend" is defined as a general  
10          direction in which something tends to  
11          move with the intended tendency to  
12          change. In the business world, a trend  
13          is a consumer behavioral pattern that  
14          shapes how people think and how they  
15          spend money. You guessed that the number  
16          one trend as identified by the  
17          Entrepreneur Magazine is going green.  
18          Further, Ebony Magazine wrote about five  
19          issues that President Obama must tackle,  
20          and energy and conservation came in as  
21          number four.

22                      So this new public policy issue  
23          of green, sustainability, energy and  
24          conservation and our environment is here  
25          to stay, again, as we seek to make

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2           Philadelphia the greenest city in  
3           America.

4                       I want to say thank you to  
5           Mr. Chairman for your leadership on this  
6           issue, and I'll turn this hearing back  
7           over to you.

8                       COUNCILMAN KENNEY: Thank you  
9           very much for your comments.

10                      The first witness we have on  
11           the first panel is Suzanne Biemiller for  
12           Katherine Gajewski and James White.

13                      (Witnesses approached witness  
14           table.)

15                      COUNCILMAN KENNEY: Good  
16           morning. Please identify yourself for  
17           the record.

18                      MS. BIEMILLER: Good morning.  
19           I'm Suzanne Biemiller testifying here  
20           today on behalf of the Office of  
21           Sustainability.

22                      COUNCILMAN KENNEY: Please  
23           proceed.

24                      MS. BIEMILLER: Good morning,  
25           Councilman, Chairman Kenney and other

1           12/2/09 - ENVIRONMENT - BILL 080025  
2           members of the City Council Committee on  
3           the Environment. As I introduced myself  
4           just a minute ago, my name is Suzanne  
5           Biemiller and I'm here testifying on  
6           behalf of the Mayor's Office of  
7           Sustainability on Bill No. 080025, which  
8           proposes to apply green building  
9           standards to major City construction and  
10          renovation projects.

11                       The Mayor's Office of  
12          Sustainability is responsible for the  
13          implementation of Greenworks  
14          Philadelphia, the City's comprehensive  
15          sustainability plan. One of Greenworks  
16          Philadelphia's goals is to reduce the  
17          amount of energy that Philadelphians  
18          consume, with City government leading by  
19          example. We believe that we cannot ask  
20          residents and corporations to take steps  
21          that we ourselves are not willing to  
22          take. Therefore, Greenworks' first  
23          target sets an ambitious goal of reducing  
24          the City's energy consumption by 30  
25          percent by the year 2015. This is

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2           Greenworks' first target for a reason -  
3           the Administration is serious about  
4           demonstrating its commitment to energy  
5           efficiency. To that end, we agree that  
6           the City's future capital investments  
7           must consider the resulting building's  
8           energy intensity and lifecycle costs.

9                       As the largest energy consumer  
10          in Philadelphia, the positive  
11          environmental and financial impacts of  
12          the City's energy conservation measures  
13          will be substantial. In Fiscal Year  
14          2009, the combined energy bills of the  
15          General Fund departments, not including  
16          street lighting, Aviation or the Water  
17          Department, were approximately \$38  
18          million. And energy prices are only on  
19          the rise. Therefore, reduced energy use  
20          will result in significant cost  
21          reductions, money that can be put back  
22          into further energy savings investments  
23          as well as service and program delivery.

24                      Energy conservation at this  
25          scale will require a comprehensive

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2           integrated approach that considers energy  
3           needs and consumption from all angles.

4           To this end, the Mayor's Office of  
5           Sustainability has begun to take a number  
6           of important steps, including securing  
7           Recovery funding to support the  
8           development of a robust municipal energy  
9           management program; convening an  
10          interagency green team to ferret out  
11          energy savings; creating target energy  
12          budgets for City departments and an  
13          energy conservation education campaign  
14          for employees; and developing a  
15          sophisticated energy management database  
16          that can be used by our energy office and  
17          department managers alike.

18                       But since the City's buildings  
19           represent the majority of our energy use,  
20           these efforts will be in vain if we fail  
21           to address our existing and future  
22           building stock.

23                       The City began to take steps in  
24           this regard in the previous  
25           Administration in an Executive Order

1           12/2/09 - ENVIRONMENT - BILL 080025  
2           calling for the pursuit of green building  
3           certification in connection with certain  
4           City projects. We greatly appreciate  
5           Councilwoman Reynolds Brown's efforts in  
6           focusing renewed attention on the  
7           importance of creating environmentally  
8           efficient buildings in the City and  
9           support the aim of her bill. We  
10          recommend some improvements to the bill,  
11          however, and have worked closely with the  
12          Councilwoman to develop appropriate  
13          amendments to that bill.

14                   As introduced, Bill No. 080025  
15          has broad requirements that would be  
16          applicable to any large construction  
17          project that involves any use of any  
18          amount of City funding regardless of  
19          whether the City actually has control of  
20          the building process. The bill also  
21          would have placed the onus on private  
22          contractors to ensure attempts to achieve  
23          LEED certification.

24                   Therefore, the Administration  
25          today is proposing amendments to the bill

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2           to focus its requirements on large  
3           construction projects funded with capital  
4           dollars and ultimately controlled by the  
5           City. This focus will allow the City  
6           time to build its internal capacity in  
7           the area of green building requirements.  
8           It will also put the onus on ensuring  
9           pursuit of green certifications on the  
10          Administration itself so that we lead by  
11          example. Through this effort, the City  
12          will strive as a first and significant  
13          step to ensure not only that major  
14          building projects meet the broad  
15          sustainability rating of LEED-Silver, but  
16          also will take steps to ensure that major  
17          building projects use at least 20 percent  
18          less energy than regular buildings.

