

**CITY OF NEWARK
DELAWARE**

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

February 25, 2020

3:30 p.m.

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

Chairman: Will Hurd

Members Present: Jeremy Firestone
Tim Poole
Ben Prettyman
Reid Rowlands

Members Absent: George Irvine
Rob Jadick
Stacy McNatt

Staff Present: None

1. INTRODUCTIONS

Mr. Will Hurd: Alright, I'm going to call to order our work group meeting of Tuesday, February 25. We'll do quick introductions so Michelle can put a name to a voice. Will Hurd, Planning Commission Chair.

Mr. Jeremy Firestone: Jeremy Firestone, former member of the Planning Commission and resident.

Mr. Reid Rowlands: Reid Rowlands, Design Committee.

Mr. Tim Poole: Tim Poole, Code Enforcement.

Mr. Ben Prettyman: Ben Prettyman, builder, resident, and landlord.

2. CHAIR'S REMARKS

Mr. Hurd: Okay, I'm going to throw this in Chair's remarks but we can talk about it a little bit at the end in sort of the public comment block if we need to, but the second item in your list, your packet here, is an outline of the presentation that I will be doing to the Planning Commission, so let me back up. We are scheduled for the March Planning Commission to do basically a presentation on conceptually what we're doing. It is not a presentation of the code amendments themselves unless we actually . . . no, we can't because it's not going to be in the packet. So, it's a presentation on conceptually, you know, we're almost there. This is what we did, this is who was there, that kind of process. Two weeks after that, we are scheduled to present to Council the same thing – high level conceptual process.

Mr. Poole: For feedback.

Mr. Hurd: Maybe get some feedback but there's not going to be a whole lot of, I mean, I'm not going to be giving them the amendments to look at.

Mr. Rowlands: So, they won't even see these amendments first.

Mr. Hurd: Because they haven't been . . . if we approved them today, we couldn't put, if we approved them, we could maybe get them into the Planning Commission packet. We could maybe get it to them.

Mr. Rowlands: Well, regardless of if it's in the official packets that they can move on, it would be nice for them to at least see it . . .

Mr. Hurd: Well, the idea was just to sort of give them . . . I think the Sustainability Plan did a similar thing. Didn't they do a sort of high-level presentation before the actual document?

Mr. Poole: The what?

Mr. Hurd: The Sustainability Plan. The idea was just to give them kind of an introduction to the process and to not confuse them with the code language at this point. Because if I give them the code language and start talking about things, they're going to be this and they're not going to, you know, we don't want them doing that.

Mr. Rowlands: So, we won't get any questions those first two nights.

Mr. Hurd: They might have questions about process or things we considered or such. I believe we are, I have to check my notes, I think they've got us tentatively slotted in for Council . . .

Mr. Poole: April 17.

Mr. Hurd: Council is April 17? Okay, so I think we may be . . .

Mr. Rowlands: For the official first reading or is that just the high level?

Mr. Hurd: I think first reading. I have to go back and look at my notes on that.

Mr. Poole: Well, if it's first reading, that means we'd have to be back at Planning Commission before then.

Mr. Hurd: Yes.

Mr. Poole: Which would mean the first week of April to be able to get their recommendation.

Mr. Hurd: April . . .

Mr. Poole: Unless we can get it in the packet for now and get their review and approval on the 3rd.

Mr. Firestone: So, you're talking March 3 for the Planning Commission?

Mr. Poole: Yes.

Mr. Hurd: Yes.

Mr. Firestone: The first Planning Commission?

Mr. Hurd: I don't have anything for April for the . . . oh, there it is. May 4 is the second reading.

Mr. Poole: Oh, so it will be the first reading on the 17th.

Mr. Hurd: The first reading is on the 17th.

Mr. Poole: We're on Star Wars day?

Mr. Hurd: Yes. And I think one of the other ones was like St. Patrick's Day, I think. Okay, so let me back up again because I had this conversation with Mary Ellen, and it made perfect sense. If we present, we could present, if we approve today . . . that's the whole thing . . . we could, because I'm doing a presentation, we could do the code to Planning Commission for their review and approval next week which would then, we could then hand it off to the City Secretary to put it into legislative format, whatever they need to do to kind of get that, unless it already is or something. There seemed to be some step that she wanted to make sure that the Secretary had time to basically format what we produced into code . . .

Mr. Poole: That's already done.

Mr. Hurd: Okay.

Mr. Poole: I did it and they'll take what I did because remember I sent out two separate documents. The first one is this one, which is the clean version which is pretty much what our amendments will be. And then there's the ordinance version that deletes all the existing language that has all the shall be's and edits and all that for what's in the Code now.

Mr. Hurd: Right, okay. So, the idea would be getting that prepped. Now the other thing is, and I don't know, I think the April meeting may be getting full for Planning, so I may have trouble. But I'm not going to be at the April Planning Commission meeting either. So, it would be better to not have to approve it than to try to get it done sooner. But that's . . .

Mr. Poole: The other concern about that is that the . . . hold on, I lost my train of thought.

Mr. Hurd: Okay.

Mr. Rowlands: Well some of the scheduling kind of hinges on do we approve this today or not.

Mr. Hurd: Right and this is all, this can be moved. It's just the way that the Council agendas are, they're filling up and so Mary Ellen, especially, is trying to get stuff that she sees like is going to be heading to the Planning Commission, tries to get it into the Council agenda at a reasonable point beyond just so that it's in there. So, if it passes through, it's ready to go. If it gets held up, then they can bump it but at least they had a placeholder there. If you wait until the actual, after the March meeting and then try to schedule for Council, it's like, well, we're in June.

Mr. Firestone: You don't think we should give the Planning Commission the language?

Mr. Poole: I think we should.

Mr. Hurd: I'm thinking . . .

Mr. Firestone: I think we should because my experience from being on the Planning Commission on something like this is that there's going to be suggestions, it's going to get a little messy and it ain't going to be able to be handled at that specific meeting. And so if you make your presentation and they go through and deal with the I's and the T's and all that stuff at that first meeting . . .

Mr. Hurd: Right.

Mr. Firestone: And the citizens have their opportunity, as well, at that to sort of deal with those little things. Then we can get a clean draft . . .

Mr. Hurd: For the following meeting.

Mr. Firestone: For the following meeting. Because otherwise it's probably going to be three Planning Commission meetings.

Mr. Hurd: That's true.

Mr. Poole: The other part about that is if that Planning Commission meeting is a week from today, the packets go out today.

Mr. Hurd: They go out tomorrow morning.

Mr. Poole: Oh, okay.

Mr. Hurd: They switched because they're using Property Maintenance people to deliver now. They used to use Parking Ambassadors so they could do evening deliveries. They switched to the Property Maintenance people, so they do morning deliveries. Okay, so maybe with a goal of getting it approved in April, which gives us time to get it prepared and into the packets for Council for the 17th.

So, with that said, I took the notes that I had made for the workshop and kind of went back through it and some notes from people, you know, Reid had some comments and we were looking at things and came up with basically this outline of a presentation. You know, I don't have all the in-between words there and I'll have to re-do the slides, some of them, but this was conceptually the high-level. This is what I was going to present. So, I'd like to maybe just take a couple of minutes, get your feedback, make sure I didn't miss anything that you felt was crucial from our time here that we want to make sure we communicate. If there's anything you think I should take out because it doesn't . . .

Mr. Rowlands: I think after my name you might want to take out resident.

Mr. Hurd: Oh, good point, you're not a resident.

Mr. Rowlands: And knowledgeable, that could be questioned.

Mr. Hurd: Again, this was kind of, I threw this in this morning, so . . . in fact, you guys can decide how you want to be designated.

Mr. Rowlands: So, this is an outline of the presentation for the Planning Commission.

Mr. Hurd: Right. And the idea would be that the presentation given to Planning would essentially be the same one I give to Council. And it's, you know, in fundamental terms, why are we doing this? Why didn't we just adopt the 2018 as-is and just go with it. How did we do this? You know, the Planning Commission formed a work group, we gathered local engaged people, we sat around, we, you know, we looked at things, we rejected things, we went our own way. Then kind of getting into the why, both why we wrote our own credits and what we were trying to do as we were writing those credits. Kind of what was the overall criteria we were using. Things we were trying to address that we found, you know, issues we found with the current system that we were trying to address. And then basically a rundown of what it is. So, you know, the changes in what projects it applies to, you know, in this case, the addition of the opt-outs, the scaled opt-outs, and then the major areas of focus we were trying to look at – energy, materials, and [inaudible].

Mr. Firestone: One thing I think you want to make clear is that although the points are doubling, that doesn't mean that the, that doesn't translate into a doubling of the onus on developers. You can scale the points however you want. We could have scaled them, so they were the same.

Mr. Rowlands: Twenty-five points, right.

Mr. Hurd: Twenty-five points, right.

Mr. Firestone: Twenty-five points. So, we just want to make clear . . .

Mr. Rowlands: Something should be put in here somewhere, just a little sentence.

Mr. Hurd: Yeah.

Mr. Firestone: Because, you know, while we could have scaled it to 100 points . . .

Mr. Poole: While we are increasing the requirements . . .

Mr. Firestone: Yes.

Mr. Poole: We're not doubling the requirements.

