

MONTGOMERY COUNTY, MARYLAND

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DEPARTMENT OF PERMITTING SERVICES

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PUBLIC HEARING ON THE INTERNATIONAL  
GREEN CONSTRUCTION CODE (IGCC) 2012

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THURSDAY  
DECEMBER 17, 2015

+ + + + +

The Hearing convened in the Department  
of Economic Development Conference Room, 111  
Rockville Pike, Suite 800, Rockville, Maryland,  
at 1:30 p.m., Michael L. Subin, Hearing Officer,  
presiding.

1 P-R-O-C-E-E-D-I-N-G-S

2 1:35 p.m.

3 MR. SUBIN: Okay, good afternoon,  
4 ladies and gentlemen. This is a public hearing  
5 for Executive Regulation 21-15 to adopt the 2012  
6 additions of the International Green Construction  
7 Codes, the IGCC, with amendments, and they will  
8 govern all buildings and structures within  
9 Montgomery County.

10 My name is Michael Subin, and I am a  
11 county executive designated hearing officer for  
12 this hearing. It is now 1:38 December 17, 2015,  
13 and the record for this will remain open until  
14 5:00 p.m. December 31, 2015.

15 Any additional comments may be sent to  
16 Mr. Hadi Mansouri who is here to my right  
17 representing - my left, representing the  
18 Department, or Mr. Hemal Mustafa who is Manager  
19 of the Division of Commercial Building  
20 Construction, the Department of Permitting  
21 Services, Montgomery County, Maryland.

22 Either Mr. Mustafa or Mr. Mansouri can

1 be sent those comments to the Department of  
2 Permitting Services, 255 Rockville Pike, 2nd  
3 Floor, Rockville, Maryland 20850.

4 We have a pretty long list of speakers  
5 here, so I am going to keep everybody at no more  
6 than three minutes. I will call people up two at  
7 a time. Please take your seats right at the  
8 table in front of me. Mr. Mansouri, did you have  
9 any opening comments for the Department?

10 MR. MANSOURI: No, sir. Go ahead and  
11 start then, but I'll be here for any question or  
12 any clarification asked of me.

13 MR. SUBIN: Okay, and our first  
14 speakers are Ms. Janice Szymanski for AIA Potomac  
15 Valley, and she has also here from AIA Potomac  
16 Valley is Wayne Broadfield. If the two of you  
17 could come forward, please? Now, are you both  
18 speaking for Potomac Valley?

19 PARTICIPANT: I don't even believe  
20 they're here yet. I don't see anybody coming  
21 forward.

22 MR. SUBIN: Okay, well, I guess

1       neither one of them are speaking for Potomac  
2       Valley. Mr. Jack Lebowitz for EJA TLUUC or  
3       Steven Karr speaking for himself? I see Mr. Karr  
4       is here, Mr. Lebowitz isn't. And Mr. Dan Coffey  
5       for USBGC and Mr. Jeremy Sigmon is also, but only  
6       one of you will be able to speak.

7               MR. COFFEY: I'm Dan Coffey. I'll be  
8       speaking for myself.

9               MR. SUBIN: Oh, okay. Okay, so you  
10       can come forward then, Mr. Coffey. Mr. Karr,  
11       good to see you again. You are - you may start.

12              MR. KARR: Good to see you, Mr. Subin.  
13       I do have one request before you start my clock  
14       to hold the slot for the Potomac Valley Chapter  
15       AIA.

16              MR. SUBIN: If they show up, we'll put  
17       them at the end.

18              MR. KARR: Thank you. As a member, I  
19       respectfully request that. My name is Steven  
20       Karr. I'm an architect with offices at 210 North  
21       Adams Street, Rockville, Maryland. I am writing  
22       - well, I'll submit my written testimony, but I

1 am speaking to express my support of the joint  
2 recommendations made by the USGBC National  
3 Capital Region and the USGBC Maryland  
4 organization in their letter to Hemal Mustafa  
5 dated December 11, 2015, regarding the proposed  
6 Executive Regulation 21-15.

7 I urge the Department to work  
8 cooperatively with representatives of the USGBC  
9 National Capital Region, the USGBC Maryland, and  
10 AIA Potomac Valley, to redraft this proposed  
11 regulation to incorporate USGBC National Capital  
12 Region and USGBC Maryland recommendations for the  
13 enactment of Executive Regulation 21-15 as it  
14 currently stands.

15 I have practicing architecture and  
16 providing professional architectural services in  
17 Montgomery County for the past 31 years. Since  
18 1984, I have established a successful practice,  
19 having completed more than 241 non-residential  
20 projects comprising over 1,807,630 square feet,  
21 174 of which are located throughout Montgomery  
22 County.

1           These projects average approximately  
2           7,500 square feet. With this experience in the  
3           "world" of small projects, I can attest that many  
4           of these projects, if not all, would not have  
5           been pursued by my clients had they had to comply  
6           with the proposed requirements of the IGCC.

7           The financial burden associated with  
8           meeting the proposed requirements of the IGCC  
9           simply cannot be absorbed in a small project  
10          development budget. The IGC would render these  
11          small commercial projects uneconomical.

12          To be clear, it is not the inherent  
13          underlying principles of the IGC that I contest.  
14          In fact, most if not all of my projects completed  
15          over the past five years are designed utilizing  
16          materials with recycled content, energy efficient  
17          equipment, continuous weather barriers, bay  
18          lighting, porous concrete pavements, LED  
19          lighting, occupancy sensors, light membrane  
20          roofing, extensive insulation and insulative  
21          glazing products, all of which comply with the  
22          underlying principles of the IGC, and similarly

1 meeting at least minimum criteria worthy of LEED  
2 certification.

3 MR. SUBIN: You have 30 seconds.

4 MR. KARR: The burden of applying any  
5 addition of IGC to projects less than 10,000  
6 square feet is the undue cost burden of having to  
7 document and manage IGCC compliance throughout  
8 the design, construction, and post construction  
9 phases of any project with such limited scope of  
10 less than 10,000 square feet. I'll submit the  
11 rest in writing.

12 MR. SUBIN: Thank you, Mr. Karr. Mr.  
13 Coffey?

14 MR. COFFEY: Mr. Subin, I appreciate  
15 the time. I'm grateful for the opportunity to  
16 participate in the comment period for the County  
17 Regulation for 21-15 for the adoption of the IGCC  
18 Green, International Green Construction Code.

