

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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Jun 27, 2017

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HELD AT: Council Chambers - City Hall

B E F O R E: COSTA G. CONSTANTINIDES
Chairperson

COUNCIL MEMBERS: Stephen T. Levin
Rory I. Lancman
Donovan J. Richards
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

John Lee, Deputy Director & Registered Architect
Buildings and Energy Efficiency
Mayor's Office of Sustainability, MOS

Gina Bocra, Chief Sustainability Officer of the New
York City Department of Buildings

Anthony Fiore, Deputy Commissioner Department of
Citywide Administrative Services, DCAS

Abbey Brown, Clean Energy Project Manager
New York Clean Energy Program
Environmental Defense Fund

Chris Halfnight, Policy Manager
Urban Green Council

Donna De Costanzo, Director
Northeast Energy and Sustainable Communities
Natural Resources Defense Council, NRDC

Amanda Gabai, 350 Brooklyn, & Citizens Citizens'
Climate Lobby

Lisa DiCaprio, Professor of Social Sciences
New York University
Chair, Conservation Committee, NYC Sierra Club

Buck Moorehead, Board of Directors
New York Passive House

Justin Pascone, New York Chapter
American Institute of Architects, AIA

Dan Minor, Steering Committee, 350 NYC

Scott Frank, Engineer & Partner
Jaros, Baum and Boles, New York City
Appearing for: American Council of Engineering
Companies

Adriana Senophat, Manager
New York City Program
New York League of Conservation Voters

Bob Schneck, Member, Community Board 1

Andreas Benzine, Architect, Teacher
Member of Community Board 5
President of New York Passive House

Daniel Karpen, Private Practice Engineer
Huntington, New York

Alex Bernstein
Bernstein Real Estate

2 [sound check, pause] [gavel]

3 SERGEANT-AT-ARMS: Quiet please.

4 CHAIRPERSON CONSTANTINIDES: [coughs] Good
5 afternoon. I am Council Member Costa Constantinides,
6 Chair of the Environmental Protection Committee, and
7 today the committee will hear a suite of bills that
8 will help New York City reduce its greenhouse gases
9 and meet its mandate. So, just three years ago by
10 Local Law 66 of 2104 to reduce our greenhouse gas
11 emissions by 80% by the year 2050. Three years ago I
12 marched in the People's Climate March with 20-200,000
13 other-other New Yorkers who want to see a future that
14 is not imperiled by climate change. To get to that
15 future we must reduce our greenhouse gas emissions.
16 The United States, which has 5% of the world's
17 population emits 22% of the greenhouse gas-worldwide
18 gas-greenhouse gas emissions. Within the United
19 States fossil fuel combustion accounts for 92-94% of
20 CO2 emissions. New York City is responsible for 1% of
21 the greenhouse gases in the entire nation. Yet, New
22 York City must continue to grow because living in
23 cities is more sustainable, but we must grow
24 responsibly. That means meeting our commitment to
25 reduce our greenhouse gas emissions. Our promise to

2 future generations is more significant now when the
3 federal government has ceased to lead us in the right
4 direction. New York has to lead. The only
5 sustainable way to the future is to reduce and
6 transition away from the use of fossil fuel. These
7 bills will help us accomplish that goal. Intro 1629
8 the Stretch Energy Code would change the process of
9 updating the model energy code by requiring that the
10 Administration for the next two periodic revisions
11 send the Council recommendations designed to either
12 conform the New York–New York Energy Conservation
13 Code to the Stretch Energy Code Stretch Energy Code
14 created by the New York State Energy Research and
15 Development Authority, NYSERDA or two, if NYSERDA
16 stops updating it's Stretch Energy Code, adopt
17 recommendations designed to make the New York Energy
18 Conservation Code at 20% more stringent than the
19 state's code.

20 Intro 1630 will require the
21 Administration to produce a plan for encouraging city
22 employees to increase their solar usage that is
23 designed to facilitate bulk purchasing of solar
24 energy by city employees.

2 Intro 1639 would require the
3 Administration to create plan for encouraging
4 property owners and business owners in Business
5 Improvement Districts, BIDs, to increase their solar
6 energy usage. This proposed local law is also
7 intended to facilitate the bulk purchasing of solar
8 energy grid system in each BID.

9 Intro 1644 would require the
10 Administration to establish an office known as the
11 Green Project Accelerator. [pause] The Accelerator
12 would—would turn—would in turn establish a program to
13 ensure expedited review and approval of applications
14 and other documents submitted to DOB in connection
15 with green projects.

16 Intro 1632 would require building owners
17 to disclose energy efficiency grade or score to
18 prospective buyers or lessees of such building or
19 space, within such building and require—further
20 require that such grade be posted in larger
21 buildings. Finally, Intro 1651 would improve energy
22 efficiency in city buildings by requiring DCAS to
23 pilot a three-year program to allow real time
24 monitoring of energy usage and heat loss in city
25 properties managed by DCAS with a view towards

2 reducing energy waste. Improving the energy code,
3 facilitating bulk purchases solar energy, expediting
4 green projects and improving energy efficiency in
5 city buildings are just some of the incremental steps
6 we need to do—to reduce our greenhouse gases 80% by
7 2050 to improve our air quality, and to reduce
8 respiratory disease and to leave a sustainable future
9 for subsequent generations. I now want to hear from—
10 I want to recognize that we have Council Member Eric
11 Ulrich, who has to leave early to attend a—a staff
12 member's parents' wake. So, please pass on our
13 condolences and you for being here Eric. We also
14 have the sponsor of 1644, Donovan Richards, who I'll
15 turn the floor over, and then Council Dan Garodnick,
16 which will—will give an opening statement on his
17 bill. [background comments]

18 COUNCIL MEMBER RICHARDS: You want me to
19 make a statement first? Oh, you go.

20 CHAIRPERSON CONSTANTINIDES: [interposing]
21 Yeah, on your bill—on your bill.

22 COUNCIL MEMBER RICHARDS: Alrighty, well
23 good afternoon. I'm proud to sponsor Intro 1644,
24 which would establish a program to ensure expedited
25 review and approval of applications that are

2 submitted to the Department of Buildings in
3 connection with green projects. As-as the Chairman
4 said, we are living in a day and age where we see
5 federal cuts coming down the line. We know there are
6 individuals that don't even believe in climate-in-in
7 climate changes. So, my bill in particular focuses
8 on ensuring that we can expedite the process, and we
9 hear a lot of complaints when individuals go to the
10 Department of Buildings to in particular get solar
11 panels put up. They fit-they-they seem to come back
12 to the office and say well, we're running into a lot
13 of red tape. So, really creating a system, and
14 ecosystem within the Department of Buildings that can
15 ensure that when homeowners or business-or business
16 owners or building owners go to the Department of
17 Buildings they can get ad--adequate response, is-is
18 an important step in ensuring that we can address
19 climate change in an expedited accelerated fashion.
20 So, I look forward to working with the Admin on this,
21 and I will now turn it over to Council Member or back
22 to the Chairman.

23 CHAIRPERSON CONSTANTINIDES: Council
24 Member Garodnick for Intro 1632 if you have an
25 opening statement.

2 COUNCIL MEMBER GARODNICK: Thank you very
3 much Mr. Chair, and I am very pleased to sponsor
4 Intro 1632 with you and Council Member Johnson. This
5 bill would require that building owners obtain
6 building energy efficiency scores and to disclose
7 that information when they're selling the buildings,
8 or when they're leasing entire buildings. Owners of
9 individual spaces like condo or co-op apartments
10 would also need to disclose the building's efficiency
11 score based on information provided to them by the
12 building. Property owners are already expected in
13 New York to disclose a great deal of information when
14 working with a prospective buyer: Square footage,
15 structural integrity, known toxins or hazards and
16 other data points. Disclosure of energy use, too,
17 should be customary in our real estate market in
18 recognition of the tremendous impact that our
19 buildings can have on the environment. About three-
20 quarters of city emissions come from our buildings.
21 Property owners should work toward making their
22 buildings environmentally efficient and buyers should
23 reward that effort when it comes to purchasing real
24 estate. Recent decisions made by the federal
25 government to withdraw our support from the Paris

2 Climate Accord have called our country's efforts to
3 fight climate change a very real and dangerous
4 phenomenon. It's a grave question. It's clear that
5 we cannot rely on the leadership in Washington to
6 head off a global catastrophe. Mayor de Blasio along
7 with mayors, governors and business leaders across
8 the country is appropriately committed to following
9 the principles of the Accord, but each and every one
10 of us can also take actions to reduce our
11 contribution to climate change. Making the
12 environmental impact of a building a factor for
13 consideration in the selling process is an important
14 way to help property owners and buyers engage
15 meaningfully with their carbon footprint allowing
16 both parties to work toward a more sustainable
17 future. This legislation will help us set our sights
18 higher toward greener building standards and I look
19 forward to hearing testimony on this bill today.
20 Again, Mr. Chairman, I appreciate your leadership on
21 this issue, and on so many others. So, thank you.

22 CHAIRPERSON CONSTANTINIDES: Thank you,
23 Council Member Garodnick. At this time I'll
24 recognize also that Council Member Rory Lancman has
25 joined us. Thank you for being here, Councilman

2 Lancman and I also want to thank the sergeants-at-
3 arms for their quick turnaround in this room. So,
4 thank you for all of your hard work to get us going
5 so quickly. With that, I will turn it over to the
6 Administration for your testimony.

7 DEPUTY DIRECTOR LEE: Good afternoon,
8 Chair Constantinides and members of the committee. I
9 am John Lee, Deputy Director for Buildings and Energy
10 Efficiency.

11 CHAIRPERSON CONSTANTINIDES:
12 [interposing] John, if you can--I'm sorry. One
13 second, and I'll have--swear you. We've got to do
14 the formalities.

15 LEGAL COUNSEL: Can you please raise your
16 right hand. Do you swear--can you please raise your
17 right. Do you swear and/or affirm to tell the truth,
18 the whole truth and nothing but the truth today?

19 DEPUTY DIRECTOR LEE: Yes.

20 CHAIRPERSON CONSTANTINIDES: Alright,
21 take two.

22 DEPUTY DIRECTOR LEE: Take two. Good
23 afternoon. I am John Lee, Deputy Director for
24 Buildings and Energy Efficiency at the Mayor's Office
25 of Sustainability, or MOS, and I am a registered

2 architect in the State of New York. I am joined
3 today by Gina Bocra, Chief Sustainability Officer of
4 the New York City Department of Buildings, or DOB and
5 Anthony Fiore, Deputy Commissioner at the Department
6 of Citywide Administrative Services, or DCAS. Thank
7 you for the to testify today on these seven
8 introduced bills, Introductions 1629, 1630, 1632,
9 1637, 1639, 1644 and 1651. Climate change is perhaps
10 the toughest challenge that New York City will face
11 in the coming decades. Rising sea levels, increasing
12 temperatures and precipitation and the likelihood of
13 more frequent and intense storms threaten our
14 neighborhoods and infrastructure while exacerbating
15 many underlying social inequities. While President
16 Trump continues to advocate American leadership on
17 climate change, cities across the country are taking
18 up the more imperative of pursuing action on climate
19 change. On June 2nd, 2017, Mayor de Blasio signed
20 Executive Order No. 26 committing New York City to
21 uphold the principles and goals of the Paris Climate
22 Agreement. Through the Executive Order, the Mayor has
23 directed city agencies to work with MOS, our national
24 and global climate network partners and other leading
25 cities to develop further greenhouse gas or GHG

2 reduction plans and actions that are consistent with
3 the Paris Agreement to limit global warming to 1.5
4 degree Celsius. The Mayor and MOS applaud Speaker
5 Mark-Viverito, Council Members Constantinides, Cumbo,
6 Garodnick, Johnson, Koo, Richards and the City
7 Council for their leadership on climate change and
8 energy policy issues as demonstrated by the
9 introduction of these bills. We are grateful for
10 your partnership in our effort to reduce the city's
11 GHG emissions. Sixty-eight percent of citywide GHG
12 emissions come from energy consumed in our buildings.
13 The administration is working to reach the dual goals
14 of reducing emissions from buildings 30% by the year
15 2025 and reducing citywide emissions 80% from 2005
16 levels by 2050. To reach these goals in 2015 MOS
17 convened a year-long technical working group
18 comprised of stakeholders from New York City's real
19 estate industry including building owners and
20 managers, architects, engineers, unions, affordable
21 housing interests and environmental advocates. The
22 work of this group forms the basis for some of the
23 bills before us today, building on the city's legacy
24 of energy efficiency and green buildings policies.
25 Therefore, the Administration is please to testify in