Mr. Hurd: Right.

Mr. Firestone: Right. So, I mean, within it we're increasing the requirements, but it's not because the points are going from 25 to 50.

Mr. Poole: Right.

Mr. Hurd: Right.

Mr. Poole: We rebalanced the points assigned . . .

Mr. Hurd: Yeah.

Mr. Poole: To more accurately reflect what our intent is.

Mr. Hurd: And one of the things I put in here is that we've also basically expanded the available credits. Because originally it was kind of a very short list and you had to kind of work within. It's like, well, this one you can get four points from LEED, and there were like 12 things. And here it's like, there's some range of choices.

Mr. Poole: Maybe that's something that we could do that, do as part of that and say, well, before you had 17 options and now you have 111, just to sort of demonstrate that in numbers.

Mr. Hurd: Right. Yeah, that was one of the things I was going to try to look at to see how it worked.

Mr. Rowlands: So, if a Planning or a Council member asks why didn't you just adopt the 2018 and call it a day . . .

Mr. Poole: We'll say, well, we did but some of the amendments of the 2018 are this LEED for Homes and LEED for New Construction, which are outdated.

Mr. Hurd: Right. Oh, you're saying why didn't we just throw away the points thing and just go with the 2018? I think there's a . . .

Mr. Rowlands: Why are you requiring all this extra work for these people?

Mr. Hurd: So, well . . .

Mr. Rowlands: Somebody is going to ask that.

Mr. Hurd: Well, a couple of reasons. One, the state has a mandate for net zero buildings by 2025 for commercial and 2030 for residential.

Mr. Rowlands: That should be in here.

Mr. Hurd: It is. That's the second, third line.

Mr. Rowlands: Ah, I should read it a little more.

Mr. Hurd: So, to get there effectively, we have to push the codes a little further. We have this adopted Sustainability Plan that was also pushing conservation and materials, impact of building, and clearly, the City had decided back in 2008 that we were going to be a leader in this kind of, in this arena. And we are maintaining that position.

Mr. Poole: This is an update of our existing regulations to meet, because of new design options, new standards that have been developed, and increased focus globally in this area.

Mr. Hurd: Yeah. And clearly, just looking at it, we couldn't just pick up the existing LEED light and drop it on top because that references like the 2009 IECC and other, ASHRAE, which the 2012 . . . I mean, I found a chart and 2012 IECC was like 15% better than that baseline code. And so just to say, okay, we're 2018 but you can build it referencing this standard, that's . . .

Mr. Poole: It just wasn't, certainly some of the things that we are currently giving credit for are requirements in the 2018 Code.

Mr. Hurd: Yeah.

Mr. Poole: So, we had to update, or we weren't, we were lowering our standards in comparison to the base code.

Mr. Firestone: I think you should also make note of the fact that the Sustainability Committee was being updated on what was happening in this work group and their recommendation was to basically adopt what we were doing, and then the City Council approved that.

Mr. Hurd: Yes.

Mr. Firestone: So, we're somewhat pre-approved . . .

Mr. Rowlands: Be default, yes.

Mr. Hurd: Right, I was just . . .

Mr. Firestone: So, I just think it's important to . . .

Mr. Rowlands: No, no, that's a good point to bring up.

Mr. Firestone: To lay that out.

Mr. Hurd: But I think to what Reid was sort of saying, the why, it's like, well, the intent of the Sustainability Plan was to develop, you know, to push energy conservation and such. And that's what we are doing in alignment with that goal. Yes, they adopted our thing, but we could have said it's 2018 unamended and they would be adopting us, which . . . but maybe no.

Mr. Firestone: But I was sort of updating them on where we were and what kind of things . . . I was even sharing the document with you. Anyway, there was close coordination because I was on both. And that was the decision of the plan and that was endorsed by the City Council.

Mr. Hurd: Right.

Mr. Firestone: I just think it's important, you know, for both the Planning Commission and the City Council that, to a certain extent, they've . . .

Mr. Poole: They've charged us with updating this . . .

Mr. Firestone: Right.

Mr. Poole: And the feedback we've gotten from the folks that pushed this in the beginning, well, in the beginning this was the Citizens' Advisory Committee that recommended that these changes be made.

Mr. Hurd: Conservation Advisory.

Mr. Poole: What?

Mr. Hurd: Conservation Advisory.

Mr. Poole: I'm sorry.

Mr. Hurd: That's okay.

Mr. Poole: But yeah, that's where this original requirement came from and now that they have the Sustainability Committee, they have endorsed our work product.

Mr. Hurd: Right.

Mr. Rowlands: On the last page, you've costs here with two examples.

Mr. Hurd: So that's, remember you sent out a while back . . .

Mr. Rowlands: Yeah, yeah.

Mr. Hurd: New York State's thing? So, that's where I pulled that from.

Mr. Rowlands: Oh, you could find hundreds of examples . . .

Mr. Hurd: I'm sure but that was one I found when I was looking through my folder. I went, oh, there's the example. And so I found their climate zone 4A not in New York City and I'm like, there's two numbers, just as a starting point, it's \$2,500 for a new home and \$1,500 for a multi-family unit.

Mr. Rowlands: Is it worthwhile referencing a few more examples of the stretch code throughout the United States just to point out that we're not alone, it's getting to be a common thing.

Mr. Hurd: Yeah.

Mr. Poole: Or again, list a few jurisdictions that have adopted a stretch code.

Mr. Hurd: Like Massachusetts.

Mr. Poole: Yes.

Mr. Rowlands: And/or maybe define how many have been adopted, 325 around the country, and mention a few.

Mr. Hurd: Right. Because I think that's something we found early on. It's like that seemed to be a trend that made a lot of sense.

Mr. Rowlands: Oh yeah.

Mr. Hurd: Because it, you know, and explain why.

Mr. Poole: And maybe that's one of the things that we should emphasize is that we wanted to provide a non-engineered design option because one of the things that we, one of the reasons we decided not to just go for a stretch code was because we wanted people to not have to pay for engineering and third-party inspections and things like that, that if they just design to this standard, choosing the options that are available to them, they can get there without a whole bunch of engineering or testing or things like that are additional building costs.

Mr. Hurd: Right.

Mr. Poole: Again, it may still cost more but they don't have those additional engineering fees and verification fees that would be required as part of a stretch code.

Mr. Hurd: Right, because a stretch code would say show me, demonstrate to me that you're meeting 20%.

Mr. Poole: Right. And we have that option available to you, should you choose it . . .

Mr. Hurd: But we also sort of said if they do 50 points in here, we're pretty comfortable that they're going to get close to if not beyond 20% improvement in the areas that matter.

Mr. Poole: Yeah.

Mr. Hurd: Okay, good thought.

Mr. Poole: The other thing I noticed on here, right now it says, what is it now, commercial 5,000 from 20,000. I think it's 25,000.

Mr. Hurd: You know, I had two different numbers, so I wasn't sure which one was right.

Mr. Poole: I'm pretty sure it's 25,000.

Mr. Hurd: I also had five units and six units for subdivisions.

Mr. Poole: Five units is correct.

Mr. Hurd: Okay.

Mr. Poole: Because five or more is a major subdivision and that's where it triggers right now.

Mr. Hurd: In one of my notes, I had six.

Mr. Poole: But meanwhile there was only, now I've seen two projects in 14 years that was just a single-family home, or now there's one that's two.

Mr. Hurd: Someone is building a single-family home?

Mr. Poole: It was an infill lot.

Mr. Hurd: Oh . . .

Mr. Poole: There's been a couple of infill lots that have happened since I've been here but not very many. And then Briarcreek just submitted their . . .

Mr. Hurd: Oh, that's right, that pair.

Mr. Poole: Yes.

Mr. Hurd: The one we approved. Yeah.

Mr. Poole: So, but pretty much everybody else has been more than five. So, it's pretty much captured everybody now except for a few minor exceptions.

Mr. Hurd: Right, I think Benny, there were fours and fives, I think, mostly there. The new buildings.

Mr. Prettyman: Yeah, they were all greater than five.

Mr. Hurd: Greater than five? Okay. So, yeah. But we're not leaving a lot on the table.

Mr. Poole: No, there are not many exceptions. Again, meanwhile the 3,400 square foot bank building that they're getting ready to build at Newark Shopping Center isn't going to fit in this now and it's not going to fit in in our proposed regulations.

Mr. Hurd: Right, but it's still going to have to meet the base code.

Mr. Poole: Right.

Mr. Hurd: So, we're not far off on that. Okay. Any comments from you? You okay?

Mr. Prettyman: No. Yeah.

Mr. Hurd: What I certainly don't want to do is to state anything that is in conflict with what we believe happened here.

Mr. Poole: One other thing I think we should definitely emphasize is that because we have so many choices, it allows for a lot more flexibility for designers.

Mr. Prettyman. Yeah. I would be prepared for possibly other developers to show up and either ask questions or specifically target some of this. So, in your presentation, you may save some argument if on just like the preemptive why the change, you address some of the . . .

Mr. Poole: Low-hanging fruit.

Mr. Prettyman: Flexibility and kind of word it that it's more user-friendly, doesn't necessarily mean, you know, just because there's a change in our Code doesn't necessarily mean it's stricter and going to cost a ton more money.