19 My involvement with the IGCC started  
20 early in joining the AIA Potomac Valley committee  
21 to study the code and the regulation the County  
22 Council was proposing. In an early adoption of

1 the code, the IGCC compared to LEED before.

2 I had some discussions with Council  
3 Member Berliner about that early before the  
4 document was drafted for vote. I did stress at  
5 that time that there needed to be a fair amount  
6 of sort of debate or discussions about the  
7 document to relate to industry impacts and how we  
8 would implement some of these things into the  
9 real world projects.

10 The other thing that was important was  
11 to be the - to set up a regulation that was a  
12 good model for other jurisdictions to follow.  
13 Most of the other jurisdictions have been doing  
14 multiple compliance paths. So engagement into  
15 the community and industry outreach would be an  
16 important feature of this solution.

17 The County needed to move to a higher  
18 environmental standard which was discussed with  
19 him as well. But this really signals the need  
20 for mandatory green building laws and codes which  
21 we're supportive of, but again, needs some time  
22 to implement these so multiple - again, multiple

1 compliance paths are important.

2 The regulation passed the County  
3 Council, and then during the implementation phase  
4 or the adoption phase of this, we were engaged  
5 with DPS, with industry input from various  
6 stakeholders in an open public process to review  
7 with DPS staff the technical merits and practical  
8 implementation in our jurisdiction.

9 The custom at DPS was to amend the  
10 code through internal discussions and not really  
11 engage in this extended output, but the groups  
12 that mainly were involved with most of the  
13 participation really was the AIA Potomac Valley,  
14 USGBC, and there were some other groups that did  
15 some limited responses that we could see in the  
16 public forum where their other documents were  
17 submitted in writing. Those things are available  
18 on DPS's website.

19 At the request of DPS, I was -  
20 continued my involvement to help them with some  
21 cost impact information that I had performed with  
22 them, and predominantly focused on hard cost

1 impact of the IECC 2015 -

2 MR. SUBIN: You have about 30 seconds.

3 MR. COFFEY: - as amended by the  
4 County in the IGCC 2012 for buildings under  
5 10,000 square feet. This building segment was  
6 not impacted by previous codes, and is probably  
7 going to be the one with the most significant  
8 impact.

9 However, the hard cost impact was not  
10 significant, but the soft cost, design cost, and  
11 consultants that are required for the clients to  
12 get those compliant would be significant. Those  
13 were not addressed just because of some of the  
14 variations in projects, as well as the increase  
15 in the Appendix A items as well.

16 MR. SUBIN: Can you summarize, please?

17 MR. COFFEY: So really in summary, we  
18 were looking for alternative compliance paths,  
19 again particularly using ASHRAE 189, which is  
20 allowed, but also USGBC LEED, and Green  
21 Communities would be also suggested.

22 And again, to continue being

1 innovators, we really need to be continuing this  
2 collaborative process. The other thing is to  
3 ratchet up the square footage to 10,000 square  
4 feet. The rest of it, I'll submit in writing.

5 MR. SUBIN: All right, thank you. I'm  
6 not adhering to the time lines just to be tough  
7 about them. I want to be fair to everybody.  
8 There are a lot of folks here, and make sure one  
9 person doesn't have any additional time at  
10 someone else's expense. But certainly, turn your  
11 - if you have anything written, get them to Mr.  
12 Mansouri. Mr. Lebowitz and Jeremy Sigmon?

13 MR. SIGMON: Mr. Subin, I'm Jeremy  
14 Sigmon. I'm not prepared to speak, but just here  
15 to support the local organizations of the U.S.  
16 Green Building Council.

17 MR. SUBIN: Well, how about going on  
18 the record and just say that real quick?

19 MR. SIGMON: I'm happy to do that.

20 MR. SUBIN: Okay, go ahead. Just put  
21 that on the record.

22 MR. SIGMON: My name is Jeremy Sigmon

1 with the U.S. Green Building Council with the  
2 National Office, the co-authors of the  
3 International Green Construction Code and ASHRAE  
4 Standard 189.1. We're very supportive that the  
5 code is being considered, and are working with  
6 our national partners to submit some comments in  
7 the future before the deadline, and are very  
8 supportive of our local chapters and their  
9 comments that have been submitted already, and  
10 that will be readdressed today.

11 MR. SUBIN: Great.

12 MR. SIGMON: Thank you.

13 MR. SUBIN: Thank you. Then Danila  
14 Sheveiko?

15 PARTICIPANT: Sheveiko.

16 MR. SUBIN: Mr. Lebowitz, go ahead.

17 MR. LEBOWITZ: Thank you for giving me  
18 the opportunity to testify today. Climate  
19 warming due to the excessive use of fossil fuels  
20 for energy production is an existential threat to  
21 human well-being and the biodiversity of the  
22 planet.

1                   Unitarian Universalist congregations  
2                   are committed to building a low carbon future in  
3                   concert with the Paris Climate Agreement.

4                   Consequently, to avoid catastrophic climate  
5                   change, we need to have working solutions that  
6                   restructure how we use and supply energy to  
7                   transport, electricity, buildings, and industry.  
8                   Buildings are the largest user of energy in  
9                   Montgomery County.

10                   Executive Regulation 21-15 proposes to  
11                   adopt the 2012 International Green Construction  
12                   Code with amendments. Based on testimony at the  
13                   June County Council meeting, the IGCC is the  
14                   first step in mandatory green building standards,  
15                   and a baseline of minimum requirements for energy  
16                   efficiency.

17                   Given only a set of minimum  
18                   requirements with respect to energy conservation  
19                   and CO2 emissions for new buildings, it is  
20                   imperative that all requirements of the code of  
21                   Chapter 6 be maintained as mandatory. We opposed  
22                   electives that would allow builders to avoid

1 constructing the most energy efficient structure  
2 that the IGCC standards call for.

3 As stated above, Montgomery County is  
4 taking a first step in adopting a mandatory green  
5 construction code. My concern is that the  
6 adoption of the IGCC will be considered as the  
7 best we can do.

8 Since I retired from NIH, I decided to  
9 focus on environmental issues. For the last  
10 three years, I've been a supporter of the Amory  
11 Lovins' Rocky Mountain Institute. The length is  
12 given in the hard copy.