19                 Let me now please offer up the  
20          amendments proposed by the  
21          Administration. And I believe you all  
22          have copies of those.

23                 As we propose the bill to be  
24          amended and based upon the pace of  
25          projects undertaken under Executive Order

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2           1-07, we would expect specific  
3           LEED-Silver registrations arising from  
4           the requirement of Councilwoman Reynolds  
5           Brown's bill to total approximately five  
6           projects per year. This includes capital  
7           projects undertaken by departments and  
8           agencies across the City, including the  
9           Airport, the Water Department and others.

10                   One example is the new Youth  
11           Study Center, a building that's projected  
12           to be 160,000 square feet, which is 30  
13           percent larger than its previous home on  
14           the Benjamin Franklin Parkway. The City  
15           spent \$485,000 a year to pay for the  
16           utilities of that old facility. In  
17           designing the new facility as a  
18           LEED-Silver building, we anticipate a  
19           minimum savings of approximately 20 to 25  
20           percent per year, or \$133,000. So  
21           despite the increased building size, we  
22           project that the energy savings will  
23           actually be reduced by 20 to 25 percent  
24           over what they would have been if the  
25           building had been designed not at

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2           LEED-Silver. In addition, we will be  
3           saving water, reducing air pollution and  
4           waste, and providing occupants with more  
5           daylight and fresher air.

6                       Overall, a City building that  
7           achieves a LEED-Silver rating can expect  
8           the following benefits over a  
9           conventionally built project of the same  
10          size: lower operating costs for energy,  
11          water and waste management; lower  
12          greenhouse gas emissions; and improved  
13          worker comfort and productivity. Another  
14          key benefit of the bill's requirement for  
15          the City is that as departments learn  
16          about cost-effective operations for  
17          integrated design and high-performance  
18          structures, lessons learned can be  
19          applied to already existing facilities.  
20          These new projects will also benefit the  
21          larger community by helping to foster  
22          innovation and market support for green  
23          building practices.

24                      These and other green building  
25          programs either underway or under

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2           discussion may be considered Phase 1 of  
3           the Office of Sustainability's green  
4           building program for City facilities.  
5           Subsequent phases could include an  
6           expansion of this legislation, building  
7           sustainability guidelines into  
8           procurement, an area that I'm aware that  
9           Councilman Kenney is very interested in  
10          and working on as well, and additional  
11          capital program policies and procedures.  
12          Also, it is important to note that  
13          through the initiatives laid out in  
14          Target 2 of Greenworks, we are  
15          considering energy efficiency initiatives  
16          that go beyond the walls of City  
17          buildings, with an eye toward residential  
18          and commercial buildings, as we strive to  
19          meet a goal of ten percent energy  
20          reduction target citywide.

21                 The commitment to energy  
22           efficiency is one that is understood and  
23           shared across the Administration, and we  
24           plan to work together with Council and  
25           with our community partners to

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2           aggressively advance this shared agenda.  
3           We look forward to working with you on  
4           the development of these critical first  
5           phases, learning what works and what  
6           doesn't and positioning Philadelphia to  
7           take increasingly aggressive steps in the  
8           future.

9                       Thank you. I'm happy to answer  
10           any questions you may have.

11                      COUNCILMAN KENNEY: Thank you  
12           very much. We'll take the additional  
13           testimony from Mr. White and then we'll  
14           have questions.

15                      MR. WHITE: Good morning and  
16           thank you for the opportunity to testify.  
17           My names is James White and I am the  
18           Policy Coordinator of the Philadelphia  
19           Association of Community Development  
20           Corporations. PACDC is a citywide  
21           association with more than 80 community  
22           development corporations and other  
23           organizations that have extensive  
24           experience developing affordable  
25           ownership and rental homes, commercial

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2           space and facilities as part of their  
3           larger mission of addressing resident  
4           needs and fostering successful  
5           revitalization of our neighborhoods.

6                       We applaud the efforts of the  
7           City Administration and the City Council  
8           to encourage sustainable development and  
9           energy-efficient design. The CDCs  
10          operating in Philadelphia agree that the  
11          City needs to promote more sustainable  
12          development and green building practices.  
13          In fact, PACDC members are already  
14          incorporating such practices into their  
15          developments. In addition, public  
16          funding sources such as the Philadelphia  
17          Redevelopment Authority and the  
18          Pennsylvania Housing Finance Agency  
19          already require energy efficiency  
20          practices and/or incentivize green  
21          building practices in the developments  
22          they fund without requiring sponsors to  
23          utilize the LEED system.

24                       While some of our members are  
25          pursuing LEED or LEED-Silver

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2           certification for their affordable  
3           housing developments, due to the higher  
4           up-front costs and limited public  
5           subsidies for their developments, they  
6           have been forced to value engineer out  
7           some of the green components they  
8           initially wanted to incorporate. Given  
9           the higher costs associated with  
10          achieving LEED-Silver certification, it  
11          is unrealistic to expect that all  
12          developments will be able to achieve this  
13          level, especially without additional  
14          resources.

15                 In reality, there are many ways  
16          to advance green building beyond  
17          requiring LEED certification for  
18          projects, which adds additional costs to  
19          developments and squeezes projects on  
20          tight budgets receiving limited public  
21          funding. Instead of creating penalties  
22          for failure to achieve LEED  
23          certification, the City should reward  
24          developers for achieving stages of energy  
25          efficiency along a spectrum and identify

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2           new funding or incentives to address  
3           additional up-front costs. The City  
4           should work to build the local  
5           infrastructure to support green building  
6           and encourage cost-neutral green building  
7           techniques in all sectors.

