

**Baltimore Commission on Sustainability  
December 4, 2012 Meeting Report**

**Date:** Tuesday December 4, 2012 from 4-6 pm

**Location:** Department of Planning Boardroom, 417 E. Fayette St. 8<sup>th</sup> Floor

**Subject:** Commission on Sustainability December 2012 General Meeting

**In Attendance:** (*Commissioners*) – Miriam Avins, Davis Bookhart, Cheryl Casciani, John Ciekot, Lynn Heller, Earl Johnson, Sharon Middleton, Cindy Parker, John Quinn, Scot Spencer, Tom Stosur, Mary Washington

(*Staff*) – Beth Strommen, Alice Kennedy, Abby Cocke, Kristin Baja

**Meeting called to order:** 4:05 pm

**Topics addressed:**

- Minutes approved October 2, 2012
- Chair Report
  - Fact sheet on stormwater utility legislation on Nov 6<sup>th</sup> ballot. It is more detailed on the email and will be question J on the ballot.
  - Dana Cooper and public works group meeting on October 25th at 5:30pm. Can someone from the commission attend this? It's a way to stay up to date on the fee
  - Tuesday, December 4<sup>th</sup> is the final meeting for this year. Lynn will coordinate workgroups
- Staff Report
  - We have the first official farm lease and there are two more in the hopper
- **Draft Climate Action Plan:**
  - Production of this plan was a large undertaking for the Sustainability Commission. Lynn Heller really stepped up and took the lead on this project with staff from the City. Tonight the goal is to move the plan from the Sustainability Commission to the Planning Commission. We will hear from the public tonight, hear from Alice and Lynn about the process, and review each of the amendments generally. We will hand vote on each amendment tonight and then take a vote on the entire document. After that is complete we will hear from Alice about what's next.
  - This document is a big deal and is asking a lot of people to do things- citizens, government, businesses, etc. There may be things people don't agree with, but it puts forward a plan for the City to work off of. If there are sections that impact your region, life and constituents you will be invited to help work with this process.
    - **Lynn Heller**
      - Members who worked on this plan as advisors please stand and say your name. Tom Stosur, Jim, Ann Eisle, Dan Spack, Ed Kurt, Evan Hansel, Anne Draddy, Howard Aylesworth

- We really appreciate all your efforts. The advisory had their first meeting in early January. The staff has worked extremely hard, especially Alice Kennedy who has put a lot of sweat into this project.
- There were four working groups who began this process and created the framework. We had a public meeting in June where they public had an opportunity to provide feedback. The advisory committee approved a draft in early July. There was another public input period.
- Alice is going to start by going through the staff report with the proposed amendments since the October 9 meeting. We hope today the commission will approve the plan. We are on the Planning Commission schedule Dec 6<sup>th</sup>.
- The sustainability plan identified a 15% GHG reduction goal. That was our starting target and acted as the starting point for this plan. The working groups and advisory committee spent a lot of time coming up with a plan that was both ambitious and realistic. I ask that you all realize that there was a lot of effort put into making this realistic and doable.
- This really is an ending point in one sense, but I really see it as a kickoff point. No plan is really good unless it's implemented. There will be a lot of work to do from this point forward. One of the key components of the implementation is to create a climate committee who will oversee implementation of the plan.

- **Alice Kennedy**

- I'm going to go through some general background. We are going to have effects of climate change here in the mid-Atlantic in the future. It will impact Baltimore specifically through extreme temperatures, excessive demand for cooling, increased incidents of asthma, flooding from storms, and water quality impacts. We talk a lot about heat and rain events, but we will also see a change in snow activity and extreme snow events. There are changes at what we are seeing in weather patterns.
- The benefits to Baltimore are lower costs for transit and commuting, walkable neighborhoods, improved air quality, sets real targets, makes commitments, grows a healthy city, etc. We have been doing work in the City of Baltimore; we are on track to reducing electricity usage and reducing GHG emissions.
- We had 30 experts in a range of various fields that made up the advisory committee. They looked at a wide range of potential options to determine what measures to prioritize. They used three areas as criteria- is it feasible, does it have benefits to the community, does the community support it, and what are the costs and benefits associated with each action?
- We created a baseline GHG inventory to start. Then we set reduction targets and divided the CAP into four sections. Each has a category, subcategory, and strategies associated with each. I am not going to talk about adaptation tonight because we are going to be creating an adaptation plan on its own to supplement the CAP.
- **Lynn:** what we did determine to have a 15% reduction by 2020 instead of original 2015
- **Beth:** we chose not to make claims that we knew we were not going to meet. Berkeley, CA made a 90% claim and actually they have gone up. We want to be the first city to succeed, rather than not succeed.
- **Proposed amendments:**
  - Alice: There are minor changes proposed for several measures
    - Specifying that this is city-owned and privately-owned
    - Incorporate more information and 30 MW of installed capacity

