

**MUNICIPALITY OF ANCHORAGE
BOARD OF BUILDING REGULATION EXAMINERS AND APPEALS**

Meeting Minutes

December 14, 2010

1. **CALL TO ORDER AND ROLL CALL:** The meeting was called to order at 11:40 a.m. by Chairman Paul Michelsohn.

Board Present	Board Absent	Staff Present	Public Participation
Paul Michelsohn Jon Steele Serena O'Donnell Rob Merchant Scott Bohne Skip Bringmann Troy Feller	Collin Dey Michael Cooke Tom Looney Craig Fredeen	Jerry Weaver, Jr. Ross Noffsinger Sharen Walsh	Don Dwiggin

2. **APPROVAL OF AGENDA:** Agenda was approved.
3. **APPROVAL OF MINUTES:** Minutes of the October 7, 2010 meeting were approved.
4. **PUBLIC HEARINGS:**

23.05.050 LEEDPROPOSED CHANGES:

Michelsohn opened testimony to Staff.

Staff Presentation

Mr. Noffsinger presented a restructured version of title 23.05.050 "Sustainable building standards for construction and renovation of buildings," consisting of revised language intended to clarify the applicability and application of the code, while retaining the essence of the ordinance. Requirements for new buildings and major renovations were retained and "economically feasible" was defined to assist the Building Official's ability to act when cases are brought forward.

He stated that a major problem with the LEED Ordinance was the language for renovations, which as written is a directive for the Municipality to renovate all of its public facilities to a LEED standard. . He believed the intent was that when a Municipal facility was renovated, it should be renovated to a LEED standard. The LEED ordinance, as written for renovation, was triggered if the building was 5000 square feet. The current ordinance applies to all buildings owned and leased by the MOA, even buildings where the MOA leases only a portion of the building. LEED requires the entire building be certified. This can be a problem in partially leased buildings. The proposed ordinance has language to clarify the ordinance would apply to only buildings owned or leased 100 percent by the MOA. LEED has several different rating systems: new construction, schools and existing buildings etc. LEED for Existing Buildings: Operations and Maintenance requires recertification every five years. The current ordinance does not address the requirement for ongoing certification. The proposed ordinance does not require LEED for existing buildings operations and maintenance, thus no requirement to do ongoing recertification. The proposed ordinance deletes the 5,000 square foot threshold and applies to only major renovations and additions. A major renovation was defined as an alteration that affected more than 50 percent of

total building floor area. A major addition would increase the total building floor area by more than 50 percent. LEED new construction would be applicable for both instances.

Mr. Noffsinger confirmed Ms. O'Donnell's question concerning new buildings, if built to LEED standards, would never require recertification under the current proposed ordinance.

Discussion followed on what constitutes major renovation work or finish work that does not require a permit and certification. Mr. Steel commented that the issue of finishes, paint and cabinetry were not part of the permit process, inspections were not required, and added he didn't agree with amendments to the title that protect or clarify; the title should stand on its own. Michelsohn was concerned if significant changes to a building could possibly remove the building from compliance.

Ms. O'Donnell reported on the difficulty of Anchorage School District Charter Schools in finding local existing buildings that would cost effectively meet LEED standards.

Mr. Weaver stated that on the upcoming lease on Eagle River Valley Town Center, the Municipality would be required to certify the entire building. Secondly, the proposed ordinance would remove the provision on reimbursement of the permit fees for LEED construction. Government should not subsidize private development. He reported that a reimbursement of \$36,000 was requested by one customer and noted that any reimbursements initiated before the change in the ordinance would be honored.

Mr. Michelsohn commented that the previous administration sold LEEDS to the public with the understanding that the reimbursement funds would help pay for the cost of LEEDS program. Mr. Weaver responded that a public outreach to BOMA was planned but he would like to move forward with the proposal to the Assembly in January 2011.

Mr. Noffsinger responded to Mr. Steel's question on the proposed Scope Section clarification that LEED certification applied to an entire building not to a partially leased building.

Ms. O'Donnell felt the proposed changes should be set aside and not be included in title 23 and may be contradictory to title 21.