8                       As an important first step, the  
9           City should lead by example by promoting  
10          green building for new and renovated  
11          public buildings. This can also provide  
12          an opportunity to examine the cost  
13          implications and savings of utilizing the  
14          LEED certification system versus other  
15          systems such as Energy Star or Green  
16          Globes, as well as encourage more local  
17          contractors to get acquainted with green  
18          building practices.

19                      In addition, we encourage the  
20          City to pursue development of a more  
21          nuanced green building code that takes  
22          into account local market conditions and  
23          challenges, such as in Chicago. Other  
24          cities like Austin, Texas adopted a green  
25          building code developed by the

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2           International Code Council, a non-profit  
3           organization that developed the  
4           International Building Code. In January  
5           2009, the National Green Building  
6           Standard, a collaborative effort of the  
7           ICC and the National Association of Home  
8           Builders, was approved as a national  
9           standard for residential construction.  
10          Building on that success, the ICC has now  
11          teamed with the American Institute of  
12          Architects and the ASTM International in  
13          the International Green Construction Code  
14          initiative to develop a green code for  
15          commercial construction that is specific,  
16          reliable and enforceable and reduces or  
17          eliminates the need for post construction  
18          certification programs. It is not a  
19          surprise that the leading green  
20          organizations such as the United States  
21          Green Building Council, the developer of  
22          LEED, and the Green Building Initiative  
23          support the IGCC initiative.

24                       We urge the City to take the  
25          following two steps to advance green

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2           building in Philadelphia in an  
3           appropriate way: First, amend the bill,  
4           as suggested here today, to apply to only  
5           City-owned public works projects instead  
6           of all City financed projects. Two, to  
7           convene the range of concerned  
8           stakeholders to craft an effective and  
9           realistic plan to move us down the path  
10          towards creating infrastructure to  
11          support green building and sustainable  
12          development in our city in a  
13          cost-effective way. In particular, such  
14          an approach should provide funding and/or  
15          incentives to address the challenges  
16          confronted by developers, especially  
17          those engaged in affordable housing  
18          development.

19                 In closing, I would like to  
20          thank in particular Council Lady Brown  
21          for all of her help, her leadership and  
22          her ability to understand the impact the  
23          bill as originally written would have on  
24          our affordable housing industry. We also  
25          thank the Committee for its steadfast

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2           leadership and guidance as we move  
3           forward to a greener Philadelphia.

4                     Thank you.

5                     COUNCILMAN KENNEY: Thank you  
6           very much for your testimony. Just a  
7           comment. And I appreciate the  
8           Administration's position and also your  
9           concern relative to CDCs and affordable  
10          housing. One of the things that I would  
11          hope that the Office of Sustainability  
12          would pursue, if they haven't pursued  
13          already, is an additional form of energy  
14          savings which I think has come out of  
15          Germany and is coming here, not new, but  
16          not as well known, and it's called  
17          passive house. And the reason I mention  
18          it, on two instances. Number one, I  
19          think in the affordable housing area, if  
20          we were ever to get to the passive house  
21          level, it is a long-term benefit to the  
22          people who reside in those homes, because  
23          they're normally of meager income and  
24          lower means, and the savings from their  
25          utility bills will be substantial, up to

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2           what I understand is 90 percent. So even  
3           though -- and we have this discussion all  
4           the time. Whether it's affordable  
5           housing or whether it's commercial  
6           development, when we talk about green  
7           roofs on buildings, requiring them with  
8           50,000 square feet or more, the argument  
9           or pushback, Well, the cost of that is  
10          prohibitive. But if you look at it over  
11          the long-term life of the building,  
12          whether it's a commercial property or  
13          residential property, the savings is  
14          there. I mean, it's going to pay itself  
15          back.

16                 The thing I think we need to do  
17           is to try to get the banking industry and  
18           the lending industry in this country or  
19           in this region as they do in Germany, to  
20           consider folding those savings into your  
21           financing, because that really will drive  
22           this. In Germany, I understand that they  
23           will allow you to finance up to 90  
24           percent of the savings on a passive house  
25           or a passive commercial building, and

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2           then you can get the savings up front and  
3           be able to build it affordably.

4                       So I think if we start -- I  
5           mean, certainly LEED-Silver is a great  
6           big first step on City property. Going  
7           into the affordable housing area after  
8           that I think is the way we should be  
9           going. But the more and more savings we  
10          have on utilities, hopefully at some  
11          point in time, the lending industry in  
12          this country will be able to recognize  
13          that, be able to quantify it and fold it  
14          into the financing packages.

15                      So I understand your concerns  
16          and I understand the City's desire to  
17          keep moving forward, which we should be.

18                      So with that said, Councilman  
19          Jones.

20                      COUNCILMAN JONES: Taking lead  
21          from my senior members, both the Chairman  
22          of this Committee and also the author of  
23          this bill, I'm inclined to follow their  
24          lead, but I'm going to say this, that  
25          whether it was Darrell Clarke, Councilman

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2           Clarke's bill on tax abatements or my  
3           recommendation for a green tax abatement,  
4           I can almost hear the exact same  
5           testimony coming about why affordable  
6           housing should be exempt, and I would  
7           only say that I will follow their lead,  
8           but my position is this, that the most  
9           expensive thing in the City of  
10          Philadelphia is being poor. We pay more  
11          for everything. The people that need it  
12          most, which are people of low income, are  
13          going to be the last to have these kinds  
14          of green applications. And right at a  
15          time when utility companies are going  
16          through the roof -- I'm hearing about  
17          water, I'm hearing about electric  
18          deregulation, I'm hearing about gas  
19          considerations because of their constant  
20          costs. So at some point as we dealt with  
21          the mortgage foreclosure issue -- this  
22          body boldly stepped up to the plate about  
23          that -- I have a sneaking suspicion that  
24          we're going to hear more and more about  
25          homeless people not being able to stay in

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2           their homes because of utilities. So at  
3           some point -- and I know the market is  
4           adjusting to LEED certification in an  
5           evolutionary way, but the people who need  
6           it most need the boldest action  
7           sometimes.