13 The book published in 2011,  
14 "Reinventing Fire" posed potential solutions that  
15 RMI, engineers, and scientists have developed in  
16 order to generate a new era, energy era, without  
17 fossil fuels. In "Reinventing Fire" there is a  
18 major discussion of ways to generate energy  
19 efficiency in integrative design of office  
20 buildings.

21 Of considerable importance is the bold  
22 solutions authored by RMI to promote the

1 involvement of business, and this has the  
2 capacity to unleash enormous economic potential.  
3 RMI has partnered communities to work on  
4 implementing their proposal in a number of cities  
5 in the country.

6 MR. SUBIN: You have 30 seconds.

7 MR. LEBOWITZ: Recently, RMI has  
8 published a community energy guide that can be  
9 downloaded at the link I give in the hard copy.  
10 In closing, I would appeal to Montgomery County  
11 policy personnel involved in the issues discussed  
12 above to examine the cited material, and to work  
13 - and to contact these communities, and try to  
14 work with them for a sustainable future.

15 MR. SUBIN: Great, thank you. Mr.  
16 Sheveiko?

17 MR. SHEVEIKO: How is everybody doing?  
18 I've been following the IGCC adoption process for  
19 four years now, ever since Maryland moved on  
20 their adoption, voluntary adoption, for local  
21 jurisdictions, and I was originally excited  
22 because this is the first model code that

1 addresses sustainability, all of sustainability  
2 through the entire building life cycle from  
3 design, to construction, to maintenance and  
4 beyond.

5 And because of the way that Maryland  
6 adopted this code and allowed local jurisdictions  
7 to implement it directly, Montgomery County has a  
8 lot of leeway in how the code is drafted and  
9 adopted. And it's an amazing opportunity for us  
10 to address not just climate change, as many  
11 speakers will attest to, but also all of our  
12 other sustainability challenges.

13 And so I was very disappointed by the  
14 draft in front of us today four years later. I  
15 feel like it ignores concerns from civics,  
16 environmentalists, and even some members of the  
17 building industry, as well as the Department of  
18 Environmental Protection.

19 Buildings are our largest contribution  
20 to climate change, and the County has set  
21 mandates to reduce greenhouse emissions a decade  
22 ago. It's 2015. We were supposed to have

1 reduced our emissions by 10 percent. Lo and  
2 behold, we are still increasing them. So the  
3 IGCC is our best opportunity to move on this. We  
4 have a mandate set by law in Chapter 19 of the  
5 County Code. We have the policies. We have the  
6 technologies.

7 Your own Director of the Department of  
8 Permitting Services last summer admitted on  
9 camera that look, all of this, all of these  
10 improvements benefit everybody, the long-term  
11 owner of the building, the society at large. It  
12 has economic benefits. The only people that may  
13 not benefit, as your Director said, are the  
14 people who build it, and flip it, and then get  
15 out.

16 So I feel like this draft as written  
17 benefits only one special group of people that  
18 are not in it for the long-term, that are there  
19 to flip. Everybody else, I think, is not  
20 satisfied with this code. And I urge you to work  
21 both with the industry professionals who say this  
22 code doesn't go far enough, and the civic and

1 environmental groups.

2 The code as approved by Maryland was  
3 just a baseline of minimum sustainability  
4 requirements, and I reject your efforts to weaken  
5 it to the point where it's unrecognizable. Thank  
6 you.

7 MR. SUBIN: Okay, thank you.  
8 Christiane Graham and Ralph Bennett? Ms. Graham?

9 MS. GRAHAM: Hi, my name is Christiane  
10 Graham. I'm the team leader of the Environmental  
11 Justice Ministry at Cedar Lane Unitarian  
12 Universalist Church in Bethesda. Thank you for  
13 giving me the opportunity today to testify here.

14 As a faith community, we are  
15 expressing our moral and ethical values and  
16 obligations to future generations by asking you,  
17 our legislature, to support a transition closer  
18 to zero greenhouse gas emissions by 2050, only 35  
19 years from today.

20 This goal is incompatible with current  
21 international green construction code legislation  
22 proposed by the Department of Permitting

1 Services. We ask Montgomery County to require  
2 that new construction fulfill at least the  
3 Chapter 6 criteria of the IGCC covering energy  
4 conservation, efficiency, and CO2 emission  
5 reduction.

6 Many sections in the IGCC as currently  
7 proposed are being moved from Section 6 to  
8 Appendix A, which makes them optional instead of  
9 being required. We believe all parts of Section  
10 6 should be left in as mandatory to maximize  
11 energy conservation to accomplish any reasonable  
12 CO2 emission reductions.

13 Buildings are the largest energy use  
14 in Montgomery County. A strong mandatory IGCC is  
15 the best opportunity to reduce our carbon  
16 footprint. The County has fallen far behind the  
17 old carbon emission guidelines set in 2008.

18 Future projects, i.e., the many new  
19 buildings proposed to revitalize Kensington, will  
20 triple carbon emissions by 2030, and you can read  
21 that in the Kensington sector plan passed in  
22 February 2012.

1           The Montgomery Department of  
2           Environmental Protection public comments, for  
3           example, reflect that they spoke out against  
4           deleting full sections of the code or moving them  
5           to Appendix A.

6           By only requiring two electives, many  
7           projects that are occurring in Montgomery County  
8           would comply simply because of their location and  
9           the type of project being built without  
10          addressing some of the more substantive  
11          sustainability measures.

12          This appears to be instituting an  
13          approach in the building code that has been the  
14          subject of criticism for both the LEED building  
15          standard and the CRZ zone whereby credit is given  
16          for location and development type as opposed to  
17          real sustainability measures.

18          We have choices. Do we stay with the  
19          current outdated -

20                 MR. SUBIN: 30 seconds.

21                 MS. GRAHAM: - economic paradigm that  
22          benefits few and completely ignores the climate

1 chaos predictions of 99 percent of world  
2 scientists, or are we resolved to build  
3 sustainable communities that provide thousands of  
4 jobs in this county while transitioning to  
5 renewable energy, deploy energy efficient  
6 technologies, and develop and install energy  
7 generation projects in a variety of industries,  
8 including business, manufacturing, engineering,  
9 and construction?