- \*\* fix on staff report to 30MW, not 40MW
- See SUMMARY OF PROPOSED AMMENDMENTS word document for specific language changes. Not worth re-writing here.
- **Cheryl:** We wanted to include the economic realities of doing business in Baltimore. It also references the genuine process indicators. The negative externalities that might occur if we don't implement the climate action plan
- **Alice:** Amendments made by private organization:
  - Davis Bookhart
    - a. looks under the reduction measures. He asks that there only be one agency listed rather than 1-4 listed
    - b. ESS2C- renewable portfolio standard. Change reduction capacity and goal to a supporting measure for the CAP
  - NAIOP Maryland Chapters of Commercial Real Estate- Mr. Tom Ballentine
    - Recommends removing ESS1B on page 30 from the document
- **Cheryl:** Do members of the commission have any questions, comments, or proposed amendments?
- **John C.** – On the LUT6B the fuel efficient cargo element. What does promote and fuel efficient mean?
- **Alice-** this one looks at cleaner more fuel efficient practices related specifically to the port. It outlines how we can work with the port to expand their cargo equipment, tug boats, locomotives clean diesel program. In 2012 there was a trade truck replacement program. There was enough money to replace 50 trucks. To date there have been 22 replaced with more fuel efficient models. We are looking to expand on that.
- **John C-** there is no need for the CAP to specify the steps for a more fuel efficient result. It's necessary to measure certain standards over time
- **Beth-** We can be quite vague and general. It's a plan so we do try to set the path to get there.
- **Lynn-** there has been great interaction between the staff and the port and we expect that to continue
- **Tom S-** ESS3B to modify existing homeowner incentives- what is the rationale for that?
- **Alice-** that came out of the Baltimore developers working group and commissioner Jake Rupert. The energy star certification program would be achievable by developers and private home owners. Something that had a broader application rather than tying directly into the HERS program.
- **John-** ESS2C- rationale for adding the wind component. How should the commission pick who the winner of the increased RPS will be?
- **Mary-** Since that seems to be an amendment that isn't technical, perhaps it could be handled separately since it's non-technical
- **Cheryl-** John, lets hold that though
- **Sharon-** page 47 performance indicators. Why remove that indicator?
- **Alice-** the working group members Patrick and tiffany reviewed that and
- **Patrick-** previously the parking rates had been set. It was an attempt to clarify the language
- **Sharon-** the parking garages are going through a transformation and upgrading (electric and plug in). Sometimes there are conversations about upgrading the parking garages
- **Cheryl-** I think we should leave things in the plan that people say we are working on just to make sure it's being done and will continue to be done.