8                        So I'm willing to take small  
9           increments. I'm learning patience as a  
10          freshman on how to get to where you want  
11          to be, but I am growing impatient with  
12          the fact that the people in my district  
13          that need it most are the folk who are  
14          probably going to get it last, and so I'm  
15          very concerned about that.

16                       Mr. Chairman.

17                       COUNCILMAN KENNEY:

18          Councilwoman Brown.

19                       COUNCILWOMAN BROWN: I want to  
20          acknowledge both Councilman Kenney's and  
21          Councilman Jones' dead-on observations,  
22          that they were discussed at length in our  
23          meetings, and we made a decision to at  
24          least get the needle moving, fully  
25          recognizing that it is that and only

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2           that, to get the needle moving and  
3           started, acknowledging that we must do  
4           exactly what you just stipulated.

5                       So it's, I believe, fair  
6           warning to the community that us on this  
7           side of the table will continue to be  
8           aggressive and resist what some may view  
9           as pushback as we try to do what we say  
10          we want to do, and, that is, make  
11          Philadelphia a green city and include  
12          everyone of all stripes, of all levels of  
13          the economic strata in that process.

14                      Thank you, Councilmembers.

15                      COUNCILMAN KENNEY: Thank you  
16          very much.

17                      Any other questions for these  
18          witnesses?

19                      (No response.)

20                      COUNCILMAN KENNEY: Seeing  
21          none, the next panel is Heather Shayne  
22          Blakeslee and Dan Garofalo.

23                      (Witnesses approached witness  
24          table.)

25                      MR. GAROFALO: Good morning.

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2           My name is Dan Garofalo. I'm a volunteer  
3           Board member of the Delaware Valley Green  
4           Building Council, DVGBC. I'm accompanied  
5           here today by Heather Blakeslee, the  
6           Programs and Advocacy Director for the  
7           Delaware Valley Green Building Council.  
8                       Councilman Kenney, Councilwoman  
9           Reynolds Brown and members of the  
10          Environmental Committee, I am testifying  
11          today on Bill No. 080025 on behalf of the  
12          Delaware Valley Green Building Council,  
13          DVGBC, which is a non-profit membership  
14          organization whose mission is to  
15          transform the Delaware Valley through  
16          sustainable planning, design and  
17          construction and operation of the  
18          region's buildings, mindful of the legacy  
19          left for future generations. The DVGBC  
20          represents over 1,000 members in  
21          Philadelphia and the surrounding region,  
22          including leaders in the design,  
23          construction, energy and green products  
24          industries.

25                       I am an architect and I am the

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2           Environmental Sustainability Coordinator  
3           at the University of Pennsylvania in  
4           addition to my volunteer Board member  
5           role.

6                       We're grateful for the  
7           opportunity to testify on this important  
8           issue, and we applaud Councilwoman  
9           Reynolds Brown for her leadership.

10                      The DVGBC endorses the goals of  
11           Bill 080025 and will support its  
12           implementation with further language  
13           suggestions, which are included in our  
14           submission to Council today and included  
15           at the end of my testimony.

16                      We believe this bill, with the  
17           changes described, will improve the  
18           environmental quality of Philadelphia by  
19           helping to change the design and  
20           construction marketplace, reduce utility  
21           bills, provide healthier work  
22           environments and help create green jobs.

23                      In pursuing this green building  
24           path, Philadelphia would be joining the  
25           ranks of Atlanta, Baltimore, Dallas, the

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2           School District of Philadelphia and many  
3           other municipalities and entities around  
4           the country and would also meet the  
5           recommendations of Building Green:  
6           Overcoming Barriers in Philadelphia, a  
7           report published in 2008 by the  
8           Pennsylvania Environmental Council and  
9           endorsed by Mayor Nutter. This bill  
10          would also serve, as previous testimony  
11          indicated, to meet Mayor Nutter's own  
12          goals contained in Greenworks  
13          Philadelphia by allowing the City to lead  
14          by example in the field of green  
15          buildings.

16                 In practice, this bill would  
17          help create a core group of public  
18          buildings and most several new and  
19          retrofitted buildings each year, which  
20          would demonstrate how green building can  
21          be accomplished easily in this city, and  
22          then these buildings would become models  
23          for further market transformation in  
24          Philadelphia.

25                 The bill establishes a modest

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2           standard for environmental performance.

3           In most cases, such standards will not

4           add construction costs. Please refer to

5           the attached fact sheet from the U.S.

6           Green Building Council with detailed

7           information and citations on costs and

8           benefits of green building.

9                       We believe that the bill would

10          not provide an undue burden on the City

11          because it is not difficult to achieve

12          LEED-Silver standards in Philadelphia.

13          The LEED-Silver rating can be achieved by

14          a code-compliant building with very few

15          specification changes. The main change

16          from a regular; that is, code-compliant

17          building project, is there would be a

18          commitment from the design and

19          construction teams to meet and verify the

20          compliance with the code and with the

21          project's green goals. There are a

22          number of project types for which the

23          U.S. Green Building Council has developed

24          LEED-Silver standards, such as LEED for

25          new construction, LEED for commercial

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2           interiors, LEED for core and shell. We  
3           believe the building should simply -- the  
4           bill should simply refer to LEED-Silver,  
5           as it does now, and leave flexibility for  
6           each project to determine which  
7           particular type of certification to  
8           follow. The buildings impacted by this  
9           legislation will demonstrate that it can  
10          be done in Philadelphia and done easily.  
11          We encourage the City to take this small  
12          step in the right direction in terms of  
13          energy savings, lower utility bills,  
14          healthier workplaces and the creation of  
15          green jobs. It is our goal at DVGBC to  
16          support efforts to make Philadelphia the  
17          greenest city in America, and this bill  
18          demonstrates leadership from City Council  
19          on this issue.

