

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
GREEN BUILDING CODE WORK GROUP
MEETING MINUTES**

December 17, 2019

3:30 p.m.

Present at the 3:30 p.m. meeting:

Chairman: Will Hurd

Members Present: Beth Chajes
Jeremy Firestone
Tim Poole
Reid Rowlands

Members Absent: George Irvine
Rob Jadick
Stacy McNatt
Ben Prettyman

Staff Present: None

1. INTRODUCTIONS

Mr. Will Hurd: Two recorders.

Mr. Reid Rowlands: Stereo.

Mr. Tim Poole: If it's not clear on one, hopefully it will be clear on the other.

Mr. Hurd: Okay.

Mr. Rowlands: I'm Reid Rowlands from World Class Supply.

Mr. Poole: Tim Poole, Code Enforcement.

Ms. Beth Chajes: Beth Chajes representing the Conservation Advisory Commission.

2. CHAIR'S REMARKS

Mr. Hurd: Alright, so under remarks I think I will just talk briefly about, I had further conversations about sort of our next steps . . . oh, discussion of next steps, never mind. We have that under #5. Then I don't have anything to say here except welcome, Beth.

Ms. Chajes: Thank you.

Mr. Hurd: And we'll do what we can to bring you up to speed as we hit the thing.

3. MINUTES OF THE OCTOBER 22, 2019 GREEN BUILDING CODE WORK GROUP MEETING

Mr. Hurd: The minutes were sent out in the original packet for the November meeting. Does anyone have any issues with them? Then they will stand as submitted.

THE MINUTES OF THE OCTOBER 22, 2019 GREEN BUILDING CODE WORK GROUP MEETING ARE APPROVED.

4. REVIEW AND APPROVAL OF DRAFT AMENDMENTS TO THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE

Mr. Hurd: Alright, so we have in front of us the proposed ordinance language for the amendments to the 2018 International Energy Conservation Code. For the benefit of Beth and anyone joining us late, we decided early on in the process that there wasn't a single standard out there that was going to be appropriate for our concerns. And our primary concerns were around the areas and then also material use and indoor air quality. And the ones that focus a lot on energy like Passive House don't spend as much on materials, don't look at materials as an issue so much, and so we kind of said we're going to do what we did before, which was we write our own checklist. So, that's what we've been doing for the last nearly six months or more.

Mr. Rowlands: More.

Mr. Hurd: Or more. Well, it's been a year, but a big chunk of that was trying to get to the . . . but we went through the various different rating systems that were out there and basically pulled chunks out of them and said they seem to be all, this is something they seem to be doing. And then we massaged the language and had conversations and discussions about importance, and do we keep this or do we not, and how many points, and this is the end result of all those conversations.

Mr. Rowlands: Have you heard of stretch codes?

Ms. Chajes: No.

Mr. Rowlands: It's just like, okay, here's your code and this, in a sense, is a stretch code. We're just going a little above in different areas.

Ms. Chajes: Okay, okay.

Mr. Hurd: Yeah. Massachusetts, for example, has enacted, you know, the IECC, and then said I think as their baseline, you have to be 20% better than the code baseline.

Ms. Chajes: Okay.

Mr. Hurd: I haven't looked at their code to see how they define it but sometimes you can just say do a deep energy model to demonstrate or bring in a HERS rater to say, yes, I'm at 20% better than a reference point. And we're doing similar things where we're also saying if you use a qualified rating program that sort of has enough, pushes the energy appropriately, that will qualify for the portion . . .

Ms. Chajes: Okay.

Mr. Hurd: So, we're trying to give people a couple ways to go but certainly trying to push this so that the average building being built is going to be 20% better, use 20% less energy than the code baseline.

Ms. Chajes: Okay.

Mr. Hurd: And then at some point in the future, probably the next go-round, we'll be probably having conversations about net zero.

Mr. Poole: Well, we had it this time.

Mr. Hurd: We did. We did, indeed. But I'm seeing more municipalities looking at, I mean, I think the '21 code they're adopting an appendix basically that's a net zero.

Mr. Rowlands: It's all moving towards that.

Mr. Poole: Yeah.

Mr. Hurd: Yes, so it's already started being enacted in the code language as an alternative.

Mr. Poole: They're looking at it federally by 2035, aren't they?

Mr. Hurd: Probably.

Mr. Rowlands: I believe so.

Mr. Hurd: So, we're not far off that curve. So, here we go. I'm not going to read this because that's just super dull. Oh, why don't you, Tim, talk a little bit about the few changes you made between the draft that we had at our last meeting and this one. There were a couple of things you pulled out, if you can remember what they were.

Mr. Poole: That will be challenging, but I'll try.

Mr. Hurd: I will say when you pointed them out, I went looking and I'm like, okay, they were minor.

Mr. Poole: Yeah.

Mr. Hurd: They're like, okay, we lost that, fine.

Mr. Poole: We added a net zero energy usage as an alternative compliance path at our last meeting.

Mr. Rowlands: Right, and it's in there.

Mr. Hurd: Yeah.

Mr. Rowlands: Which is a little nebulous. I mean shouldn't we find a net zero standard? What qualifies as net zero energy usage?

Mr. Poole: What qualifies as net zero energy usage? That all of the energy used by the building is produced onsite.

Mr. Rowlands: Except in the nighttime I am consuming energy.

Mr. Hurd: Well, average.

Mr. Poole: Right, but again, net zero is . . .

Mr. Rowlands: So, it's a little nebulous.

Mr. Poole: You produce enough energy in the day or while you're producing energy because, theoretically, they could produce energy in other ways like wind power which doesn't necessitate the sun or, you know . . .

Mr. Rowlands: Right.

Mr. Poole: Theoretically, there is enough streams that we could use water power or hydroelectric of some sort, but that's unlikely . . .

Mr. Rowlands: Right.

Mr. Poole: But it would be all energy produced onsite to meet the energy needs of the building on an annual basis.

Mr. Rowlands: And should that be, not necessarily spelled out but . . .

Mr. Poole: We could tweak that.

Mr. Rowlands: Something. It just seems a little nebulous as I got deep into it.

Mr. Hurd: I mean I don't know if we just have to say . . .

Mr. Rowlands: Metered.

Mr. Poole: We'll define it.

Mr. Hurd: Okay.

Mr. Poole: We can define it. It's easy enough.

Mr. Hurd: And we have it in other places where it's kind of like demonstrated to the satisfaction of the Code Enforcement person, so you could say . . .

Mr. Poole: I can define it, or I can clarify in the statement.

Mr. Hurd: Okay, that's fine.

Mr. Poole: I think definition is probably the best answer.

Mr. Rowlands: Yeah. And actually, before we go on, while we're here at this paragraph, another opt-out is certification as LEED Gold?

Mr. Poole: Yes.

Mr. Rowlands: Should we also have Platinum? Because if I do Platinum, does that mean I'm still having to comply?

Mr. Poole: Well, I believe Platinum complies with Gold.

Mr. Rowlands: Oh yeah, you're above. But here . . .

Mr. Hurd: Minimum?

Mr. Rowlands: Maybe. Something like that is all.

Mr. Poole: We could do LEED Gold or higher.

Mr. Rowlands: That's fine.

Mr. Hurd: Yeah. Okay.

Mr. Rowlands: Actually, sorry to hang on this one but the next sentence, the next one is Passive House certified. So, you can be Passive House certified or you can be Passive House certified source zero. And I don't know which . . .

Mr. Hurd: And what's the difference?

Mr. Rowlands: You added solar panels. If you're Passive House, you're 80% less energy. If you throw some panels, you know enough panels, you're zero energy. You're source zero. Now that would almost be equivalent to the net zero energy usage.

Mr. Poole: Well, it sounds like it would be.

Mr. Hurd: Yeah

Mr. Rowlands: Yeah.

Mr. Hurd: I think it's covered.

Mr. Poole: Still, the Passive House certified net zero or whatever . . .

Mr. Rowlands: Source zero.

Mr. Poole: The designation is, it's still Passive House certified, correct?

Mr. Rowlands: Correct, but you can be Passive House certified and you are not net zero.

Mr. Hurd: That's fine.

Mr. Poole: Right.

Mr. Rowlands: So, why would anybody does net zero if they could be Passive House?

Mr. Poole: Because maybe they want to comply in a different way to be net zero.

Mr. Rowlands: I mean maybe, but . . .

Mr. Hurd: Well, I think that, the option of giving them the net zero . . .

Mr. Rowlands: Actually, you wouldn't have to be technically certified and still be source net zero, but two grand and you're certified Passive House. So . . . I don't know if we want source zero in there on that certification or just Passive House.

