

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

Meeting Minutes

May 13, 2011

1. **CALL TO ORDER AND ROLL CALL:** The meeting was called to order at 12:05 pm. by Chairman Paul Michelsohn.

Board Present	Board Absent	Staff Present	Public Participation
Paul Michelsohn Jonathan Steele Serena O'Donnell Rob Merchant Scott Bohne Troy Feller Collin Dey Tom Looney Craig Fredeen	Skip Bringmann	Ross Noffsinger Sharen Walsh	Don Dwiggins Loken, Tyler Burkhart Bernard Droege Ric Davidge

2. **APPROVAL OF AGENDA:** Steele moved: Amend the agenda to move the Election of Officer's to follow the Title 23 discussion. MOTION SECONDED and APPROVED.

3. **APPROVAL OF MINUTES:** Minutes of December 14, 2010 were Approved with the correction of spelling of Mr. Steele's first name.

4. **PUBLIC HEARINGS AND APPEARANCE REQUESTS INCORPORATED INTO ITEM 7 NEW BUSINESS:**

Chairman Michelsohn asked Staff to clarify the purpose of the meeting.

Ms. Walsh responded the purpose of the meeting was to update the Board on changes the Assembly Members have brought forward on AO 2011-4 (S).

5. **APPEARANCE REQUESTS: Incorporated into Item 7.**

6. **UNFINISHED BUSINESS: None**

7. **NEW BUSINESS:**

Title 23 – Adoption of Building Codes by Municipal Assembly:

Specific Discussion: Removal of LEED

Adoption of Energy Code

IECC Public Comments Received

STAFF TESTIMONY:

Ms. Walsh reported on the changes to Title 23 since December 2010: 23.05.050 LEED has been deleted, 23.10.103.4.3 the Building Board was restored to it's current composition of eleven (11) members versus nine (9); 23.10.105 Contractor Licensing Requirement: Authorization Licensing Requirement, the authorized agent section has been deleted, with the intent to create a policy that clarifies

that authorized agents may pull permits but are not allowed to act as contractors. 23.15.305.2 Day care: child daycare facility has been changed to child care facility. Definitions 23.45.503 Fire apparatus access roads, that section was deleted, it was added in 2009 code to establish minimum driveway requirements for buildings located more than 150 ft from a fire apparatus access road, it was determined by the Fire Department to be unnecessary; the topic was brought forward by Assembly Member Debbie Ossiander and she felt comfortable the requirement could be deleted. 23.45.D107.1 Residential Developments: there was an exception that allowed the use of the International Wildland Urban interface code that allowed for the development of new subdivisions having more than 30 units with a single access road, the new exception has been deleted. 23.55.300 fire protection service outside service area's implementation deleted this section authorizing Mayor to permit the use of municipally financed fire protection services outside of the service area, because the issue was addressed elsewhere in the municipal code, it was determined that the language was redundant and unnecessary. 23.85.AE102.7.2 Campers and travel trailers have been deleted, because it is a land use issue and does not belong in Title 23.

All Persons present testifying were sworn in unison by Chair Michelsohn.

Don Dwiggin reported he was an Alaskan Architect and a BOMA member. He supported the repeal and not re-adopted of the IECC. AHFC had adopted the 2006 version of the IECC and was applying it statewide to its residential properties. His primary concern was the commercial properties and the requirements of the IECC, particularly pertaining to electrical and lighting, the paybacks are not there. He discussed the BOMA Resolution presented to the Assembly, which he supported with the assumption that amendments would be made to the energy code.

Tyler Loken testified that he has served on IECC and IEBC Committee and IRC Committee Code Review boards and he was opposed to the adoption of IECC code. The Paybacks are not there and he opposed more regulation.

Steele asked what the baseline would be if IECC was eliminated.