2 general support of today's introductory bills. With
3 the City Council's engagement on climate change
4 policy, our city is in a strong position to address
5 this challenge effectively. Please allow me to
6 discuss each of these bills. We have identified
7 areas where we should work together to further
8 strengthen these bills. Introduction 1629 would
9 require more stringent energy efficiency construction
10 requirements in the New York City Energy Code than
11 the New York State Energy Code, and by 2025
12 establishes very low energy use, intensity design
13 requirements for new and substantially reconstructed
14 large buildings. We strongly support the adoption of
15 advanced energy efficiency construction standards as
16 an incremental strategy to improve building energy
17 efficiency and reduce GHG emissions to levels
18 necessary to achieve the city's GHG reduction goals.
19 The Mayor's Office, DOB and key industry advisors are
20 currently working with the New York State Energy
21 Research and Development Authority or NYSERDA, on the
22 development of the 2018 New York State Stretch Code,
23 an alternative energy code based on the New York
24 State Energy Conservation Construction Code that will
25 realize an at least 20% energy reduction and

2 projected energy consumption. Future editions of the
3 New York Stretch Code will be designed to achieve
4 additional improvements over the base New York State
5 Energy Code, and those will be evaluated for
6 potential adoption by DOB's Code Division Committee.
7 The Administration agrees with the City Council that
8 the real estate, architectural, engineering and
9 construction industries must be subjected to energy
10 performance design target requirements for new
11 building projects and substantial renovations for
12 covered buildings. Those are 25,000 square feet and
13 larger as part of an overall market transformation of
14 services and industries able to develop (sic) very
15 low energy consuming buildings. The buildings that
16 are constructed today will continue to exist
17 throughout this century, and the GHG impacts on most
18 economically mitigated at the time of first
19 construction. Regulations do drive the industry
20 towards better performance levels and very low energy
21 performance from buildings that will be built in the
22 future is a critical component of the city's GHG
23 reduction objectives. The bill establishes specific
24 design performance targets with a ramp of eight years
25 for the industry to transition to new standards.

2 That said, the city is supportive of a quicker
3 transition to lower energy design targets, which will
4 require a close partnership with the Council and
5 industry. There are a few technical issues with the
6 bill as introduced that we have identified and trust
7 that the Council is open to working together to
8 address those issues. Furthermore, the bill as
9 introduced authorizes the Mayor's Office to propose
10 amendments to the Energy Code directly to the City
11 Council if the state authority fails to develop a
12 model stretch code. However, such authority is
13 within the purview of the Commissioner of the
14 Department of Buildings. We do not believe it is the
15 intent of the City Council to remove such authority
16 from the Commissioner, and we will work together to
17 ensure that the language accurately reflects the
18 already legislative protocols for energy code
19 revisions.

20 Introduction 1632 would require an owner
21 of any building when selling or leasing the building
22 to disclose an asset score and for the owner of a
23 large building to publicly display an energy
24 efficiency grade. Awareness of energy utilization
25 should be a critical factor and which not the choices

2 made in businesses everyday, and we strongly support
3 the intent of this bill. An energy asset score
4 disclosed at the time a sale or a lease and a
5 publicly disclosed energy efficiency grading scheme
6 have the power to convey meaningful information on a
7 complex topic in a simple and accessible way.

8 However, we have concerns over the structure of the
9 publicly disclosed energy efficiency grade and the
10 timing of the energy asset score disclosures. First,
11 with respect to the structure of the energy
12 efficiency grade, the bill as introduced indexes the
13 grade against the reported source Energy Use
14 Intensity or EUI of the building. This is a measure
15 of all fuel consumption in a building, electricity
16 and natural gas, fuel oil and district steam over an
17 entire calendar year on a per square foot of floor
18 area basis. We must point out that EUI is not an
19 indicator of efficiency of a building. For example,
20 a building that remains empty for an entire year
21 would have a very low EUI and score an A under the
22 proposed scheme. Whereas a densely occupied building
23 that operates 24 hours a day or perhaps very
24 efficient would exhibit a very high EUI and
25 potentially a very poor grade. We look forward to

2 working with the Council to determine a grading
3 scheme appropriate for New York City buildings.
4 Second, with respect to the timing of the requirement
5 for the Energy Asset Score, the deadline of July 1,
6 2018 does not afford sufficient time for the
7 professionals who would be providing the Energy Asset
8 Score services to evaluate every building covered by
9 the bill. We proposed the Council consider a later
10 compliancy to provide the industry with enough time
11 to meet the bill requirements, and we look forward to
12 working with the City Council on this vital
13 legislation.

14 Introductions 1630 and 1639 would require
15 the city to submit plans for encouraging city
16 employers and Business Improvement Districts or BIDs
17 to aggregate demand for solar energy systems in order
18 to reduce the purchase price of these systems, and
19 increase citywide adoption of solar energy. While we
20 applaud this council's intent to expand solar
21 electricity generation and utilization in the city to
22 the greatest extent possible, the requirements of the
23 bills may not be necessary to legislate. The city
24 presently offers Solarize NYC, a core component of
25 our strategy to expand access to reliable and

2 affordable solar power for all New Yorkers. Through
3 the program the city provides up to \$20,000 in
4 funding to as many as eight New York City communities
5 each year to reduce market barriers for solar energy,
6 attracting more solar energy companies to conduct
7 business in the city, and increasing installed solar
8 capacity throughout New York City. Solarize NYC
9 stimulates demand for the services of local solar
10 installers and reduces customer acquisition costs,
11 and therefore, the total purchase price by
12 aggregating customers. This program is already
13 available to assist communities and networks of New
14 Yorkers, which could potentially increase city
15 employees living in the five boroughs and members of
16 BIDs so that they may benefit from the reduced prices
17 from collective purchasing and the implementation of
18 solar energy. As such, legislation to extended
19 benefits of bulk purchasing and reduced prices to
20 city employees and members of BIDs would be
21 unnecessary. We look forward to working with the
22 City Council—work with the existing Solarize NYC
23 program and the framework to bring solar energy to
24 more New Yorkers.

2 Introduction 1637 would establish a New
3 York City energy policy task force and create by 2019
4 a long-term energy plan for the city, and require
5 that plan to be updated every four years thereafter.
6 This requirement is duplicative of the existing
7 obligations in the Mayor's Office as stipulated in
8 Chapter 1, Section 20 of the City Charter to convene
9 a Sustainability Advisory Board, or SAB, and deliver
10 it to the City Council every four years a long-term
11 facility plan that includes energy policy as a
12 component One NYC plan. Introduction 1644 would
13 establish a Green Project Accelerator program within
14 the Department of Buildings. While we certainly
15 agree with the intent of this bill to remove
16 administrative barriers to remove electricity, DOB
17 continues to make improvements to permit processes
18 and investments into personnel and information
19 technology that advance the city's clean energy
20 goals. The requirements of Introduction 1644 while
21 laudable, are already being implemented at DOB and
22 thus unnecessary to legislate. Most permit
23 applications for jobs that would qualify as "Green
24 Projects" as contemplated by this bill, would be
25 submitted to DOB under the permit classification of

2 Alteration Type 2 or Alt 2. An Alt 2 permit can be
3 obtained from the department in a single day
4 including Alt 2 permit to install solar photovoltaic
5 electric generated system on a rooftop. As of April
6 of this year, 110 megawatts of solar capacity have
7 been installed, and 81% increase since just 2015.
8 This pace is a result of market demand, government
9 incentive and notably the streamlining of procedures
10 within the DOB.

11 Introduction 1651 would require real time
12 monitoring of energy use and heat loss in city
13 buildings with weekly public reporting on some data
14 in addition to annual reports by DCAS for three
15 years. The city is a strong supporter of and has an
16 active program for real time electricity monitoring.
17 Technologies for monitoring heat loss on a broad
18 scale and in real time on the other hand, are
19 undefined in the standards, the benefits and the
20 utility of such monitoring have not been established
21 in the industry. Today more than 250 city facilities
22 currently have real time electricity monitoring
23 capability representing about 30% of total city
24 government demand. While we support the intent of
25 this legislation, we do not believe that this bill is

2 needed for the program to continue and to grow.

3 Further, weekly public reporting requirements would

4 take resources and time away from working directly

5 with the city agencies that use this information in

6 facility management and will not be particularly

7 useful to the general public. We understand the need

8 to share this data and maintain transparency in

9 government operations. We welcome a conversation with

10 the City Council about how to make this information

11 available to the public in a meaningful and useful

12 manner. Please allow me to reiterate the

13 administration's support of the City Council's bold

14 efforts to reduce New York City GHG emissions through

15 these introductions. Working together we are

16 confident that we can strength these bills to help us

17 achieve our goals of cutting emissions 80% by 2050,

18 and upholding our part to limit that goal with

19 temperature rise to 1.5 degrees Celsius. Thank you

20 for this opportunity to testify for the opportunity

21 to testify. I'm happy to answer any questions that

22 you may have at this time. [background comments]

23 CHAIRPERSON CONSTANTINIDES: I want to

24 begin the conversation with saying that I, too,

25 appreciate our partnership and looking forward to

2 getting to where we need to go. We'll say that based
3 on your testimony, you know, we need to codify
4 things. I understand there's certain agencies doing
5 certain things, and I appreciate that, and I'm
6 excited about that but, you know, you know, we will
7 not be here forever either in the agencies or in the
8 City Council. So, I think codifying things and making
9 sure that we stay on the right track has a lot of
10 merit. So, I will frame that discussion moving
11 forward. So, just saying that—I'll just pull it out
12 of your testimony—that DOB is doing well on a
13 particular piece right now is—is wonderful. I'm—I'm
14 glad that they are and I'm excited about that, but by
15 the same token, I want to keep that going forward
16 regardless of who's in office, right. So, and
17 regarding who's sitting at DOB and who's sitting in
18 MOS. So, I think we need to be mindful of that as
19 well. So, that said, [coughs] [background comments]
20 Yeah I—yeah, I do. [laughter] We expect it to be
21 difficult for buildings to comply with the Stretch
22 Energy Code that requires us to go 20% greater
23 efficiency.

24 DEPUTY DIRECTOR LEE: Were there any
25 change in the code whether it's advanced code over

2 our—our revision cycle, there is going to be some
3 difficulty. Regulations change, but we also in a—a
4 legislating environment where regulations have to
5 change every three years following the State Code
6 cycle. There are many arguments for and against most
7 new (sic) standards, and some buildings will be
8 impacted in ways different than other buildings. And
9 so, we can expect that there will be some change and
10 at least in the near term. With every code revision
11 cycle there is a ramp period in which the industry
12 does have to grow in a sense accustomed to the
13 standards and change business practices in order to
14 accommodate the regulations and to comply with the
15 regulations.

16 CHAIRPERSON CONSTANTINIDES: And so what
17 do you—what benefits for building owners and tenants
18 and in the city generally would be of adopting the
19 Stretch Energy Code?

20 DEPUTY DIRECTOR LEE: Thank you. I was
21 about to get to that. While we recognize that there,
22 you know, are likely to be near term increases in
23 costs, these costs should level out as the standards
24 and the practices become normalized across the
25 industry, but thank you again for raising that.

2 There is a long-term benefit to property owners and
3 developers for reduced energy consumption and the
4 savings that come from the investments that are made
5 upfront to energy efficiency improving energy
6 performance.

7 CHAIRPERSON CONSTANTINIDES: How much
8 energy would—would be saved citywide? How much
9 emissions would be avoided or reduced if we were to
10 adopt Stretch Energy Codes compared to the base
11 energy code?