Mr. Poole: Right.

Mr. Hurd: Yeah, actually, that's a good point. Because the criteria now, because we wrote them purposefully for Code Enforcement kind of thing, it's easier to understand what you have to do. You're not having to pull out a copy of the LEED document from somewhere and figure out how do I get three points out of this credit. It's right there. Do this.

Mr. Poole: Do this. This is the specific requirement and you get this many points for it. And again, there are engineered options that people can spend the money on engineering or there are just plain low-tech options that, again, we want to emphasize that you have the flexibility that you have. You can spend more money on design, or you can spend more money on construction, but it's your choice.

Mr. Hurd: Right.

Mr. Prettyman: But I think, yeah, going that way because they seem to get caught up on some of the technicalities and be reluctant to change if it doesn't have like hardcore, you know, is it definitely making this user-friendly. Does it have a clear benefit, do you know what I mean? So, if we can kind of bend that to not only like, you know, answer some of the possible naysayers but that may ease their mind, as well, as far as where we're going and overall benefit.

Mr. Hurd: Yeah, I think being able to say things like we've got now multiple paths through this. You can do a level of our rating system, you can do an engineered design, you can follow the checklist. You've got choices into how you get the credits. And so, depending on what's valuable to you, you know, it might be valuable to you to get a LEED certification for your building. Okay, good, we'll go for that. You may not care, fine. So, yeah.

Mr. Rowlands: Have you had a chance to go through it and kind of do a checklist yourself? Like how hard is this going to be? Hypothetical or a specific project that you've got?

Mr. Prettyman: I haven't. I can do that for you guys being we're getting ready to start North Chapel Street. So, that doesn't fall under this premise but when I'm getting my bids in, I can certainly request different materials and that kind of thing.

Mr. Rowlands: Oh yeah, if you decide on the external insulation of four versus two, ask for quotes.

Mr. Poole: Yeah, if you could do that, again, that may not be super critical for Planning Commission, but I think if you could do that for Council, that will be feedback that they will value. Like, I was on the committee, we were looking at it and we look at how difficult it would be and what the cost difference would be based on the choices we made. You know, we looked at this checklist and we looked at our buildings and we decided how we wanted to follow this, and this is what our real cost difference is for a real effort would.

Mr. Prettyman: Yeah, I can do that.

Mr. Rowlands: As long as it comes at the same price . . .

Mr. Hurd: Right, right.

Mr. Poole: Holy smokes, we didn't realize 40%. No, it's not that bad but there will be a cost.

Mr. Hurd: There will be a cost.

Mr. Poole: But is the cost 5% or 30%? What's the cost?

Mr. Prettyman: And the cost is relative to that project and that particular instance and doesn't necessarily apply to all other projects.

Mr. Poole: Right. And again, this is based on the choices that you would make. Other people might make different choices and the cost may be different. But we looked at this, we looked at the requirements and said this is the path we want to choose, and this is what our costs would be.

Mr. Hurd: So, the things I wrote down here sort of in terms of people trying, people who are going to use this and have concerns. There's the design effort involved in meeting this criteria. There's the approval process. You know, is this going to slow it down or is it going to keep it the same? There's the construction effort and the construction cost. I guess the overall project cost. So, does that strike you as sort of the four main, or three and a bit, sort of . . .

Mr. Prettyman: It's probably going to be hinging on those last two because with any change you're going to have adjustment and so all it's going to take is for Karins or Hillcrest or whatever engineer you have to go through this checklist once, I mean, straight up, navigate it and then that's the water they're going to travel every single time.

Mr. Hurd: Right, because they'll talk to you and say where do you, what do you want to do? Okay, that's your approach to this checklist, we'll do that for everything else.

Mr. Prettyman: And then once they do that, then you'll see the bottom line shake out and you'll figure out the rest. But when I go through here with North Chapel, I should be able to come up with a general cost . . .

Mr. Hurd: Okay.

Mr. Prettyman: On material and sometimes install, depending on what the specifics are, but it seems to be install is normally . . .

Mr. Rowlands: Just you know, this is a nightmare, or this is not so bad.

Mr. Poole: This looks like, you know, I don't have hard numbers, but this looks like this would cost us X%.

Mr. Hurd: And in my pocket, I mean the reason we had the public workshop that was sort of impressed upon us was to give the community an opportunity to have this conversation before we kind of dropped it in front of Council and had everybody show up and started yelling. Nobody showed.

Mr. Rowlands: That's not quite true.

Mr. Hurd: Okay, but I mean . . .

Mr. Rowlands: Chris happened to be walking by and saw us.

Mr. Hurd: We had to grab Chris.

Mr. Rowlands: And the first words out of his mouth?

Mr. Hurd: How much is this going to cost me? But that's Chris.

Mr. Poole: But that's what most developers are looking at.

Mr. Rowlands: Absolutely.

Mr. Poole: I mean, guess what, this is their business. If it's going to cost them money, it affects their business.

Mr. Poole: What's the cost impact to me and therefore how do I have to factor it in and what do I have to do? So, we have to be ready for that. But, I mean, we did send invitations to developers who submitted plans within the last, subdivision plans within the last three years, I think four or five GCs, so we reached out. We didn't just sort of say we're having this meeting. We said, hey you, we're having this meeting.

Mr. Rowlands: Something tells me we'll get better attendance at Council.

Mr. Hurd: Yeah, but in our pocket, we have the ability to say we invited you to come and have this conversation back in . . .

Mr. Rowlands: Yeah.

Mr. Prettyman: It would be wise, too, to state any regulation moving forward will have refinements and adjustments. Do you know what I mean?

Mr. Hurd: Yeah.

Mr. Prettyman: You know, whether they do or don't adopt this, you know, the next revision is going to be stricter whether or not . . .

Mr. Rowlands: Oh, it's coming, yeah. 2050 it's going to be zero energy codes everywhere.

Mr. Prettyman: So, it's just a matter of time and we're trying to be proactive and be a leader in . . .

Mr. Hurd: But this isn't like we can sit here at the 2012 Code forever.

Mr. Poole: Right.

Mr. Hurd: You know, we're . . .

Mr. Prettyman: There will be an adjustment to it.

Mr. Poole: And guess what? The 2021 Code is going to be more strict than the 2018 Code that you just adopted. It just is. There may be a little bit of give-back in some areas, but for the most part, it's more strict.

Mr. Hurd: Right. And it's always, it's some big things and it's going to be some little things. It's going to be like, oh, remember when you didn't have to insulate pipe over, you know, greater than three-quarters? Well, now you have to insulate three-quarter inch pipe, too. It's like, oh, okay. It's like, you know . . .

Mr. Poole: Yeah, but again, you save a couple pennies here and a couple of pennies here and a couple of pennies here, the next thing you know, you've got a pocket full of dollars.

Mr. Prettyman: But if you spend all your pennies right here, you've got no dollars.

Mr. Rowlands: That's right. Let me ask you this, what happens when you get to Planning and they vote it down?

Mr. Hurd: I have no idea.

Mr. Rowlands: I mean if you have a project and it gets voted down, it can still go to Council. Would we move on to Council?

Mr. Hurd: I don't think we . . .

Mr. Poole: I think this is a committee of the Planning Commission . . .

Mr. Hurd: We are a committee of the Planning Commission.

Mr. Rowlands: I mean I don't think that's likely.

Mr. Hurd: I don't think it's likely either. However I can't say that for sure because when I'm presenting this, I have to step out of the Chair seat and let Alan take over. So . . .

Mr. Rowlands: So, moving forward then, what if Council votes it down, what happens? It's just done?

Mr. Poole: We're either done or someone will have to say we need to bring back a new version.

Mr. Hurd: Yeah, I would hope if they voted it down, they would vote it down with direction as to what were their concerns to be addressed. And if anything, you know, I think the next thing we'd have to do is to come back to them and say the first thing we want to do while we're kind of dealing with this, we'd like to take that LEED light out of the 2018 because that's pushing things backwards in the sense that . . .

Mr. Poole: I don't agree with that statement.

Mr. Hurd: You don't think so?

Mr. Poole: No.

Mr. Hurd: Because aren't some of those credits based on previous standards?

Mr. Poole: Well yes, but it's still overall increasing performance. It still requires increased performance on most buildings. There may be some areas that there's not as much increase as there used to be or areas where it's generally neutral. But there's nowhere where we're not going to require them to meet the current Code . . .

Mr. Hurd: Well, I guess my concern was that is there a situation where the current Code says this, but if I chose a LEED, one of those LEED credits, it's less restrictive than the 2018?

Mr. Poole: Not that I'm aware of.

Mr. Rowlands: Can you back . . .

Mr. Poole: What?

Mr. Firestone: What about Tim presenting it?

Mr. Poole: Who do you think, well, he's going to be the one presenting it. I will be there to help with technical questions.

Mr. Firestone: No but if you present, then . . .

Mr. Hurd: I still feel icky about being the Chair of this committee and then also Chair of the Commission.

Mr. Firestone: I mean are you going to not vote?

Mr. Hurd: No, I'd vote, I just wouldn't want, I just don't know that I should sit in the Chair seat and lead the discussion of my work group.

Mr. Poole: I think since he's the Chair, he should do the presentation. I'll be there for any technical or code language questions.