- **Beth/Cheryl/Patrick**- Change language to “assure that city-owned parking rates match...”
- **Davis**- LUT 3.C- Reduce off-street parking requirements
- **Alice**- it speaks specifically to requirements associated with parking connected to new developments under zoning. A certain number of spaces required with a development
- **Lynn**- 30MW under CSS2B, not 40MW
- **Alice**- make it part of the language of the title of the measure
- **Non-substantive changes**
  - **Mary**- Move that we accept the non-substantive changes besides ESS2.C and LUT3.A
  - **Scot Spencer**- second
  - All technical amendments with the changes noted were unanimously approved
- **Substantive changes:**
- **Davis**- I have two amendments. I think the plan is very bold and very well put together. I think the committee can deal with tweaks as we move along. These two amendments I have really effect the structure of the plan.
- **ESS.2C**- my amendment is to remove the end part of that. We have a very aggressive standard. 20% is going to be a hard one for us to accomplish. Boosting that to 26% is going to be even more extraordinary and we are more likely to fail at this one. If anything with the mayor’s office such as education comes into conflict, the mayor will choose education first. There is a difference between a wish list and an action plan. This provision is a wish list item and it’s what concerns me. Why not just leave it in? There are three reasons I feel it should come out:
  - This is the biggest strategy in the plan; if this one fails, it fails spectacularly and will smear the plan which will be harmful
  - It’s a distraction from the other measures
  - It’s the only action item that is not Baltimore-centric. It is not going to be implemented by just people from Baltimore. I think the Baltimore plan should just include Baltimore
- **John**- I don’t support nor do I oppose off-shore wind. My company is funding a wind-implementation study as part of the merger agreement. I’m saying if I’m Baltimore city, why not promote solar within the city limits? I don’t see much wind in the City. I don’t think it’s the job of the commission to determine where the renewables come from.
- **Lynn**- I have a comment on both. From a process perspective, a member from the Maryland ..... She said the only way the 26% will be accepted is if offshore wind was incorporated into this measure.
- I respect and understand having a climate action plan over which we have complete control. My view is that it is not reality. A lot of these measures are items we don’t have control over (people changing their light bulbs, etc...) if we take out all these items, this becomes a plan without much substance.
- **Cheryl**- I have two comments. I appreciate the analysis of Baltimore and who it effects, but I do think there are times we need to work with the State to implement some of these actions. We are likely to participate on teams in the future in order to get things done. I think having this kind of requirement does create a higher sense of urgency.

- To John's comment, I am persuaded by John that if you take it out it doesn't mean that we can't still advocate for wind. It can become one of the options from the menu of renewable options, but it doesn't have to be the only one.
- **Mary-** I support the original language and do not support the amendment. It is good to work with the State and I think the committee must have done their homework
- **Alice-** we didn't receive a letter of support. I worked with Anne Isley on this
- **Mary-** does the energy administration oppose the way this is written?
- **Anne-** We really wanted to be realistic. If 26% is truly our goal, off-shore wind needs to be included. It won't come from all solar or onshore wind. There needs to be an investment in off-shore wind.
- **Mary-** do you oppose language to support the 26% RPS?
- **Anne-** This is a bold goal. We don't support raising this goal, but if the city really wants to do it, then there needs to be a commitment to off-shore wind. If it's a yes or no answer, then no. We are trying to reach the bold goal of 20%.
- **Mary-** I would encourage not supporting the specific legislation in the plan
- **Cheryl-** Reject the amendment entirely will get rid of
- **Alice-** Looking at RPS standards from across the country. Delaware has a 30-35% RPS. The RPS for the state of Maryland looks at just in-state generation for renewable. It should be noted that a number of reduction sources to make up the 15% goal come from State and Federal programs (CAFÉ standards, the current standard by 2022). We are already taking into account the State goal and Federal standards. A number of states across the country rely entirely on what happens on the State and Federal level. The first draft had us trying to reach 33% and since we have significantly decreased that. By keeping the language in, it will encourage the State to take into consideration how what happens at the state level impacts local government.
- **Member of the public-** Where does coal and uranium from Exelon come from today? Off-shore wind wouldn't be a large stretch to consider. Please don't back down from pushing the State for 26%
- **Mary-** motion to reject the proposed amendment and keep it the way it was originally written in the plan
- **Davis-** I am ok with the 26% but I am not ok with including that as part of our goals
- **Cheryl-** we have three choices:
  - Keep the existing language which encourages 26% RPS
  - Change language to proposed amendment to support
  - Keep language but change the number
- **Scot S-** If we are going to vote on language I would like to see the language before voting
- **Mary-** Proposing that we reject the "encourage state to adopt off-shore wind..."
- All in favor: 10 commissioners
- Opposed: John C and Davis
- **Mary-** Reject the proposal to incorporate off-shore wind legislation
- All in favor: 7
- Opposed: 5
- **Cheryl:** The language stays as is and will not include off-shore wind
- **Davis-** My second amendment is again a fundamental issue. My amendment is to replace the responsible department divisions in the plan with just one responsible party and with one person who reports directly to the mayor. I agree that we need to have a level of accountability- someone needs to be the go-to

person. We need someone who will step up and take control rather than just a department. We need to pick one department and one person within that department. That person should be in a position of influence. They need to be able to ask for more staff and resources. An agency head is the only one who has that ability.