12 DEPUTY DIRECTOR LEE: That wholly depends
13 on the rate of construction activity that we see
14 going forward, and so we have certain projections
15 based on the—our own anticipation of the level of
16 growth, and—and constructive activity throughout the
17 city. I should note that with respect to new
18 construction, our projections out to 2050 represent
19 that new construction greenhouse gas emissions
20 represent only about 9% of the overall citywide
21 emissions. This is because we live in a built-out
22 city, but that doesn't mean that that 9% doesn't
23 matter, but to the extent that we can reduce that 9%
24 emissions growth to zero would certainly help our
25 objectives to reach it in 2050, and so this must be

2 part of that calculation. Twenty percent improvement
3 in the next iteration of the Energy Code is not the
4 answer, but it is an incremental step towards that
5 solution and a necessary step in order to gear our
6 industry for—for better buildings and better energy
7 performance.

8 CHAIRPERSON CONSTANTINIDES: So, this is
9 going to be, this 9% would help us get towards the 80
10 by 50 goal?

11 DEPUTY DIRECTOR LEE: Absolutely. Every
12 percentage counts.

13 CHAIRPERSON CONSTANTINIDES: And what
14 other states and municipalities have adopted a
15 Stretch Energy Code?

16 DEPUTY DIRECTOR LEE: The State of
17 Massachusetts has already made a Stretch Code
18 available to their jurisdictions, and I don't have
19 it, but my count for the last time I know there were
20 at least ten individual jurisdictions within the
21 State of Massachusetts have taken on the Stretch
22 Energy Code as their—as their local energy code, and
23 California as well has made even more aggressive
24 stances towards requiring net zero buildings by 2030.
25 [background comments] Oh, thank you. As Gina pointed

2 out, too, Washington is also picked up a Stretch
3 Energy Code.

4 CHAIRPERSON CONSTANTINIDES: So, we—we
5 can figure that out, right. [laughs]

6 DEPUTY DIRECTOR LEE: I am wholly
7 confident that we can.

8 CHAIRPERSON CONSTANTINIDES: Moving onto
9 1651, and I know I—I don't want to monopolize. I
10 know I have my colleagues who are here to ask
11 questions so about relating to their bills. How—you
12 said that city-owned buildings about 30% are
13 currently in the Demand Response Program?

14 DEPUTY DIRECTOR LEE: That's correct.

15 CHAIRPERSON CONSTANTINIDES: Okay.
16 Explain the details of this program. What are
17 measuring, how are we doing it?

18 DEPUTY COMMISSIONER FIORE: Yeah. So,
19 about 250 buildings have been installed with real
20 time monitoring. That's been part of Demand Response
21 Program thus far, and so we use that metering to
22 curtail load during times of constraint on the grid
23 that help prevent brownouts and blackouts across—
24 across the city, and also saves money. The—the
25 facilities are reimbursed for those avoided costs

2 from—from the utilities and—and they can use those
3 for additional energy efficiency projects or
4 otherwise. We are also starting a program to expand
5 that from only being used during times of grid
6 constraint to all the time, right. So, now we have
7 the data available. We've—we're putting in systems
8 to do the data analytics that will allow facility
9 managers and operators to use that information in
10 real time to curtail their energy usage regardless of
11 whether there's a constraint on the system or not,
12 and we've had some early successes with—with that
13 thus far.

14 CHAIRPERSON CONSTANTINIDES: So, then it
15 would be—the real benefits are that they would be
16 able to save money, and then use those savings to do
17 other energy efficiency upgrades on the building,
18 correct?

19 DEPUTY COMMISSIONER FIORE: Well, I think
20 the real benefit is being able to optimize their
21 existing systems in order to be as most efficient as
22 they can be. So, [coughs] you know, of course, we're
23 investing a lot of money in updating equipment to
24 increase efficiency, but we can't do that everywhere
25 at once, and so being able to optimize existing

2 systems to get the most of them is extremely
3 important as well, and I think that's the--the major--

4 CHAIRPERSON CONSTANTINIDES: [interposing]
5 What's the major drawback for us not doing more than
6 it did, the 250?

7 DEPUTY COMMISSIONER FIORE: We have plans
8 to do more than--than the 250. We--we have a target of
9 about 750, which would represent about 80% of the
10 energy use by city buildings and so I think, you
11 know, that represents a--a nice coverage of--of all
12 buildings in optimizing existing systems.

13 CHAIRPERSON CONSTANTINIDES: Is there any
14 down side for them to be part of this program or--?

15 DEPUTY COMMISSIONER FIORE: No, I think
16 you get to a point where there--there perhaps may be
17 diminishing returns, right. So, if it's a small
18 building that's not using much or it's a type of
19 building that has equipment that really can't be
20 adjusted, then having that--that data available
21 wouldn't be helpful, and I--I'd just like to say it's
22 not just putting the hardware in place. It's
23 training the facility folks to be able to use that
24 data. It's having the software available to do data
25 analytics, and demonstrate, you know, how we can

2 optimize existing equipment to make improvements.

3 So, putting the equipment in is one component, but I
4 think even more important is training folks to--to
5 use that and then the oversight to make sure that it
6 is being used, and we're--we're seeing outcome based
7 results from that.

8 CHAIRPERSON CONSTANTINIDES: Alright, at
9 this time I'm going to turn it over to Council Member
10 [background comments] Council Member Lancman, and
11 then then Council Member Richards for questions, and
12 I'll come back. [pause]

13 COUNCIL MEMBER LANCMAN: Thank you. Good
14 afternoon. I have a--a relatively simple question,
15 which gets to what I've been told is the heart of the
16 opposition from the--the--the real estate community and
17 I--the way these hearings work, as you know, you
18 testify and then someone else testifies, and there is
19 not that opportunity for--for dialogue. So, I want to
20 read you what I understand will either be the
21 testimony or--or the legislative memorandum from
22 REBNY, the Real Estate Board regarding this issue of
23 EUIs. The Energy Use Intensity indicator, and I want
24 to get your--your response to what REBNY's view is.
25 REBNY is deeply concerned over the use of Energy Use

2 Intensity, EUI in the bills mentioned. EUI is a
3 flawed metric because it does not take into account
4 occupant density and space use. Rather, it is—it is
5 a simple ratio that divides a building's total
6 annual—annual energy consumption by its total gross
7 floor area. Generally a low EUI signifies good
8 energy performance. Buildings with a low
9 concentration of users, residents and/or workers will
10 tend to have lower EUI than buildings with a high
11 concentration of users, but actually less efficient.
12 The New York City's building stock is much more
13 diverse and complex than that. Buildings with open
14 bullpen style floor plans to accommodate a
15 concentration of traders with multiple computer
16 screens has a relatively high EUI even when the
17 building itself was rated as Platinum LEED Certified.
18 Tenants' energy use patterns are—are a primary driver
19 in a building's total energy consumption and often—
20 often outside of the building owner's control, which
21 the bills below significantly target. A new metric
22 needs to be developed that accounts for energy
23 consumed, square footage of the space. Whenever that
24 energy is consumed, a number of full-time employees
25 or residents using energy, the number of hours worked

2 by these employees in addition to the economic value
3 of the work performed. So, in light of that, can you
4 respond and—and tell us your view on using EUI as—as
5 a metric?

6 DEPUTY DIRECTOR LEE: Absolutely, and if
7 I may take your quote of the REBNY letter of the
8 conflicts, I'm pleased to hear that REBNY did not
9 object to having an efficiency grade at all, and was
10 rather objecting to the metric itself. As stated in
11 my testimony, EUI is not a measure of efficiency in
12 and of itself. It's a powerful metric and—but it is
13 a self-reflective metric in a sense. For an
14 individual building owner in order for them to
15 understand where they are and where they would like
16 to go, it provides a baseline in understanding, and
17 if they can make improvements or they observe
18 continuing deficiencies or changes in operation, this
19 does get reflected in the EUI, and over time say on a
20 year over year basis a building owner is able to
21 understand where they were the year before, or where
22 they were two years ago and where they are now in
23 terms of overall energy consumption in their
24 buildings. It's also a powerful tool for the city to
25 understand in the aggregate across all the buildings

2 how we are performing as a city on a per square foot
3 basis would be the first thing, but based on our
4 understanding of where we were as the law was passed
5 in 2009 and became effective in 2010, we suddenly
6 knew way more about our buildings that we've ever
7 understood before, and are able to construct
8 effective policies much like the bills that we have
9 before us today to get us towards energy reduction
10 and greenhouse gas reduction goals. It is not a
11 measure of efficiency. The-the number itself KBQ per
12 square foot per year does not account for occupant
13 density. It does account necessarily for the kinds
14 of tenants that you have, and as I suggested in my
15 own testimony here that we should be working with
16 together with the Council to uncover what are the
17 effective metrics to convey the right kind of
18 information about the efficiency of buildings. It
19 absolutely has to be done that we should be grading
20 these buildings. We should be providing meaningful
21 information not only to building owners for the
22 public at large, but we need to have the right metric
23 to represent that information.

24 COUNCIL MEMBER LANCMAN: So, would you
25 agree that if we're going to require buildings to

2 meet a—a certain metric or if we're going to grade
3 buildings based on a certain metric, maybe there's
4 still some—some work that needs to be done to—to get
5 that, right, that metric? I—I understand the value
6 in having some benchmark, but if we're talking about
7 requiring buildings to meet certain standards or
8 grading buildings based on certain standards or any
9 kind of compulsory regulatory action regarding
10 certain standards, that we—we—still need to—to find
11 what that right metric is.

12 DEPUTY DIRECTOR LEE: For the purposes of
13 discussion on this bill with respect to the
14 efficiency grade, I would agree with that statement.

15 COUNCIL MEMBER LANCMAN: Okay. Well
16 thank you.

17 CHAIRPERSON CONSTANTINIDES: Thank you
18 Councilman Lancman. Council Member Richards.

19 COUNCIL MEMBER RICHARDS: thank you so
20 much, Mr. Chairman, and thank you for your
21 leadership. So, I wanted to speak on Intro 1644.
22 So, I think based on your testimony you're saying the
23 Department of Buildings has someone that does this
24 sort of work already, that expedites work. And so
25 can you just speak to the process on if I wanted to

2 install some solar energy and I come to the
3 Department of Buildings how quickly is my permit
4 moved?

5 GINA BORCA: Thank you. We do have a
6 unit that focuses on solar. In 2015, the average
7 wait time to get a solar job approved was 45 days.
8 So, for many projects--

9 COUNCIL MEMBER RICHARDS: [interposing]
10 Alright, so 45 day?

11 GINA BORCA: Forty-five days.

12 COUNCIL MEMBER RICHARDS: So, from the
13 start of the process to the end, 45 days?

14 GINA BORCA: Through their first review.

15 COUNCIL MEMBER RICHARDS: Thought--say
16 that again.

17 GINA BORCA: Through the first review.

18 COUNCIL MEMBER RICHARDS: Okay.

19 GINA BORCA: So, not even to approval.

20 Since that time the department has invested resources
21 to reduce that wait time significantly, and in 2016,
22 we changed the policy so that small installations
23 that have low risk, mostly one and two-family type
24 installations, could be taken through a process
25 called professional certification of objections or

2 professional certification of the application, and
3 this transferred the responsibility for code
4 compliance to rely mainly on the design professional
5 that was submitting the application. This reduced
6 the wait time for that first review to 3.6 days.

7 COUNCIL MEMBER RICHARDS: [laughs] Oh,
8 sorry. I didn't mean to laugh at Department of
9 Buildings.

10 GINA BORCA: [laughs] So, now--

11 COUNCIL MEMBER RICHARDS: [interposing]
12 Wait, wait, wait. So, you're telling me I can go to
13 the Department of Buildings today--we're set up for
14 this one. I think I need some popcorn, and I can get
15 something done in three days?

16 GINA BORCA: [laughs] Actually, today
17 you can get it done in less than a day. So, in 2017--
18 -

19 COUNCIL MEMBER RICHARDS: [interposing]
20 Really?

21 GINA BORCA: --the solar--solar projects--

22 COUNCIL MEMBER RICHARDS: [interposing]
23 So--so why don't the Department of Buildings get back
24 to my office within 24 hours of my buildings?