10 MR. SUBIN: Can you summarize, please?

11 MS. GRAHAM: One sentence. As our  
12 Reverend Abhi Janamanchi has said, our broken  
13 world needs healing.

14 MR. SUBIN: Thank you. Mr. Bennett?

15 MR. BENNETT: How are you, sir?

16 MR. SUBIN: Very well. Good to see  
17 you.

18 MR. BENNETT: Good to see you. My  
19 name is Ralph Bennett. I have been an architect  
20 in Montgomery County since 1977. I'm an emeritus  
21 faculty member of the architecture program at  
22 College Park. I teach two courses on

1 sustainability.

2 My students and I have been involved  
3 with the IGCC since 2010, and we have worked with  
4 the staff of DPS during the period. I've also  
5 participated with the Potomac Valley chapter of  
6 the American Institute of Architects in their  
7 review of the code since 2013.

8 The existing green building regulation  
9 requires the use of an aspirational standard,  
10 USGBC's LEED, as a requirement. One of the  
11 founding intentions of the USGBC was to move  
12 building construction toward code-based systems  
13 to raise performance more broadly. I believe the  
14 proposed IGCC does that.

15 Without commenting on the relative  
16 effectiveness of this proposed version of the  
17 IGCC compared to the versions of LEED now in use,  
18 I believe that a transitional period is required  
19 during which a current LEED system rating can be  
20 accepted as an alternative compliance path, but I  
21 believe the conversion to the IGCC is appropriate  
22 and inevitable.

1           The County's commitment to making more  
2 of its construction sustainable is reflected in  
3 the lowered threshold of compliance to 5,000  
4 square feet of new or modified construction. I  
5 believe, however, that this threshold is too low  
6 to accompany the sudden enforcement of an  
7 entirely new code six weeks from now, so I  
8 suggest that the current threshold of 10,000  
9 square feet be retained for a transitional  
10 period.

11           There is no question that green  
12 building raises both soft costs in design and  
13 hard costs in construction. Experience with this  
14 code on larger projects is essential before very  
15 small projects are made subject to it. Soft  
16 costs tend to become constant and proportionally  
17 large for small projects.

18           I believe the proposed version of the  
19 IGCC is not a highly demanding one in that the  
20 jurisdictional requirements on Table 302.1 are  
21 few, seven, as are the number of electives  
22 required from Appendix A, two, three, or four

1 from 63 possibilities.

2 I expect early consideration of the  
3 2015 version of the IGCC, and trust that the  
4 Department will continue its deliberate, broad-  
5 based, and in the main, responsive review of its  
6 requirements. Thank you.

7 MR. SUBIN: Thank you, Mr. Bennett.  
8 You did comment about providing a transitional  
9 period.

10 MR. BENNETT: Yes.

11 MR. SUBIN: How long would you make  
12 that for?

13 MR. BENNETT: At least until version  
14 four of LEED is adopted, which is next October, I  
15 would suggest, but others may have other  
16 suggestions.

17 MR. SUBIN: Okay, thank you, sir.  
18 Thank you. Good to see you again, Ralph.

19 MR. BENNETT: Yes, good to see you.

20 MR. SUBIN: Heather Dlhopsky,  
21 Washington Property, and Julia Rice? I hope I  
22 didn't butcher your name.

1 MS. DLHOPOLSKY: That was it. I  
2 usually hear, "Heather," and a pause, and know  
3 that it's me.

4 MR. SUBIN: Okay, Heather, you can  
5 start whenever you are ready.

6 MS. DLHOPOLSKY: Sure, I will be  
7 fairly brief. Heather Dlhopsky, I'm an  
8 attorney with Linowes and Blocher, and I am here  
9 on behalf of Washington Property Company which is  
10 a developer with several projects that are either  
11 recently developed or underway in the Ripley  
12 District of Silver Spring.

13 We will be submitting full written  
14 comments prior to the deadline on the 31st. It  
15 will be a lot more detailed than what I'm going  
16 to say today. But I actually echo what Mr.  
17 Bennett just briefly said with regard to the  
18 transition provision. That's kind of the main  
19 point of my testimony today.

20 The Ripley East project is one that  
21 has - it's Washington Property Company's project.  
22 It has sketch plan, preliminary plan, and site

1 plan approval. The Ripley II project just  
2 received planning board approval for their sketch  
3 plan. Both projects have already been registered  
4 with the USGBC for LEED certification at the  
5 silver level, and they are significantly through  
6 the design process at this point.

7 Our understanding of the proposed  
8 regulations is that there is currently no  
9 grandfather or transitional language in there, so  
10 both projects, despite that they are very  
11 significantly through the design phase at this  
12 point, we understand would need to be  
13 significantly redesigned if these regulations are  
14 approved in their current state and in the  
15 current timing that's anticipated, so what we  
16 would propose is that there be some kind of  
17 grandfather or transitional language.

18 And in particular, what we would  
19 suggest is that for any significant redevelopment  
20 projects that have any level of planning board  
21 approval - so for the mixed use CR Zones in the  
22 County, that would be the initial approval would

1 be the sketch plans, so we would recommend that  
2 once they have a sketch plan approval - that they  
3 are grandfathered in under the old regulations as  
4 opposed to having to comply with the new ones  
5 just because they are so significantly through  
6 the design process at that point. Thank you.

7 MR. SUBIN: All right, thank you. Ms.  
8 Rice?

9 MS. RICE: My name is Julia Rice, and  
10 I'm testifying on behalf of the Montgomery County  
11 Green Party. We urge DPS to recommend a strong  
12 green construction code. The sections of the  
13 code that have been deleted or made voluntary  
14 should be restored.

15 The IGCC is an essential first step  
16 toward sustainability, and we must retain it in  
17 its original form. Global warming is an  
18 existential threat that has the possibility to  
19 destroy our civilization.

20 This year, average global temperatures  
21 moved past one degree Celsius above pre-  
22 industrial levels, halfway to a catastrophic

1 level of warming. If we are to address this  
2 problem, we must begin at the local level.  
3 Montgomery County has passed a mandate to reduce  
4 greenhouse gas emissions, but a report earlier  
5 this year showed that it has failed to meet its  
6 goals.

7 It is vital that Montgomery County  
8 pass a strong green construction code. Buildings  
9 consume two-thirds of all electricity, and  
10 account for one-third of greenhouse gas  
11 emissions.

12 Unfortunately, the version of the IGCC  
13 that is being proposed has been seriously  
14 weakened. Too many requirements have been  
15 deleted or moved to the appendix and made  
16 electives.