- **Cheryl**- I think we get the general point. Please re-read the proposed amendment.
- **Davis**- (see the sheet that already exists)
- **Peter** (via Lynn)- there seems to be a lot of assignments for the Office of Sustainability in this plan. Do we have a matrix for this? Are there other partners that we should integrate? He agrees with Davis's comments.
- **John**- I would like to hear staff response to his concerns
- **Beth**- it's semantics. The director of a department is always responsible for what happens within that department.
- **Alice**- Davis's amendment is not only changing it to director, it is also changing to just one department
- **Beth**- I think that's impossible
- **Cheryl**- maybe we can do as Peter suggests and create a very detailed grid that states who will also be involved
- **Beth**- you can't just say one agency. You can have a lead, but you have to leave the others on to show where departments overlap and who will need to be involved. This is not a legally binding document. It's a recommendation and we can add other agencies and partners
- **Alice**- it's important to note that staff in the Office of Sustainability will want to advance all of the measures
- **John C**- I don't know if this is substantive. I like peer-to-peer communication with other departments, but I think directors in those departments must be able to say how they helped or missed a certain goal. I like idea of a tighter focus
- **Mary**- I support a tighter focus, but I don't think it should be one agency. I support it being the director, but not just one agency. Can we amend your amendment that would allow for multiple directors.
- **Davis**- take out last line
- **Tom S.**- as an agency head... at this point it feels a little like imposing that directors should be responsible for reporting out to the commission. These are goals and recommendations, but all of them will require the mayors blessing.
- **Lynn**- I just want to say that I appreciate the sentiment behind Davis's proposed amendment. In an ideal world this plan would be a high priority to the mayor. We don't know if it is. In reality the office of sustainability will be taking these measures and making sure they are implemented. In my mind it's a matter of semantics. The reality is that the mayor decides
- **Sharon**- I agree we need more accountability, but it is the Office of Sustainability staff
- **Rebecca** (public)- to the extent that you debate these things
- This is one of the critical issues of our time. I would urge you how to get the rest of the commissioners as engaged as you are.
- **Cheryl**- with all due respect, I know where all the missing commissioners are and we tend to have a very high attendance.
- **Howard** (public)- What is really going to power this is a moral incentive. The way to do that is there has to be a lot of cooperation and a lot of people involved. There will always be opposition to change. From my stand point this

is just a low level amount of reduction that we need to do. I think you can't mandate to do stuff, you have to give them a motivation.

- **Mary-** Move to approve amendment as revised- replace the responsible departments with a department  
Support: 5  
Leave as is: 7
- **Cheryl:** Any other amendments from the commission?
- **Peter-** the mandatory requirement for ESS1C and B. Clarification needed
- **Alice-** The working group looked at the measure divided into two measures. Both measures are longer term as far as looking at implementation. The audit would be required to be completed and filed by 2017 and the retrofit would be done by 2020. Looked at a further off timeframe as a way to engage the public, private building owners, and government. It's a 2017 and 2020 evaluation. There are federal tax credits available that expire 2013 so there is an incentive for people to do it earlier. But it didn't seem realistic for us by 2017
- **Cheryl-** we should include Peter in this work.
- **Cheryl-** how many people are here in support of the draft as presented?  
Amanda
- **Amanda-** Amanda Cunningham of Baltimore Tree Trust. It's a very important plan and we like the urban forestry increase and taking care of the existing trees. We offer our help in this process. We are doing real work in the code red neighborhood and also have data we are willing to share
- **Cheryl-** Councilmen Kraft just joined us- thank you. Is there anything you want to say, oppose, or reject?
- **Tom Ballentine-** Using the energy star portfolio manager. Residential disclosure piece and then there are two provisions that apply to the energy use information and \_\_\_\_
- As an organization and as an industry we don't support the mandatory use of energy star portfolio manager. It's a really intensive process for us. There are tenant relationships where people may not have the right to receive that information. There is also some limitation to how that process works. It will be limited for the 2,900 buildings that exist that are over 10,000 sq feet. You have some redundancy here.
- **Cheryl-** They are doing this in Philadelphia but with a 25,000 square footage rather than 10,000. How is this being done in other places and why not in Baltimore?
- **Tom B.-** there are early adapters such as California and it took them 3 years to get it into place. It's a much more actionable process to look at energy audits. This process creates a lot of paperwork and a lot of potential conflict between building owners and tenants.
- **Tom S.-** Is it the process itself that you object to or the use of portfolio manager in this process?
- **Tom B.-** Exchanging utility information is a great thing we support. We don't support the use of portfolio manager. We think to have commercial real estate transactions exchange utility rates. The portfolio manager requires that and we aren't always able to do that.
- **Alice-** there are other existing bench marking tools outside of portfolio manager that can be used to benchmark. This looks at benchmarking on a yearly basis for buildings. There was talk of having it done every other year instead of annually in the work groups. Energy Star Portfolio manager has a specific number of things to collect and by when within specific categories. Multi-family has