25

2 GINA BORCA: [laughs] Maybe you need to
3 call someone different, and that's all. (sic)

4 COUNCIL MEMBER RICHARDS: [laughs] Wow,
5 that's historic because it's-it's true. How many
6 people in this unit?

7 GINA BORCA: I don't know the number of
8 applicants, but it has significantly-it's three--

9 COUNCIL MEMBER RICHARDS: [interposing]
10 So, you--so how can you say it's a significant
11 increase if you don't know the number sitting here?
12 So does anyone have that answer?

13 GINA BORCA: There is-I'm-I'm sorry, I
14 don't know the number at this time.

15 COUNCIL MEMBER RICHARDS: [interposing]
16 So, do we know if it's one person, it is five people?
17 Can you give a guesstimate?

18 GINA BORCA: [interposing] It's maybe two
19 dozen.

20 COUNCIL MEMBER RICHARDS: So, 24 people
21 you think?

22 GINA BORCA: I'm-I'm guessing.

23 COUNCIL MEMBER RICHARDS: I think my math
24 is right, right?

25 GINA BORCA: Yes.

2 COUNCIL MEMBER RICHARDS: So 12 times 2,
3 and where is this office located?

4 GINA BORCA: It's at the Hub.

5 COUNCIL MEMBER RICHARDS: At a hub?

6 GINA BORCA: Uh-huh.

7 COUNCIL MEMBER RICHARDS: And that hub is
8 located?

9 GINA BORCA: A One Center or sorry, 80
10 Center.

11 COUNCIL MEMBER RICHARDS: So, a homeowner
12 would go into One Center Street and submit-

13 GINA BORCA: They're design
14 professionals. There is usually a representative--

15 COUNCIL MEMBER RICHARDS: [interposing]
16 They're design professionals, and they can walk out
17 of there with a permit, with a yes?

18 GINA BORCA: They can submit from the
19 computer and do it online.

20 COUNCIL MEMBER RICHARDS: Hmm, alrighty,
21 and--and do you have stats? So, how many people have
22 applied? Can you give us that number?

23 GINA BORCA: The number has increased by
24 hundreds. Compared to 2016 and 2015 we've seen
25 almost 1000% growth--growth in the last four years.

2 So, I apologize. I don't have the exact number of
3 applications right in front of me, but it's hundreds
4 of applications per year that are now processed.

5 COUNCIL MEMBER RICHARDS: And this all so
6 now let's get away from just solar. So, geothermal,
7 any other--so, all of them are treated the same, all
8 of the--

9 GINA BORCA: This is just solar
10 applications.

11 COUNCIL MEMBER RICHARDS: So, just solar?

12 GINA BORCA: Uh-huh.

13 COUNCIL MEMBER RICHARDS: So, why not
14 geothermal and other newer technologies that are
15 evolving as well.

16 GINA BORCA: Right.

17 COUNCIL MEMBER RICHARDS: What about
18 wind, for wind as well?

19 GINA BORCA: At this time we don't track
20 those specific types of on-site renewable energy, but
21 we do have--

22 COUNCIL MEMBER RICHARDS: [interposing]
23 And why not?

24 GINA BORCA: We've not had the ability to
25 do so in the BIS systems, but now we're replacing BIS

2 with DOB Now, and you're probably aware and that will
3 give us the ability in the future to track more of
4 those types of applications.

5 COUNCIL MEMBER RICHARDS: Okay, which
6 agencies are involved in the permitting process?

7 GINA BORCA: FDNY also has to work with
8 us sometimes. Some solar applications don't meet the
9 fire code, and need a variance. So, they work
10 closely with us. If it's a geothermal we might
11 engage DEP, DOT. It depends on the type of
12 application that we're looking at.

13 COUNCIL MEMBER RICHARDS: And do they
14 have people stationed in the offices as well, or do
15 you have to call or is there a particular person in-
16 but then knows the agency issue you coordinate with
17 as well?

18 GINA BORCA: [interposing] We call a
19 particular unit and coordinate with them. The
20 Rooftop Unit at FDNY is who we often work with.

21 COUNCIL MEMBER RICHARDS: And how many
22 people are in that unit?

23 GINA BORCA: I don't know. I'm sorry.

24 COUNCIL MEMBER RICHARDS: Okay, and I say
25 because we have a bill because there's always a lot

2 of discrepancies around using solar energy on one-
3 family homes. So, areas like Southeast Queens who
4 want to see it, or have an abundance of this type
5 technology, we often hear from homeowners that hey
6 have a hard time getting through to you. They have a
7 hard time getting through FDNY as well. So, what
8 would you say to that? Can you speak to why when
9 individuals come to our offices they tend to take
10 more than three days in getting an installation or an
11 approval signed off?

12 GINA BORCA: If it's recent I'm—I'm
13 surprised to hear that it's taking them that long.
14 If it's from two years ago, then that was expected.
15 We have a strong partnership with CUNY and their
16 solar program, which is a partnership between the
17 Mayor's Office, EDC and CUNY. There is a solar
18 ombudsman who is in our DOB office once a week, and
19 they are representative of the industry and--

20 COUNCIL MEMBER RICHARDS: [interposing]
21 And they're—they're from CUNY?

22 GINA BORCA: [interposing] They are from
23 CUNY and they would also be able to represent a
24 homeowner if they had questions. They are a resource
25 that we often direct building owners or homeowners to

2 because they're an advocate for--for the building
3 owner.

4 COUNCIL MEMBER RICHARDS: And how many
5 homeowners would you think had this sort of
6 information? What sort of outreach has the
7 Department of Buildings done to give homeowners this
8 sort of knowledge? Because if I want to my district
9 today, I'm sure many people don't know CUNY actually
10 exists--and--and I think we--and no offense to CUNY.
11 I'm not--so, I don't want to take away from the work
12 that they've done. As a matter of fact, I think we
13 held a hearing actually there two years ago where we
14 spoke of the same issue, but I find it hard to
15 believe that people know that they should call CUNY
16 in the case of--of--of assistance so--

17 GINA BORCA: [interposing] Well, we have
18 a--we--

19 COUNCIL MEMBER RICHARDS: [interposing]
20 And so, the--the question is, and I--I know we also had
21 another bill, which we can go back to creating an
22 ombudsman within the Department of Buildings. Why
23 are we still just leaving everything in CUNY's hands?

24 GINA BORCA: We've not had funding for an
25 ombudsman at the Department of Buildings.

2 COUNCIL MEMBER RICHARDS: You said you
3 don't have funding?

4 GINA BORCA: We have not had funding. We
5 have requested funding from OMB for that position two
6 years--

7 COUNCIL MEMBER RICHARDS: [interposing]
8 Okay.

9 GINA BORCA: --in a row, and were not
10 given it.

11 COUNCIL MEMBER RICHARDS: Is OMB here?
12 Okay. So, we look forward to--to having this
13 conversation with OMB on why we can't achieve this?
14 Lastly, so you said the goal of the deal with the
15 bill is laudable. So, why do we see resistance to
16 this bill amongst the other bills? What is the
17 difficulty in codifying this? [pause]

18 DEPUTY DIRECTOR LEE: There probably is
19 not an inherent difficulty in codifying. I suppose
20 in a sense I might personally be the legislator of
21 tourists (sic) and regarding what you see, (sic)
22 cluttering our laws on procedures and protocols that
23 are already in place. I can appreciate the Chair's
24 comments that we probably won't be here in 30, 50,
25 100 years from now, and so there are notes to codify,

2 and I would certainly welcome the opportunity to work
3 with the Council to make sure that we legislate with
4 a level of precision that affords security for our
5 intents in the long term and legislate where it is
6 necessary.

7 COUNCIL MEMBER RICHARDS: Wow, that was a
8 political answer. [laughter] Alrighty. So, I will
9 now digress a little bit, but I—I just want to put
10 back out there that there are ways. Would you agree
11 that there are ways we can strengthen the system and
12 make it a better system for everyone in New York City
13 especially as the chairman spoke of what we are
14 facing at the federal level we should be doing all we
15 can. I think the Mayor was in Miami speaking of the
16 great work we need to do to make New York City is
17 prepared for climate change. So I'm hoping that the—
18 that the Administration is really going to take this
19 seriously. I'm saying you're not, but really move
20 these bills forward because at the end of the day,
21 we're not sitting here for no reason. We're sitting
22 here to ensure that New York City can be protected
23 and that we can really reduce carbon emissions with
24 that great goal we set of 80% by 2050. So, I'm
25 hoping we can find a medium here, and this is about

2 protecting the future of our city, and hoping that we
3 can meet that goal together.

4 DEPUTY DIRECTOR LEE: Absolutely. Let's
5 get to work.

6 COUNCIL MEMBER RICHARDS: Thank you.

7 CHAIRPERSON CONSTANTINIDES: Thank you
8 Council Member Richards. I will follow up quickly on
9 one of his inquiries. On the FDNY, how are we doing
10 in allowing for electronic submission of those
11 variances? Are we still—I know that we have a bill
12 to get that done. Are we any closer to getting that
13 done, or are we still requiring to bring all that
14 paperwork down to Metrotech personally?

15 DEPUTY DIRECTOR LEE: I don't think I am
16 in a position here to answer on behalf of the Fire
17 Department, and can we get back to you and inform
18 later with an answer to that question?

19 CHAIRPERSON CONSTANTINIDES: Okay, great.
20 I'm—I'm hoping that we can move to electronic
21 submissions soon and moving forward on the BID on
22 Intro 1639, what partnerships have we had with local
23 BID associations on environmental initiatives thus
24 far?

2 DEPUTY DIRECTOR LEE: I think it's a
3 little bit premature to, you know, public state the
4 exact kind of commitments we've been able to confer
5 with BIDs. I will--probably it would suffice to say
6 that this is an ample opportunity to have the sort of
7 customer aggregation to bring the benefits of solar
8 energy to organizations such as BIDs. So, here
9 again, we applaud the--the Council's recognition of
10 this this opportunity and to put such a bill forward,
11 but as more--as are the I guess you could call them
12 negotiations in the sense where the BIDs come forth,
13 I think we will be able to speak more openly about
14 that.

15 CHAIRPERSON CONSTANTINIDES: Have you
16 seen any BIDs voluntarily undertake any renewable
17 energy or energy efficient--energy efficiency project
18 thus far?

19 DEPUTY DIRECTOR LEE: Oft the cuff I
20 can't say that I've --I can't that I these--

21 CHAIRPERSON CONSTANTINIDES: [interposing]
22 No. Do you think that there are incentives that we
23 could offer to encourage them to do more these green
24 projects?

2 DEPUTY DIRECTOR LEE: I would very much
3 like to explore that with you.

4 CHAIRPERSON CONSTANTINIDES: Alright,
5 alright, great. So, I will at this point, seeing my
6 colleagues have no more questions, and I've-I've
7 asked enough, and I will continue to ask more later
8 on as we- Just quickly, I'll just run by-just very
9 quickly, I'm going to take-on this EUI, what do you
10 think is a good-a good unit of measure? The EUI is
11 inefficient. Where-where do we-because I've heard
12 the argument made to me that we should not move
13 forward on any of these bills. We should have
14 another study to figure out what is the right math
15 plate of measure. Is-is that something we need to
16 go? What do you think is the right unit of
17 measurement if the EUI is not the right way to go?

18 DEPUTY DIRECTOR LEE: So, from first to-
19 to study something is not a-a coy way to defer a
20 decision. That-that there's, in fact, it required
21 some other study because we want to do something that
22 is appropriate for New York City, right? If I were-
23 forced to produce examples of other metrics that are
24 plausible and perhaps reliable for this particular
25 application, the Department of Energy has an Energy

2 Star. You may have seen it on appliances like
3 refrigerators and washing machines. This same Energy
4 Star scoring system is applicable to buildings and in
5 this case with the Department of Energy the source
6 EUI is one variable among several variables that
7 produces a 1 to 100 score, and through our
8 Benchmarking Program, we already applied to the
9 Department of Energy's Energy Star Score to eligible
10 buildings under the Benchmarking Program. And this--
11 the--the--the scoring system relies on a background
12 database of comparable buildings in the commercial
13 and multi-family spaces. So, there is a sort of
14 baseline in a manner of speaking against which to
15 compare comparable buildings. Now, while I wouldn't
16 go so far as to say right here that we should pick up
17 Energy Star, but I did produce that as an example of
18 an alternate metric to EUI that does account for
19 other conditions of the buildings besides just the
20 raw consumption of--of energy and fuels.