17 The DPS should restore mandatory  
18 sections of the IGCC on waste management,  
19 recycling, and energy conservation. Especially  
20 important are provisions mandating a 20 percent  
21 CO2 emission reduction.

22 Estimates by DPS itself show that

1 energy efficiency provisions of the code will pay  
2 for themselves within a few years, and the  
3 consequences of failing to act are too great.

4 Thank you.

5 MR. SUBIN: Thank you, Ms. Rice.

6 Nicola Whiteman and Michael Luzier? Ms.

7 Whiteman, Mr. Luzier? Okay, Michelle Desiderio?

8 MS. DESIDERIO: I'm here.

9 MR. SUBIN: And Bailey Condrey? Ms.

10 Desiderio?

11 MS. DESIDERIO: Good afternoon, my

12 name is Michelle Desiderio. I have lived in

13 Montgomery County for over 21 years, and equally

14 long I have worked to improve the environmental

15 performance and affordability of housing.

16 Currently, I am Vice President at Home Innovation

17 Labs where I oversee the NGBS green certification

18 program based on the ICC 700.

19 Home Innovation Research Labs is a 50-

20 year-old company with a mission to improve the

21 quality, affordability, durability, and

22 environmental performance of housing. Originally

1 located in Rockville, we are now in Upper  
2 Marlboro, and have become a full service market  
3 research, building science, product testing, and  
4 accredited third-party certification agency  
5 dedicated solely to the housing industry.

6 We support Montgomery County's  
7 proposal to adopt the 2012 IGCC, and to allow  
8 residential buildings to use ICC 700 as a  
9 compliance path. We believe this proposal will  
10 promote sustainable cost effective housing.

11 Montgomery County has been a leader in  
12 sustainable development, but high performance  
13 housing has led other construction types. While  
14 there may be hundreds of LEED certified buildings  
15 in the counties, according to the USGBC website,  
16 only 18 are multi-family, and nine are single  
17 family.

18 I speak with personal experience.  
19 Since 2009, Home Innovation has served as the  
20 adopting entity for ICC 700, issuing  
21 certifications through our NGBS Green  
22 Certification Program. We have certified over

1 66,000 homes and apartments, and we have 53,000  
2 in process.

3 Why have we been successful? I offer  
4 three simple reasons. ICC 700 was specifically  
5 designed for housing. It seamlessly embeds high  
6 performance construction techniques into code  
7 language familiar to architects, builders, and  
8 contractors. NGBS Green Certification is  
9 rigorous, affordable, and provides values to  
10 builders and residents.

11 Our operating philosophy has been to  
12 remove barriers to high performance housing  
13 without reducing the rigor. Consequently, we  
14 offer unlimited technical assistance, free  
15 interpretation, superior customer service, and  
16 affordable fees.

17 Let me start with the value of using  
18 ICC 700 as the green code baseline for housing.  
19 It carries two important designations. First, it  
20 is the only industry approved residential green  
21 building standard.

22 Second, as part of the family of I-

1 Codes, it forms a complete set of comprehensive  
2 and coordinated building requirements. It's  
3 written in code language to make it easy to  
4 understand and straightforward to implement, an  
5 important reason it's been widely accepted even  
6 in the absence of mandates and incentives.

7 It may be straightforward, but it is  
8 also rigorous and comprehensive. It requires all  
9 projects to achieve a minimum point threshold in  
10 every category of green building practices. This  
11 makes it the most rigorous comprehensive green  
12 building rating system available.

13 Like many codes, ICC 700 has a  
14 prescriptive and a performance path. The U.S.  
15 Department of Energy worked with the consensus  
16 committee to ensure that the buildings following  
17 the prescriptive path would meet the minimum  
18 energy efficient requirements. Regardless of  
19 compliance, the certification program requires  
20 buildings to follow 100 percent verification  
21 protocol.

22 MR. SUBIN: 30 seconds.

1 MS. DESIDERIO: We support the  
2 proposal to adopt the 2008 ICC 700 with the  
3 requirement for silver performance, but we would  
4 also support an amendment to recognize the 2012  
5 ICC 700, but at the bronze level. That would be  
6 roughly equivalent to a 25 percent improvement  
7 over ASHRAE 90.1, and a 10 percent improvement  
8 over LEED for homes mid-rise, and Maryland's  
9 adoption of the 2015 IECC will ensure that any  
10 buildings will meet the minimum efficiency.

11 MR. SUBIN: Can you summarize, please?

12 MS. DESIDERIO: We also support  
13 independent certification for the program. We  
14 believe that's a great way for the industry to  
15 accept the program going forward, and we've seen  
16 that in other cities. We've seen it work very  
17 well. And I specify in my comment letter about  
18 how our verification and protocol works, and  
19 certification program.

20 MR. SUBIN: Great, thank you very  
21 much.

22 MS. DESIDERIO: Thank you very much.

1 MR. SUBIN: Okay, Mr. Condrey?

2 MR. CONDREY: Thank you for the  
3 opportunity. My comments are less technical.  
4 The sea level rise that accelerates with each  
5 passing year is mathematically connected to the  
6 increasing level of greenhouse gases emitted to  
7 our atmosphere. In a phrase, we're talking about  
8 feedback loops.

9 The impact of the state's most  
10 populous county directly affects the future  
11 health of Maryland's 4,600 miles of tidal  
12 coastline. The future economic stability of the  
13 state is tied to what Montgomery County does  
14 today. Annapolis and tidal cities across the  
15 country already face the economic consequences of  
16 rising seas.

17 We fall all over ourselves to address  
18 the threat of terrorism, and yet the terror that  
19 climate change already wages upon our nation gets  
20 downplayed every year. We have five short years  
21 to reach the 20 percent greenhouse gas reduction  
22 target, and we need to get started.

1           It's interesting the societal trends  
2 we go through. This year the Christmas and  
3 Hanukkah cards that arrive at my house have a  
4 common theme. They all have photographs of  
5 children. And with so much focus on the  
6 children, why are county-wide greenhouse gas  
7 reduction targets going in the wrong direction?

8           The terrorism of climate change is  
9 going to beat the hell out of our relatives. It  
10 will create economic chaotic disinvestment from  
11 Maryland's coastal economy. So it's gotten to  
12 the point where it is so bad that scientists have  
13 named the era in which we're living the  
14 Anthropocene Epoch. We're driving the sixth mass  
15 extinction of life on the planet.