Mr. Hurd: I agree. I don't expect that there's going to be a huge, like, oh my God, what the hell are you guys doing? But . . .

Mr. Rowlands: Well, don't recuse yourself from a vote in case there's a tie.

Mr. Hurd: No, I'm not going to do that. I'm just saying I'm going to step out of the Chair's seat for the purposes of this discussion just because I'm in that, I mean I wasn't Chair when I was on the work group and now, I'm Chair, so it's just this weird thing.

Mr. Poole: Yeah, it's one of those, I don't see this as a conflict of interest. No, I see this as an issue of presentation and control of the room.

Mr. Hurd: Right.

Mr. Firestone: You were just part of a subgroup that was tasked by a different Chair, as well. I don't think you necessarily need to turn over the Chair, but you can. I mean there's nothing wrong with turning it over.

Mr. Hurd: I just feel that it would be a little easier because, it would be easier, I think, for me to be essentially, just logistically, I can be at the lectern answering questions and not trying to manage the meeting. So, I'll let Alan do the management, you know, recognizing people and blah blah blah, as opposed to sitting on the dais and kind of . . .

Mr. Poole: Yeah, it's a lot cleaner the other way.

Mr. Hurd: This feels a little . . .

Mr. Firestone: Yeah, well only if Tim were to give the presentation and you were just up there . . .

Mr. Poole: I think the presentation is better from, number one, the Chair, and number two, non-staff.

Mr. Hurd: Yeah.

Mr. Poole: There is some perception that if I'm doing the presentation, that this is staff-driven, and it's not.

Mr. Hurd: And especially, I think, for Council, we want to avoid that sense of here's the staff's recommendation.

Mr. Firestone: But do you think . . .

Mr. Hurd: There has been that kind of sense at Council.

Mr. Firestone: Yeah, but you think at the Commission, you think, I don't know, I think . . .

Mr. Hurd: I think the Commission is going to be a little more casual, but I'd still feel better.

Mr. Poole: Yeah, I just see it as a confusion issue.

Mr. Firestone: No, I don't know that he necessarily has to run the show, but I guess the question is, would they, would, I just think the presentation may be, might be accepted more if it came from Tim, that's all.

Mr. Poole: No, I disagree with that statement entirely.

Mr. Firestone: You disagree? Okay.

Mr. Rowlands: Because it's staff.

Mr. Poole: Because it's staff. Again, the perception will turn into that this is the City staff trying to overregulate and overreach. Not, this was a committee that was formed by the Planning Commission, that was driven by the Planning Commission, that was enhanced by staff.

Mr. Hurd: Right, that reached an agreement . . .

Mr. Firestone: I don't perceive you as an over-regulator, though. See, this is the . . .

Mr. Poole: Well, you may not, but you're not alone, you may not . . .

Mr. Hurd: Yours is a unique viewpoint on that.

Mr. Firestone: I think . . .

Mr. Poole: Like I said, I'm just saying what the perception could be that we want to avoid. The other thing that's a concern if Will is acting as Chair at the time, if he then makes statements as the Chairman of this subcommittee, then it could be confusing to folks who are watching the meeting, and we don't want that.

Mr. Hurd: Right.

Mr. Poole: We want them to see the different roles that are happening.

Mr. Hurd: And I feel that, and I think this was sort of with parking, too, with Frank presenting as a Planning Commission member back to the Planning Commission, it's peer-to-peer kind of conversation.

Mr. Firestone: I guess back to my first point, I don't think they're going to vote on it at the first meeting anyway.

Mr. Hurd: Yeah. We'll see, but yeah.

Mr. Firestone: So . . .

Mr. Hurd: We've had some success with things that looked like they were going to stall and then we did some editing.

Mr. Rowlands: They shouldn't vote on this unless they get this beforehand.

Mr. Poole: Yeah, they will not vote if they don't get the language. Period.

Mr. Firestone: No, no, they have to get the language. But I don't think they'll vote on it anyway.

Mr. Hurd: Well, we'll see.

Mr. Poole: This gets pretty dry and technical and they're not quite as . . .

Mr. Hurd: Were you there for the cell phone tower process?

Mr. Poole: No.

Mr. Hurd: That was, what, three or four meetings?

Mr. Firestone: Yeah, but that was . . .

Mr. Poole: I understand that was brutal.

Mr. Firestone: That was hard because the lawyers who they tasked were not very good.

Mr. Hurd: Yeah.

Mr. Firestone: And the thing they drafted was just . . .

Mr. Hurd: Riddled with inconsistencies and we had to do a lot of fixing and, yeah . . .

Mr. Firestone: You know, anyway it was . . .

Mr. Hurd: But still . . .

Mr. Firestone: It came a mess.

Mr. Hurd: That diving into the weeds is something we are known for doing.

Mr. Firestone: Yeah. And then that whole thing just like, nothing even came of it.

Mr. Poole: We can address their concerns and I'll be there for some technical aspects and that's also good to separate that from the overall recommendation of someone who is speaking more in laymen's terms and staying out of the dry, technical stuff.

Mr. Hurd: Right. Okay, thank you for that. I think I've got enough here to flesh this out and put together some slides and try to keep this from being too long. Because, you know, I can talk about all the things we did and . . .

Mr. Rowlands: No, keep it short and sweet and then they get into the questions.

Mr. Firestone: You should list the number of meetings we've had because those were all opportunities for people to, I mean, they've all been noticed, they've all been open to the public and . . .

Mr. Poole: And here we are.

Mr. Hurd: And he we are.

Mr. Poole: And here we are alone again.

Mr. Rowlands: Should you kind of do an extremely brief review of the actual code in the sense that you have X amount of categories – the energy, the . . .

Mr. Hurd: So, the last page of the presentation is an overview basically to just walk them through the high level. That we're looking at envelope, equipment, lighting, renewable energy. We're looking at conservation, sight selections, ventilation. You know, those are the areas we focused the credits on . . .

Mr. Poole: And I would also, where you have the three major areas, you may want to break down that the one is 32 out of 50, which is probably 61% or 64% . . .

Mr. Rowlands: Yeah, right, right.

Mr. Hurd: Right.

Mr. Poole: And the other are 8 out of 50, which is, you know . . .

Mr. Hurd: Right, so I can break down like the number of credits in each of those three categories, the total number of credits, and sort of the focus of, you know, there's 24 points in energy, there are 8 in resources, there are 8 in indoor environment, to help people sort of go, it's not . . .

Mr. Poole: We clearly focused on the greatest percentage in energy savings because we feel that's the most important, but we felt that these others, while maybe not as important as the energy savings, were still important.

Mr. Hurd: That was one of my things about the limitations was that there was no requirement to kind of spread the points across areas. You could do it all in one area. If you could get your 25, there's your 25 . . .

Mr. Poole: And have a nice day.

Mr. Hurd: And have a nice day, yeah. Okay, I think that's enough for that fun.

3. MINUTES OF THE DECEMBER 17, 2019 GREEN BUILDING CODE WORK GROUP MEETING

Mr. Hurd: Alright, moving on. The minutes were the December ones. They were distributed. Did anyone read or review them?

Mr. Firestone: Motion to approve.

Mr. Hurd: Motion to approve. Do we have a second?

Mr. Rowlands: I'm not going to second a vote on something I didn't read. I'm not reading 200-and-some pages. Sorry.

Mr. Poole: I will admit that I did not read them.

Mr. Hurd: I have not actually had an opportunity but I'm sure that they're awesome, so since we don't have any . . .

Mr. Rowlands: Seconds.

Mr. Hurd: Comments against it . . . well, can we approve them?

Mr. Poole: Do we have a second?

Mr. Hurd: Well, the thing is for the Planning Commission, we just sort of accept them when there's no further directions. We just accept them as they are. Alright, we'll move on.

THE MINUTES OF THE DECEMBER 17, 2019 GREEN BUILDING CODE WORK GROUP MEETING ARE APPROVED.

4. REVIEW OF COMMENTS FROM PUBLIC WORKSHOP

Mr. Hurd: Alright, we talked about the comments from the public workshop, which was one – cost.

5. REVIEW AND APPROVAL OF AMENDMENTS TO THE 2018 IECC

Mr. Hurd: Alright, to the meat of the matter.

Mr. Rowlands: Can we back up?

Mr. Hurd: Sure.

Mr. Rowlands: Chris, is it worthwhile reaching out to him to see if he even read them and get his feedback?

Mr. Hurd: Chris Locke? Yeah. We did give him a copy.

Mr. Rowlands: Oh yeah and we talked about it.

Mr. Poole: Just ask him did he do anything with that copy as far as review it or anything like that and could he give us any feedback at this time?

Mr. Hurd: I can do that.

Mr. Poole: And he'll either say yes or no.

Mr. Hurd: Alright, so here it is. This is, as Tim pointed out, this is a cleaned-up copy that I put together, I think I put it together for the workshop, so I took out all the reds and the cross-outs and just said here it is in black-and-white and simpler to understand. Clearly the ordinance language is going to be messier, but I just wanted to point out a couple of things that I noticed. I mentioned to Tim like two weeks ago I saw through a 6 ½ hour webinar on the IECC. It was actually really useful.

Mr. Rowlands: That sounds brutal.

