

PHILADELPHIA CITY PLANNING COMMISSION REGULATION
AMENDING CHAPTER 13
REMOVING SECTION 13.2 IN ITS ENTIRETY

And Now, this 17TH Day of November, the Philadelphia City Planning Commission hereby amends Chapter 13 of the Rules and Regulations of the Philadelphia City Planning Commission.

1. Pursuant to the Ordinance of January 18, 2022, the Office of Sustainability has promulgated regulations necessary and appropriate for the implementation of The Philadelphia Code of General Ordinances, Title 17, Chapter 17-100, Section 17-111 relating to energy efficiency and environmental design in City Public Works Projects.

2. As a result, Chapter 13, Section 13.2 of the Rules and Regulations of the City Planning Commission have been superseded.

3. Chapter 13 of the Rules and Regulations of the Philadelphia City Planning Commission shall be amended as follows (brackets denote a deletion):

13. ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN IN CONSTRUCTION OF BUILDINGS..... Error! Bookmark not defined.

13.1. Alternative Standards for Green Building or Site Floor Area or Height Bonus..... Error! Bookmark not defined.

[13.2. Energy Efficiency and Environmental Design in City Public Works Projects..... 2

13.2 Energy Efficiency and Environmental Design in City Public Works Projectsⁱ

13..1. Scope

Pursuant to § 17-111 of the Philadelphia Code, the Commission hereby adopts the following regulations to implement the requirement that every City contract for the design or construction of a large City public works project that: (1) based on the characteristics of the project, is capable of meeting the minimum program requirements for the LEED rating system intended for New Construction and Major Renovations; and (2) involves the expenditure of primarily City capital dollars, shall include requirements intended to ensure that the finished product will achieve a LEED Silver Certification rating.

13..2. Administration

13..2.1 The primary responsibility for implementation of § 17-111 resides with those City departments that write and manage City contracts for the design and construction of large City public works projects. This is consistent with the purpose of § 17-111, to improve the City's capacity to design, construct, and operate high performance buildings.

13..2.2 All departments that enter into contracts described in Section 13.2.1 hereof shall incorporate appropriate requirements for LEED projects in Requests for Proposals (RFPs), contracts for design services, contracts for construction services, and contracts for other services as necessary for eligible projects. City departments and their contractors shall track and document the ability of a project to achieve a LEED Silver certification through project milestones such as Budget Call, all stages of design development, construction, and building and systems commissioning.

- 13..2.3 The Commission shall work with other departments to promote compliance with § 17-111 through the Capital Program process, including the review of departmental requests and the development of the Recommended Capital Program.
- 13..2.4 The Executive Director shall, upon request from a department, provide informal guidance on whether a proposed project meets criteria that would require compliance with the LEED Silver rating specified in § 17-111.
- 13..2.5 The Executive Director shall convene an advisory group to review submissions from departments for formal consideration by the Executive Director of alternative standards or exceptions for department projects. The advisory group shall include but not be limited to representatives of the applicant department, the Commission, Finance, Law, the Department of Public Property (Capital Program Unit), and the Office of Sustainability. Following the review process, the Executive Director shall provide the department with a determination, as set forth in Section 13.2.3.4.
- 13..2.6 The Commission, consistent with the directive of § 17-111(5) to prepare and provide to Council an annual summary of the status of City projects that are subject to the terms of § 17-111, shall include in its summary those projects that are tracking LEED Silver certification as well as those that are following alternative standards or exceptions.

13..3. Alternative Standards or Exceptions

- 13..3.1 A department may submit a request for an alternative standard or exception to the Executive Director and advisory group, with documentation as set forth in Section 13.2.4, when the department has reason to believe that achievement of LEED Silver certification by a particular City public works project would be inconsistent with LEED minimum program requirements and/or in conflict with other City priorities, including but not limited to:
- .1 The use of federal or state funding in connection with a particular project;
 - .2 Historic preservation goals;
 - .3 Overall life-cycle costs of no more than 10 percent above the expected life-cycle costs of a similar project for which silver-level LEED certification is not sought.
- 13..3.2 Alternative standards or exceptions shall be described in the submission, and considered by the Commission and advisory group, using categories, prerequisites, and credits comparable to those on the project checklists for the most current LEED rating system for new construction and major renovations.
- 13..3.3 Alternative standards or exceptions for a project shall be considered among the Commission, the contracting department, and the advisory group. Alternative standard options may include one or more of the following:
- .1 City support for a petition to the Green Building Certification Institute (GBCI) to accept alternative performance standards for LEED points in the rating system for new construction and major renovation. This is especially important in instances where City or regional standards may be more strict and relevant than LEED requirements;
 - .2 Registration and silver-level certification under a more appropriate LEED rating system;