Noffsinger stated all the envelope insulation requirements are in the Energy Code, if that was deleted there would be no requirement to insulate. Chapter 11 of IRC was deleted because the Energy Code would be used for residential requirements. To achieve a minimum baseline and delete the Energy Code it would require re-amending the amendments to the IRC Chapter 11 to bring that back in; Chapter 11 is identical to Chapter 4 in the IECC and the baseline would be the same. He also stated that in respect to the consensus of the IECC Committee to adopt IECC, the Committee was under the 2006 IECC, it reviewed the changes to the codes and local amendments but whether the energy code was needed was not discussed.

Bohne questioned what portion of the code Mr. Loken was opposed to and Loken responded it was the building envelope.

Noffsinger responded to Mr. Loken that the process was to repeal the 2006 Code and re-adopt the 2009 code, if we don't adopt 2009 would have no energy code. A provision could be made to not adopt the 2009 code and re-adopt the 2006 code.

Dey inquired why Loken's Committee concerns were not amended out before moving forward, if 2006 was that different from the current version. Mr. Loken was uncertain why it wasn't addressed.

O'Donnell asked **Dwiggin** if he was familiar with 2006 IECC code and if 2009 IECC was not adopted, in lieu of that, the 2006 IECC re-instated with the amendment that the lighting provision were deleted would that be acceptable.

Dwiggin stated he had not read the code but recommended Board read IECC to better understand the issues.

Droege, Bernard testified that he was a manufacturer representative for Insulfoam and was concerned with thickness and R values of code requirements based on design, experience, code requirements and what the budgets will allow. He suggested educating the design community on R Values, vapor barriers and air barriers as to what actually works. Questioned whether the code would add value and he does not recommend adoption.

Burkhart stated he has practiced in Alaska for 28 years, almost exclusively with commercial buildings, principals of energy code are not onerous, recommend not only looking at the cost, community should have an energy base on buildings.

Ric Davidge testified he was contract project manger in Anchorage and Eagle River. **International fire code:** building community 23.45.D107.1 {page 124 on AO 2011-4(S) appendix D of fire code as if affects the Anchorage and Eagle River Community. Girdwood Hillside and upper portions of Eagle River. Subdivisions moved forward, public safety and private land owners to develop property. Ask to remove the section. Asked that body set the issue aside

Ms. Walsh stated dialogue must continue work on task force level and amended separately, for purposes of moving this code forward it should be adopted.

Mr. Davidge answered Mr. Steele that homes must be in compliance with land interface code, vacant lots you can't must retrofit homes. Prefer to set it aside, secondary egress is not possible-without exceptions property can't be developed, in considerations of the Administrations issues, wait until modifications can be agreed upon. The estimated cost \$25,000-\$30,000 of modifications per homes to address sprinkler issue.

PUBLIC TESTIMONY CLOSED:

Mr. Steele asked Assembly Member Ossiander what she was hearing concerning the energy code and other secondary access issues related to it. She asked that Board delve into the issues and present some suggestion. The Administration does not support postponement, there are projects pending but are uncertain of which direction to proceed with 2006 or 2009 code.

Ms. Ossiander was personally ok with sections reserved; however, the Administration was opposed to it.

Noffsinger questioned by Michelson: 2006 projects are used now if it reverts to 2006 if 2009 is not adopted.

Ross said private sector is asking what code they use. 2009 has some advantages over 2006 and be messy if the adoption does not happen.

Looney stated the National Electric Code amendment process was recently finished, it's important to not skip a code because the bridging between codes, he suggested, we adopt all the codes in the SVersion and adopt IBC Appendix D with all the amendment and the 2006 International Energy Codes and let Assembly here all of it.

Noffsinger noted if the 2009 codes were not adopted, MOA would fall out of schedule with the State of Alaska. AHFC has adopted the 2009 Energy Code.

LOONEY-MOTION:

Move to adopt the S Version of the Building Codes as presented with the exception of IFC Section 23.45 Appendix D and substitute 2006 Version including the local amendments, if there are any, and substitute 23.60 the International Energy Conservation code instead of adopting the 2009 we adopt 2006 with the amendments from 2006. We retain what we had under both sections and adopt the rest of it. The intent is to let committees review the codes and we adopt 2009 versions of those when we adopt the 2011 National Electrical Code later this year. **SECONDED-O'DONNELL. BOARD DISCUSSION.**

Steele stated he was uncomfortable supporting motion as stated, anticipating the Energy Code will assist with implementation of future technology. He felt we should embrace where we are heading.