21 CHAIRPERSON CONSTANTINIDES: Alright, so
22 that--I'm looking forward to continuing this
23 conversation. I definitely want to figure out what
24 that right metric is--

25 DEPUTY DIRECTOR LEE: [interposing] Great

2 CHAIRPERSON CONSTANTINIDES: --on Energy
3 Star. Glad to hear that the Department of Energy is
4 still doing--I'm--I'm assuming they came up with this
5 idea--this--this idea before the current
6 Administration.

7 DEPUTY DIRECTOR LEE: Yes.

8 CHAIRPERSON CONSTANTINIDES: [laughs]
9 [pause] Is there an additional statement that you
10 want to make or is that just or one shorter?

11 DEPUTY DIRECTOR LEE: Maybe just tell me
12 I've done a great job.

13 CHAIRPERSON CONSTANTINIDES: [laughs]
14 With that, I'll let this panel go. Thank you for
15 your--for your testimony. I appreciate it.

16 DEPUTY DIRECTOR LEE: Thank you, Chair.

17 CHAIRPERSON CONSTANTINIDES: Alright,
18 next up we have Donna De Costanza who we know this
19 entity well from NRDC; Chris Halfnight subcontractor
20 from Urban Green Council; Abbey Brown from
21 Environmental Defense Fund and Amanda Gabai from
22 333.org and Citizens Climate Lobby. [pause,
23 background comments.

24 LEGAL COUNSEL: Can you please raise your
25 right hand. Do you swear and/or affirm to tell the

2 truth, the whole truth and nothing but the truth
3 today? [pause] [coughing]

4 ABBEY BROWN: Chair Constantinides and
5 honorable Council Members. Thank you for having us
6 and allowing us to have the opportunity to give our
7 testimony on these bills. My name is Abbey Brown,
8 and I'm the Clean Energy Project Manager for
9 Environmental Defense Fund's New York Clean Energy
10 Program. I respectfully submit the following
11 testimony in support of all of the bills that we are
12 discussing today. I won't list them by number. The
13 Environmental Defense Fund or EDF is a not-for-
14 profit, non-partisan international environmental
15 organization with headquarters in New York City with
16 two million members worldwide, more than 35,000 of
17 which are New York City residents. We work to
18 advocate—excuse me—we work to advance market based
19 policies to address the world's greatest
20 environmental challenges, and in the interest of time
21 I'm not going to read my entire testimony. I would
22 urge you to please read the written testimony, but I—
23 I think given the size of the package of bills that
24 we're discussing and the crowd, we should keep it
25 time moving. As we stand, these bills cover many of

2 the challenges the city face-faces, all of which need
3 to be addressed. However, we think they could go
4 farther that we can go farther. There is a fine line
5 between creating legislation as quickly as we need
6 and rushing into policies that will lock us into
7 ineffective action. In several of the bills, which
8 I will discuss in a moment, it is somewhat unclear
9 what additional benefit they provide to the plans and
10 processes already in place. At this point it may be
11 most effective to increase the efficiency of existing
12 procedures rather than create additional ones. We
13 respectfully urge the City Council to take more time
14 to consider a cohesive package of bills that include
15 energy efficiency and more renewable energies than
16 just solar. EDF supports the efforts made by the
17 Council, and the following critique is intended to
18 make these bills the best they can be. Let me
19 discuss in brief a few specific bills that hold the
20 most potential, and I think in this we will echo some
21 of the sentiments heard by the Administration
22 previously. Both Nos. 1629 and 1627 seem to
23 duplicate procedures already in existence, and
24 instead of creating new codes, we should find
25 synergies within existing processes to improve the

2 work already being done. A multi-stakeholder task
3 force devoted to long-term energy planning is
4 valuable, and we support the codification of such a
5 requirement into city law. Opportunities to find
6 common ground between this requirement and existing
7 efforts would be beneficial to all. Intro No. 1639
8 would require the city to create a plan to encourage
9 BIDs to increase solar energy use. The city
10 certainly should be motivating businesses to use
11 solar energy, but why stop there? Why not encourage
12 other types of renewable energy such as wind or geo-
13 or geothermal as well as energy efficiency. The BIDs
14 can be a useful mechanism for incentivizing use of
15 renewable energy and they can and should go farther
16 than what is required in this bill. Intro No. 1644,
17 which creates the Green Project Accelerator contains
18 a very concerning omission. While the initiative
19 would cover renewable projects and distributed energy
20 resource projects, which is admirable, by the
21 definition given in the bill it would not cover
22 energy efficiency projects. This is troubling as
23 energy efficiency is critical in reaching the city's
24 80 X 50 goal. Buildings account for roughly 70% of
25 citywide carbon emissions of which the majority comes

1 from heating and cooling systems. In the city's own
2 Road Map to 80 X 50 Repot energy efficiency is listed
3 as one of the most significant reasons why carbon
4 emissions have been reduced thus far, and a key
5 measure for continued carbon reduction. Leaving
6 energy efficiency out of this bill is both confusing
7 and worrisome. We should not focus only on making
8 sure buildings use clean energy but that they—but we
9 should also make sure that they use less energy to
10 begin with. Without these two efforts working in
11 tandem the 80 X 50 goal will be increasingly [siren]
12 difficult to reach. EDF supports the efforts made by
13 the Council to make our city greener and cleaner and
14 these bills are meant to advance those necessary
15 efforts. However, we think the Council could benefit
16 from taking more time to engage with both the
17 environment community and other stakeholders
18 regarding these pieces of legislation, and to
19 consider whether some of these bills duplicate
20 already existing processes within city government.
21 We submit our questions and concerns to ensure that
22 this legislation will provide the strongest benefits
23 once it passes, and EDF welcomes the opportunity to
24

2 work with the Council to accomplish these goals.

3 Thank you very much.

4 CHAIRPERSON CONSTANTINIDES: Thank you,
5 Abbey. [pause.

6 CHRIS HALFNIGHT: Good afternoon, Chair
7 Constantinides, and the committee. I'm Chris
8 Halfnight Policy Manager at Urban Green Council whose
9 mission is to transform New York City buildings for a
10 sustainable future. [coughs] Thank you for this
11 opportunity to offer comments today. Urban Green
12 strongly supports the intent of these bills to
13 advance energy efficiency and green power citywide,
14 but we also feel that these proposals need refinement
15 and additional input from stakeholders to move
16 forward. More specifically, for Intro 1629 we agree
17 the city's energy code should be more stringent than
18 the national model codes, but we feel the
19 requirements need stakeholder input to set targets
20 that are ambitious yet achievable. They should be
21 based on a consistent existing reference code or
22 codes, and address all building types including small
23 buildings and should include a prescriptive path for
24 the many buildings that don't use energy modeling.
25 For Intro 1632 on energy disclosure we support

2 finding an effective way to expand transparency for
3 energy efficiency scores from Local Law 84
4 benchmarking. Building owners have had many years of
5 familiarity with the metric and the track record is
6 clear: 6% energy savings over three years across
7 thousands of benchmarked buildings. While we also
8 support the concept of an acid rating based on
9 building features, asset ratings are largely untested
10 her and we feel it's premature to jump to requiring
11 disclosure. Instead, we suggest using Local Law 87
12 audit data to provide an asset score privately to
13 building owners and the city with a study and
14 recommendations to follow. We also support the
15 development of an energy rating tool for small
16 buildings. For Intro 1637, Urban Green supports long
17 and-long-term energy planning informed by
18 stakeholders and we suggest three additional topics:
19 Assessing progress towards 80 X 50; improving
20 alignment between state and city; and the potential
21 impact on electric and gas grids. And for Intro
22 1644, we support a Green Project Accelerator with two
23 recommendations: Extend the scope beyond on-site
24 generation to include other green strategies like
25 energy and water efficiency, resilience, and also set

2 a specific and ambitious criteria for those green
3 projects such as Passive House, LEED Gold, or Net
4 Zero. Thank you very much for the opportunity to
5 comment today.

6 CHAIRPERSON CONSTANTINIDES: Thank you.

7 [siren]

8 DONNA DE COSTANZO: Good afternoon,
9 Chairman and members of the committee. My name is
10 Donna De Costanzo. I'm Director of Northeast Energy
11 and Sustainable Communities with the Natural
12 Resources Defense Council, NRDC. Thank you for this
13 opportunity to testify on this important package of
14 legislation before you today, which NRDC supports.
15 NRDC has a long history of working in New York City
16 on issues related to energy efficiency and renewable
17 energy including working extensively with the Council
18 and the Administration on the Landmark Green or
19 Greater Buildings Plan. In this era of complete
20 abrogation of climate leadership at the federal level
21 and an—~~an~~ assault on the most fundamental clean
22 energy and climate programs, New York City is an
23 important leader among the local jurisdictions
24 committing to filling the federal vacuum and charting
25 the direction to a climate friendly future. As you

2 know, buildings in New York City account for about
3 two-thirds of the total citywide carbon emissions.
4 Therefore, to reach our 80 X 50 and interim
5 greenhouse gas reduction goals we will have to
6 continue the great strides that have been made since
7 the passage of Greener Greater. The legislation
8 before you today further expands and strengthens New
9 York's first in the nation programs to reduce energy
10 use in buildings, increase deployment of solar, and
11 facilitate clean energy and green projects. And in
12 so doing, the bills will not only play a critical
13 role in achieving the City's 80 X 50 goal, but will
14 result in significant job creation, lower energy
15 costs for consumers, fewer emissions of harmful
16 pollutants and increase reliability of our electric
17 grid. Intro No. 1629, the adoption of a Stretch Code
18 will ensure new buildings and major renovations are
19 significantly contributing to our low carbon goals.
20 Low energy intensity requirements will also bring New
21 York's midsize and large new buildings to the cutting
22 edge of efficiency and create a built environment
23 that is a sustainable model well into the future. We
24 believe that all building large and small need to be
25 part of the plan to achieve our carbon goals and

2 recommend that the city develop a framework to also
3 address buildings below 25,000 square feet. Intro
4 No. 1632 would support increasing transparency
5 regarding a building's energy performance given the
6 important information it provides to prospective
7 purchasers and tenants as well as its positive impact
8 on encouraging building owners to implement energy
9 upgrades and to move the market toward more efficient
10 buildings. We also strongly support the development
11 of asset scores for buildings to provide a
12 comprehensive picture of energy performance for
13 building owners including regarding a building's
14 design and energy systems. We believe again that
15 information regarding building energy usage should be
16 acceptable regardless of building size. Intro No.
17 1637, institutionalizing the creation of an energy
18 task force and long-term energy plan with a broad
19 range of stakeholder participation resurrects the
20 previous critical New York City Energy Policy Task
21 Force Initiative, and continues the city's efforts to
22 do robust planning and annual reporting that
23 underpins the implementation of the many initiatives
24 that will get us to our 80 X 50 greenhouse gas
25 emissions reduction goals. In addition to the

2 elements already specified in the bill, we recommend
3 that the plan include steps the city should take to
4 increase clean energy deployment at the state level,
5 as well as ways in which the city will better
6 integrate its clean energy planning efforts and
7 initiatives with those of New York State. Intro No.
8 1630 and 1639, solarized campaigns for New York City
9 employees in Business Improvement Districts. It will
10 reduce costs, streamline the solar process and
11 expand—expand the deployment of solar power helping
12 the city to achieve its 1,000 megawatt citywide solar
13 goal. The Council should consider expanding these
14 bills to include electric vehicles and potentially
15 energy efficiency as well. And Intro No. 1644
16 creating a Green Project Accelerator will reduce soft
17 costs and expedite important clean energy products—
18 projects building on the important efforts of the New
19 York City Solar Partnership and other initiatives to
20 facilitate increased clean energy deployment. The
21 Council should ensure that the scope of the
22 accelerator includes energy efficiency in addition to
23 renewables projects. Thank you again for the
24 opportunity to testify today, and we look forward to
25 continuing to work with the city, real estate

2 industry, other key stakeholders to meet our 80 X 50
3 climate goals, to ensure these bills and others are
4 effective, ambitious and achievable and to maintain
5 New York City's important climate leadership role.
6 Thank you.