Mr. Poole: I think Passive House is sufficient and, I mean, if you want to put it in there, that would be fine, but it's like adding in LEED Platinum.

Mr. Hurd: Right.

Mr. Poole: You've met LEED Gold, which is our minimum standard. Do we need to put Platinum in there?

Mr. Rowlands: No, no. I mean we need to say that it's not excluded by being . . .

Mr. Hurd: Right.

Mr. Poole: Right.

Mr. Rowlands: That's all. You know, I'm okay either way. I just wanted to bring up that there's two kinds of certification.

Mr. Hurd: Okay.

Mr. Rowlands: And I'm fine with just leaving it Passive House.

Mr. Hurd: Okay, so, yeah, you told me in an email the things you changed . . .

Mr. Poole: Yeah, we took one out that was . . .

Mr. Hurd: One was the green water and there was something else.

Mr. Poole: I can find it.

Mr. Hurd: Okay. It would have been in early November because we had a meeting scheduled for, I think, the 26th.

Mr. Poole: I can't search on my phone, so I just have to go through my sent stuff.

Mr. Rowlands: It seems like we're getting close.

Mr. Poole: We are getting very close.

Mr. Hurd: We are.

Ms. Chajes: How often have you been meeting?

Mr. Hurd: Once a month since, I can't remember when we started.

Mr. Rowlands: Almost a year, if not more.

Mr. Hurd: Yeah.

Mr. Rowlands: But getting deep into this, eight months maybe.

Mr. Hurd: Yeah. And there was, we'd get deep into it and then, of course, we'd only get through one, like we'd get through the commercial junk and we'd be like we'll do residential next month, and it was slow going.

Ms. Chajes: Yeah.

Mr. Hurd: Because we were getting deeply into it.

Mr. Rowlands: It's a very technical procedure.

Ms. Chajes: Yeah.

Mr. Poole: It's pretty . . .

Mr. Rowlands: What is, by general contractors locally and what is too far-stretching.

Mr. Hurd: Right, because we had, off and on we had a developer and we had a general contractor so they could talk to that's an easy thing, there's no way we can ever, I don't know how we'd find somebody to do that or, you know, kind of tossing that around. So, we dove deep, deep, deep, and then we had to kind of pull back to write it at a level where it's an enforceable code.

Mr. Poole: I also changed the following – I took out the 20% energy saving requirements in LEED Gold alternative compliance path because requiring LEED Gold compliant projects to earn an additional 30 points is not fair.

Mr. Hurd: Okay.

Mr. Poole: It would be better not to offer it as an alternative path. If everybody wants to say, okay, we scratch LEED Gold, then that's fine, but we're not going to require them to meet LEED Gold and get 30 points in energy.

Mr. Hurd: Okay, gotcha.

Mr. Rowlands: Right.

Mr. Poole: I eliminated the .67 to 8 efficient water heater option. I eliminated the half-point rainwater or graywater credit as it wouldn't result in anything.

Mr. Hurd: Okay.

Mr. Poole: And the greater than 2,500-gallon option in the same category.

Mr. Hurd: Okay, so they were . . .

Mr. Rowlands: So, back up to the LEED Gold and the 20%, we could probably, well I know you can, we can get LEED Platinum and be an energy hog.

Mr. Poole: Right.

Mr. Rowlands: So, why not keep that 20% on the energy side . . .

Mr. Poole: Why would they do it? If you want to eliminate LEED Gold as an option, that's fine. We can eliminate it as an option, but we shouldn't say, okay, you get 20 points for being LEED Gold.

Mr. Rowlands: Right?

Mr. Poole: You know, well you still have to do EC-1 if you're going to do LEED Gold.

Mr. Rowlands: And that's just the flaw of LEED being, building these LEED Platinums that are energy hogs. And that's keeping it away from that happening.

Mr. Poole: But . . .

Mr. Hurd: What's the original language we were using?

Mr. Poole: Well it was that you had to be LEED Gold and EC-1 and meet 20% greater than . . .

Mr. Rowlands: And they may get that by LEED Gold, depending on which points they pick.

Mr. Poole: Correct, but if it's an alternative compliance path, we're not going to say you have to get LEED Gold and Passive House certified.

Mr. Rowlands: Yeah, right, right.

Mr. Poole: Are you going to say you have to get Passive House certified and you have to get 17 additional points in sight sustainability? Again, either offer it or don't offer it, I don't care. But offering it with requiring two standards is a bit much.

Mr. Rowlands: Well, it's really not two standards, it's just saying you still have to be pretty energy efficient.

Mr. Hurd: Well . . . yeah, the LEED Silver or Gold had come out of the residential path. We didn't have it originally in the commercial. I think we had combined the two of them.

Mr. Poole: And like I said, I just disagree with the concept of saying this is an alternative compliance path but meanwhile . . .

Mr. Rowlands: Yeah, here it is, but . . .

Mr. Poole: But meanwhile you also have to meet this.

Mr. Rowlands: Well, we're pointing out a flaw in LEED.

Mr. Poole: It's either an alternative or it's not. Well, yeah, but I can point out flaws in Passive House, I can point out flaws in Green Globes . . .

Mr. Rowlands: Oh, find me one.

Mr. Poole: I can find flaws wherever you want to look, but I'm just saying that if we're going to defer to another standard, we don't doctor that standard. If you want to say, okay, we're not going to accept LEED Gold, you want to say LEED Platinum, you want to say whatever you want to say, let's not, again, the whole deal was we're trying to get out of amending other requirements. And then to say well you have to do this, but you also have to do that, it's not accepting it.

Mr. Rowlands: But you understand where I'm coming from though?

Mr. Poole: Yeah, I understand where you're coming from, but do you understand where I'm coming from?

Mr. Rowlands: Yes and no.

Mr. Poole: Again, if we want to add a whole bunch of site sustainability requirements to the Passive House certified ones . . .

Mr. Rowlands: You could.

Mr. Poole: That's fine too. That's good but again, it's not, it's seeking an alternative path that they can go to . . .

Mr. Rowlands: But to me, these opt-outs should be tough to do.

Mr. Poole: And I believe that they are. They're not going to go LEED Gold or LEED Platinum because they're trying to save money.

Mr. Rowlands: No, some of it will be they can get funding for LEED Platinum or Gold stuff. Some of it is an image thing. Some of it is they need the building permit, and this is the path they chose.

Mr. Poole: Right.

Mr. Hurd: Yeah, I think when I had drafted it, I can't remember if it was after a conversation we had or not, but the intention, I think, was to just say to make sure that they go LEED Gold but that we're still trying to get a 20% energy reduction documented somehow. So that was why we just had to make sure that, because there are paths in Gold that say, okay, there's a documented energy savings, you know, is one of the credits that you can get.

Mr. Poole: Well, they still also have to meet the Energy Conservation Code, so it's not going to be exceeding what's allowed. They're just going to basically get all their points in other areas.

Mr. Rowlands: Right.

Mr. Hurd: If they don't get them in energy.

Mr. Rowlands: Correct.

Mr. Poole: And again, nobody is saying they won't get any in energy, we're just saying that they can meet it without going above and beyond in energy necessarily. But some of the other things they would have to do to be that way would be extremely cost-prohibitive.

Mr. Rowlands: I'm not so certain of that. I don't know LEED Gold, Platinum, I haven't gotten into it for years . . .

Mr. Hurd: Right, I'm not familiar enough with them . . .

Mr. Rowlands: You've got people that were on this committee that were focused on water, so they want that in there.

Mr. Hurd: Right.

Mr. Poole: Right.

Mr. Rowlands: I am focused on Passive House. I'm pure energy . . .

Mr. Poole: I know.

Mr. Rowlands: And I just know that a Gold, or Platinum even, can be an energy hog. And to me, this whole document is all about climate change reduction.

Mr. Poole: Right, and we're saying that in order to get that . . .

Mr. Rowlands: Then if they don't get 20%, I want LEED Gold out, almost more on principle, not in reality.

Mr. Poole: Then I want Passive House out.

Mr. Rowlands: Why, just being revengeful?

Mr. Poole: No, because I disagree with it, but this is a compromise.

Mr. Rowlands: Why do you disagree with it?

Mr. Poole: Because it's all about energy. It's not about air quality, it's not about environmental quality . . .

Mr. Rowlands: It is about air quality. Absolutely.

Mr. Poole: I don't know about that.

Mr. Rowlands: Then you don't know it enough. It definitely is.

Mr. Poole: Maybe I don't but meanwhile what about interior toxins and off-gassing. Does it address it at all?