20                       In closing, I want to thank the  
21          Council for the opportunity to testify  
22          and also thank all the Councilmembers for  
23          your insightful comments in regard to  
24          low-income housing and public housing  
25          sector.

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2           Thanks.

3           COUNCILMAN KENNEY: Before your  
4           testimony, we're going to do a little  
5           housekeeping, back-flip for a second.  
6           Since we have a quorum, I want to make  
7           sure that we -- and I have to leave in a  
8           few minutes, so I want to make sure that  
9           we get the bill where it's supposed to  
10          be. So I want to recess temporarily our  
11          public hearing. I want to start our  
12          public meeting. I want to recognize  
13          Councilperson Blondell Reynolds Brown for  
14          a motion to accept the amendments as were  
15          proposed to Bill No. 080025.

16          COUNCILWOMAN BROWN: Thank you,  
17          Mr. Chairman. I offer an amendment to  
18          Bill No. 080025 for acceptance by this  
19          committee.

20          COUNCILMAN KENNEY: Second?

21          (Duly seconded.)

22          COUNCILMAN KENNEY: It's been  
23          moved and seconded.

24          All in favor?

25          (Aye.)

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2                   COUNCILMAN KENNEY: There are  
3 none opposed. The bill will be amended  
4 accordingly.

5                   Now the Chair recognizes  
6 Councilwoman Blondell Reynolds Brown  
7 again for a motion on the amended bill.

8                   COUNCILWOMAN BROWN:  
9 Mr. Chairman, I move that Bill No.  
10 080025, as amended, be moved out of  
11 Committee with a favorable  
12 recommendation.

13                   (Duly seconded.)

14                   COUNCILMAN KENNEY: Do you want  
15 a suspension?

16                   COUNCILWOMAN BROWN: Yes.

17                   COUNCILMAN KENNEY: And there  
18 was also a request for a rules  
19 suspension.

20                   It's been moved and seconded.  
21 All in favor?

22                   (Aye.)

23                   COUNCILMAN KENNEY: There are  
24 none opposed. Bill No. 080025, as  
25 amended, is reported out of this

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2           Committee favorably and a request made  
3           for rules suspension to allow for first  
4           reading at our next Council session.

5                       We will now recess our public  
6           meeting and resume our public hearing and  
7           recognize you for your testimony. Please  
8           identify yourself.

9                       MS. BLAKESLEE: My name is  
10          Heather Shayne Blakeslee. I'm the  
11          Programs and Advocacy Director for the  
12          Delaware Valley Green Building Council.  
13          I actually don't have separate testimony  
14          from my colleague, but I want to echo his  
15          comments that as a non-profit in the area  
16          who has just recently adopted social  
17          equity as one of the pillars of our  
18          organization, we are absolutely here to  
19          stand as resources and partners with the  
20          PACDC and others to try to build capacity  
21          in those areas, because as Dan said, we  
22          very much also feel as strongly as  
23          Councilman Jones does, that we don't want  
24          the people who need these buildings the  
25          most to be the last ones to get them, and

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2           we stand ready to serve as a resource for  
3           all of you to make that happen.

4                   COUNCILMAN KENNEY: Thank you  
5           very much for your testimony.

6                   Any questions for these  
7           witnesses?

8                   COUNCILWOMAN BROWN: My only  
9           question is, have you had an opportunity  
10          yet to sit down with that world and guide  
11          them in helping them understand and  
12          embrace the notion that we can do both?

13                   MS. BLAKESLEE: We've started  
14          talking last year with PACDC in  
15          particular, but also with places like  
16          Project HOME and others, and I've at  
17          least held one sherat (ph) with the  
18          Pennsylvania Environmental Council to  
19          identify what some of the barriers to  
20          green building are for the public housing  
21          community, and we're committed to  
22          following up on that in the following  
23          year. We've had a couple of informal  
24          conversations with Rick Sauer over at  
25          PACDC and have a collegial relationship

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2           and are looking forward to working with  
3           them in the future.

4                   COUNCILWOMAN BROWN: Your  
5           success with Project HOME, where are  
6           you -- what is the status of the movement  
7           with Project HOME?

8                   MS. BLAKESLEE: Just being able  
9           to use them as one of the stakeholder  
10          groups that are talking about these  
11          issues.

12                   COUNCILWOMAN BROWN: Okay,  
13          then. Thank you very much.

14                   Thank you both for your  
15          testimony.

16                   COUNCILMAN KENNEY: Thank you.

17                   One of the other issues I think  
18          we need to pursue -- and I know it is  
19          being pursued in some sectors -- is the  
20          issue of solar energy. I've tried to  
21          look at getting my own residential  
22          property solar energized and the cost is  
23          a bit prohibitive. However, because of  
24          Philadelphia's row house structure, you  
25          can pretty easily solar panel a whole

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2           street, which would obviously minimize  
3           the cost or spread the cost across a  
4           number of properties and also create  
5           enough of an array that would potentially  
6           allow the sale back to the grid for PECO.  
7           So, I mean, all those kinds of things. I  
8           mean, it's not -- we were behind the  
9           curve for a long time. I think we're  
10          getting up to speed. We're not exactly  
11          Seattle or San Francisco, but I think  
12          we're moving pretty quick in a short  
13          period of time. So all those kinds of  
14          things I think are really worth pursuing.  
15          But thank you for your testimony.