7 CHAIRPERSON CONSTANTINIDES: Thank you.

8 AMANDA GABAI: Hello, Council Members.
9 Thank you so much for having us here today. My name
10 is Amanda Gabai (sp?). I'm here with a lovely group
11 from 350 Brooklyn, and Citizens—Citizens' Climate
12 Lobby. That's a tongue twister there. We are
13 volunteer organizations and we are all here playing
14 hooky from our day jobs. Please do not tell my boss
15 because we are excited that you have proposed all of
16 these bills and that you are trying to show climate
17 leadership here in New York City. The New York Times
18 last week recently ran an article that about 40
19 flights were grounded in Nevada due to excessive
20 heat. Climate change is not this future thing that
21 happens some day hundreds and hundreds of years from
22 now. It is starting. Storms are becoming more
23 frequent. Many of us lost power during Hurricane
24 Sandy. I think there's this idea that
25 environmentalists just want to hug polar bears and—

2 and cost businesses billions and billions of dollars,
3 and polar bears are great, but, you know, we're here
4 because we're scared, and this is our planet, and
5 this is our city, and we don't want it to be under
6 water. And it's not too late to do something, and
7 what we're here to do is—is see some action. The
8 federal level we're seeing things go backwards now
9 that we've abandoned the Paris Agreement. At the
10 state level we just saw the New York State
11 Legislature—Legislative session close with almost no
12 action on the environmental side. There were some
13 great environmental bills, and they died in
14 committee. Let us not see that happen again here.
15 We are looking to the cities for leadership and at
16 this point, I think the cities are some or our only
17 hope and we can do better. We can kick the New York
18 State Legislature butt, and with the City Council can
19 show that they can get more done than is happening up
20 in Albany, and we are looking forward to seeing what
21 you guys do. We are so excited to see all these
22 bills that you've proposed. We love the action
23 that's trying to happen. Maybe some of these bills
24 aren't perfect. So we go, we fix them, and we make
25 them better, and we move forward. New Yorkers want

2 to see action. We are excited with what we're seeing
3 happen. We want to see more of it, and we understand
4 that this is a marathon and not a sprint. We are
5 taking the long view. We know that some things like
6 building changes—changes in building codes will
7 increase costs upfront, but it will promote energy
8 freedom, energy efficiency and lowers costs in the
9 future because sunshine is for free. So, let's see
10 what you can do. We're looking forward to it.

11 CHAIRPERSON CONSTANTINIDES: Thank you.

12 [applause] We do this here in the Council. So, Suzi
13 got it. She got it. There you go. See. But, just,
14 you know, just to address all of you. Donna, first
15 of all come back. [laughs] But all of you. I won't
16 tell your boss.

17 AMANDA GABAI: Thank you.

18 CHAIRPERSON CONSTANTINIDES: But we are
19 in all—in all seriousness, you know, we are looking
20 to make sure we get the best legislation possible.
21 So, I appreciate the critiques. I appreciate the
22 honesty that we—I mean we recognize that we are
23 looking for the best metric. We are looking to
24 figure out the best way to get this done. We, too,
25 believe that action is the most important thing, and

2 we want to move the city to continue to be the
3 leaders that we are internationally as we see the—we
4 see Washington taking a huge step back in the wrong
5 direction, and putting—playing a jazz band to have
6 the sound track be under the world as he's doing it.
7 We are going to continue to push back and to be
8 leaders on the environment. So, we will most
9 certainly take all of the critiques that you've had,
10 and the Administration had, and take those into
11 account, but we will look to move quickly on the
12 legislation because we need to act. So, I appreciate
13 your time. I appreciate you playing hooky from your
14 day jobs. I appreciate everyone being here today,
15 and lending your voice and all of your strong
16 partnerships. So, we will keep moving together.
17 Thank you.

18 AMANDA GABAI: Thank you.

19 CHAIRPERSON CONSTANTINIDES: Alright.
20 Alright so our next panel is Lisa DiCaprio from the
21 Sierra Club; Buck Moorehead from New York Passive
22 House; Lindsay Cline, she has an architectural
23 practice; and Justin Pascone from the American
24 Institute of Architects, AIA. [pause] And if there
25 is anyone who wants to testify, because I have one

2 more panel after this left, anyone who intends to
3 testify you need to sign up now pretty much right at
4 this table with the sergeant-at-arms. If not, then
5 you are unable to testify, and I want that to happen
6 if you took time off from work to be here. So,
7 please come up to the table and make sure you
8 testify, you so choose to do so.

9 LEGAL COUNSEL: Alright then, will you
10 please raise your right hand. Do you swear or affirm
11 to tell the truth, the whole truth and nothing but
12 the truth today? [pause]

13 CHAIRPERSON CONSTANTINIDES: You have the
14 pole position. You're—you're right at the end of the
15 table. So, there you go. [pause]

16 LISA DICAPRIO: Thank you. Thank you for
17 the opportunity to speak today. My name is Lisa
18 DiCaprio. I am a Professor of Social Sciences at NYU
19 where I teach courses on sustainability. I am also
20 the Conservation Chair of the Sierra Club, New York
21 City group. The Sierra Club supports City Council
22 legislation to reduce our reliance on fossil fuels by
23 switching to renewable forms of energy and increasing
24 the efficiency of our buildings, which are
25 responsible for over 70% of all greenhouse gas

2 emissions in New York City. While the Trump
3 Administration is denying the signs of climate
4 change, architects and engineers are applying the
5 science of buildings to achieve increasingly
6 ambitious energy efficiency standards. For example,
7 Passive House can reduce by up to 90% the energy
8 required to heat and cool conventional buildings.
9 When it is completed this summer, the 26-story
10 residential building on the Cornell Technion campus
11 designed by Hindo Architects will be the largest and
12 tallest high-rise Passive House in the world. I will
13 focus my comments on Intro 1629-2017 introduced by
14 Council Member and Committee Chair Costa
15 Constantinides, which requires large, new and
16 substantially retrofitted buildings to meet low-
17 energy intensity requirements. This bill complements
18 Intros 701-2015, the amended version introduced in
19 2015 by Council Member Melissa Mark-Viverito, Council
20 Speaker Mark-Viverito, which mandates that all new
21 city-owned buildings must be designated and
22 constructed as low energy intensity buildings. The
23 bill was passed by the City Council and signed into
24 law by Mayor de Blasio on March 28, 2016. I would

2 like to make these four recommendations concerning
3 Intro 1629-2017:

4 1. The effective date should be 2020
5 instead of 2025. The technical expertise already
6 exists for designing low-energy intensity buildings.
7 Moreover, the higher upfront cost of Passive House
8 and low energy intensity buildings typically 3 to 5%
9 will diminish as they are mainstreamed and
10 constructed on a large scale. A 5-year delay in the
11 implementation of this bill is a missed opportunity
12 to reduce greenhouse gas emissions especially the
13 current construction boom in New York City.

14 2. Incorporate the social costs of
15 carbon in the text of the bill. This key environment
16 concept assigned to monitor a value through the
17 social cost climate change impacts caused by carbon
18 pollution which are now affected all sectors of the
19 global economy. Precedents for incorporating the
20 social cost of carbon in City Council legislation,
21 include Intro 1159-2016 on the installation of solar
22 water heating and thermal energy systems on city-
23 owned buildings, and Intro 609-2015 concerning the
24 installation of geothermal systems on city-owned
25 buildings. The geothermal bill set the social cost

2 of carbon at \$128 per metric ton of carbon dioxide
3 equivalent with progressively increasing values that
4 reach \$142 per metric ton by 2020. To apply the
5 social cost of carbon to a building we would assign a
6 specific value that is a dollar amount for each
7 metric ton of carbon dioxide equivalent that the
8 building does not emit because of its low carbon
9 design. This dollar amount, which could be increased
10 every five years, would be multiplied by the number
11 of years projected for the life of the building.

12 With such a calculation we can highlight the
13 financial benefits of Passive House and low-energy
14 intensity buildings from an environmental
15 perspective.

16 3. My third recommendation is that in
17 the future we would extend the low energy intensity
18 requirement to all new buildings and substantial
19 retrofits in New York City.

20 4. And my fourth and final
21 recommendation concerns how council members can
22 inform the constituents about various ways to reduce
23 greenhouse gas emissions. Last night for example,
24 Council Member Helen Rosenthal who represents me in
25 the City Council held a clean energy forum about how

2 Upper West Side residents and businesses can switch
3 to renewable forms of energy. The Sierra Club New
4 York City would co-sponsor this forum, and we
5 encourage all of our council Members to organize
6 forums on renewable energy and building efficiencies
7 in their districts. In this way we will increase
8 public support including within the real estate
9 industry for the initiatives required to ensure the
10 future of our city. Thank you.

11 CHAIRPERSON CONSTANTINIDES: Thank you,
12 Ms. DiCaprio. Thanks.

13 LISA DICAPRIO: Oh, I'm sorry. Thank
14 you.

15 BUCK MOOREHEAD: Hi, thank you for—for
16 having us. My name is Buck Moorehead. I'm on the
17 Board of Directors of New York Passive House. I'm
18 also speaking on behalf of NY H2O and Damascus
19 Citizens for Sustainability. We applaud the City
20 Council for its supportive Intro 1629. As we know,
21 roughly 75% of New York City's greenhouse gas
22 emissions are related to its buildings. Legislation
23 designed to substantially mitigate building emissions
24 through the employment of Passive House strategies in
25 buildings is essential. The low energy targets

1 proposed are being achieved in projects of many types
2 all over the world in many climates. New York City
3 to its credit has recognized this and has been
4 developing its own pathway forward, one that
5 acknowledges and respects the dynamics of our
6 economies, our building industries and design
7 professions and all that makes New York the great
8 city that it is. We at New York Passive House are
9 prepared to assist the Council in any manner that may
10 be helpful as the conversation moves forward
11 regarding the legislation. With respect to
12 demonstrating the viability of the target with
13 respect to this legislation, I've distributed three
14 projects for your review. It should be noted that
15 Passive House has been operating globally since 1990.
16 It's been based on strategies that we are using in
17 North America in the mid-70s. This past spring there
18 was an international Passive House Conference with
19 1,200 people representing 60 countries; 80 people
20 from New York attended. Many of the—several
21 presentations were made by New York City architects
22 around—about projects that they're doing here—here
23 in—in New York City. In the first project that you
24 have is the first primary school in—in the USA that
25

1 was certified by the Passive House Institute. It's
2 located in—in Hollis, New Hampshire. The second
3 project is a primary school in Germany also cer-
4 certified by the Passive House Institute. This
5 school was completed in 2004. This is 13 years ago.
6 This stuff has been going on. The third project is an
7 office building in Frankfurt, Germany. Passive
8 House, as is obvious, is—is about more than houses.
9 These projects are cited to help demonstrate what you
10 have already heard today and will continue to hear as
11 we move forward. Very low energy near Passive House
12 and Passive House new buildings and the substantial
13 retrofits are being successfully completed both
14 globally, in this country and in this city. We must
15 be intelligent in the steps we take, provide training
16 and incentives where appropriate. We should
17 challenge our building committee, its developers and
18 builders, its architects and engineers to embrace
19 this new paradigm. Passive House is absolutely that.
20 It is a—it is an essential—it is as essential as
21 making sure that the building structure is adequate
22 and that we—that we keep the rain out. New York City
23 can lead our country in showing the way to this
24 paradigm. We cannot afford not do so. Thank you.
25

2 CHAIRPERSON CONSTANTINIDES: Thank you.

3 JUSTIN PASCONE: Thank you, Council. My
4 name is Justin Pascone. I'm here today on behalf of
5 the New York Chapter of the American Institute of
6 Architects, and our 5,500 architects and associated
7 members. I'm going to respect everyone's time here
8 and read from parts of our testimony, but I encourage
9 you to—to look through it all. Our organization at
10 the AIA, we aim to lead, inspire and educate our
11 members on the design and sustainability in a built
12 environment. We are currently organizing and
13 engaging programs that focus on outstanding green
14 buildings, currently technologies, product research
15 and sustainable design practices by leading
16 architects from around the world. We are partaking
17 in a sustained push for initiatives that reduce
18 carbon emissions in the built environment and create
19 healthy spaces for New Yorkers. To achieve the
20 city's 80 X 50 goals, we realize both the private and
21 public sector must undergo largescale changes. We
22 are generally supportive of the packages, those you
23 have today before you. In reference to two of them.
24 Intro 1629, we're supportive of—of this measure, and
25 in refining bill we are suggesting a prescriptive

2 path as well as a performance path that is specific
3 energy saving actions that are measureable be
4 included in the language of the bill to assist and
5 support the many buildings that are included. In
6 addition, the Council should consider similar targets
7 for a variety of buildings of different scales and
8 uses beyond those covered in the bill. With the
9 increased need for hyper vision buildings, ongoing
10 and expanding local training opportunities for our
11 professional architects, engineers, and contractors,
12 it's going to be needed. As part of our core
13 mission, AIA will continue our educational outreach,
14 and are committed to working with the Council to
15 ensure the professional community is ready to meet
16 the challenges of implementation. On Intro 1644, we
17 are supportive of the creation of the Green Project
18 Accelerator. We do suggest that the definition be
19 expanded to cover model new buildings that generate
20 energy on site, but also buildings that include hyper
21 efficient design, energy efficiency, water and
22 resource conservation as well as resiliency elements.
23 The AIA and our members continue—will continue our
24 commitment to working with the Council on these
25 initiatives. We have—[coughing]—we're excited the

2 Council is—is undertaking these bills here and we're
3 willing to work with you on any changes moving
4 forward. Thanks.