Mr. Rowlands: In materials? No.

Mr. Poole: Right. So that's what I'm saying. There are other things that that doesn't address but there are enough points there that, as part of this committee, I'm willing to compromise in that direction because I believe that there's value in saving that much energy.

Mr. Hurd: Right, and I think that that goes back to what we said at the very beginning when we said there wasn't one standard that kind of covered all of our concerns effectively. That didn't hit energy and material and, you know, it's sort of like one hits energy harder, one hits materials harder . . .

Mr. Poole: And again, we've got Passive House certified in there, we've got Net Zero energy in there, which are both energy compliance paths with zero other requirements.

Mr. Hurd: Correct.

Mr. Poole: We also have the 20% better than Code, we also have all kinds of energy stuff in there . . .

Mr. Hurd: Right.

Mr. Poole: We even modeled this to where 3/5 of our points have to get done in energy if you're going to go through this.

Mr. Rowlands: Fair enough. If I was to get LEED Gold out then you'd make me take Passive House, so I'll leave it in.

Mr. Poole: There you go.

Mr. Hurd: And I don't want you guys to fight.

Mr. Rowlands: This is why it took nine months.

Ms. Chajes: Yeah.

Mr. Hurd: It's the same conversation we've been having since almost day one.

Ms. Chajes: And I don't want to make you rehash things too much, so if I ask you questions . . .

Mr. Poole: No, that's okay. Like we said, we've been poking this bear since we met it.

Mr. Rowlands: And educating each other and . . .

Mr. Hurd: Yeah.

Mr. Poole: Absolutely.

Mr. Rowlands: And here we are.

Mr. Poole: And here we have a very good compromise document.

Mr. Rowlands: Yeah, I think so.

Mr. Hurd; I think so, yeah.

Ms. Chajes: There's probably no easy way to say LEED Gold with, you know, so many points from energy.

Mr. Hurd: Well that's what the previous draft had been, to say LEED Silver with a 20%, making sure it's got a 20% energy reduction as part of it's thing. And that's where Tim was having concerns to say . . .

Mr. Poole: Yeah, like I said . . .

Mr. Hurd: If you can say LEED Gold but . . .

Mr. Poole: Right. It's like Passive House but . . .

Mr. Rowlands: But where's my stormwater management?

Mr. Poole: Right. And the other stuff. And there's value. And like I said, if they're at this high level, they're spending a bunch of money, they're really focusing on these things, and they may prioritize it differently than you do, they may prioritize it differently than I do, but they're meeting a significant standard.

Mr. Hurd: Right. It is a higher bar, for sure. Okay.

Mr. Poole: And like we were explaining, if you hit AP-1, you're done.

Mr. Hurd: Right, which is one reason why we wanted to make sure that it's a high-level compliance thing so that it's not like you have to sit there and go, well is this really LEED Gold? No, you've got it, it's been certified by a third-party kind of thing.

Mr. Rowlands: So, are we adding some Platinum definition in there? Or LEED Gold or above?

Mr. Poole: Yes.

Mr. Hurd: Yeah.

Mr. Poole: LEED Gold or higher.

Mr. Hurd: As minimum, yeah, okay.

Mr. Poole: And we're clarifying net zero energy usage.

Mr. Rowlands: So, then should it just say more advertisement just to get people aware of it? Can we put in there Passive certified or Passive certified source zero?

Mr. Poole: We can do that.

Mr. Hurd: Sure. It's just words.

Mr. Poole: Source zero?

Mr. Rowlands: Yeah.

Mr. Hurd: Okay.

Mr. Rowlands: So, if you build a Passive House, roughly 80% less energy, and you've got a good amount of surface area to put solar panels, you're in the zone. In that source zero.

Mr. Hurd: Okay.

Mr. Poole: Do you want to just go through and say, hey, do we have any problems with these sections?

Mr. Rowlands: I've done that.

Mr. Hurd: You've done that.

Mr. Rowlands: I mean I still have comments on the initial ones and . . .

Mr. Hurd: Beth, is there anything jumping out at you that you're seeing?

Ms. Chajes: Yeah, I haven't had too much time to read through everything, so I am just going to defer.

Mr. Hurd: I honestly am not sure I can see this as the real words anymore. It's so much history but I'm trying.

Mr. Rowlands: What's your background? Are you able to read through this and understand?

Ms. Chajes: I can understand a lot of it. My training is more ecology and communications. You know, my profession, I worked with . . .

Mr. Poole: And some of it gets really technical and dry.

Mr. Rowlands: Communications is good because . . .

Ms. Chajes: I'm married to a civil engineer so . . .

Mr. Hurd: Oh.

Mr. Rowlands: We wrote this, and we understand it but is someone else going to understand it as easily as we do?

Mr. Hurd: Do you get it?

Ms. Chajes: Well, I would have to like really read the whole thing. When would you want . . .?

Mr. Rowlands: I was just curious.

Ms. Chajes: Do you want me to give you any changes based on clarity and language or whatever?

Mr. Hurd: There is some further steps before, I mean this isn't final yet.

Mr. Rowlands: There may be a typo or something we don't like that we didn't see.

Ms. Chajes: I mean just scanning through it right now, it seems pretty, I mean you've got to learn, you used some technical terms for measuring. You know, units and things that people might not have good knowledge of.

Mr. Rowlands: Well, the people that have to comply with this will. They're architects and engineers.

Mr. Poole: The building designers can ask questions if they can't follow it.

Mr. Rowlands: Yeah, they may have to do a little studying, but they'll be able to . . .

Ms. Chajes: Yeah, U values and things like that. But they would know.

Mr. Hurd: I can't remember when I did this whether we had, oh yeah, I did. So, remember I had pulled out some definitions as we were going through? I don't know if we have to make sure that those are in the Code.

Mr. Poole: Most likely all those are in the Energy Conservation Code.

Mr. Hurd: Oh, okay. I didn't think to look in there for definitions. Thank you. I will do that.

Mr. Poole: I would think they would at least, I mean cubic feet per minute is probably not in there but that's a common enough . . .

Mr. Hurd: Yeah, but that's a fairly standard one, yeah.

Mr. Poole: But coefficient and performance, most likely that's in there.

Mr. Hurd: Okay, then that's smart thinking.

Mr. Rowlands: So, are we going to have a whole page of definitions be part of this?

Mr. Hurd: I think what Tim was saying is that if the things that, if all the terms that we're using in there are defined in the IECC, which they may be because it has its own definitions and appendix kind of thing, then we may not need to because we are amending a document that contains . . .

Mr. Poole: The problem is we're not the ones to look through here because most of us are fairly familiar with these terms so, well of course, why would you need to define that?

Mr. Rowlands: Right, right.

Mr. Hurd: Well, yeah, but even then, we're working at a level where it's . . .

Ms. Chajes: Who creates the International Energy Conservation Code?

Mr. Poole: The International Code Council, which is a . . .

Ms. Chajes: Made up of what type of . . .

Mr. Rowlands: It's whoever. You could be on it if you want.

Mr. Poole: It's mostly building officials . . .

Mr. Hurd: Manufacturers . . .

Mr. Poole: It's an international organization that's adopted, literally, worldwide. There are only a few jurisdictions in the United States that are under some code other than that. I think Chicago, New York, they have their own codes. But most are . . .

Ms. Chajes: Okay.

Mr. Hurd: And they're on a three-year cycle and I'm sure that there's committees that basically take in suggestions from people and look at the code and examine it, and basically propose amendments and at their annual meetings they vote on the amendments to the code.

Ms. Chajes: Okay.

Mr. Hurd: And all the ones that are voted in get published and . . .

Mr. Poole: And meanwhile, in my experience, we amend the Code as much as anyone. We are one of the more strict jurisdictions as far as amending stuff out, particularly exceptions, and putting additional requirements in.

Mr. Hurd: Yeah.

Mr. Poole: Which, again, we don't feel is a bad thing. It certainly hasn't negatively affected development in Newark significantly. There seems to be plenty of building going on around here.

Mr. Hurd: Yeah.

Mr. Poole: Maybe this standard will be changing that.

Mr. Rowlands: Yeah, we took, we view that. Is this too hard? Is that going to slow down development? Okay, maybe we should ease this or make this more difficult.

Mr. Poole: Any maybe one of the next steps is to mail this to a couple of design professionals and get their opinion on it.

Mr. Rowlands: I actually did that. They were all too busy.

Mr. Poole: Right. Well that's the big, we're all busy.

Mr. Hurd: Yeah.