Mr. Hurd: Well, it was kind of but it was nice being a webinar. It's like it's playing here and you're listening to it and following along and you're doing other things on the other screen and you're not like . . . 6 ½ hours doing this in a classroom doing this would be like, oh, kill me now. And they took breaks.

Mr. Rowlands: I never heard of a 6-hour webinar.

Mr. Hurd: Well, and it was focused on mostly code enforcement people. It was through the Maryland, so as a licensee in Maryland, I got an email saying, hey, this is being offered to basically licensees and code enforcement people in Maryland and do you want it. And so I'm doing that and I'm doing, I think, the IROC next week. But it's nice because it's giving me 6 ½ credits. So if I take another one, I've got 13 and . . .

Mr. Poole: Continuing education credits are critical.

Mr. Hurd: I've got five more after that and I'm done for the year. So, a couple of things that they sort of mentioned that I just sort of want to check that we're still, that our credit is still, in fact, pushing things further. I'll start with the easy, so EC-19 hotel rooms, there is a requirement in the 2018 for automatic setbacks in temperature and ventilation in hotel rooms when there's more than 50 rooms. So, partly a question to you, Tim, like the hotel that went up by the post office, how many rooms is that?

Mr. Poole: More than 50.

Mr. Hurd: More than 50.

Mr. Firestone: Springhill?

Mr. Hurd: Springhill.

Mr. Poole: Springhill Suites.

Mr. Hurd: So, my first question is, is that something we still want to hold given that there's, like do we foresee less than 50-unit hotels that we want to make sure that this gets extended to because otherwise, this is going to be a free point for anyone who puts in a hotel and has more than 50. They're going to be doing this.

Mr. Poole: Two free points.

Mr. Hurd: Two free points, yeah. That was one I had kind of put in because it was like, oh cool, that's a good one to have in there because hotel rooms, when no one is there with everything

running, but apparently 2018 the Code people were on that because they're covering it. So, I'm proposing, I'm asking the question of do we keep this credit, do we modify this credit, or do we drop this credit?

Mr. Rowlands: Well, it seems like it's two free credits. Do you think we'll ever get hotels that are less than 50?

Mr. Poole: It's possible.

Mr. Firestone: Only probably a bed-and-breakfast . . .

Mr. Poole: No . . .

Mr. Firestone: Or boutique hotel.

Mr. Poole: I mean depending on, again, how many hotels do we have now and how many would that apply to? I think the only one that it would probably apply to would be the Motel 8 on Main Street. Because I'm pretty sure they have less than 50.

Mr. Firestone: Yeah, that's probably it.

Mr. Hurd: So, if they did anything in place, rebuilt it kind of thing . . .

Mr. Poole: I think they've got other plans for it.

Mr. Hurd: I think they do.

Mr. Rowlands: I have a friend in Philly who has a boutique hotel. I don't know how many, but I can guarantee it may be five or ten rooms. Is that maybe a trend coming in that we could see, these little boutique hotels all of a sudden?

Mr. Hurd: And that's why I'm saying do we modify this to basically pick up the gap that the IECC left? Do we say hotels less than 50, if you do this for your, when you have fewer than 50 units, you get this credit? Otherwise, you don't because . . .

Mr. Poole: We could put a codicil on there that it's only applicable to hotels with less than 50 rooms or, again, it's not the end of the world if somebody gets a couple of free points.

Mr. Hurd: I know but we have been trying to make it so that we're not throwing away too many free points. You actually have to do . . .

Mr. Poole: Right.

Mr. Hurd: We try to reward effort.

Mr. Firestone: I don't have any problem putting a room limit.

Mr. Hurd: Okay.

Mr. Rowlands: Is it worth, I don't know if you could modify it, but this is more lighting than heating and cooling, but having sensors for lighting in hallways.

Mr. Hurd: Hallways for some buildings have to be, you have to be constantly illuminated. So, hallways, stairwells, emergency egress . . .

Mr. Rowlands: Pardon me?

Mr. Hurd: Emergency egress. They don't want an automatic system that might fail.

Mr. Rowlands: Might fail.

Mr. Hurd: Yeah.

Mr. Poole: What happens when the occupancy sensor goes bad and everybody gets to leave the hotel in the dark.

Mr. Hurd: Or the occupancy sensor burns up or something.

Mr. Rowlands: If it burns up, it's going to burn up anyway and you're won't have lights.

Mr. Hurd: Or the system burns up or something. But the IECC is very clear about, it's like, yeah, we have lighting controls except for areas of life safety and egress and we're not touching those.

Mr. Rowlands: Or like Germany where you walk out of an elevator and you've got a split second when the lights aren't on and I was like, okay . . .

Mr. Hurd: They've got good systems.

Mr. Rowlands: But fair enough.

Mr. Hurd: So, is that the sense, to make this be less than 50?

Mr. Rowlands: Absolutely. Yeah.

Mr. Hurd: To fill the gap?

Mr. Rowlands: Sure.

Mr. Hurd: Less than 50 units. Great. EC-11, energy recovery ventilation, is a requirement in the IECC when your building exceeds a certain airflow rate.

Mr. Poole: Two thousand CFMs.

Mr. Hurd: Well, it varies based on, there's a whole table. So that again, this is a question of is this where we fill a gap? That we say you provide one when you didn't need to as opposed to when you had to.

Mr. Firestone: But these are supposed to be in addition to what we propose.

Mr. Poole: Yeah.

Mr. Firestone: So, it should be, the credit should be in addition . . .

Mr. Hurd: But if I'm doing a building and I'm above that minimum airflow and I have to put in an ERV, now I'm getting three points for something I had to do.

Mr. Firestone: Well, that's what I'm saying. You shouldn't, if you have to do something, you shouldn't get points for it.

Mr. Hurd: Right. But if I'm, right, so that's why I'm, again, are we filling the gap? Are we saying I put one in even if I didn't need to?

Mr. Poole: The other concern is in many places, there's a complex system that has more than one unit and some of them are over 2,000 CFMs and some of them are under 2,000 CFMs, and we want all of them to be that way or to have that in all areas. So . . .

Mr. Hurd: Right. The other thing we could do is to change the points to say essentially if we're going to require it for everywhere and we're filling the gaps, because some might, it might be required in some parts and not others, you know maybe it's not a 3-point credit. Maybe it's a 2-point credit or a 1-point credit because you might have been required to . . . but that's just why I'm bringing this up. I'm trying to avoid that when people go, haha, two, three, five.

Mr. Poole: The gotcha moment? Nobody ever tries for that.

Mr. Prettyman: Come on, that's the feel-good moment right there.

Mr. Hurd: Ten free points.

Mr. Prettyman: I think, to provide the most flexibility, which was a selling point, there would be no harm in saying if you have one, you get one point. If all the system meets it, you get three. And then anywhere in between that doesn't, you know, provide any gray area, you have at least one, you get one point. If you have three or more in all of the . . .

Mr. Hurd: So, sort of, because this being the commercial part, it's sort of like by zones. It's like if I have one zone that it's required and two that it's not, you know, I get one point for having one . . .

Mr. Prettyman: Right.

Mr. Hurd: And if I put in the other two, yeah, maybe . . .

Mr. Rowlands: Just put some little clause buried somewhere that says anything that is required by Code, you don't get points for.

Mr. Hurd: You know, put a tiny little footnote at the bottom. Oh, no, you don't . . .

Mr. Rowlands: I mean you can word it nicely.

Mr. Hurd: Credits will be awarded at the discretion of the Code Enforcement . . .

Mr. Poole: Come on, now back up there.

Mr. Hurd: Which is what we're trying to avoid, the whole discretionary thing.

Mr. Rowlands: Do you think there's too many in here we didn't see and will pop up later?

Mr. Hurd: Well, so there's that one, there's EC-18, but we're changing, the Code requires automatic setbacks on schedules for all your buildings, so our difference here is that we're talking about occupancy-based control as opposed to timing-based. So, I was okay with that one. EC-27 I think is a duplicate because there's already requirements on exterior lights to have daylight sensors or to have lighting setbacks based on daylight sensing. So, it's like turning off half the bulbs or on timers with a 7-day cycle.

Mr. Rowlands: And that's Code now?

Mr. Hurd: Yeah, that's 2018. So, I don't know that we're gaining . . . and there wasn't any provision in there that like parking lots and outdoor sales areas were exempt from some of this.

Mr. Poole: Based on the table that I'm looking at where it would be required, this is for ventilation systems operating at not less than 8,000 hours per year, I'm not sure what that is, but in 4A, it would be generally required at anything over 200 CFMs.

Mr. Hurd: Oh, really? Okay.

Mr. Poole: However, if it's less than 8,000 hours per year . . .

Mr. Hurd: Which is going to be . . .

Mr. Prettyman: 8,000 hours is 330 days. 800 or 8,000?

Mr. Poole: 8,000.

Mr. Hurd: Oh, 8,000 hours.

Mr. Poole: 8,000 hours, more or less, per year.

Mr. Prettyman: 8,000 divided by 24 is . . .

Mr. Hurd: So, if it's not running full-time.

Mr. Poole: If it's not running full-time, then it would be, you know, depending on percentage of outdoor air, anything less than 20% would be a 26,000 CFM system, 26,000 CFM-designed airflow.