16                       MS. BLAKESLEE: Thank you.

17                       COUNCILMAN KENNEY: Next  
18          witness is Rachel Vassar and Jack Strong.

19                       (Witnesses approached witness  
20          table.)

21                       COUNCILMAN KENNEY: Good  
22          morning. Please identify yourself for  
23          the record.

24                       MS. VASSAR: Rachel Vassar,  
25          PennFuture.

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2                   Good morning and thank you for  
3           the opportunity to testify today. My  
4           name is Rachel Vassar and I am the  
5           Philadelphia Outreach Coordinator for  
6           Citizens for Pennsylvania's Future,  
7           PennFuture. PennFuture works to create a  
8           just future where nature, communities and  
9           the economy thrive. We enforce  
10          environmental laws and advocate for the  
11          transformation of public policy, public  
12          opinion and the marketplace to restore  
13          and protect the environment and safeguard  
14          public health. In line with our mission,  
15          PennFuture works as the lead organization  
16          behind the Next Great City initiative,  
17          which is dedicated to creating a positive  
18          future for Philadelphia by advocating for  
19          commonsense, cost-effective policies that  
20          enhance environmental quality, strengthen  
21          neighborhoods and increase economic  
22          competitiveness.

23                   Made up of civic associations,  
24          labor groups, public health  
25          organizations, environmental non-profits

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2           and faith-based communities, the Next  
3           Great City came together in the fall of  
4           2005 to address environmental and public  
5           health issues that are harming  
6           Philadelphia's economy and quality of  
7           life. The diverse coalition identified  
8           ten affordable actions that the City  
9           could undertake to revitalize  
10          Philadelphia's neighborhoods, and these  
11          actions have the broad support of the 122  
12          organizations that make up the coalition.

13                 Among the ten agenda items is a  
14          recommendation that Philadelphia build  
15          energy-efficient, healthy City and School  
16          District facilities. We call on the City  
17          to follow the lead of the cities and  
18          states throughout the country as well as  
19          the federal government that require new  
20          buildings to meet the U.S. Green Building  
21          Council's Leadership in Energy and  
22          Environmental Design, LEED, standards.

23                 In the 2009 fiscal year, the  
24          combined energy bills of the General Fund  
25          departments, not including street

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2           lighting, Aviation and the Water  
3           Department, were approximately \$38  
4           million. Rising energy prices and budget  
5           deficits at the city and state level make  
6           it more important now than ever for the  
7           City to take control of its energy  
8           spending by practicing greater energy  
9           efficiency. Buildings are a vital  
10          component of this strategy. In order for  
11          the City to better meet its budgetary  
12          priorities now and in the future, new  
13          City facilities and retrofits of existing  
14          buildings must use energy as efficiently  
15          as possible. Any up-front costs  
16          associated with constructing City  
17          facilities to LEED standards would be  
18          offset by energy and water savings  
19          garnered over the lifetime of the  
20          building.

21                   In addition to saving money on  
22          energy bills, requiring City buildings to  
23          meet LEED standards will help to meet a  
24          number of Greenworks' goals, bringing us  
25          one step closer to being the greenest

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2           city in America. LEED requirements will  
3           better equip the City's workforce to  
4           compete in the green economy by providing  
5           opportunities for workers to learn  
6           state-of-the-art construction practices.  
7           Buildings built to LEED standards will  
8           also decrease the burden on our aging  
9           sewer system and improve air quality and  
10          cut greenhouse gas emissions by reducing  
11          the need for electricity derived from  
12          fossil fuels and coal.

13                       I urge the City Council  
14          Committee on the Environment to give its  
15          full support to Bill No. 080025 -- which  
16          you already did, so I thank you  
17          instead -- requiring certain publicly  
18          funded construction projects to fall  
19          under the City's control to obtain  
20          LEED-Silver status. This legislation is  
21          the right thing to do for our  
22          communities, our economy and our  
23          environment. It exemplifies the  
24          long-term vision that Philadelphia needs  
25          to make us the next great city with a

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2 sustainable future.

3 Thank you for your time and  
4 consideration.

5 COUNCILMAN DiCICCO: Thank you.

6 Sir, I'm now in charge.

7 MR. STRONG: Hi. My name is  
8 Jack Strong. I'm with the Energy  
9 Coordinating Agency. I don't know if  
10 you're aware of the agency. We do  
11 weatherization programs all over the  
12 City. So we're on the front line every  
13 day helping people save energy in their  
14 homes.

15 Good morning, Councilwoman  
16 Reynolds. I wanted to just digress a  
17 little bit from the testimony. My  
18 background is, I've been a  
19 builder/developer for the last 30 years.  
20 I'm certified as a building inspector.  
21 I'm a BPI certified building analyst, and  
22 this is close to my heart, what we're  
23 talking about here.

24 ECA is in total support of Bill  
25 080025 sponsored by Councilwoman

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2           Reynolds, and this bill will help produce  
3           overall energy consumption and increase  
4           the sustainability of public buildings in  
5           Philadelphia. It is also a very  
6           important first step in increasing the  
7           sustainability of the City as a whole.  
8           At the same time, we need to recognize  
9           that it will only impact a small number  
10          of buildings.

11                       Going through this, to impact a  
12          larger number of buildings, ECA  
13          recommends that the City take the next  
14          step and pass legislation that would  
15          require the Energy Star Homes standard be  
16          used for all new residential  
17          construction, and this would help our  
18          affordable housing as well. Using Energy  
19          Star guidelines will ensure that all new  
20          homes in Philadelphia would reach a  
21          reasonable level of energy efficiency.  
22          Energy Star homes are also more durable  
23          and of higher quality.