Mr. Poole: You know, I know I was . . .

Ms. Chajes: Do you address things like electric vehicle charging?

Mr. Poole: Yes.

Mr. Hurd: Yes.

Ms. Chajes: Where is that?

Mr. Poole: It is in both the commercial and residential sections and it would be in . . .

Mr. Hurd: I think it's in the site selection and facilities.

Mr. Poole: Yeah, I think that's, yeah . . .

Ms. Chajes: Oh, I see bicycle storage and shower rooms. That's good.

Mr. Rowlands: I mean you can get a point or two for it.

Mr. Hurd: Yeah. No, it's not in there. Oh yeah, resource conservation.

Ms. Chajes: You can just tell me what it says.

Mr. Hurd: Site selections is part of the resource conservation, so it's RC-25, electric vehicle charging facilities. It's right after bicycle racks and such.

Mr. Poole: It's on page 5.

Mr. Hurd: We don't have page numbers on this.

Mr. Poole: No, we don't.

Ms. Chajes: I'll count. One, two, three, four, five.

Mr. Poole: No, it's the 5th page, not the back, not including the . . .

Ms. Chajes: Okay.

Mr. Hurd: That's probably Jeremy. I don't, we didn't do that, it looks like, for residential development. Because residential development is more like subdivision . . .

Mr. Rowlands: I don't think that's appropriate.

Mr. Hurd: Yeah, but commercial properties . . .

Ms. Chajes: But commercial properties?

Mr. Hurd: Yeah. Well, two of the things that we did also in this process, previously the commercial, this kicked in, I think, for 25,000 square feet of commercial development, and we knocked that down to five because that covered most of what had been permitted in the last year. And we cut the residential development down from I think it had been five units, to three.

Ms. Chajes: So, is this required for multi-unit dwellings?

Mr. Hurd: Well, a multi-family dwelling, if it's like an apartment building, is under commercial. But if it's like a townhome development, three units, then it would come into play.

Ms. Chajes: That's good.

Mr. Hurd: But single-family or duplexes don't.

Mr. Poole: Infill development wouldn't necessarily because it would be hard to meet, particularly some of the site stuff, but . . .

Mr. Hurd: Jeremy has joined the meeting.

Mr. Jeremy Firestone: Do you have an extra hardcopy?

Mr. Poole: Yes.

Mr. Hurd: And that was one we went back and forth on, too. It's sort of like, again, what's a reasonable point at which we could start to require this higher level? Looking partly at just sort of how many single-family homes do we get?

Mr. Poole: I think we had one.

Mr. Hurd: Yeah, it's a very low number of single, one unit, built here on a thing. It's more three units or six units . . .

Mr. Poole: I'll bet it's less than ten in the last ten years that we had single-family homes that are just an infill development or where there's a vacant lot in a neighborhood or, you know, a house burned down or something like that, where it's a single building that's just, a single dwelling unit, that's built.

Mr. Hurd: Right, and most everything else is redevelopment at higher density.

Mr. Poole: We have one that would be going on right now, 511 Valley Road. That's only two units.

Mr. Hurd: That's right. So, Jeremy, do you have any thoughts on the document that you've had all this extra time to review?

Mr. Firestone: I have no thoughts at the present time. Looking to jump in.

Mr. Hurd: Okay. I'm trying not to just read the whole thing into the record because we have been through this, so we're kind of walking Beth through some of the points where we had conversations or discussions or things that she's noticing. Oh, so this is probably, I'll just jump sort of to the end here, the language about the site plan approval, I had wanted to look at that. This is on the next to last page. So, after we do all this breakdown, we have Item G, a minimum of ten additional points is required for buildings or subdivisions which are approved under Chapter 32, Article 27, Site Plan Approval. I think that's the right place for that, so I don't think it's right in the site plan approval to say provide an additional ten points. I had wanted that line

to basically point them back to the Code to say, complies with the requirements for site plan approval under the Energy Code. Some way to just point them back to the main section here.

Mr. Poole: Well, it does do that, but it also says the ten points.

Mr. Hurd: Well, okay, but it is only one spot, so I'm just concerned, of course, of something getting out of sync.

Mr. Poole: Circular references.

Mr. Hurd: Yes.

Mr. Poole: They're a real challenge in Code. They really are but it points there from here and it points back there from here, so it's like they're pointing at each other . . .

Mr. Hurd: Yeah, okay.

Mr. Poole: So, I'm hoping that anybody that goes to change the Code, they're purposely pointing to the other section.

Mr. Hurd: Okay.

Mr. Firestone: I think the circular references are probably useful for folks so they . . .

Mr. Hurd: So, they say it twice?

Mr. Firestone: Plus, so that they see it.

Mr. Hurd: Okay.

Mr. Poole: Right.

Mr. Firestone: So that they see it once.

Mr. Rowlands: Yeah, right.

Mr. Poole: Well, the other thing is it's important that in that section that's referencing it, it points them back to it rather than saying, you now, an additional ten points are required under site plan approval, an additional ten points, you know, here . . .

Mr. Hurd: Well, it used to be that it didn't point them back to that at all. It just said, LEED certified.

Mr. Poole: Yeah, as verified by the building inspector, which nobody ever told the building inspectors.

Mr. Hurd: Right, and I always had a problem with that because I was like, LEED certified is a different path and that's a different level. That's why I had been pushing to go, let's put that into the amendment, let's put that higher level because of site plan approval here, and just make them come back here and do it, instead of giving them the second path.

Mr. Poole: Right.

Mr. Firestone: My only suggestion would be to in both of them, well I have two suggestions. My first would be to specifically reference the subsections where the other one is so that if this gets amended in the future that people know to amend both sections. So, that under G it wouldn't just say Article 32, it would then say . . .

Mr. Poole: 32-97(a)(6).

Mr. Firestone: Subsection 6. And then under Subsection 6, it would say, as required in, you know . . .

Mr. Hurd: 7(g).

Mr. Firestone: So then you've really closed that loop.

Mr. Hurd: Okay.

Mr. Firestone: The other thing is, in G you spell out the word ten and then in 6 you use the numeral ten.

Mr. Rowlands: Consistency is good. Which do we want?

Mr. Firestone: Typically, you spell out one to ten.

Mr. Hurd: Yeah.

Mr. Poole: Actually, typically, you do the number and then spell it out.

Mr. Firestone: Well, I'm just say, you know, but anyway I would do it the same way.

Mr. Hurd: Jeremy has pointed it out, so Tim you can figure out what's the standard in the Code.

Mr. Poole: I'll do that.

Mr. Hurd: Well, we've done it someplace else, I'm sure. Well here's the thing, in the site plan approval . . .

Mr. Firestone: Ten points . . .

Mr. Hurd: Section A it says ten dwellings as a numeral with no other words or things around it. So, right there it's using the numbers. So, this looks like it's breaking it at ten.

Mr. Firestone: I mean throughout the rest of this we use three, five, two, one, and ten. I mean all the points are listed by numbers versus spelling them out.

Mr. Poole: Okay, I'll just do that.

Mr. Firestone: And then in 7(d) we use it as 50 and use the number 50 rather than . . .

Mr. Rowlands: So keep it consistent wherever we see the number.

Mr. Hurd: Yeah. Okay.

Mr. Firestone: See, I told you you couldn't keep me quiet.

Mr. Poole: That's okay.

Mr. Rowlands: That's why you're here.

Mr. Hurd: Actually, I'm looking at the original language and I almost want to bring some of that back into this for the site plan approval. Because the one through six are listing these sorts of criteria and Item 6, the one we're talking about, is talking about energy conservation and then when defined as site or construction, blah blah blah. I almost want to keep that energy

conservation beginning to sort of say this Item 6 is dealing with energy conservation. Oh, except it's not entirely because we've now amended it to include more than just energy.

Mr. Poole: Right, which is why it says ten additional points in energy conservation, resource conservation and efficiency, and indoor environmental air quality.

Mr. Hurd: You're right, it does. Okay, never mind, you've got it covered.

Mr. Rowlands: So, this older document on the last page has a few definitions . . .

Mr. Hurd: Yes, those are the ones that I have to, those are the ones as I was writing it up, I went . . .

Mr. Rowlands: You started.

Mr. Hurd: I started to sort of, and those are the ones I need to just double-check and make sure if they're in the IECC then we don't need to provide the definition.

Mr. Rowlands: So, we will have a full page of definitions.

Mr. Hurd: No, because those definitions exist in the IECC as it is. We don't need to provide them because they are in the referenced code.

Mr. Poole: We're amending that code and the definitions are already in it.