Mr. Rowlands: It's saying this is 300 days a year?

Mr. Poole: Yeah, so if they have separate A/C and separate heat.

Mr. Hurd: So, there is a gap there . . .

Mr. Poole: Yeah.

Mr. Hurd: Where it wouldn't necessarily be required.

Mr. Poole: Right.

Mr. Hurd: Okay.

Mr. Prettyman: If it's not running 333 days.

Mr. Poole: If it's not running 333 days a year, then suddenly they only have to do it when their system moves more than 26,000 CFMs, which is almost none.

Mr. Hurd: Right.

Mr. Prettyman: Right, so then you're saying the points would be merited because you'd have to actually actively put it in because most systems probably are not running that amount.

Mr. Hurd: Okay.

Mr. Prettyman: Is that how I'm following it?

Mr. Hurd: Yeah, it sounds like if we're using that criteria, that's something running nearly continuously year-round, they're going to have to do it and that's . . .

Mr. Poole: And if they have six weeks off for the summer . . .

Mr. Hurd: Right, or as you said, split system, A/C and heating, and one is running part-time and the other is running part-time. Those two systems separately are never going to meet that criteria.

Mr. Poole: Right.

Mr. Hurd: So, it sounds like this is a good one to keep in there because there's a big gap.

Mr. Poole: There's a huge gap.

Mr. Hurd: Okay, that's what I wanted to check.

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

Mr. Hurd: That's why we're here.

Mr. Poole: That's why we brought the Code . . . Will said, bring the Code book.

Mr. Hurd: Bring the Code book because . . .

Mr. Prettyman: You're going to check some stuff.

Mr. Hurd: And you're reading it better than I can because I'm looking at things and going, alright, can you check the lighting section for exterior lights and just check me that it looks like most exterior lights are going to need, require automatic controls?

Mr. Rowlands: By default.

Mr. Hurd: By default. Yes, thank you. I think everything else in lighting was all about improvement and pushing things, so that's fine.

Mr. Poole: Now what are we looking at? Controls?

Mr. Hurd: Exterior lighting and controls.

Mr. Rowlands: EC-27.

Mr. Poole: Okay, 402.5. 405.2, sorry.

Mr. Hurd: In the commercial one.

Mr. Poole: Yeah. What's our requirement? Daily sensors and controls in all parking lots and outdoor sales areas. Yes, it is required. Lights shall be automatically turned off when daylight is present satisfies lighting needs.

Mr. Rowlands: And this is everything from parking to the building outside lights?

Mr. Poole: Yes, the only exceptions are lighting for covered vehicle entrances and exits from buildings and parking structures where required for eye adaptation and lighting control from within dwelling units. Pretty much everywhere.

Mr. Hurd: Okay.

Mr. Rowlands: So, this is a good one.

Mr. Poole: That one is going away.

Mr. Hurd: We'll strike that one. There goes that one point. And then I just wanted to point out that something I hadn't, I wasn't aware of in 2018 but is there, at the very end, C406 they say, oh, and by the way, besides meeting these minimum performance standards, you need to also meet one additional area of improvement or address whatever, which are our credits cover. Basically, if you're hitting our credits, you're going to get that one.

Mr. Poole: I don't see a problem with that.

Mr. Hurd: No, no, no, it's a selling point. To say basically . . .

Mr. Rowlands: Yeah, right.

Mr. Hurd: The code also is saying, you know, if we just had the code, they'd still be saying, oh, by the way you also need to . . .

Mr. Poole: Yeah, one of these is a freebie because they're going to have to do one anyway.

Mr. Hurd: Right, so by doing this, you're meeting the code, you're handling that, you don't have to make a decision about that. Oh, okay, in the residential, and I don't want to jump around but these are the ones I've seen, EC-13, the effective ductwork location, 2018 . . .

Mr. Firestone: Page 14?

Mr. Hurd: Page 14, credit EC-13, effective ductwork location. 2018 IECC does not allow building cavities to be used for ducts or plenums, so we can strike #1 as a criteria. I was going to rewrite #2 to say that the ducts are within the conditioned space per the definition in the IECC. Because they give a definition of what is considered the ductwork inside the conditioned space.

Mr. Poole: That's still the thermal envelope.

Mr. Hurd: Yeah. Well, there's a, there's a provision in there for ducts berating insulation in an attic space, so it's like on the line that kind of like you draw the line . . .

Mr. Rowlands: In code, you can put them in the thermal envelope.

Mr. Hurd: Right, so then in that one particular case they're within the boundaries, the envelope. But it seemed to make sense to kind of go, let's refer back to the code for their definition of within the . . .

Mr. Rowlands: But theirs allows it to be in the insulation layer somewhere.

Mr. Hurd: Yes. I mean, do you want to pull it up? It's . . .

Mr. Rowlands: Wouldn't it be better to . . .

Mr. Hurd: R4033.

Mr. Rowlands: Where it has to be on the inbound side?

Mr. Hurd: Well and that's, okay, so maybe we, so maybe that's the point of discussion is, do we push it, R4033.7, .3.7.

Mr. Rowlands: And they spell out, we can't be at the outer edge of that.

Mr. Hurd: No, it talks about depth.

Mr. Poole: And it also says that if you're burying it in that ceiling insulation, it still has to have R8.

Mr. Hurd: It still has to be sealed, too. Yeah.

Mr. Poole: Right.

Mr. Hurd: Oh, okay.

Mr. Poole: So, again, this is a non-factor as far as I'm concerned. That's not within the thermal envelope for me.

Mr. Hurd: Okay.

Mr. Poole: So . . .

Mr. Hurd: Which way?

Mr. Poole: Buried in the insulation. It's not within the thermal envelope. It's not inside the vapor barrier, which is the insulation.

Mr. Hurd: Okay. So, you want to maintain our credit that keeps it from being, that basically they're letting you do a few things . . .

Mr. Poole: That we're not.

Mr. Hurd: That we're not. Okay.

Mr. Rowlands: Correct. And is this wording okay how we have it?

Mr. Poole: Yeah.

Mr. Hurd: I'm going to propose that we say . . .

Mr. Rowlands: Well, it says . . .

Mr. Hurd: Installed entirely within the thermal envelope of the building.

Mr. Poole: I'm okay with that.

Mr. Hurd: Just to be clear because they can point to that and go, I'm in, there's the thermal envelope. It's 20 inches of insulation and I'm . . .

Mr. Rowlands: Or inboard of the thermal envelope? Does that sound better?

Mr. Hurd: That was just one that had jumped out at me that was sort of let's make sure that that's . . . okay. Those are the things that I had seen just in my first perusal.

Mr. Rowlands: Does that then kick out #3?

Mr. Poole: No, you could install it in an exterior wall, you just have to insulate it and you have to test it and seal it.

Mr. Rowlands: But it has to be within the thermal boundary.

Mr. Poole: Correct.

Mr. Rowlands: So, then we don't care if it's on the exterior wall as long as it's inside that thermal barrier. This kind of wording is referring it to be in the middle of that thermal.

Mr. Poole: Well . . .

Mr. Hurd: Well, can we put that . . .

Mr. Rowlands: They'd have to have a bump out almost or part of a closet . . .

Mr. Hurd: Can we pull out that section because . . .

Mr. Prettyman: I've done double walls before.

Mr. Hurd: What's their criteria? I can't remember all their criteria.

Mr. Rowlands: You've done a double wall?

Mr. Prettyman: In certain situations, yeah. Not based on energy efficiency. Due to some other technical difficulties.

Mr. Firestone: Somebody wanted a false wall.

Mr. Rowlands: But if you have a closet and it's perfect for ductwork on the outside wall, as long as it's inboard of that thermal . . .

Mr. Hurd: Well, that's not inside the wall. That's next to it, right?

Mr. Poole: Ducts located in conditioned space. For ducts to be considered as inside a conditioned space, such ducts shall comply with either of the following . . . the duct system shall be located completely within the continuous air barrier and within the building thermal envelope. Two, the ducts shall be buried within ceiling insulation in accordance with Section R403.3.6 and all the following conditions shall exist. The air handler is located completely within the continuous air barrier and within the building thermal envelope, the duct leakage, as measured either by a [inaudible] test of the ducts or post-construction total system leakage test outside the building thermal envelope in accordance with Section R403.3.4 is less than or equal to 1.5 cubic feet per minute per 100 square feet of conditioned floor area served by the duct system. For 2.3, the ceiling insulation R-value installed against and above the insulated duct is greater than or equal to the proposed ceiling insulation R-value, less the R-value of the insulation on the duct.

Mr. Hurd: Okay, so for them, there's no provision for being in an exterior wall. If you're in an exterior wall, it has to be inboard of the thermal envelope.

Mr. Poole: Right.

Mr. Hurd: Now, is that the only places you can, that's not the only place you can put a duct, that's just if your duct is within a conditioned space.

Mr. Poole: Yeah, other than that, that's how you get out of fixing it.

Mr. Hurd: Because if it's outside the conditioned space, it has to be insulated and sealed and tested and . . .

Mr. Poole: Right. So if we want to lose the ductwork not installed in any exterior wall and just have heating and cooling ducts and mechanical equipment are installed within the thermal envelope of the building . . .

Mr. Rowlands: We're good.