- .3 Registration and certification at the basic level of a LEED rating system for new construction and major renovation;
 - .4 LEED registration but not certification;
 - .5 Compliance with LEED prerequisites; or
 - .6 Compliance in certain categories with high levels of performance above building code minimums under another third party rating program.
- 13..3.4 The consideration of alternative standards or exceptions shall proceed as follows:
- .1 Upon receipt of a complete submission (as defined in Section 13.2.4 hereof), the Executive Director shall forward all materials to the advisory group for the purpose of review. The advisory group shall confer on whether the submission meets the criteria for alternative standards or exceptions;
 - .2 If the project requires evaluation of multiple criteria, the Executive Director shall invite the department requesting the alternative standards or exceptions to a meeting at which the plans and criteria will be discussed with the advisory group. At this meeting the department may be expected to answer questions pertaining to project design, funding, and appropriate exceptions or standards. The department may bring experts and additional documentation;
 - .3 The advisory group may recommend that the Executive Director endorse alternative standards or exceptions proposed by the department, endorse different alternative standards or exceptions, reject alternative standards or exceptions, or defer a decision in order to obtain more information;
 - .4 The Executive Director shall communicate its decision to endorse or reject alternative standards and exceptions in writing to the department and the Director of Finance;

- .5 The Executive Director shall have 60 days from the Commission's receipt of a complete submission requesting alternative standards or submissions (as defined in Section 13.2.4 hereof) within which to endorse or reject alternative standards or exceptions. If no action is taken by the Executive Director within that time, alternative standards or exceptions proposed by a department shall be deemed endorsed.

13.4. Submission Requirements

- 13.4.1 A submission by a department to the Commission for formal consideration of alternative standards or exceptions shall state the specific LEED minimum program requirements, or LEED categories, prerequisites, and points, with which the department's project is inconsistent or which is in conflict with other City priorities. Submissions shall directly reference the version of the LEED rating system under which the project would seek certification if determined to be eligible and required under § 17-111.
- 13.4.2 Five printed copies and one electronic copy of a submission shall be forwarded to the Executive Director, and shall include:
 - .1 A cover letter addressed to the Executive Director;
 - .2 A brief narrative of the project, including project ownership, purpose, gross floor area affected by the project, project costs, project funding amounts and sources, and timing or phasing;
 - .3 A copy of the initial RFP, if applicable;
 - .4 Site or floor plans sufficient in detail to describe the location and scope of work involved in the new construction or major renovation;
 - .5 Documentation and justification for potential exceptions or alternate standards proposed by the department;

- .6 If alternative standards and exceptions were not requested in the initial stages of the project, documentations of the project milestones or stages when it became evident that the requirements for LEED silver-level certification could not be met, and the reasons why alternative standards and exceptions are subsequently proposed; and
- .7 Any other information which the department considers relevant.

13..4.3 After initial review of the submission, the Commission may request additional information.

13.5. Appeals

13..5.1 The process of project review, and the consideration of potential alternative standards and exceptions, should be collaborative and mutually beneficial for departments, the Commission, and the overall goal of advancing high performance building practices in the City.

13..5.2 In the event that a department disagrees with the decision by the Executive Director to endorse or reject alternative standards or exceptions, the Executive Director shall convene a meeting with the department Director or Commissioner, the Finance Director, and the Director of the Office of Sustainability, or their designees, to resolve outstanding issues. If a consensus cannot be reached, the final decision as to the applicable standards shall be made by the Commission.]

ⁱ From regulation regarding § 17-111 of the Philadelphia Code, promulgated September 10, 2010, effective October 12, 2010.

By the Philadelphia City Planning Commission.