Mr. Rowlands: No, I understand that. It's just do we want to have them in this thing for somebody who, whether it's a Council member, doesn't have to go find that code to look up what the heck it is?

Mr. Poole: They're not going to ask that question.

Mr. Rowlands: So, they're just going to vote on something that they don't fully understand?

Mr. Poole: I just went through the Building Code adoption last Monday night.

Mr. Rowlands: Did you?

Mr. Poole: Yes.

Mr. Rowlands: It's all a matter of how you word things, right?

Mr. Poole: That one is the ordinance format that shows what is in the current Code and is deleted as part of it and what is also being proposed in red.

Mr. Firestone: The second of the three sub-headings is referred to as resource conservation, efficiency and features, but you don't have features in the subsets.

Mr. Poole: Resource conservation, efficiency and . . .

Mr. Firestone: And features.

Mr. Hurd: Where did we get that features?

Ms. Chajes: Here's my communications kicking in.

Mr. Hurd: Yes?

Ms. Chajes: It's getting messy with commas. So, you might want to . . .

Mr. Firestone: Go to the semi-colons.

Ms. Chajes: Go to the semi-colons.

Mr. Firestone: Yes, I agree.

Ms. Chajes: So, energy conservation, semi-colon, resource conservation, semi-colon, efficiency and features.

Mr. Poole: Why don't we lose the features from the document.

Mr. Hurd: I think we can lose features. I'm not sure what that was. I don't know if that was trying to tie to the site . . .

Mr. Firestone: And were you going to put an and between resource conservation and efficiency?

Mr. Poole: Yes.

Mr. Firestone: And then you would do the same in . . .

Mr. Poole: Well, it would be difficult on 6 to do it that way because then you're doing resource conservation and efficiency and . . .

Mr. Firestone: That's where the semi-colons come in and are helpful.

Ms. Chajes: Or serial commas if you're getting rid of features.

Mr. Hurd: Okay, but we're going to call . . .

Mr. Firestone: You can have two ands, too.

Ms. Chajes: Yeah.

Mr. Hurd: But we're going to change the heading in the main thing to resource conservation and efficiency?

Mr. Poole: Yes.

Mr. Hurd: Okay. Does that show up in our other one? Yes, it probably does.

Mr. Poole: If we do that, then our site selection and facilities . . .

Mr. Hurd: Sub-header.

Mr. Poole: Sub-header, we have conservation and efficiency as our first sub-header and then we don't have anything to address the site selection and facilities.

Mr. Hurd: Which is probably what features was trying to pick up.

Mr. Poole: Yes.

Mr. Firestone: Well, we can keep features and we just add it to . . .

Mr. Poole: Why don't we lose efficiency?

Mr. Hurd: Just call it resource conservation?

Mr. Poole: Yeah. Most of the efficiency stuff is all in the energy stuff. I mean there's efficiency of the plumbing stuff but that's more conservation, as well.

Mr. Hurd: No, I like that. And then the RC as the designation makes sense.

Mr. Poole: Resource conservation and site selection? No, features is good.

Mr. Hurd: Just call it resource conservation and we have two sub-groups called conservation efficiency and site selection and facilities. But they're all about conserving resources.

Mr. Poole: Right.

Mr. Hurd: Whether they're land or trees or water or . . .

Mr. Poole: Okay, just resource conservation?

Mr. Hurd: Yeah, just generalize it even more.

Ms. Chajes: So, then 6 is ten points in energy conservation, resource conservation, and indoor environmental air quality measures.

Mr. Hurd: Actually, it's just indoor environmental quality if we're using the titles as they are. Okay . . .

Mr. Poole: I need to bring my red pen or a blue pen. I'm alright. I can manage.

Mr. Hurd: I know what you mean because it's different than black. That's why most of my pens are blue, so that they show up.

Mr. Poole: Most of mine are, as well.

Mr. Hurd: Alright. Okay, are we at a point where we can vote to approve? Do we feel comfortable? And if we want, we can talk a little bit about what the next steps are so we can understand our role in those next steps if that makes people . . .

Mr. Rowlands: Yeah, let's do that and see if we're comfortable.

Mr. Poole: Well, I know we've sort of pushed this off a bunch of times and then last time we really went through it, but is everybody comfortable with the point values? We never really went over that and said does anybody have any real problems with some points that we assigned to any one category, whether they feel they're too low or too high. I mean we have had a tremendous amount of discussion . . .

Mr. Hurd: We have.

Mr. Poole: About them, but we never really had that final discussion that said, hey, is everybody happy with the points?

Mr. Rowlands: No, you're right. I mean we've kind of tweaked them as we moved along and . . .

Mr. Hurd: Yeah.

Mr. Poole: And tweaked them and tweaked them and tweaked them.

Mr. Rowlands: Right.

Mr. Poole: But is everybody where they want to be with it?

Mr. Hurd: Well, I am because I did most of the drafting of the, and collecting people's conversations, so . . .

Mr. Poole: Yeah, and at least to a point where under the compromise provision, they're comfortable with where they are.

Mr. Firestone: Yes. I mean I might go as far as considering doing a vote of approval, a vote to recommend that you present this to the Planning Commission.

5. DISCUSSION OF NEXT STEPS FOR THE WORK GROUP

Mr. Hurd: So, let's talk about the next steps because when we . . .

Mr. Firestone: Versus . . .

Mr. Hurd: So, when we met in October, we talked about, we discussed and we went around and we felt that we wanted to take it to Planning Commission and then let Planning Commission kind of, under their auspices, if I remember how we did this right, do the workshop or a workshop with Council, and then take it to Council. I've had further conversations with Mary Ellen Gray and with Alan Silverman for their perspective on this, especially looking at how the Rental Housing Subcommittee kind of processed through, and I'm shifting my opinion on this, so I will . . . what was recommended and what I'm agreeing with is that our next step is actually the workshop, basically an invited workshop with the development community. And I pushed a little bit on this because it was like it's public meetings, they've been here, but the gist of it was if we can gather them and get some of their feedback first, then anything, any tweaks that we do to the document are done before it goes to the Planning Commission. Because if it goes to the Planning Commission and they say we're going to recommend this to be moved on and then it goes to a workshop where it gets revised, now it's not the document that they recommended when it goes to Council. So, the idea was do all that kind of gathering . . . it's similar, actually, to what we did for parking. We had sort of a public meeting before the Planning Commission said, okay, we'll take it as-is with the further public comment and then the next step is Council.

Mr. Rowlands: Don't get me wrong, I'm not opposed to public meetings and comments, is it foregone that this will happen? Planning Commission, if they approve, you just go to Council? Or is there going to be . . .

Mr. Hurd: So, part of the other reason for the workshop ahead of the time, is that it also cuts down on the amount of pushback that the development community can do when it gets to Council because we can point to the invited workshop that everyone could participate in as a way to kind of . . .

Mr. Firestone: I sort of feel like, I mean on one hand, nobody has showed up for a year-and-a-half.

Mr. Hurd: I know. Granted.

Mr. Firestone: On the other hand, because the City just adopted the Sustainability Plan, whatever it's called, I can't remember even though I was on the . . .

Ms. Chajes: Was it fun?

Mr. Firestone: This one the Conservation Advisory Commission actually now somewhat has a role related to efficiency and maybe it should be, the workshop might be in conjunction with the CAC.

Mr. Hurd: It could certainly be both. It could be sort of a . . .

Mr. Rowlands: Why in conjunction?

Mr. Poole: I think that it would be appropriate more to invite them as one of the invited parties . . .

Mr. Rowlands: To come in on this one?

Mr. Poole: Yeah, because making them, I don't want to have them put in a situation where they're proposing this and they've never reviewed it, and they've never had an option to comment on it.

Mr. Hurd: Right.

Mr. Poole: So, it's not fair to have a joint . . .

Mr. Firestone: No, I think just a workshop. I'm just trying to figure out a way to engage them, given that they now have some mandate or some overlooking at building efficiency standards.

Mr. Hurd: I could see saying that the next step is a workshop where the CAC is invited, key, you know, we know who the key players in the development community are and are invited . . .

Mr. Rowlands: And public.

Mr. Hurd: And public and all that, and it's sort of the one last go-through to say we'll present it, we'll discuss it, we'll take feedback. Basically, if we get feedback, it doesn't mean we have to change the document, but it means that they provided feedback to the document and we can decide how to incorporate it.

Ms. Chajes: Would you like to come to a CAC meeting to present separately so that way they all pretty much hear it?

Mr. Hurd: That could be the other option. The challenge is then, what are we asking for?