16           Greenhouse gases acidify seawater.  
17 Acidification of seawater dissolves the shelves  
18 of phytoplankton and other sea life.  
19 Phytoplankton accounts for 40 percent of the  
20 oxygen on the earth. The math is pretty simple.  
21 So the clock is ticking, and we are losing, and  
22 it's time to do something about it. Thank you.

1 MR. SUBIN: Okay, thank you, Mr.  
2 Condrey.

3 MR. BROADFIELD: I just wanted to  
4 introduce myself. I'm Wayne Broadfield, and  
5 Janice Szymanski. I believe we were already  
6 introduced. I just want to -

7 MR. SUBIN: Okay, we'll get you after.

8 MR. BROADFIELD: Okay, thank you.

9 MR. SUBIN: Annette Rosenblum and  
10 Sabrina Harder? Ms. Rosenblum?

11 MS. ROSENBLUM: My name is Annette  
12 Rosenblum. I'm the technical person on the staff  
13 for the Maryland Building Industry Association.  
14 The Association represents the residential  
15 building community in Montgomery County, as well  
16 as in most of the state of Maryland.

17 The building industry promotes  
18 sustainability and energy efficiency of  
19 construction. The Association sponsors numerous  
20 education and training sessions on energy codes  
21 and green building related issues.

22 The County's proposed regulation

1 adopting the 2012 IGCC was first issued on  
2 December 1, and this is a busy time of the year  
3 to get the attention of stakeholders. Therefore,  
4 I am asking for an extension of the comment  
5 period until January to allow time for additional  
6 input. That being said, I am going to make some  
7 preliminary comments today.

8 We support the IGCC's alternate  
9 compliance path for multi-family five stories or  
10 more in height which uses the National Green  
11 Building Standard with the silver level for  
12 energy efficiency as a minimum to meet the  
13 requirements of the IGCC.

14 However, the County's proposal  
15 significantly expands the current County green  
16 building requirements and the scope included in  
17 the IGCC model code. This expansion requires all  
18 multi-family buildings four stories or less,  
19 including two over two townhouses, to meet the  
20 requirements of the IGCC.

21 We are currently surveying our members  
22 to determine how much this will increase costs

1 and affect their ability to provide affordable  
2 housing. We note that the two over two townhouse  
3 is considered a very affordable home.

4 The National Green Building Standard  
5 is ideally suited to help the County achieve its  
6 goal of increasing the number of residential  
7 buildings that are green and energy efficient.  
8 Multi-family buildings in Montgomery County  
9 already have been built using that standard or  
10 are underway.

11 My other comments, two comments, have  
12 to do with the fact that the National Green  
13 Building Standard was specifically designed for  
14 residential projects, and is fully integrated  
15 into the International Code Council's family of  
16 codes that are used by builders. In addition,  
17 the standard is the first and only residential  
18 green building rating system to undergo the full  
19 consensus process and receive approval from the  
20 American National Standards Institute.

21 Since there are projects that already  
22 have invested time and money in design based on

1 the current county green building requirements,  
2 we ask that a reasonable grandfathering period be  
3 part of the proposed regulation. That concludes  
4 my comments.

5 MR. SUBIN: Okay, thank you.

6 Mentioning the calendar instead of just going by  
7 the written word, I think you have a good point  
8 about the comment period, so we're going to  
9 extend that comment period until 5:00 p.m.  
10 January 14.

11 MS. ROSENBLUM: Thank you.

12 MR. SUBIN: And same question, you  
13 also, I think, have endorsed what Mr. Bennett  
14 first brought up as the transitional period which  
15 I think he put into October. Would you agree  
16 with that or some other -

17 MS. ROSENBLUM: That seems like that  
18 would work for most people.

19 MR. SUBIN: I'm trying to get those  
20 comments for the record. It will be the  
21 Department that deals with that. I wanted to  
22 make sure we got some consistency on the idea and

1 the time frame. Okay, Ms. Harder?

2 MS. HARDER: Thank you, gentlemen. My  
3 name is Sabrina Harder. I'm the Executive  
4 Director for the USGBC Maryland Chapter. I'm  
5 also speaking on behalf of the USGBC National  
6 Capital Region. We submitted written comments to  
7 DPS last week. I have a copy of those with me in  
8 addition to my testimony. I wish to emphasize  
9 the following points and revisions for  
10 recommendations for Regulation 21-15.

11 Item one: exempt projects that are  
12 incredible leadership labels for green building  
13 achievement that are currently popular in  
14 Montgomery County, specifically LEED and Green  
15 Communities, from requirements of the green code  
16 as is done in neighboring communities like  
17 Baltimore city and D.C. Many of our members are  
18 driven by market forces and financing to build to  
19 LEED or Green Communities anyway, so efforts to  
20 comply with IGCC would add costs.

21 Other members fear that these costs  
22 would deter them from pursuing higher levels of

1 green building performance or from pursuing  
2 beyond code green building altogether, both of  
3 which are in opposition to the idea of a  
4 productive green building law.

5 DPS noted in its IGCC FAQ resources  
6 that an alternate compliance path was available,  
7 but it is our understanding from conversations  
8 with staff that requests via the code  
9 modification process would be handled on a case  
10 by case basis and may be cumbersome.

11 Item two: maintain the scope of the  
12 County's green building requirements to buildings  
13 greater than 10,000 square feet consistent with  
14 neighboring jurisdictions. Of course we welcome  
15 a move towards including more buildings and  
16 building types within the scope of green building  
17 policy, but our members are also deeply concerned  
18 about the predictability and early signals before  
19 such changes were to take effect. We need time  
20 to respond to this requirement.

21 Item three: ensure that the County's  
22 current exemplary green building baseline is not

1       compromised with this new code.  If anything, I  
2       think we all agree we should be moving forward.  
3       We had heard that the drafting process may not  
4       have adequately leaned on expertise with  
5       residential construction which is a big part of  
6       the development in the County that would fall  
7       under this regulation.  As written, the code  
8       indeed appears to apply to R2 and R4 occupancies  
9       greater than 5,000 square feet, including an ICC  
10      700 compliance option.

11                 There is a lot of experience and  
12      expertise within our members and partners  
13      regarding the design and construction for these  
14      occupancies using ICC 700.  Certain details must  
15      be revised in order to at least make sure that  
16      the code isn't a backwards step from today's law.  
17      We'd love to work with DPS on how to move forward  
18      on this item.