O'Donnell said she is in favor of the compromise of the motion as stated because the information received from Ms. Ossiander from the public opposes the adoption of the 2009 code; it should be postponed pending further discussion and committee work. People design to the highest level they can afford, for energy conservation and it's irresponsible to force them to design to a level they cannot afford, that bad for the community and our economy. We should listen to the public.

Looney commented he offered the motion as a compromise, he believed in the process to this point, and has heard from four people on the committee and two in today's testimony who have had problems with portions of the IECC. The Committee process was not unanimous but allows the process of the codes to mover forward. Building codes are looked at as a minimum standard and owners can build better than code. Not having the 2009 codes will prevent having good buildings in Municipality of Anchorage.

Bohne felt using the codes did not solve today's problems, but acts as a place holder so problems can be corrected in the future.

Michelson stated that some items in 2009 IECC are more stringent than 2006.

Fredeen stated he supported the motion. He discussed issues on the lightning section of the Energy Code, lighting in elderly facility, parking lots and security. He agreed with Burkhart and would like to see a close exam of levels that look as SAD effect.

Chair Michelson stated he favored the motion as presented and felt the IECC slightly overlooked the lighting issues.

O'Donnell: If we approve the motion as presented as a Board, items of life safety and social issues can be dealt with by a committee.

Mr. Noffsinger answered Mr. Steel's question will the motion cover all cross references on the code. Ross stated clean up will be required but as far as residential construction is concerned they do not have to comply with the 2006 IRC, they only need to comply with a prescriptive R Value table out of the IRC. None of the detailed work is addressed.

STEELE - SUBSTITUE MOTION

Recommend adoption of cycle codes Title 23 as previously approved. Details of first motion before will not be addressed as motion states for that reason, he suggested the group has acted in good faith, if more discussion is necessary, the Assembly can further explore. **SECONDED BOHNE: FAILED**

Bohne questioned staff on portions of 2009 international code has been dropped and moved to 2009 Energy Conversation Code he felt IECC 2006 and 2009 IECC do not address lighting questions.

Ross responded that for Commercial construction there was no change between 2006 and 2009, for residential construction the changes are specified in detail.

Looney believed if codes were sent back to the Assembly they may take a heavier hand than the committee intended.

O'Donnell commented the original motion was a compromise for a period of six months because of community objections to adoption of 2009.

Looney felt discussion did not require creation of new group but just a focus on key area of contention.

STEELE - MOTION

Recommend Assembly adopt Title 23 package revision S as presented with the exception of 23.45 2009 International Fire Code Appendix D, substitute instead the 2006 International Fire Code Appendix D with local amendments and with exception of not adopting 23.60 the International Energy Conversation Code the 2009 version and instead adopt the 2006 International Energy Conservation Code with it's the local amendments.

AMEND MOTION strike verbiage Appendix D of IFC.


O'DONNELL SECONDED. Board Discussion APPROVED

STEELE - MOTION to ask Administration to modify the code presented to the Assembly such that it keeps 2009 International Residential Code intact with the exception of the portions that are in conflict with keeping the 2006 IECC portion. **NO SECOND.**


ELECTION OF OFFICERS

Paul Michelsohn Chair
Tom Looney vice Chair

- 8. **REPORTS:**
 Ms. Walsh reported the ISO rating team will visit in August 2011.
- 9. **AUDIENCE PARTICIPATION:**
- 10. **BOARD MEMBER COMMENTS**
- 11. **ADJOURNMENT:** Meeting adjourned at 3:05p.m.



 Paul Michelsohn, Chairman Date
 Board of Building Regulation Examiners and Appeals



 Sharen Walsh, P.E. Date
 Building Official