traditionally been a difficult one to do. They are just starting to work on this now. NYC, Minneapolis, and other cities have been doing this and they are using Portfolio Manager. Those are examples from around the country

- **Beth-** we had a special session at the Sustainability Directors meeting about this. What we are thinking is that everyone is using portfolio manager because it's the same across the country. You are able to compare. The national portion of your organization was supportive of having just one tool for people who own buildings in multiple cities. The real answer may be working with the tool itself, not just throwing out the measure. We would encourage a discussion along those fronts and working with you on this.
- **Tom B.-** There is a high level of fluency in our company. We know where it works and where it doesn't. I think working with EPA and the tool is outside of our control. Portfolio manager cannot benchmark all kinds of buildings such as secondary uses and commercial uses. You can achieve your goals in a simpler way
- **Alice-** there could be a phasing option. NYC just released their report on their benchmarking requirement. They have also seen some of the things that Tom Valentine is mentioning. We could start with benchmarking the city schools and nonprofits. We have seen some success there. There could be a phasing stage to see what buildings work best with this program.
- **Cheryl-** sequencing would start with publicly owned buildings
- **Mary-** there needs to be ongoing monitoring. You're right as a representative to oppose those changes. I do think we need to change the way we are managing our energy consumption. Only looking at it at Point of Sale doesn't allow us the opportunities to ensure we survive the next 30 years. I would encourage that
- **Tom B-** we are not being resistant to change. We would like to use a tool that
- Retro-commissioning and audits are harder to do, but it provides actual information. What you get from portfolio manager is just a number.
- **Cheryl-** Phase one is publicly owned. Phase two is another type of building. Can we figure out a way to start this process and then move it into other areas?
- **Tom S-** that is actually what the measure is saying. It talks about energy star being a proposed tool and that we work to phase it in.
- **Tom B-** I think the language endorses the product
- **Tom S-** there is no perfect product. I would propose that this ok as is and can be looked at in more depth in the future
- **John-** The concept of phasing sounds like a good phasing to me. How does LEED work? You don't keep that forever. Once you get LEED what happens after?
- **Tom B.-** you continue to monitor it.
- **Davis-** I enjoyed reading the way you laid this out and I agree with a lot of what you're saying. My question is it the mandate of the energy star or is it the benchmarking itself? I resist the idea that it is an onerous task to collect the data.
- **Tom B.-** we're local so we're in. I don't know other options, but I do know alternatives to the end goal. Energy score provides just a general number and doesn't work for all buildings. I think it doesn't really work well
- **Alice-** the proposed amendment was to remove the measure from the CAP
- **Mary-** is there any revision to the language that may work better?
- **Tom S-** proposed motion to keep the ESS1B as written and say Energy Star portfolio manager or other comparable technology

- **Tom B.**- modify the penalty provision that puts it all on building owners. It's worth acknowledging that the building owner doesn't have the right to certain information
- Could be enforced through a fining system whereby responsible parties (instead of building owners)
- **Davis**- there should be a safety valve. It's unfair for them to be fined.
- **Alice**- it does say "could" in there. This is just an action plan, not bill language
- **Tom S** - motion is to retain existing language regarding the measure and the intent of benchmarking and to modify the language add "other comparable tool" and "responsible parties"
- **John**- motion
  - **Approved- unanimously**
- **Member of the public**- Want to make sure that the Economic Development analysis proposal was put in.
- **Cheryl**- it was
- **Cheryl- vote on full climate action plan with all amendments**
  - **Approved- unanimously**

Adjourn at 6:40 pm

**Upcoming Events:**

- Next Commission on Sustainability Meeting: Tuesday, December 4, 2012, 4 PM at 417 E. Fayette Street, 8<sup>th</sup> Floor