24                       While the Energy Star standard  
25          is only a modest increment above the

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2           current code, there are real concerns  
3           that all new homes do not actually meet  
4           code. Adopting the Energy Star Homes  
5           standards would allow the City to have  
6           inspection and certification done by  
7           independent third-party raters instead of  
8           the City's Department of Licenses and  
9           Inspection. Thus the cost of  
10          certification would be borne by the  
11          builder and not the City. This would  
12          eliminate both cost and liability that  
13          the City now carries. This would require  
14          little effort by the City, other than  
15          having it as a requirement for the  
16          builder to present an Energy Star  
17          certificate at the time a Certificate of  
18          Occupancy is issued.

19                 By Philadelphia taking the lead  
20           in requiring Energy Star certification  
21           now, Philadelphia will be much better  
22           prepared to cope with rapidly rising  
23           energy costs. This reputation will  
24           enhance the City's image and help attract  
25           businesses and residents who want to live

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2           in the City but are put off by the lack  
3           of energy-efficient and sustainable  
4           housing.

5                     A successful example -- by the  
6           way, I was in Austin for ten years. I  
7           was on the Green Council there, and I  
8           know this from fact. I mean, I've lived  
9           it.

10                    In Austin, the city passed an  
11           ordinance requiring residential property  
12           ten years and older to have -- and  
13           multi-families to have an energy audit  
14           performed prior to the sale of the  
15           property. This was met with huge  
16           resistance by the realtor community. The  
17           realtors soon discovered that having this  
18           rating for a home helped them sell more  
19           homes. The buyers feel more confident  
20           that the home they are buying is now  
21           energy efficient, and the older homes  
22           that have had energy saving improvements  
23           done now compete much better with new  
24           construction. This is fostering job  
25           growth in the inner city as well as

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2           increased tax revenue by having more  
3           people move back into the city.

4                     There's an absolute boom going  
5           on in Austin. I just left there about a  
6           year ago. I moved back for family  
7           reasons. But there's an absolute boom  
8           going on there. The realtors are just  
9           crazed. I was a realtor in Texas as  
10          well, and everybody was just crazed about  
11          doing this. They thought it wouldn't  
12          work. And there was a soft -- there's no  
13          penalty if you don't have the energy  
14          audit done, but the realtors snapped to  
15          it. They said in this tough market, they  
16          can use that energy audit as a big sales  
17          tool. You look at an old house that's --  
18          here's one that's an energy hog, here's  
19          one that's been fixed. It's a  
20          no-brainer. The buyer says, I'll take  
21          the one that doesn't cost as much money  
22          to live in.

23                    And I appreciate the chance to  
24          testify on behalf, and this is a great  
25          bill that you're putting forward, and if

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2           you have any questions, please ask.

3                   COUNCILMAN DiCICCO: Thank you.

4                   Any questions?

5                   Councilwoman Brown.

6                   COUNCILWOMAN BROWN: Let me say  
7           thank you very, very much for your expert  
8           advice and observations, and to know that  
9           we've at least -- I'm into moving the  
10          needle. So to know that we've moved the  
11          needle based on your testimony is a great  
12          thing, recognizing fully as, again, my  
13          Councilmembers acknowledge, we have a  
14          long ways to go to make sure we include  
15          everyone.

16                   To our PennFuture professional,  
17          you said that -- you identified ten  
18          affordable actions that the City could  
19          undertake in your testimony.

20                   MS. VASSAR: PennFuture leads  
21          Next Great City, and Next Great City  
22          has -- we have a document I can give to  
23          you, but they include public riverfronts,  
24          improving the zoning code, single-stream  
25          weekly pick-up recycling. These were put

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2           forward during the last mayoral primary  
3           campaign.

4                   COUNCILWOMAN BROWN: I see.

5           And the example you talk about in Austin,  
6           Texas, how old is that experience there?

7                   MR. STRONG: Eighteen months.

8           It's been going on for 18 months. The  
9           bill was originally very, very strict and  
10          it was overbearing, so they backed off to  
11          where there's no punitive fees or fines,  
12          but because of that, the city is on fire.  
13          They're moving back in. The city's tax  
14          base has grown and it's actually helped  
15          maintain property values, because there's  
16          a section of East Austin, which is like  
17          the low-income neighborhood, and there's  
18          a gentrification there of those buildings  
19          and of those homes.

20                   COUNCILWOMAN BROWN: As a  
21          result of it.

22                   MR. STRONG: Sure.

23                   COUNCILWOMAN BROWN: What you  
24          mentioned were shared in the roundtable  
25          discussion we had for a few months that

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2           included builders and developers at the  
3           table, and so you've in many ways  
4           affirmed what they stipulated in those  
5           discussions that led us to where we are  
6           today.

7                        So I thank you both for your  
8           testimony.

9                        MS. VASSAR: Thank you.

10                      COUNCILMAN DiCICCO: Thank you.

11                      Any other questions for these  
12           witnesses?

13                      (No response.)

14                      COUNCILMAN DiCICCO: Seeing  
15           none, is it Mr. or Mrs. Swann?

16                      MR. SWANN: Mitchell.

17                      COUNCILMAN DiCICCO: Mitchell  
18           Swann. Please come to the table.

19                      (Witness approached witness  
20           table.)

21                      COUNCILMAN DiCICCO: And I  
22           understand that we have written testimony  
23           that's been submitted by Kevin Gray and  
24           Nathan Wilcox that will not be  
25           testifying, but their testimony will be

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2 made part of the record.