Mr. Rowlands: If we have that, we still have to have the one for the developers.

Ms. Chajes: I know, it's more work for you guys.

Mr. Firestone: I mean it could just be a briefing.

Mr. Poole: What we could do is provide them the draft copy for their next meeting and invite them to the workshop.

Mr. Rowlands: Yeah.

Mr. Poole: That way they have it ahead of time.

Ms. Chajes: I mean you could trust, I mean George has been involved in the process for a while, right?

Mr. Hurd: No.

Ms. Chajes: No, not really?

Mr. Hurd: The CAC has never shown up to any of these meetings.

Ms. Chajes: Oh, okay. That's why he's said I can never go to these meetings, can someone else please go? So, I said okay.

Mr. Hurd: I don't know where he's been going but he hasn't been here.

Ms. Chajes: Alright, so then it would be me, maybe like, presenting salient points from, you know, pulling out, I can't read the whole thing to everyone, but I could do a little presentation on your behalf.

Mr. Hurd: I would be okay with if the timing works to say, the thing I don't want to do is to delay this too much.

Mr. Rowlands: Right.

Ms. Chajes: Right. Okay.

Mr. Hurd: It would be more of an information item for the CAC. It wouldn't be, obviously, a recommendation. But to say here is the document. And if we do it prior to the workshop, we could say you're welcome to come to this workshop and that's where we're going to be having sort of the last thrash out of it before it goes to Planning Commission, and from there straight to Council.

Mr. Firestone: I think either is going to have to be pretty high level. So, I mean, sort of this was the structure of the old and this is the structure of the new, and this is what we were trying to accomplish and . . .

Mr. Hurd: Right, like two minutes on we really felt early on that energy was a key piece of this and so that's what we are pushing with the selection of these items.

Mr. Firestone: Well, you know, the alternative compliance and then the envelope, and just sort of explain the major components and some of the things that . . .

Mr. Hurd: Yeah.

Mr. Firestone: But I think it's got to be pretty, I mean getting down in the weeds, like this one thing gets two points . . .

Mr. Hurd: No, no and I wouldn't ask that of the CAC. It would more be to say, you know, in your role of developing the Sustainability Plan and such, and our role which has at times touched but they haven't really been [inaudible], here is our work, which does play into a couple of your pieces, it's kind of sort of to say, do you feel, and then maybe that's, you know, do you feel like this is addressing effectively the issues you have?

Mr. Poole: Or a least a good first step.

Mr. Hurd: Yeah.

Mr. Poole: Because again, the Code constantly evolves and through things like this and other initiatives, the Code changes.

Mr. Hurd: Yes. I mean just in reading it at first, it's like you're looking for 25% reduction in 2025. We're looking at pushing to 20% now and net zero at some point. So, it's like we're getting there. We may not be on the same timeframe, but we are making a step.

Mr. Rowlands: So, we get these few changes made and then get this to your committee. We need a date for the public forum.

Mr. Hurd: Yes.

Ms. Chajes: Our next, we meet on the second Tuesdays.

Mr. Rowlands: And do we then need to get this to, who is going to pick the specific developers that we want to have it before they show up and see if it . . .

Mr. Poole: I would say that we invite anyone who has proposed a major subdivision in the past three years.

Mr. Hurd: Yeah, and the Planning Department has that. I mean if we say . . .

Mr. Rowlands: We know who they are anyway.

Mr. Poole: Right. We know who they are.

Mr. Hurd: Right.

Mr. Poole: And whether it's two years or three years or one year, whatever, let's just say anyone who has filed for a major subdivision in the last, you know, three years, they're a developer in the City of Newark.

Mr. Hurd: Right.

Mr. Poole: Anybody older than that, they might not have interest in the City anymore and . . .

Mr. Hurd: Right.

Mr. Rowlands: How much public notice do we have to give?

Mr. Hurd: Two weeks.

Mr. Poole: Yeah.

Mr. Rowlands: It's just two weeks?

Mr. Poole: Ten days.

Mr. Hurd: Ten business days, I think.

Mr. Poole: Yeah.

Mr. Hurd: I don't fully understand it but it's usually like it has to be advertised on the Thursday or the Friday prior to the, two weeks prior to the Tuesday meeting.

Mr. Firestone: That would be ten calendar days.

Mr. Poole: I think so. Either way.

Mr. Hurd: Michelle understands it. I don't.

Mr. Poole: Well, the public notice requirements aren't ours.

Mr. Rowlands: So, do we work backwards from the next Planning Commission meeting or . . .

Mr. Poole: No, I think we have more work to do in the meantime.

Mr. Hurd: Yeah.

Mr. Poole: And I have some suggestions of what we should do first and I was just waiting for a turn.

Mr. Hurd: Okay.

Mr. Poole: What I would say that we should do is thoroughly go through this. Catch any typos, any concerns, any point issues, get the document clean 100% to where we believe it should be. And then from there, meet and approve it for recommending it, set our calendar and develop a PowerPoint presentation. We should have a PowerPoint presentation that gives the high-level explanation that says alternative compliance paths, our opt-outs, this is what this section is about, this is what that section is about, this is why we went to our own standalone stuff rather than say, you know what, we'll just pick apart somebody else's code.

Mr. Hurd: Right.

Mr. Poole: No, we created our own because we didn't feel that we were doing everything that we wanted to do. Nobody's standalone code was something that we were happy with.

Mr. Hurd: Right.

Mr. Poole: That we felt met what we were looking to do. The last time we did this, we picked out certain sections of LEED. This is more comprehensive. It picks out certain sections of LEED, it picks out certain sections of Passive House, certain sections of, and addresses concepts.

Mr. Hurd: Right. We did move it up a level to sort of say it's more conceptual-based. And so would that be a presentation . . . it feels to me like if we develop that presentation, that's what we could give to the CAC . . .

Mr. Poole: Well, no, that's what I think we should do for our workshop and then to the Planning Commission and then to Council. We have that same one and maybe we tweak it a couple of times based on the feedback from each meeting that, yeah, that makes sense, we like that, we've changed the document or whatever, we've addressed that in our presentation so that each time it gets a little bit better or we've incorporated any comments.

Mr. Hurd: Okay.

Mr. Firestone: If we're going to have a workshop, I would say we don't vote until after the workshop.

Mr. Hurd: That does seem . . .

Mr. Rowlands: Oh, no, I agree. I think let's take this home and review those points . . .

Mr. Firestone: But I'm saying do we have a workshop and then we vote?

Mr. Hurd: That makes sense.

Mr. Poole: Yeah, once we get our feedback.

Mr. Hurd: So maybe we don't . . .

Mr. Firestone: Then we're really saying we're taking in the ideas, the suggestions, and deciding whether we need to tweak it or not, and then we'll vote. Instead of voting and then . . .

Mr. Hurd: So, that does kind of mean maybe that we don't need to meet between now and the workshop to approve the document.

Mr. Rowlands: No.

Mr. Poole: If everybody is comfortable with the way that this is now with the wording changes that we're going to make . . .

Mr. Hurd: Right, because we can't correct points by email. That's not going to fly because its such a . . .

Mr. Poole: Right.

Mr. Firestone: People can submit them to . . .

Mr. Rowlands: But someone at the workshop may come up with a point that we just didn't think about and then we'll make a change and then we're going to have to vote on it again.

Mr. Poole: Well that's fine, but I'm just saying that we should definitely do any tweaks based on this and then if we go over it at home over the next couple of weeks before our next meeting to make any changes that we need to. You know, really proofread this really tight. You know, because we don't want to get into a grammatical conversation . . .

Mr. Hurd: Right. We don't want to get sidetracked when we do present it in depth by people. And I think Jeremy has the right point to say maybe we're not doing approval until we've had the workshop, to sort of say, okay, we had an invited workshop, we took that feedback, we all came back to the table, and then that's the document.

Mr. Poole: And this is the document and we're ready to go to Planning Commission.

Mr. Rowlands: Yeah.

Mr. Poole: And then we go to Planning Commission, we give a presentation to them . . .

Mr. Hurd: If we're doing that, I would almost say that that's the meeting, the workshop and then that meeting is where we kind of, if anyone needs to address points, that's where we could do it. Unless you think that's something, we should have . . .

Mr. Poole: I think the points are great the way they are right now.

Mr. Rowlands: You've gone over each point and thought about each one?

Mr. Poole: Yes.

Mr. Rowlands: Okay.

Mr. Poole: As far as point values.

Mr. Rowlands: Yeah.

Mr. Poole: You know, I think they're good, but I don't speak for everyone in this room . . .

Mr. Hurd: No, no.