Mr. Poole: Thermal envelope and air barrier.

Mr. Hurd: Okay, so it's basically pushing them to say, because the IECC says you can go this way or this way, and we're saying if you go this way, you get 3 points.

Mr. Poole: Yeah.

Mr. Hurd: Or you can go this way . . .

Mr. Rowlands: It's not a huge cost difference to get those 3 points.

Mr. Poole: No, it's just . . .

Mr. Rowlands: Better design.

Mr. Hurd: Alright, so we can take off the exterior wall one because as long as we say it's within the thermal envelope and air barrier, that's it.

Mr. Rowlands: Then we should be good to go.

Mr. Poole: Then any heat that leaks, leaks inside your . . .

Mr. Hurd: Exactly.

Mr. Poole: You don't lose it.

Mr. Hurd: Okay, that's cool with me. Alright, I know that we've been through this a billion-and-a-half times. Do we have any . . .

Mr. Poole: Do we have any new comments that are not captured?

Mr. Hurd: Anything we haven't heard before?

Mr. Rowlands: I'm sure there's stuff we've missed.

Mr. Poole: There always will be.

Mr. Hurd: There always will be.

Mr. Poole: And that's what the Planning Commission and the Council are for.

Mr. Firestone: There we go.

Mr. Hurd: And that's what, and heck, letting it run for a year and see how it works. It's the nature of . . .

Mr. Rowlands: What would be the process if it doesn't work or we find something that we go, oh, we shouldn't have put that in there? Can we then . . .

Mr. Poole: It would have to be a new ordinance to amend the code.

Mr. Hurd: Yeah.

Mr. Rowlands: But we're just going to take this and . . .

Mr. Hurd: I think it would . . .

Mr. Rowlands: Here's this one thing, we found an issue and we're going to amend it.

Mr. Poole: Yeah.

Mr. Hurd: It would depend, probably, on the severity of the issue. If it's like a huge, I mean I don't foresee this as having any huge gaping, you know, loopholes that we kind of completely were blind to that everyone starts driving their trucks through. But I would certainly say that when it comes time to look at the 2021, that we'll have a couple years of experience with this to go, alright, how has this been working? Where have things been kind of landing? Is there anything we need to beef up? Is there anything we need to, anything that was problematic that's been challenging to determine?

Mr. Poole: We identified this, or this is no longer applicable based on the 2021 Code or something along those lines. That would be handled as part of the adoption of the 2021 Code or the 2024 Code or the 2027 Code or the 2030 Code, depending on how far down the road we get before we . . .

Mr. Rowlands: But to stay ahead of the curve, we should like have a year off and then we come back into this to bring it up to the next level.

Mr. Hurd: Yeah, I know we talked about this at Planning and I don't know if this is something we can, without obviously . . . but if there was formulated a checklist from this for Code Enforcement to use to say, okay, here's the credit list and here's, you know, they got this one and this one and here's their total points and such, if that could be recorded so that at the end of the year we could kind of pull all those checklists and kind of go, what have been people been using, what have people not been using. You know, have people not been using it because there's too many points or because it's too expensive. Does it, you know, some data basically that we could come back and look at in a year or two and say . . .

Mr. Rowlands: We're not going to come back in with those checklists, it's just a matter of keeping record of it.

Mr. Poole: Yeah, I don't know that there's going to be any checklist because most of the time we get a narrative and a report.

Mr. Hurd: That's what I'm saying. If you had internally a checklist or spreadsheet or something that you could say, okay, here's the North Chapel project. It's a sheet on this Excel spreadsheet and it's got all the credits and their allowable points. And then you go, yeah, they got that one, 3 points. So it basically records their credits asked for and given that we could then save it and basically pull a report from it and say, okay, we had blank number of projects and for each credit . . .

Mr. Rowlands: Here's the credits they all went for.

Mr. Hurd: Right, how many people used this one?

Mr. Rowlands: Right.

Mr. Poole: How many people use this one and, again, identify ones where we had problems.

Mr. Hurd: Yeah, right.

Mr. Firestone: Maybe just keep a spreadsheet . . .

Mr. Hurd: Yeah, that's what I was saying.

Mr. Firestone: And each time you . . .

Mr. Hurd: If it's a spreadsheet, you should be able to pull the data.

Mr. Firestone: Just enter what's proposed and . . .

Mr. Poole: Yeah.

Mr. Hurd: Right, so . . .

Mr. Firestone: And then after a couple of years you can see, you could probably evaluate whether . . .

Mr. Hurd: I'm obviously not trying to add work, but it might also make it easier for you if like you had a checklist to kind of run through to sort of go, okay, here's their narrative. Okay, they're saying, you know, they're going to do this, this, and this, so you could flag their proposed credits to say these are the credits they're going for. And then you review the documents and say, yeah, we granted these because maybe some of them you didn't grant. You know, their narrative said we're doing this, and you went, no, you're not.

Mr. Poole: That never happens.

Mr. Rowlands: Let me ask you this, what is the process? If I'm a builder, am I going to go check, check, check and hand that in to you?

Mr. Poole: No. Typically, on my projects, which are the ones that I'm knowledgeable about, I will ask the designer to submit a narrative with their application for a building permit. They will tell me how they intend to get their points. I will then review to make sure that their proposed construction meets with that criteria. Then, at the end, they will provide a report that says this is how we got our points and here's the documentation needed. Sometimes it's like, well, you saw the heater, it was a 90% unit. Other ones would be here's all the receipts from where we donated the cabinetry from the existing building to Habitat for Humanity. This is the documentation from our waste hauler about how much waste was diverted from the landfills. This is the receipt from our lumber yard that says that all this came from within 500 miles.

Mr. Hurd: Right.

Mr. Rowlands: So, to make your life easier, let's create a spreadsheet and just say download that spreadsheet and put your plans in and the narratives . . .

Mr. Hurd: Well, depending on the level of work, if you had something where you, if you had like a spreadsheet where you said these are the proposed credits that you're going to do, if it had some way to kick out basically a list of the required documentation based on the credits being asked for, then you could basically spit out a form that you can hand back to them and say, see this, I'm going to need to see documentation on all of these. This is the documentation I'm going to need to see, it's got a little checkbox, kind of thing, to make the inspector's job easier and to make the . . .

Mr. Poole: I think based on what we've done, that's not really needed. I think based on the way that we've written this, this is going to be a lot easier. This is going to be a lot easier. It's going to be a lot easier for them to document.

Mr. Hurd: I'm just trying to think about sort of both the workflow and also being able to collect that data effectively at the end of the year instead of having to go . . .

Mr. Rowlands: Right, to collect that data, if you had then just this in the form of a spreadsheet, they put their checks on what they're going for, they send it in to you, and you just copy and paste one after the other.

Mr. Poole: Well, as long as they say EC-8 or EC-13, I can have the spreadsheet, or it can be in SharePoint for all the inspectors to access . . .

Mr. Hurd: Right.

Mr. Poole: And then when they get that final report, they can just fill in the credits that were given. And again, whether it's straight off of the narrative or the final report or however they do that, it's easy enough to just go in there and check, check, check, check, check.

Mr. Rowlands: Fair enough.

Mr. Hurd: Right, but that's what I'm looking for is to try to make sure that in some way it's easy for you to record what's proposed and what's granted because you're going to have to sort of total it all up at some point and go, yeah, it's more than 50. Way to go, you get your certificate.

Mr. Poole: Yeah, they will need to do that and provide me the report. I will review what they're proposed, and I will say yes or no.

Mr. Hurd: But I think the data, because I thought that for the previous one, we had some questions about kind of like how's it been operating and there was no data.

Mr. Poole: There is zero data.

Mr. Hurd: Right, so I would like . . .

Mr. Poole: I can give you anecdotal information about any project that I've done but for anybody else's . . .

Mr. Hurd: Right and I think it would be useful since we're trying to get a little more focused if we could, for the next time we have to come around and address this, if we had data based on this that we could look at.

Mr. Rowlands: In that data, do we need what they proposed and what they ended up with? Or just what they ended up with?

Mr. Poole: What they ended up with, I think, is really all that matters.

Mr. Hurd: Yeah.

Mr. Firestone: Yeah.

Mr. Rowlands: And it should be close anyway.

Mr. Hurd: It should be close.

Mr. Poole: Most likely . . .

Mr. Hurd: I think the only value of that is to say were people proposing things that didn't get granted and why. Because that's where you'd have to get some explanation of like either they didn't meet their criteria, or they opted not to do it or . . .

Mr. Rowlands: Well, if they opted not to or didn't meet it, they've got to find another one somewhere.

Mr. Poole: Yeah, well most of the time they propose a couple extra points so that if something goes bad, it's not time for a redesign.

Mr. Firestone: And sometimes they're asking for a bunch of variances and so then they propose even more points. So, they might propose . . .

Mr. Hurd: For site plan approval, yeah.

Mr. Firestone: They might propose 60 points.

Mr. Poole: Well, that's what we're going to require them to do.

Mr. Hurd: I'm thinking, I mean, the spreadsheet could look a lot like the LEED checklist kind of thing.

Mr. Firestone: Yeah.

Mr. Poole: Well, like I said, as far as that goes, from our perspective, the final report is what matters to us.