Michelsohn commented on the Boards October 7, 2010 meeting request to review the current code and forward recommendation to the Assembly in June 2011, and asked staff if today's Board action was final or if the issue could be revisited.

Mr. Weaver responded that time is of the essence; the Eagle River Valley Center would be an issue the way the code is currently written. He added if the Board preferred to wait, its recommendations could be included with the Title 23 changes in February 2011.

Mr. Noffsinger reported that BOMA provided written comments to the Begich Administration and their concerns were not addressed in the current ordinance. Many of their concerns are addressed in the proposed revision. BOMA's request for more substantial financial incentives is not included in the proposed revisions. He confirmed that the Board has the authority to make suggestions and recommendations on Title 23.

Board discussion followed on the economic payback of the cost of obtaining LEED certification.

Michelsohn closed testimony.

STEELE - MOTION: accept revised language 23.05.050 sustainable construction requirements for municipal building as submitted by staff. **SECONDED.** Board discussion.

Michelsohn opened discussion to the Public:

Mr. Steel commented on accepting testimony during deliberations.

Don Dwiggins asked for clarification on the motion on the floor.

Clerk's note: Mr. Bohne arrived.

O'Donnel – AMENDED MOTION: to postpone the vote on the motion on the floor until a full board is present and staff “Mr. Weaver” has time to gather public input, as he has suggested, and submit it to the Board at the latest on February 17, 2011. **SECONDED. SECOND WITHDRAWN.** Board discussion.

Steele – SUBSTITUTE ORIGINAL MOTION: to postpone action on 23.05.050 dated December 14, 2010 until February 17, 2011 meeting. **SECONDED.** Board discussion. **APPROVED.**

O'Donnell - MOTION: forward Title 23 to the Assembly with LEED provision removed until February 17, 2011. **FAILED** for lack of a Second.

Steele - MOTION: Amend 23.05.050 sustainable building standards for construction and renovation of buildings as follows: all reference to renovation of buildings shall be titled major building renovations and additions. The current Item (B) titled Renovation along with paragraph subsection 1, be removed and replaced with the proposed language from 23.05.050 submitted by staff today, December 14, 2010 which has the main paragraph titled major building renovation and additions section (D) 1 and 2; and that items (F) refunding of expedited permit fees and item (G) refund of permit fees be deleted. **SECONDED.** Board discussion. **APPROVED.**

AMENDED MOTION: substitute 23.05.050 proposed changes dated December 14, 2010 in its entirety for 23.05.50 that is now part of Title 23. **RETRACTED.**

Michelsohn expressed his concern that once the motion was approved, if there was a new revision, the Assembly may not hear the Board's concern. Mr. Weaver assured Michelsohn that in the Assembly Information Memo (AIM) the Assembly will be informed that the resolution was an interim measure and he further added that the Department is committed to proceeding with the outreach to BOMA.

Michelsohn set the next meeting for February 17, 2011.

5. **APPEARANCE REQUESTS:**

None.

6. **UNFINISHED BUSINESS:**

Mr. Michelsohn brought up re-appointment of members whose terms have expired. Mr. Weaver informed the Board that the Administration was reviewing all the Boards and Commissions and the Board may be reduced to nine members. Ms. Walsh reported that of the five positions that expired October 14, 2010, her understanding is that three of the positions will be filled and the expired member terms were extended for one hundred and twenty days.

7. **NEW BUSINESS:**

Mr. Michelsohn brought up election of new officers. That item was tabled until the next meeting.

8. **REPORTS:**

None.

9. **AUDIENCE PARTICIPATION:**

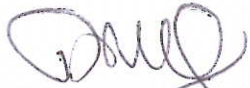
Don Dwiggins was present.

10. **BOARD MEMBER COMMENTS**

Michelsohn commented that today's task was difficult, but the end result was good for all.

11. **ADJOURNMENT:**

12. Meeting adjourned at 1:35 p.m.



13/29/12

Paul Michelsohn, Chairman
Board of Building Regulation Examiners and Appeals



Sharen Walsh, P.E.
Building Official