Mr. Rowlands: Right.

Mr. Poole: And that's why I brought it up earlier saying hey we've never reviewed . . .

Mr. Rowlands: Yeah, I knew that you liked what's in there.

Mr. Hurd: Let's say this, if everyone would review this and if you have an issue with the points, just let me know so we know that it's a topic of discussion. If everyone is kind of cool with it, then we can kind of not have it be something we have to concern ourselves with and we can focus on essentially typographic level.

Mr. Poole: Right. If we've got one or two sections we want to discuss the points on, it's a lot better than going through every single one at a meeting.

Mr. Hurd: Yeah, right.

Mr. Poole: If we've got a couple where it's like, I don't like this one, okay, anybody says that, we talk about that one. But other than that, they're all good.

Mr. Rowlands: So, we'll come to the next meeting with all the points figured out and whatever typos we find in the meantime that need to be changed.

Mr. Poole: Right.

Mr. Rowlands: And that's month? January whatever.

Mr. Poole: Yes.

Mr. Hurd: Well . . .

Mr. Rowlands: And then the workshop could be February?

Mr. Hurd: Well, no, hold on. I'm trying to . . . so what I thought I was hearing and what I'm trying, I'm just trying to keep us from having to keep coming back to this. We all do a deep, thorough read and edit, which I need to do, too, because, as I said, I've been writing this for so long I've sort of stopped seeing it.

Mr. Rowlands: Right.

Mr. Poole: Yeah, you get . . .

Mr. Hurd: It's like I know what I wanted to say.

Mr. Poole: I thought it said that, but I read it again and it doesn't say that.

Mr. Hurd: So, we'll do that, flag any typos, figure out if we're comfortable with the points as they stand, and then feed that back to Tim, whose document it now is. While we're doing that, I think I can present to the CAC if the timing works to get onto your agenda.

Ms. Chajes: In January.

Mr. Hurd: So, you said second Tuesday?

Ms. Chajes: Yeah, that's the 14th.

Mr. Hurd: Right, because it starts on a Wednesday. Okay.

Mr. Poole: I hate to throw a little wrench into this . . .

Mr. Hurd: Yes?

Mr. Poole: My vacation starts on Friday . . .

Mr. Hurd: Lucky you.

Mr. Poole: And I will be off until the 2nd, so depending on how much we need to change, if we can get comments back to me by email on the 2nd, I can commit to within a week turning it around so we can provide it to the CAC.

Mr. Hurd: Right. I would almost be okay with taking this draft to the CAC unless we're seeing significant changes.

Mr. Rowlands: Which I don't think we would.

Ms. Chajes: It sounds like not.

Mr. Hurd: I mean I think you could go and make the few changes that we, like the change in the titles and a couple of those things and say this is what we discussed at this meeting, make those small edits, and that's the document we will take to the CAC.

Mr. Poole: Right, which will be the middle of January.

Mr. Hurd: Yeah, so you've got time to get that into their packet. In January someplace, we'll schedule the workshop and I'll talk to Mary Ellen about that.

Mr. Rowlands: Should it be after the 14th?

Mr. Hurd: Yes, so it would be the second half of January . . .

Mr. Rowlands: Yeah.

Mr. Hurd: With the goal that we would meet then in February, maybe.

Mr. Rowlands: Meet? Oh, we would meet.

Mr. Hurd: We would meet then in February to, so either end of January or early February, we have the workshop.

Mr. Rowlands: Yeah.

Mr. Hurd: What are you thinking? I'm just trying to walk this through to go if we keep to our typical meeting schedule, so we meet end of February, we review the comments from the workshop, we finalize the document, we recommend it for approval, or we recommend it, and then it, well unless we meet earlier in February, it won't make it to the March Planning Commission agenda because it meets early in March, so we'd make April.

Mr. Rowlands: I would be okay with trying, if it works, trying to move that meeting up to move up Planning Commission in the process.

Mr. Hurd: Okay.

Mr. Poole: You should probably talk to Mary Ellen about that because it's just going to take up a significant amount of time for a presentation and I don't know what the upcoming . . .

Mr. Hurd: Oh, I know January is full. I don't know where February is at the moment. She's been, we've been meeting prior to sort of talk about what's coming up in the next month and such, so yeah, I won't . . .

Mr. Poole: You'll definitely want to talk about that. And we're not in a huge hurry for this and I don't want to jam us up trying to rush through it.

Mr. Hurd: No, I don't, but I can talk to her and find out which, what would be a good month to aim for.

Mr. Poole: Right.

Mr. Rowlands: Well, once the workshop is done at the end of January, we're just waiting until our next meeting. If it got moved up a day or two . . .

Mr. Poole: Right.

Mr. Hurd: I mean we could still schedule our meeting and notice it. It could be the week after the workshop.

Mr. Firestone: Yes, I agree with that.

Mr. Hurd: Because all we have to make sure is that anything we're presenting at the meeting, which would be the documents from the workshop basically, so there's no issue of needing two weeks after the workshop to do our thing.

Mr. Poole: Right.

Mr. Rowlands: Right.

Mr. Hurd: But yeah, we do the workshop, we have our final meeting, we do whatever we need to say . . .

Mr. Rowlands: We vote.

Mr. Hurd: We vote and then we hand it off to the Planning Department to say prepare this for the Planning Commission.

Mr. Poole: We may need more than one meeting depending on how much discussion there is at the workshop. If we come back from the workshop and say, well the feedback was they didn't like this section and then we have to tweak that and get that to where we're all happy with it . . .

Mr. Hurd: Oh, yeah, I'm not trying to lock in . . .

Mr. Poole: That might require two meetings.

Mr. Hurd: I'm not trying to lock in the Planning Commission part. I'm just sort of trying to . . .

Mr. Poole: Yeah.

Mr. Hurd: But I'm also trying not to hold up the adoption of the amendments.

Mr. Poole: The amendments are already adopted.

Mr. Hurd: Oh, they did.

Mr. Poole: We passed the Building Code . . .

Mr. Hurd: Oh, so all the Building Code amendments?

Mr. Poole: All the Building Code, the Energy Conservation, the 2018 Energy Conservation Code is adopted with the existing LEED-based amendments.

Mr. Hurd: Gotcha.

Mr. Poole: This is a standalone thing. It's not going to be part of that.

Mr. Hurd: Okay.

Mr. Rowlands: So, Newark is now 2018.

Mr. Poole: Newark is now 2018, as amended.

Mr. Hurd: When does it become effective?

Mr. Poole: Immediately.

Mr. Hurd: Oh wow.

Mr. Poole: It became effective last Tuesday. Anybody that did not have an application, any sort of application in, is subject to this. Anybody that had a sketch plan in would have the option.

Mr. Hurd: Gotcha.

Mr. Poole: Anybody that has an existing process in, it's their option. If they do not have a formal submission in, they will be under the 2018 codes.

Mr. Hurd: Okay. Alright, so we have the final meeting or two, we hand it off to the Planning Department to prepare it for the packet for the Planning Commission, we tweak the presentation if we need to, we present it to the Planning Commission, ask for their recommendation, present it to Council . . .

Mr. Poole: The Planning Department will defer to us.

Mr. Hurd: Okay, so Code Enforcement is going to handle it?

Mr. Poole: Yes.

Mr. Hurd: Okay. I mean in terms of packet, it's probably going to be this.

Mr. Poole: Yeah.

Mr. Hurd: But I don't know whether they're going to write a front-end report or anything.

Mr. Poole: Like I said, that's why I think it would be good to have a PowerPoint presentation or a memo.

Mr. Firestone: Oh yeah.

Mr. Hurd: Yeah.

Mr. Poole: If we have a PowerPoint presentation, with the Building Code we did a memo that explained everything, any significant changes, and then we did a PowerPoint presentation and that was it.

Mr. Hurd: Yeah, we did something similar for the parking. I'll have to look to see if Frank had written anything sort of front-end in the process.

Mr. Firestone: Well, that was . . .

Mr. Hurd: That was a different . . .

Mr. Firestone: It was sort of a different animal. It was not a code . . .

Mr. Hurd: I'm just trying to think about other working groups that have done public presentations and had sort of processed . . .

Mr. Firestone: I guess we had a PowerPoint.

Mr. Hurd: We did.

Mr. Firestone: I mean it was too long.

Mr. Hurd: Yeah, I know.

Mr. Firestone: So, we should strive for a much shorter PowerPoint.

Mr. Hurd: I will tell you the Planning Commission Chair is going to be lenient on the time. I'm just saying.

Mr. Firestone: Are you Chair?