3 Good afternoon, Mr. Swann.

4 MR. SWANN: Good morning. I  
5 think it's still morning, right?

6 COUNCILMAN DiCICCO: I don't  
7 know. Is it? You're right, it is. I'm  
8 rushing it along.

9 MR. SWANN: Since I'm alone,  
10 I'll sit in the center.

11 COUNCILMAN DiCICCO: Center  
12 stage.

13 Please identify yourself for  
14 the record and then proceed with your  
15 testimony.

16 MR. SWANN: My name is E.  
17 Mitchell Swann. I'm a mechanical  
18 engineer with over 25 years experience in  
19 the design, construction and analysis of  
20 buildings pretty much around the world.  
21 I'm also a Board member of the Engineers  
22 Club of Philadelphia. So I can testify  
23 on their behalf and interest in this  
24 issue.

25 I'm a registered engineer

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2           licensed in ten states and the UK, United  
3           Kingdom, and I've been a LEED AP, a LEED  
4           accredited professional, since 2003. And  
5           I've been asked to testify at this  
6           hearing on the value of a green building  
7           requirement for City-funded and now  
8           City-owned/occupied projects.

9                     Just to sort of condense,  
10          you've heard a lot of statistics, which I  
11          think were very valuable, but I just want  
12          to put out that sustainability or green  
13          buildings are not a fad. It's not an  
14          attempt to be hip or trendy, and it is  
15          not about saving the snail darter,  
16          although there's not anything wrong with  
17          that. It's about competitiveness and  
18          it's about long-term value. And as was  
19          pointed out in other testimony, it's also  
20          about a health issue with regard to the  
21          City's well-being.

22                    Every dollar that the City  
23          saves in energy is one more dollar  
24          available to fund necessary programs or  
25          it is one more dollar available to reduce

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2           the tax burden on the City's residents  
3           and businesses, and that's a good thing.  
4           Every dollar that the City saves on  
5           energy is one less dollar that the City  
6           exports out of the region, out of the  
7           state and out of the country, and that's  
8           a good thing, too.

9                       The principles of  
10          sustainability are at the heart of what a  
11          city should be. Reducing the cost and  
12          environmental footprint of the City will  
13          allow us to create a more competitive  
14          atmosphere in which our residents and  
15          businesses can prosper and grow. The  
16          City is a "buy and hold" owner. And so  
17          that's a very interesting aspect that one  
18          has to keep in mind when discussing  
19          things from a developer perspective  
20          versus a buy and hold. The City is an  
21          institutional owner, much like University  
22          of Pennsylvania.

23                      The City's first charter was  
24          granted in 1701 and we've been here ever  
25          since. That's over 300 years. And we

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2           have sustained William Penn's "Green  
3           Country Towne."

4                       We have some of the best  
5           universities and colleges in the world  
6           here and some of the best minds those  
7           universities can produce. We have  
8           skilled tradespeople and contractors. So  
9           I believe we should set the goal to  
10          delivering sustainable, green design and  
11          construction to maintain our sustainable  
12          Green Country Towne.

13                      As much as the private sector  
14          might not want to admit -- and I am a  
15          private sector business owner, so the tax  
16          issue is important to me -- the City is  
17          the biggest economic dog on the block in  
18          this region. If the City of Philadelphia  
19          wants to create an environment that  
20          facilitates and promotes green, then the  
21          big dog has to lead the pack. So I think  
22          it's essential the City move forward on  
23          this.

24                      Any questions?

25                      COUNCILMAN DiCICCO: I'm sorry.

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2           Councilwoman Brown.

3                   COUNCILWOMAN BROWN: Thank you  
4           very, very much for your testimony, and I  
5           believe your last statement says it all.  
6           "If the City of Philadelphia wants to  
7           create an environment that facilitates  
8           and promotes green, then the big dog has  
9           to lead the pack." I thank you for your  
10          testimony.

11                  MR. SWANN: Thank you.

12                  COUNCILMAN DiCICCO: Thank you.

13                  Any other questions for this  
14          witness?

15                  (No response.)

16                  COUNCILMAN DiCICCO: Seeing  
17          none, is there anyone else here who  
18          wishes to testify for or against this  
19          bill?

20                  Yes, ma'am. You have something  
21          to add? Please come up.

22                  (Witness approached witness  
23          table.)

24                  MS. BLAKESLEE: Just one more  
25          quick thing that I forgot to say on the

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2 affordable housing front, just so that  
3 it's in the record is that --

4 COUNCILMAN DiCICCO: Please  
5 identify yourself.

6 MS. BLAKESLEE: Heather  
7 Blakeslee from the Delaware Valley Green  
8 Building Council.

9 One of the things that we've  
10 been working on over the last eight  
11 months is working with Habitat for  
12 Humanity to green the specs that they use  
13 for their standards, which would be  
14 across the board, and while we believe  
15 that the LEED Rating System because it's  
16 verifiable and they're certified by a  
17 third party is part of its value, that  
18 there are plenty of other things out  
19 there that we can do to help, as you have  
20 been saying, move the needle forward, and  
21 as part of the mission of our  
22 organization, LEED is not part of that,  
23 but green buildings are and sustainable  
24 buildings are. So we as the Council are  
25 committed to any kind of effort that

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2           could help Council, their Office of  
3           Sustainability or other stakeholders in  
4           the area move the needle forward.

5                   COUNCILMAN DiCICCO: Thank you.  
6           Thank you again.

7                   COUNCILWOMAN BROWN: Thank you.

8                   COUNCILMAN DiCICCO: No  
9           questions? No one else to testify?

10                   (No response.)

11                   COUNCILMAN DiCICCO: Thank you  
12           all for attending.

13                   This concludes the public  
14           hearing and meeting on the Committee on  
15           the Environment.

16                   Thank you.

17                   (Committee on the Environment  
18           concluded at 12:00 p.m.)

19                   - - -

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MICHELE L. MURPHY

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