19                 Item four: confirm that DPS has the  
20      resources and staff it needs to administer a  
21      smooth, swift, and effective code implementation  
22      process which we think could best be facilitated

1 by establishing a working group to advise on IGCC  
2 implementation that could help to both articulate  
3 what projects are and aren't grandfathered under  
4 the current green building law, and also to  
5 examine and recommend revisions to the existing  
6 waiver process to facilitate reasonable  
7 compliance exceptions while maintaining  
8 stringency.

9 MR. SUBIN: You have 30 seconds.

10 MS. HARDER: Our members have worked  
11 with code officials in Baltimore City and in D.C.  
12 as they have moved to an IGC based - IGCC based  
13 green building standard. While we oppose this  
14 regulation as currently proposed, we stand ready  
15 and willing to help, both on advising the  
16 regulation, and on supporting its implementation.  
17 I thank you both for your time and commitment to  
18 green building and economic development in  
19 Montgomery County.

20 MR. SUBIN: And thank you for taking  
21 the time. Eugenia Gregorio and Peter Ukstins?  
22 Ms. Gregorio?

1 MS. GREGORIO: My name is Eugenia  
2 Gregorio. I am the Director of Corporate  
3 Responsibility for the Tower Companies. I'm  
4 responsible for developing and managing our  
5 sustainability initiatives and partnership  
6 efforts.

7 Tower is a family owned, privately  
8 held real estate development and property  
9 management company with our headquarters in  
10 Rockville, Maryland. We develop, own, and manage  
11 over five million square feet of commercial  
12 office space, multi-family residential  
13 properties, and shopping centers in the  
14 Washington, D.C. area, with a strong focus in  
15 Montgomery County, and we strive to be a leader  
16 in the green building industry.

17 At the outset, I, on behalf of the  
18 Tower Companies, want to thank Montgomery County  
19 for the leadership in seeking to implement the  
20 IGCC. We would, however, urge the County Council  
21 and DPS to consider changes to the proposed  
22 regulation in its current state, and we support

1 the recommendations being submitted by both the  
2 NAIOP D.C. Maryland Chapter and the USGBC NCR  
3 Maryland Chapters.

4 In particular, we believe that LEED  
5 certification should be considered a pre-approved  
6 alternative compliance path. Without this pre-  
7 approved pathway, projects may incur additional  
8 costs to either comply with both the IGCC and  
9 LEED, or to navigate the County's code  
10 modification process on a project by project  
11 basis.

12 LEED guidelines are a widely accepted  
13 market standard. Our tenants often demand LEED  
14 compliance, and LEED guidelines form the basis of  
15 many industry best practices. Most importantly,  
16 allowing LEED guidelines to be used as an  
17 alternative compliance path would meet the intent  
18 of the proposed regulation because compliance  
19 with those standards supports many of the same  
20 green building principles at the heart of the  
21 regulation. Thank you.

22 MR. SUBIN: Thank you. Mr. Ukstins?

1           MR. UKSTINS: Hello, my name is Peter  
2 Ukstins. I am speaking on behalf of James G.  
3 Davis Construction as the Director of Integrative  
4 Construction. We are the second largest  
5 commercial contractor working in Montgomery  
6 County. We've built over 23 million square feet  
7 in the last three years alone within the County.

8           As a LEED accredited professional, I'm  
9 here today in support of the adoption of the  
10 IGCC, but to advocate for a green code that  
11 offers flexibility through alternative compliance  
12 paths using third-party verified green building  
13 programs.

14           From the general contractor's  
15 perspective, there is a great deal of uncertainty  
16 on how the Regulation 21-15 will be verified for  
17 compliance specifically as it relates to on-site  
18 inspections. Under Section 803.05 procedures, it  
19 states that the IGCC is part of the ICC and  
20 governed under the, "inspection procedures and  
21 policies codified in Chapter 8 of the Montgomery  
22 County Code."

1           The Montgomery County Chapter 8 code  
2           as written does not clearly identify what the  
3           process will be regarding permit review and on-  
4           site inspection to verify compliance under this  
5           regulation. Additionally, it's unclear on what  
6           grandfathering or transition period will be in  
7           place for projects already permitted or designed.

8           We would encourage Montgomery County  
9           to - three things. Ensure the resources and  
10          staffing and the process is in place to handle  
11          on-site inspections. This would include means  
12          for submitting documents that may be required to  
13          verify compliance. We have seen historically, in  
14          other jurisdictions, struggle with this process  
15          when it is not in place prior to adopting these  
16          mandatory green codes. This causes confusion.

17          Two: include an alternative compliance  
18          path using third-party green building programs  
19          such as USGBC's LEED or any other Green Community  
20          program. This process of verification is  
21          familiar to the construction industry, and  
22          eliminates uncertainty regarding cost and

1 schedule. This would eliminate a financial  
2 burden to the County for putting in place the  
3 resources and staffing to do just this before the  
4 April 2016 effective date.

5 And thirdly, offer education and  
6 outreach sessions to create a better  
7 understanding within the marketplace. We  
8 recognize and support Montgomery County in its  
9 effort to be a green leader with sustainable  
10 practices and the adoption of the IGCC.

11 We would ask that the County uphold  
12 the reputation by providing this alternative path  
13 to compliance allowing flexibility, helping to  
14 facilitate green building innovation beyond the  
15 required regulation you propose. Thank you.

16 MR. SUBIN: Thank you. After  
17 everybody speaks, I was just talking to Counsel  
18 to the Department, if anybody has any questions,  
19 I'm going to leave the hearing record going and  
20 keep those questions on the record. Let's see,  
21 Janice Szymanski, Wayne Broadfield? Will you be  
22 speaking for AIA Potomac or -

1 MR. BROADFIELD: Correct.

2 MR. SUBIN: - individually? Okay, so  
3 you get one of you.

4 MR. BROADFIELD: We both have points  
5 though.

6 MR. SUBIN: In the three minutes?

7 MR. BROADFIELD: That's fine.

8 MR. SUBIN: You can -

9 MS. SZYMANSKI: We'll do it.

10 MR. SUBIN: - do it either way.

11 MR. BROADFIELD: Definitely, thank  
12 you.

13 MR. SUBIN: Okay, you're on.

14 MR. BROADFIELD: Thank you. My name  
15 is Wayne Broadfield. I'm the 2015 President of  
16 the AIA Potomac Valley Chapter. I've been a  
17 licensed architect in the State of Maryland since  
18 2010, and a LEED green associate and green growth  
19 professional since 2011. I'm also an associate of  
20 MV&A Architects, a medium-sized architecture firm  
21 that has completed numerous award winning  
22 projects within Montgomery County.

