

Arlington County Draft Energy Plan Released and Public Comment Sought  
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Since January 2010, the Arlington County Community Energy and Sustainability Task Force (“Task Force”), which was appointed by the Arlington County Board, has been meeting in an effort to develop a comprehensive energy plan for the County encompassing the next 40 to 50 years. Truth be told, the Energy Plan is being developed by a group of consultants led by Peter Garforth with input from Task Force members, County Government staff, and other interested parties. I am a member of the Task Force, by virtue of being the 2010 Chairperson of the Arlington Chamber of Commerce.

Detailed information on the development of the Energy Plan, the members of the Task Force, the backgrounds of the consultants, resource and reference materials, and materials concerning energy plans from other locations around the world is located at the following web site:

<http://www.arlingtonva.us/departments/DES-CEP/CommunityEnergyPlan/CommunityEnergyPlanMain.aspx>

The Task Force released its draft Energy Plan today, September 17, 2010 and the time to review and debate it truly has begun. A public hearing on the draft plan is scheduled for Thursday, October 21 from 6:00 p.m. to 9:00 p.m. at Wakefield House School in Arlington. Additional public presentations are scheduled and email comments are being accepted. The schedule for the Task Force contemplates that the Arlington County Board will consider the Energy Plan and move to adopt it in the February to April 2011 time frame.

The draft Energy Plan states that “ using energy-related GHG emissions per resident per year as a surrogate for energy productivity as a whole, the commitment is to cut this by two-thirds to 4.5 metric tons (mt) CO<sub>2</sub>e from the current 13.4 mt CO<sub>2</sub>e over the coming 40 years.” 2007 data is the baseline. According to the draft Energy Plan, energy use in the County is broken down as follows: non-residential (commercial) building use - 46%, homes - 26%, transportation uses of residents - 12%, and transportation uses of non-residents - 16%. Electricity creates 56% of emissions, followed by transport fuels at 29%, and natural gas at 14%.

The draft Energy Plan envisions that the Arlington County Board and the Office of the County Manager will develop and enforce an implementation plan that will include requirements that, “[S]tarting in 2015 renovated homes will need to operate at least 30% more efficiently than today’s average, and buildings 50%.” For new construction, “[S]tarting in 2015, all new homes and buildings will need to operate 30% more efficiently than current code expectations.” In addition, both renovation and new construction requests, “ ... will be expected to include a narrative as to how they will meet these higher levels of efficiency. Developers willing to commit to agreed levels of energy performance may be allowed incentives.”

Another extremely important aspect of the draft energy plan is that, “[S]tarting in 2015, high-density areas will migrate to District-Energy (DE), focusing on multi-family homes and commercial buildings .... The legal framework for the DE utility will be created immediately

with clear business rules, along with access to the appropriate utility expertise, capital depth, and operating understandings with the County, Washington Gas (WGL), and Dominion Virginia Power (DVP). The County will create planning and construction guidelines for DE preferred areas including connection norms to make buildings DE-ready as an early implementation action following approval of the CEP.”

There are additional aspects of the draft Energy Plan and we undoubtedly will be having additional blog posts on this topic. However, I encourage you to access the web site linked above and review the draft Energy Plan in its entirety.

As stated above, the real work with respect to the Energy Plan starts now and, as the expression goes, “the devil is in the details.” In the case of the draft Energy Plan, the essential details are not being addressed at this stage and are being deferred to County Government staff and, possibly, groups of individuals appointed by the County Board.

From the perspective of the business community, including the broader development and real estate sector, there are significant concerns about the implementation and enforcement phases of the Energy Plan. These include the unstated issues of cost, the decisions that need to be made as to who will bear the cost, the economic and marketplace viability of the stated goals in the time frames contemplated, the impact on the rights of property owners, and the enforcement mechanisms that will be adopted by the County Government. In cases where actions are being taken in the interest of the general public good, the position we are advocating at the Arlington Chamber of Commerce is that the general public should bear the expense of that action and not just the business community. Similarly, we suggest that the party that bears the cost of a given action should receive the benefits of that action.

Specifically, I raised the following questions and concerns with the Task Force Working Group and supporting County Government staff:

1. The continued involvement of the business community in the development of an implementation plan, including the development of procedures and policies for development related filings with County government, must be addressed. We expect this will occur; however, there are significant concerns about existing land use, zoning and related processes and those concerns color expectations and concerns about procedures and policies related to the Energy Plan;
2. What is the basis for the statements in the creating efficient buildings section of the draft Energy Plan that starting in 2015, renovated and new construction need to hit targets of improved efficiency (30%, 50%)? What is the assessment as to the likely costs of those increases in efficiencies and whether the marketplace will bear those cost increases? If the market will not bear the increased costs, builders, both residential and commercial, either will have product they cannot move, or they will have to bear the costs alone;
3. In the creating efficient neighborhood sections, the draft Energy Plan emphasizes the use of Civic Associations “as a powerful base for the CEP.” (Civic Associations are well established in Arlington and part of the “Arlington Way.”) As many of the neighborhoods expected to be included in the Integrated Energy Master Plans are “mixed-use”, including both commercial and residential uses, the emphasis on the Civic Associations tends to exclude the business community

from the decision-making process. Thus, we need to develop a plan through which the business and commercial property interests are represented appropriately and adequately. A system by which the individuals and groups making key decisions do not include the parties that likely will have to pay for and actually implement new measures is not acceptable.

4. As for District Energy, we repeat the questions and concerns from item 2 above concerning the underlying data, costs and market assessments. We need more information now on the anticipated legal framework for District Energy and the District Energy Utility. This is a critical component of the energy plan and it is unlikely that the affected business interests will take a leap of faith that the legal framework will be compatible with business and market realities;

5. In the cross cutting initiatives section of the draft Energy Plan, the tax and density and other incentives proposal is important. This needs to be given a higher priority and implemented in conjunction with the initial implementation plan and creation of new requirements for development and development plans. From the perspective of the business community, it is not tenable to have all of the requirements implemented initially with the incentives aspect held for future consideration;

6. Also in the cross cutting initiative section, we note that there is not widespread agreement in the business community on a significant number of the transportation demand management elements, particularly where they impact on issues such as the County Government requiring specific terms in leases between building owners and private sector tenants, time and number restrictions on the ability of tenants to utilize in-building parking, and similar matters. There has been extensive discussion on Transportation Demand policies as part of the overall master plan. This opposition and level of concern should not be overlooked; and,

7. The “creating high quality jobs” section sounds great, but what is the underlying basis for these assertions?

The Task Force process has been very collaborative to date and the business community is well represented on the Task Force. Now that there actually is a draft Energy Plan to review and debate, the process naturally will become more difficult, particularly as implementation and enforcement measures are considered.