Mr. Firestone: Yeah, what's approved.

Mr. Poole: Like I said, I've had one that's like, yeah, that's not going to fly, we decided to change it, and we're going to get it here.

Mr. Hurd: Okay.

Mr. Poole: Springhill Suites was one of those.

Mr. Hurd: I'll leave that mostly to you to figure out, but I'll just express my desire to have some form of centralized data gathering, if possible, to make it easier to pull this together. And that's why I was thinking like a common spreadsheet where it's easy to extract the data rather than like hand-filled out forms that are in a folder. Because you don't want to have to go through and pick out every single one and then end up with data. That gets tiresome and we don't have the staff for that.

Mr. Poole: Well, I'm . . . well, never mind. I'll just . . .

Mr. Hurd: But you're going to be here forever, Tim.

Mr. Poole: Well, no, that's not my concern. My concern is I can control what I do.

Mr. Hurd: Oh yeah. So, this might be . . . and honestly, if this is a conversation I should be having with Stephanie about the Code Enforcement kind of level, or with Mary Ellen and Stephanie, I'll do that. To say, talk about sort of how we structure the workflow of the implementation of this code.

Mr. Poole: And that's a conversation I can have with her. I'm just saying that I can't make promises if I have no power to . . .

Mr. Hurd: No, no, no. You can't make the other guys do things.

Mr. Rowlands: Put a little sentence in there that this is what's going to happen and then they have to do it.

Mr. Hurd: No, I don't want to put . . .

Mr. Rowlands: It's not a lot of work . . .

Mr. Hurd: Specific workflow stuff in the ordinance.

Mr. Poole: No, it's just a matter of how are we going to gather it and who is going to be responsible for entering it?

Mr. Hurd: Right.

Mr. Rowlands: Right.

Mr. Poole: That's what it is. And we would have to set up some sort of mechanism or some sort of data portal to be able to enter it in . . .

Mr. Hurd: Right, and that's very dependent on what kind of systems you guys have, which I know nothing about.

Mr. Poole: Systems and staffing.

Mr. Hurd: Yeah.

Mr. Prettyman: I would even say, you know, I think your point was more or less like if there was just a spreadsheet that got submitted with your report, we wouldn't even need to go through it. It just gives us the option to then say at our next year's meeting after everything goes through, hey, can you get someone to run through like eight files and pull . . .

Mr. Rowlands: All those spreadsheets.

Mr. Prettyman: A copy of those spreadsheets?

Mr. Hurd: That's true because once it's on a spreadsheet file, you could collate it at that point.

Mr. Prettyman: Yeah, like hey, did they get EC-1?

Mr. Poole: But I'm telling you the report is going to look just like a checklist with an addendum on the back that has all the documentation associated with it. At least that's what I typically get.

Mr. Prettyman: So then maybe on the next one if you're saying this is a duplicate of work that's already done, we'll just know going into the future one that we'll need to request the documentation.

Mr. Poole: Well, like I said, it's just . . .

Mr. Hurd: I think the challenge with the prior is that it was all written paper documents and folders that you couldn't pull the data out of. And so if there's an electronic submission piece of it maintained . . .

Mr. Poole: It's just a matter of whoever it is that gathers that final report, documenting it in a singular space as opposed to in each of the permit files for that individual permit. It's just a matter of getting that data collected.

Mr. Hurd: Right, okay.

Mr. Poole: And who is going to be responsible for maintaining that and what is that mechanism going to be?

Mr. Hurd: Right.

Mr. Poole: And that's an in-house issue.

Mr. Hurd: Yes. Anything further? Here's the big moment.

Mr. Rowlands: What we going to do? Are we going to vote on it?

Mr. Firestone: I move we approve the . . .

Mr. Hurd: Thank you, Jeremy, for jumping right into that gap.

Mr. Rowlands: Can I second before you're done?

Mr. Firestone: The Alternative Compliance Plan et al. This document.

Mr. Rowlands: With a few changes.

Mr. Firestone: With the few changes that were . . .

Mr. Poole: As amended.

Mr. Hurd: As amended.

Mr. Firestone: As amended.

Mr. Rowlands: And I will second that motion.

Mr. Hurd: Okay, because we all know what that means. Any discussion on the motion?

Mr. Poole: I think this is a great job by everybody here in this room.

Mr. Hurd: I think so, too. All those in favor, signify by saying Aye. Opposed, say Nay. Alright.

MOTION BY FIRESTONE, SECONDED BY ROWLANDS THAT THE GREEN BUILDING CODE WORK GROUP APPROVE THE AMENDMENTS TO THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, AS AMENDED BY THE WORK GROUP AT THEIR MEETING ON FEBRUARY 25, 2020.

VOTE: 5-0

AYE: FIRESTONE, HURD, POOLE, PRETTYMAN, ROWLANDS

NAY: NONE

ABSENT: IRVINE, JADICK, MCNATT

MOTION PASSED

Mr. Poole: Unanimous.

Mr. Firestone: Yeah.

Mr. Hurd: It carries.

Mr. Prettyman: So, are you going to submit this, then . . .

Mr. Hurd: I'm going to . . .

Mr. Poole: He's going to clean up his memo. He's going to clean up the . . .

Mr. Hurd: I have a cover memo that Mary Ellen wants to send out with the packet tomorrow.

Mr. Poole: Which is should probably look a lot like this.

Mr. Hurd: Yeah. I think it's, there's a lot of that in there, basically, to sort of say, here's the committee, here's kind of overall what we, even higher level, than that.

Mr. Poole: No, you want it to be more specific, I think. I think you want it to be . . .

Mr. Hurd: Do you want my cover memo to dive into . . .

Mr. Poole: Not where it's producing a 20-page document but if this got fleshed out to three or four, it wouldn't be the end of the world.

Mr. Hurd: Okay, so more narrative. Basically, the narrative of the presentation as a cover memo.

Mr. Poole: Yeah.

Mr. Hurd: Okay.

Mr. Poole: Yeah, because that's, if you expect any one of those Planning Commission members or Council members to read this through and understand it, your expectations are too high.

Mr. Hurd: Yes, I know.

Mr. Rowlands: Yeah.

Mr. Prettyman: That's why I was wondering if this is just too much information.

Mr. Poole: Well, that's what this is for, is to help them dumb it down or at least put it in laymen's terms so they can understand . . .

Mr. Hurd: Right, what are we trying to achieve with this? Because that's the key thing. What are we trying to achieve?

Mr. Poole: Yea.

Mr. Hurd: But the thing is that the Planning Commission and Council has to approve this language because this is what's amending the ordinance.

Mr. Poole: But if you were to say, well, in each category we have the alternative compliance path, we have some options for them to opt out of certain sections so that we can move forward, so that they have their options, and it breaks it down for them a little bit more so they can understand the sections. Not necessarily any one actual requirement, but the sections.

Mr. Rowlands: So, this is going out in tomorrow's packet?

Mr. Hurd: That's what I need to talk to . . .

Mr. Rowlands: And, if so, it will go before the March 3 Planning Commission?

Mr. Poole: Yeah.

Mr. Hurd: So, what I have to check with, and I don't know if Mary Ellen is going to still be here when I go downstairs, but is, because I haven't seen the agenda as it's proposed, does the agenda basically cover, like does it say that we're reviewing and approving this ordinance? Or does it just simply say a presentation from the Green Building Code Work Group? Because here's the thing, people will, if it doesn't say that we're reviewing and approving the ordinance, and we end up reviewing and approving the ordinance, we're going to be in trouble.

Mr. Rowlands: If it says reviewing and approving . . .

Mr. Firestone: You can do all the reviewing. I mean you don't have to . . .

Mr. Hurd: That's true. We can review the language and then . . .

Mr. Firestone: You can review the language . . .

Mr. Hurd: With the goal of approval in April to meet the Council deadline.

Mr. Firestone: Yeah.

Mr. Rowlands: But if we put approval in there, they don't necessarily have to approve it. They could say we're not ready, come back because we want to think more.

Mr. Firestone: Right.

Mr. Hurd: Well that's the thing, the agenda essentially was locked in a week ago.

Mr. Rowlands: Oh.

Mr. Firestone: I'm assuming they're not, no matter, even if it said approval, they won't approve it . . .

Mr. Poole: In all likelihood, there will be edits.

Mr. Hurd: Right.

Mr. Rowlands: Yeah.

Mr. Poole: There will be enough edits that they will want to see it again in a finalized version.

Mr. Hurd: Okay. So, I will send her this and say put this in the packet so that they know what we're talking about, with the understanding that we will have it in April's meeting for approval so that it meets, can get to Council.

Mr. Poole: Let's see what the actual agenda says.

Mr. Hurd: Well, that's what I'll do. I'll go downstairs and ask Michelle.

6. GENERAL PUBLIC COMMENT

Mr. Hurd: Any public comment? No? Okay. Thank you, Jeremy.

Mr. Firestone: Nice job leading us.

Mr. Hurd: Thank you very much. Okay, we are adjourned.

There being no further business, the Green Building Code Work Group meeting adjourned at 5:15 p.m.¹

Attachment

Exhibit A: [Proposed Amendments to the 2018 International Energy Conservation Code](#)

¹ This was the final meeting of the Green Building Code Work group.