Mr. Hurd: I'm Chair.

Mr. Firestone: Well congratulations. It's about time.

Mr. Poole: It's been my experience with PowerPoint presentations, number one, less is more.

Mr. Hurd: Oh, yeah, yeah.

Mr. Poole: Number two, don't read the PowerPoint presentation.

Mr. Hurd: Trust me, I know that stuff. That's not the problem.

Mr. Firestone: Well, the last one was way too long, and you aren't going to get that much time for City Council, so you want to have a PowerPoint presentation that's going to work for City Council.

Mr. Hurd: Right. Good point.

Mr. Poole: High level and brief.

Mr. Hurd: Yeah.

Mr. Firestone: And then people can ask questions, and they will.

Mr. Hurd: It might be useful at some point to see what you presented for the Building Code . . .

Mr. Poole: Okay.

Mr. Hurd: Just to sort of see how you formed it.

Mr. Poole: I didn't do it.

Mr. Hurd: Oh, you didn't do it?

Mr. Poole: No.

Mr. Hurd: Okay. Well, what you, the Code Enforcement Department . . .

Mr. Poole: Yeah.

Mr. Firestone: Do you guys have a PowerPoint person?

Mr. Poole: No, that was done by our consultant in both the Building Code stuff and in the Rental Housing Workgroup, but PowerPoints aren't all that.

Mr. Hurd: No, no, I figured I'm taking this on.

Mr. Poole: They're fairly easy and, like I said, I would do a standalone memo that as a bit more specific about some of the changes and some of the reasons that we did stuff . . .

Mr. Hurd: Okay.

Mr. Poole: Because then they can read that, and the PowerPoint does the real high-level highlights.

Mr. Hurd: And actually that would probably be useful for me just as a way to kind of gather this last year together and kind of go, why did we end up here?

Mr. Poole: Right.

Mr. Hurd: Because you write that draft and you go, okay, now I know what I want to talk about.

Mr. Poole: And like I said, what we did in the other two was we did the memo and we reviewed the memo to make sure it was exactly the way we wanted, and then we did the PowerPoint presentation and tweaked it a bit, and then we were ready.

Mr. Hurd: Alright, so to recap, everybody is going to go home and in the next, well, by January 2nd . . .

Mr. Poole: Happy holidays.

Mr. Hurd: Is that right? The 2nd?

Mr. Poole: The 2nd is Thursday, the 2nd.

Mr. Hurd: So, you're back on Friday you said? Or you're back the 2nd?

Mr. Poole: I am back on the 2nd.

Mr. Hurd: Okay. So, by the 2nd, send any edits, tweaks, typos, corrections in this document to Tim. I will talk to . . .

Mr. Rowlands: Well, to everybody.

Mr. Hurd: That is true, everybody.

Mr. Poole: Everybody would be fine. Email is easy.

Mr. Hurd: CAC, that's Renee that I talk to?

Ms. Chajes: Nichol?

Mr. Hurd: Oh, Nichol. Okay.

Ms. Chajes: There's been some changes.

Mr. Hurd: That's what, I think they were in the process of handing off, so I will contact Nichol to get on the agenda, if possible, for the 14th. While all this is going on, I will develop a memo and a high-level presentation of the intent and such of the document and talk to Mary Ellen about scheduling the workshop. And once we get the workshop scheduled, we can bounce

around between us dates for follow-up meetings. After that, we'll meet once, no more than twice, we'll try . . .

Mr. Poole: Again, I'm hoping, we are so close . . .

Mr. Hurd: We've been close for a while.

Mr. Rowlands: I'd be surprised if we find too many changes.

Mr. Poole: No, we haven't been this close for a while.

Mr. Hurd: Well, it feels like we have been. Anyway, we'll meet, review, discuss, tweak, adjust, and then vote. Then we'll hand it off to the Planning Department and Code Enforcement to get it onto the Planning Commission agenda.

Mr. Poole: And then I would hope that we would all show up for the Planning Commission.

Mr. Rowlands: Is there a Planning Commission first reading or . . .

Mr. Hurd: No, it just shows up as . . .

Mr. Poole: As an agenda item.

Mr. Rowlands: Then it would automatically go to the next Council meeting?

Mr. Hurd: It depends on . . .

Mr. Poole: It would then go . . .

Mr. Hurd: This will be an amendment so there's going to be a first reading and a second reading.

Mr. Rowlands: Yeah.

Mr. Poole: So, this would again go from the Planning Commission to the City Secretary to get placed on the next available agenda.

Mr. Hurd: Now the first reading can go into almost the next one because there's nothing done at the first reading, it's just announced.

Mr. Rowlands: They just read it, yeah.

Mr. Hurd: It's the second reading where they have to make sure that they can block out enough time.

Mr. Rowlands: So, the first reading, it doesn't have to be followed with Council at the next meeting? It can be three meetings later or whenever it gets on the schedule.

Mr. Poole: Right. Typically, it's two meetings later.

Mr. Hurd: Yeah, I think there's a two week . . .

Mr. Poole: Well, no, not the two weeks, it's a month.

Mr. Rowlands: Two months later.

Mr. Poole: No, a month later.

Mr. Rowlands: But they're meeting twice a month now.

Mr. Poole: They're meeting four times a month now. But only two of them are they taking action on something. I think two of them are informational mostly.

Mr. Hurd: That's the intention, yeah. We'll pass it up to Renee and let her figure out how it gets scheduled.

Mr. Poole: Get it on the schedule and tell us when to be there.

Mr. Rowlands: Right.

Mr. Hurd: Exactly.

Mr. Poole: And then, of course, the more folks that are there for the presentation, the better it looks. It certainly wouldn't hurt to have any of those, like if the developer that's on this committee . . .

Mr. Hurd: If we can get Ben to show up, yeah.

Mr. Poole: That would be good.

Mr. Hurd: Yeah.

Mr. Rowlands: I'll have a talk with him. No, I'll just update him on what we're doing, when it's coming.

Mr. Poole: He's got that new baby time right now that takes up way too much time.

Mr. Rowlands: That and he's got a renovation going on.

Mr. Hurd: Oh, really.

Mr. Rowlands: He bought some 1700 mansion that he's basically redoing it from the brick.

Mr. Hurd: Like he doesn't have enough to do.

Mr. Rowlands: Right.

Mr. Hurd: Alright, does that seem like a good set of next steps? That seems like a plan to me.

Mr. Rowlands: Yeah.

Mr. Poole: That seems like a good path forward. A good plan for a path and we'll adjust it along the road as we go.

Mr. Rowlands: We'll have a new code by mid-summer.

Mr. Poole: Hopefully. Again, assuming there are no big roadblocks, or it doesn't fail miserably at some stage. I don't think so.

Mr. Hurd: Well, and I think the intention of the extra meetings and all the conversations is so that when it gets to Council, enough people have seen it, enough people have talked about it, that no one is going to pop up suddenly at Council at that second meeting and go, I just heard, you know . . .

Mr. Rowlands: We will have already heard that.

Mr. Firestone: And to a certain extent, I mean the Sustainability Plan envisioned, and it was discussed and envisioned. So, to a certain extent, it's on a path with knowledge to all.

Ms. Chajes: It's got some momentum.

Mr. Firestone: This was an important component.

Mr. Hurd: Right. This is supporting the plan that you have already approved.

Mr. Poole: I also printed out three of these for anybody that doesn't have one, please take it home for your review.

Ms. Chajes: I got one.

Mr. Firestone: I've reviewed it more times than . . .

6. GENERAL PUBLIC COMMENT

Mr. Hurd: Alright, any general public comment? We had a member of the public one meeting.

Mr. Firestone: We did.

Mr. Hurd: We were thrilled.

Mr. Firestone: But we may get some people at the meeting in the evening.

Mr. Poole: Their eyes quickly glazed over.

Mr. Firestone: And if it's now sort of . . .

Mr. Hurd: Right, we'll do it in the Council Chamber, and it will be a little more . . .

7. ITEMS FOR NEXT MEETING

Mr. Hurd: Alright, and we already discussed items for the next meeting, so I think we're at an end here.

Mr. Rowlands: That's a first.

Mr. Hurd: I know.

Ms. Chajes: Before 5:00 p.m.?

Mr. Poole: See that tells us how close to being done we are.

Mr. Firestone: You've earned your Chair's striped.

Mr. Hurd: Alright, I declare the meeting adjourned.

There being no further business, the Green Building Code Work Group meeting adjourned at 4:38 p.m.

Attachment

Exhibit A: [Proposed GBC Amendments to 2018 IECC](#)