5 LINDSAY CLINE: Thank you, Council
6 Member. My name is Lindsay Cline. I'm a member of
7 the AIA and I'm a registered architect to practice in
8 New York States, Massachusetts and California. I am
9 a LEED certified, and have recently become Passive
10 House Certified. I would like to point out that many
11 individual architects [coughs] in their new years
12 have invested a significant amount of professional
13 time and financial resources to retool ourselves to
14 meet these goals, and I would like to implore—employ
15 that—implore the Real Estate community of New York to
16 follow suit. Thank you. [applause]

17 CHAIRPERSON CONSTANTINIDES: [laughs] I—I
18 share your enthusiasm believe me, believe me so I—I—I
19 definitely know where that's coming from, but I want
20 to thank each and every one of you. You know, I—we
21 definitely appreciate the critiques and the
22 recommendations. We are—as I said to the last panel,
23 I'll repeat, we are looking to be deliberative and
24 make sure we get this right, but we are looking to
25 move quickly. So, because we don't have time. Time

2 is our—as I tell my son in the mornings when he’s
3 getting ready for school time is not our friend.
4 [laughter] You know, but, you know, we—we don’t have
5 the time. Time is not our friend here. You know
6 climate change is happening. It is real despite what
7 is—Washington is saying, and we need to act quickly.
8 SO, I—I—we would most certainly will be
9 deliberatively, and make sure we get this right, but
10 we will—we will act. So, I appreciate your time in
11 putting together the testimony to have suggestions to
12 have critiques, and we will absolutely take them into
13 account as we move—looking to look with the
14 Administration and move it forward. Than you for
15 your time.

16 BUCK MOOREHEAD: Thank you.

17 LISA DICAPRIO: Thank you.

18 LINDSAY CLINE: Thank you

19 [background comments]

20 CHAIRPERSON CONSTANTINIDES: Okay, so,
21 Dan Minor of 350 NYC. I—I could have sworn I had
22 seen him in the crowd and how he’s here. Robert
23 Specht, and Adrian Espinosa, League of Conservation
24 Voters, and Scott Frank American Council of

2 Engineering Companies. [background comments, pause]

3 Aright, yeah, there you go.

4 LEGAL COUNSEL: Will you all please raise
5 your right hand. Do you swear or affirm to tell the
6 truth, the whole truth and nothing but the truth
7 today?

8 PANEL MEMBER: [off mic] I do, yes.

9 [pause]

10 DAN MINOR: Members of the Council, and
11 Chairman thank you very much. My name is Dan Minor.
12 I'm on the Steering Committee of 350 NYC. My remarks
13 are representing my own opinions. Intro 1639 aims to
14 promote the bulk purchasing of solar energy systems
15 by a Business Improvement District, which is
16 something that I know about because I worked at Long
17 Island City Partnership, which runs to Long Island
18 City BID for over 12 years. I was permitted to spend
19 a lot of time on my green interests, which included
20 promoting Con Ed's Small Business Energy Efficiency
21 Program and the New York City program that painted
22 roads white (sic) as well as rooftops solar.
23 However, my environmental interests were an anomaly
24 in the Business Improvement District world. I later
25 did community outreach in the Bronx for NYSERDA's

2 Green Jobs Green New York program. So I have
3 personal experience of what is often a difficult time
4 promoting a program that's not widely perceived to
5 offer attractive values and incentives. So, with
6 regard to 1639, I can say with virtual certainty that
7 the staffs and boards of the city's BIDs are unlikely
8 to make voluntary efforts to participate in the
9 program unless there are not—unless there are
10 specific mandated requirements that BIDs successfully
11 completely very specific solar projects as part of
12 their required performance. Likewise the bill that
13 encourages city employees to promote solar while
14 laudable, may benefit from having sufficient
15 incentives to make it an offer that they find
16 compelling. Thank you very much.

17 CHAIRPERSON CONSTANTINIDES: Thank you.
18 Next, please.

19 SCOTT FRANK: Good afternoon Council.
20 Thank you. My name is Scott Frank. I'm a licensed
21 professional engineer. I'm also a partner in the
22 engineering firm of Jaros, Baum and Boles. I'm here
23 today also representing the American Council of
24 Engineering Companies, which consists of the firms
25 and people that design the energy consuming systems

1 of buildings in New York City. I'll paraphrase my
2 testimony in the interest of time. ACEC New York is
3 strongly committed to the city's 80 X 50 carbon
4 eruption plan, but has concerns with two bills.
5 Intro 1637 calls for the creation of a city-city
6 energy policy task force with a participate-excuse
7 me-participation of many specific categories and
8 industry representatives but does not—does not
9 require the appointment of people who actually design
10 energy systems, and namely professional engineers.
11 We respectfully request that that be corrected. With
12 respect to Intro 1629, we actually urge the Council
13 to table this version and engage with our members and
14 other stakeholders to arrive at an approach that more
15 systematically addresses the following four criteria.
16

17 1. An approach that is less speculative
18 about the future regular—future regulations and
19 market events and forces that will inevitably change
20 the impact of the requirements of the bill on New
21 York City's building stock.

22 2. An approach that carefully and
23 clearly manages the transition from a predictive
24 based regulatory framework such as we have now, to
25 one that is outcome based and utilizes an E-line

2 metric, and one-to repeat previous testimony—that is
3 not only unit area based.

4 3. It is purposely informed by analysis
5 of the potential economic impact including green jobs
6 creation relative to the 80 X 50 carbon reduction
7 trajectory, and

8 4. Provides market certainty and
9 reduces risk relative to the economic impact of the
10 designing, constructing and operating buildings under
11 these changing regulations.

12 We urge the Committee direct its staff to
13 meet with us, and other allied stakeholders in a
14 collaborative process to reframe this bill in detail
15 before it moves forward in the interest of our common
16 goals making New York City a leader in the area of
17 energy efficiency and carbon reduction. Thank you
18 and I'm happy to answer questions.

19 CHAIRPERSON CONSTANTINIDES: Thank you.
20 Adriana, long time no speak.

21 ADRIANA SENOPHAT: Yes, thank you. Good
22 morning or afternoon now I'm speaking. My name is
23 Adriana Senophat. I am the Manager of the New York
24 City Program at New York League of Conservation
25 Voters. I'd like to thank Chair Constantinides for

2 the opportunity to testify here today. New York City
3 has long demonstrated how municipalities can take the
4 lead on climate change by implementing practical,
5 measurable initiatives that keep us on the path to
6 longer Stretch goals. Mayor de Blasio's One NYC Plan
7 has taken on even more importance in recent week. It
8 is our primary vehicle to make good on our commitment
9 to uphold the Paris Accord even as leaders in
10 Washington abandon it. The bills before this
11 committed today demonstrate that the City Council
12 recognizes the severe threat posed by a rapidly
13 changing climate and we commend the sponsors of each
14 of these bills for furthering the conversation on how
15 we get New York City to 80 X 50. We cannot, however,
16 underestimate the complexities of this—these issues
17 and must recognize the smart planning and innovation
18 are needed to develop sustainability policies that
19 create both environmental and economic
20 sustainability. For that reason we must ensure goals
21 laid out in these bills are reinforced by meaningful
22 input from all stakeholder, robust investment and
23 clear implementation plans. Through my testimony I
24 hope to highlight areas where we can work together to
25 strengthen and improve these ambitious measures.

2 Intro 1629: The League is in favor of
3 adopting a more stringent energy code than federal
4 and state model codes. NYSERDA already produces a
5 voluntary Stretch Code, as mentioned earlier today.
6 Intro 1629 takes that code even further. While New
7 York LCV supports the bill's intent, we recommend
8 refining the energy targets and building require—and
9 building requirements laid out in the legislation
10 based on stakeholder input.

11 Intros 1630 and 1639: As the field of
12 renewable energy is still rapidly evolving, we must
13 remain open to emerging technologies. Introduction
14 1630 and 1639 seeks to green energy generation, but
15 New York LCV believes we may limit ourselves by
16 choosing only to promote the bulk purchasing of solar
17 energy over other options available now or in the
18 future.

19 Intro 1632: Not only are the
20 technologies themselves still evolving, but so, too,
21 other metrics used to measure their impact. Although
22 NYLCV supports disclosure of buildings' energy
23 performance at point of sale, there is not a
24 consensus as we saw play out here today. There is
25 not a consensus among stakeholders on the best metric

2 to use. New York LDV supports the goals of Intro
3 1632, and we believe disclosure at point of sale
4 could help spurt market demand for energy efficient
5 buildings. We should, however, study and carefully
6 deliberate the best metrics to use and the best
7 processes for disclosing them before making a blanket
8 mandate.

9 Intro 1644: New York LCV is strongly in
10 favor a Green Project Accelerator. We recognize the
11 significant benefit of economic benefits to
12 streamlining the permitting process for green
13 projects. As currently written, however, Intro 1644
14 is limited in the types of eligible green projects
15 focusing mainly on on-site generation. Under its
16 current definition, Passive House, for example, would
17 not be eligible. The Green Project Accelerator
18 should be open to a much wider range of green
19 strategies including energy efficiency, water
20 efficiency and resilience projects. While we support
21 the intent of this bill, we strongly urge the
22 committee to revisit the definition of green project
23 and expand it to maximum our emissions reductions.

24 Intro 1651: The bill lays out the
25 groundwork for tracking real time energy use of heat

2 loss in city buildings, but we are left with many
3 unanswered questions. Who will be responsible for
4 the monitoring for these—and these weekly reports?
5 Who will be looking at and using the weekly reports?
6 And how is this sophisticated real time data
7 collection going to help us reduce emissions? And
8 finally, what is the capacity for city agencies to
9 take on this new workload. We strongly believe in
10 the power of data to drive changes in both policies
11 and behavior, yet similarly to our comment on 1632,
12 we want to ensure that we're collecting the right
13 data and utilizing it effectively. What's clear here
14 is that action is needed on climate change
15 and the bills heard today represent ambitious
16 strategies. We look forward to working with all
17 stakeholders to refine the details and clarify
18 feasibility that we—so that these proposals can
19 become successful laws that other cities around the
20 country and around the world can model. I'd like to
21 thank Chair Costa—Chair Constantinides and the entire
22 Committee on the Environmental Protection for the
23 leadership of sustainability over the years, and look
24 forward to working with you all from this day moving
25 forward. Thank you. [coughing]

2 CHAIRPERSON CONSTANTINIDES: Thank you
3 all you and—and I, you know, we are definitely
4 looking at the metric. We are definitely looking to
5 make sure we get it right. If utilized not the right
6 metric, we're really looking to have a good
7 conversation to find out what the right metric is,
8 and what we need. You know, we will looking to move
9 quickly. So we absolutely will engage all
10 stakeholder including the League, ACEC, 350.org and-
11 and individuals who have experience in the various
12 fields and we'll continue to look to get this right.
13 So, I appreciate your time. Thank you. Alright,
14 Andreas Benzine from New York Passive House; Alex
15 Bernstein, Daniel Karpen and Robert Schneck. I had
16 said his name before if he's here. [background
17 comments, pause]

18 LEGAL COUNSEL: Gentlemen, would you
19 please raise your right hands. Do you swear or
20 affirm to tell the truth, the whole truth and nothing
21 but the truth today? [pause]

22 CHAIRPERSON CONSTANTINIDES: Alright, so,
23 sir, right there on the end what is your name?

24 PANEL MEMBER: [off mic]
25

2 CHAIRPERSON CONSTANTINIDES: You are?

3 Yeah, that's it. [laughs] What--what's your name
4 again. Speak into the mic. Turn

5 CHAIRPERSON CONSTANTINIDES: You are?

6 Yeah, that's you. [laughs] Turn on the microphone.

7 BOB SCHNECK: Bob Schneck.

8 CHAIRPERSON CONSTANTINIDES: Yep, you
9 were called. Alright, there--you--you can start there.
10 So, it sounds good. Let's--let's do it.

11 BOB SCHNECK: Okay, my name is Bob
12 Schneck and I'm a member of Community Board 1. I am
13 fully in support of Intro Bill 1629 with on major
14 concern. As a resident of Battery Park City, I
15 experience a sense of urgency with the slow pace of
16 governmental change and public forgetfulness against
17 the painful harm of hurricanes and heat. We have all
18 witnessed a remarkable building spree as a new
19 generation of highly energy inefficient skyscrapers
20 were built and continued to be built until 1629
21 begins to come into effect. We will live with the
22 consequence of their inefficiencies for the next 75
23 years. We have tens of thousands of buildings to-to
24 retrofit, yet no smart grid to connect to. It has
25 been said that we have the equivalent of Saudi--Saudi

2 Arabian wind reserved just off our Atlantic shore,
3 but the governor has only recently begun to dabble
4 with that possibility. Is it too much to demand that
5 the most aggressive and innovative city in the world
6 be aggressively innovative? Climate is an issue that
7 needs to be addressed in the immediate present, well
8 before experience the next—the next devastating storm
9 surge or irreversible dog days of impossible heat and
10 humidity. Mayor Bill de Blasio called climate change
11 the challenge of our generation. Yet, the public is
12 barely responsive to this issue and certain groups
13 are actively opposed. If energy will—wind—windmills
14 are seen in the future, job economics are in the
15 present. Bill 1629 is a call to action and a five-
16 year opportunity to prove that low-energy targets are
17 100% practical for the developers, the owners, and
18 residents, for the builders, and for the economy.
19 Now is New York City's time to wake up the people and
20 turn the environmental challenge into a public
21 opportunity.

22 CHAIRPERSON CONSTANTINIDES: Thank you.

23 You're up next.

24 ANDREAS SPENCE: Thank you Chair and
25 community—Council Member for the opportunity to—

2 opportunity to testify in support of Bill No. 1629.

3 My name is Andreas Benzine. I'm an Architect,

4 teacher and Community Board 5 member and I testify in

5 my position as President of New York Passive House.

6 New York City is committing to reduce greenhouse gas

7 emissions by 80% by 2050. Buildings are responsible

8 for the lion's share of emissions, and low energy

9 Passive House building is the most effective solution

10 to this challenge. Climate change is a risk, but it

11 can be the opportunity of all our generations. New

12 York City is one of the world's leaders in real

13 estate, architectural and engineering firms, skilled

14 labor, financial institutions and resale facilities.

15 We are poised to develop the Passive House solutions

16 of the future. New York City has extraordinary

17 capabilities and economic engines for

18 sustainability to lead in the U.S. and the world.

19 The market for low Pass-low energy Passive House

20 buildings is growing fast with three million square

21 feet under construction or in design. New

22 construction projects are happening around the city

23 such as the tallest Passive House in the world at

24 Cornell Tech, and large scale Passive House projects

25 such as Grand Concourse in Mott Haven in the Bronx,

2 or the East 11th Street development in Harlem. A low
3 energy Passive buildings is a reliable and economical
4 approach to New York City's sustainable future, and
5 Passive House has the merits like EUI and heating and
6 cooling loads and air tighteners have been both
7 improvement from the various-various locations such
8 as China the U.K. The Board of-the Board of
9 Directors of New York Passive House fully supports
10 the goal of Bill 1629, and we look forward to working
11 to pass this important bill into law. Thank you so
12 much.

13 CHAIRPERSON CONSTANTINIDES: Thank you.

14 DANIEL KARPEN: My name is Daniel Karpen,
15 K-A-R-P-E-N. I am a professional engineer in private
16 practice. My practice is based in Huntington, New
17 York. My comments are going to be related to
18 Introductory 1629. The date of 2025 is totally
19 unrealistic. Change it to 2020. The critical mass
20 for implementing very efficient buildings is here in
21 New York City. Just a couple of weeks ago the
22 Passive House Academy-Passive House New York held its
23 conference and 500 or 700 people attended. We have
24 the ability to do it. At the present time we're
25 constructing about 60,000 new apartments a year. If

2 we were to move the date to 2020 instead of 2015–
3 2025, we would have 300,000 more apartments buildings
4 that would be more energy efficient. The Passive
5 House criteria are a lot easier to understand than
6 the present ICC Energy Conservation Code, which is
7 highly prescriptive. The one advantage of the ICC
8 Code is that it's very good with regard to installed
9 refrigeration equipment in supermarkets, delis and
10 other food processing and handling facilities. Now,
11 with regard to Introduction 1632 in relation to the
12 disclosure of buildings' energy performance at the
13 time of sale of lease, the question is the energy use
14 of data per square foot usable? Yes, it is. You
15 just have to say what type of building it's for. For
16 example, office building, a large office buildings, a
17 small officer building, residents and also include
18 within it—within the date of construction of the
19 building. I have some data in my files that is
20 Northeast Solar Energy. The Sustainable Energy
21 Association put together an article, and the
22 surprising thing is that the buildings built before
23 1920 in New York City are the most energy efficient
24 buildings in our building stock, believe it or not.
25 It's hard to believe, but it's true. The recent

2 taking of some of the Brooklyn Row Houses and
3 converting them to Passive standard has been done
4 using present technology. Although it's costly, it
5 works. 310 Union Street from what I understand is a
6 Passive House retrofitted. You also have to remember
7 that if you're doing this you better close up the
8 leaks between your house and the next one next to it.
9 Essentially even in 10 degree weather the temperature
10 inside the building 62 to 68 degrees without a
11 heating system, which is comfortable. I live in
12 semi-Passive House in Huntington, New York a mid-
13 century modern that I retrofitted the best I could.
14 What I find is I still have to turn the heat on if
15 the temperature is below 25 degrees in my kitchen.
16 Now, the other thing I want to tell you is that
17 there's another law we mentioned and that was Local
18 Law 87. Local Law 87 only scratches the surface of
19 energy efficiency in the present building stock.
20 What I've done is I've taken Local 87 and I've
21 updated it and changed it with my red-red hash marks.
22 I'm going to give the Chairman a copy of this. The
23 biggest problem with Local Law 87 is its failure to
24 really look at steam heated building and making them
25 more efficient. It ignores the fact that for

1 example, Local Law 87 says if you have a steam line
2 more than three inches or in-in diameter, you must
3 insulate it, but if the steam line is only 2-1/2
4 inches in diameter Mr. Landlord and Mr.—a building
5 owner doesn't have to do squat. It is very, very
6 superficial. It doesn't affect—doesn't address the
7 steam pipe knocking problem that keeps people up at
8 night because the steam pipes knock. Why do they
9 bang and knock? The primary reason is because the
10 boiler is oversized sometimes by a factor of 20.
11 It's amazing to me that the Buildings Department
12 recently does not require on to put on the—on the—on
13 a boiler application the—the actual usage of fuel by
14 the building, and to downsize the system to make it
15 more energy efficient. I'm working right now with an
16 owner of a small hotel on the East Side. We have
17 take a two million—a BTU boiler, taken it out,
18 replaced by a 350,000 BTU boiler, gotten rid of all
19 the oversized radiators and the building's energy
20 used is being reduced 40 to 50%. The boiler room
21 used to be at 100 degrees because the pipes didn't
22 have any insulation. I wanted them insulated with
23 three inches of pipe insulation. The boiler room is
24 now 50 degrees and the heat oil goes upstairs.
25

2 Moreover, the boiler runs continuously flat out in
3 the—in the winter months. I doesn't shut down so
4 the—the losses between firing cycles are totally
5 eliminated. So, I'm going to give you a copy of
6 Local 87 and I rewrote, and you have some more work
7 to do. [background comments, pause]

8 CHAIRPERSON CONSTANTINIDES: I always
9 like more work to do.

10 DANIEL KARPEN: That's good.

11 CHAIRPERSON CONSTANTINIDES: It's good.

12 So, I'll read for the summer. I—I have—

13 DANIEL KARPEN: So, here's a question for
14 you. Do government regulations created jobs or do
15 government regulations destroy jobs?

16 CHAIRPERSON CONSTANTINIDES: I think we—I
17 think we're into creating them. In the business of
18 creating jobs but--

19 DANIEL KARPEN: That's correct. Here's a
20 good question for Donald Trump for the news
21 conference. Donald Trump, can you name a government
22 regulation that has created jobs?

23 CHAIRPERSON CONSTANTINIDES: Wait, I—I—I
24 could go all day. [laughs] I'll—I'll take that. We
25 could all day on that one.

2 ALEX BERNSTEIN: Thank you. My name is
3 Alex Bernstein. I'm with Bernstein Real Estate
4 located in Manhattan. We're a nine-year-old company.
5 We've heard—by the way, we've heard a lot from not-
6 for-profits and architects and academics, but we
7 haven't heard from builders, and that's what I am.
8 So, we are committed to our neighborhood, committed
9 to New York City and committed to the globe, and
10 we're in support of 1629, and we're building a 23-
11 story Passive House today. We're done that. So
12 broke ground last week, and we're very proud of that.
13 We feel it's obviously the right thing to do in that it
14 does not add material cost beyond 5% of some soft
15 costs and few additional hard costs, but it's—it's
16 very feasible. That's—it's—it's a very feasible
17 operation. The problem and—unfortunately that
18 virtually none of my peers know what Passive House
19 is. So, you know, having architects drive the
20 conversation is—is not—is not resulting with—is not
21 getting you with a lot of results. So, I feel that
22 outreach is a very important component of the job
23 that you guys have to do. Additionally, I think
24 incentives wouldn't hurt. I think 2025 is—is a big
25 long and if you want people to—to expedite faster,

2 you might want to consider some type of incentives
3 and on, you know, quick—for a quicker adoption.
4 Thank you.

5 CHAIRPERSON CONSTANTINIDES: Yeah, you
6 and congratulations. Looking forward to seeing that
7 building built. So, I'll—I'll—I'll say to this panel
8 as I said to the others I definitely appreciate your
9 deliberations and—and your time in—in coming here and
10 crafting the testimony and crafting ideas and
11 critiques and ways we can make these bills, and we
12 will continue to engage with you. This is not over.
13 We are not passing these bills tomorrow, but we are
14 looking to move them quickly. So, we will engage
15 everyone, all stakeholders and the administration to
16 get this right, and moving it along. So, thank you
17 for your time and being here this afternoon.
18 Alright, seeing no other—non one else looking to
19 testify I definitely appreciate you all being here
20 today. As we said earlier, Washington has abandoned
21 us, and we are going to continue to lead. So, it
22 will—whether it's the Stretch Energy Code or—or find
23 ways to accelerate green projects, we will continue
24 to do so. So, we will adjourn this meeting, but we
25 will definitely look forward to continuing our

2 conversation with the Administration, with all the
3 stakeholders here today to get this right. I want to
4 thank Samara Swanston our staff attorney; Bill Murray
5 our Policy Analyst; Jonathan Seltzer our Financial
6 Analyst and my staff Nick Wizowski and I see Ezra my
7 intern her as well. Thank you all for your
8 assistance, and with that we will gavel this meeting
9 of the Environmental Protection Committee closed.

10 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 27, 2017