1 I'm here to speak on behalf of the  
2 Board of Directors of the AIA Potomac Valley, as  
3 we've been working alongside our advocacy  
4 committee as they've kept us informed of the work  
5 and feedback along - working alongside the DPS on  
6 the adoption and comments of the IGCC over the  
7 past two years.

8 Some of our committee members, such as  
9 Ralph Bennett, who are present have spoken  
10 already, but I'd like to expand on their concerns  
11 that will affect a majority of our some 550  
12 members, some who are sole proprietors.

13 Our members understand the importance  
14 of good sustainable design, but I feel that there  
15 is a continued focus on current projects. The  
16 quick adoption of this code with no transition  
17 period is impractical for those small firms that  
18 need to research and adapt their designs to meet  
19 the new IGCC standards.

20 This also indirectly affects the owner  
21 developers that will be asked to incur additional  
22 hard costs from the architect, and we all know

1       how hard of a conversation that is during the  
2       design and construction process once designs are  
3       approved and proposals are submitted.

4               I'd also like to bring into the  
5       account that in the IGCC FAQ as presented  
6       yesterday, that there is a stance on why the  
7       adoption of the IGC is there.

8               I'd like to quote, "Recommendation of  
9       the EEC-IV of the climate protection plan  
10      provides to ensure that new private and public  
11      sector buildings constructed in the county will  
12      present the pinnacle of energy efficiency and  
13      green building design. The County should develop  
14      a process to ensure that the most rigorous energy  
15      and green building codes are adopted in a timely  
16      manner," and I feel that this process is counter-  
17      productive if there is no transitional period for  
18      the design professionals.

19              MR. SUBIN: You've got about a minute  
20      left.

21              MS. SZYMANSKI: All right, well, I'm  
22      Janice Szymanski. I'm the 2015 President Elect

1 and 2016 Chapter President of the AIA Potomac  
2 Valley. I currently work at Grimm and Parker  
3 Architects, a company that's been working with  
4 Montgomery County for 40 years. It's something  
5 we're very proud of.

6 So I would also like to point out on  
7 behalf of AIA PV that we would like to bring up  
8 to the Board's attention our concerns of the  
9 proposed change that would require projects that  
10 are over 5,000 square feet to meet the new IGCC  
11 standard instead of the current 10,000 square  
12 feet.

13 Even though we're encouraged by the  
14 County's focus on making this one of the  
15 sustainable leaders in the county and country,  
16 making such a significant change with no  
17 transition period it would be a huge burden on  
18 our members and become a hardship for the county  
19 as this would require additional staffing for  
20 inspection and plan review.

21 Many of the members in our chapter own  
22 small practices, and this would -

1 MR. SUBIN: You have 30 seconds.

2 MS. SZYMANSKI: Okay, and this would  
3 be affected by this change. So we encourage the  
4 County to consider a transitional period of at  
5 least a year to allow for our members to properly  
6 adapt their practices.

7 MR. SUBIN: Thank you.

8 MS. SZYMANSKI: Thank you.

9 MR. SUBIN: Are Nicola Whiteman and  
10 Michael Luzier here? Is there anybody who hasn't  
11 spoken who would like to speak? Okay, does  
12 anybody have any questions of the staff, Mr.  
13 Mansouri or Mr. Hemal? Yes, sir, why don't you  
14 come up here and identify yourself for the  
15 record?

16 MR. SHEVEIKO: Danila Sheveiko for the  
17 record. A question about the fiscal impact  
18 analysis that was partially prepared over the  
19 summer by JBG and whatever the other company was,  
20 why no formal physical impact statement from you  
21 guys on this? All I got is, "Well, it's going to  
22 increase cost per square foot by \$7.00," but you

1 know, there's no, like, justification or  
2 information that explains where the \$7.00 was  
3 taken from.

4 And from our perspective, and as well  
5 as some of the industry folks, I mean, this code  
6 is not moving the needle ahead, so why is this  
7 additional cost of \$7.00 per square foot,  
8 especially considering that IGCC was designed to  
9 begin with to be a more affordable and  
10 streamlined method of green building, you know,  
11 construction?

12 MR. SUBIN: Okay.

13 MR. SHEVEIKO: Compared to LEED, which  
14 is why -

15 MR. SUBIN: So what's your specific  
16 question?

17 MR. SHEVEIKO: Well, where did you get  
18 the \$7.00 from?

19 MR. MANSOURI: Well, as you said  
20 earlier, you were part of the study that it was  
21 done. We had - we engaged a couple of companies,  
22 a couple of individuals to do this study for us.

1 As you know, and as you stated earlier, DPS is an  
2 agency that we enforce code. We adopt the code  
3 when the code is published by international  
4 consult, and we adopt it, and we enforce it.

5 On this particular one, since it was  
6 not mandated by the state, we were a little bit  
7 slower in adopting it. I mean, when the code  
8 gets mandated by the state, that the local  
9 jurisdiction has to adopt. We adopt it  
10 immediately within six months.

11 Since this code was not mandated by  
12 the state for the local jurisdictions right off,  
13 we did not adopt it as normal code cycle that we  
14 do. However, because of that, we were sensitive  
15 to making sure that we know if we are introducing  
16 this to public to making it - you know, that  
17 we're asking them to design the buildings based  
18 on this, we were trying to put some guidelines,  
19 some information out there that they would see  
20 what it is.

21 It is not DPS's policy or procedure to  
22 deal with how much it costs, how much this code

1 costs, how much that code. That is not usually  
2 we do that, but we did that just to give you a  
3 guideline on what it is. Does that answer your  
4 question?

5 MR. SHEVEIKO: Well, it just - IGCC  
6 was originally dropped earlier this year from  
7 adoption, "because of concerns of County  
8 executive staff about fiscal impact." So if  
9 there are concerns of - there were already delays  
10 about, you know, the adoption of the IGCC -

11 MR. MANSOURI: That was not the only  
12 concern. There were many concerns.

13 MR. SHEVEIKO: Right -

14 MR. MANSOURI: We were waiting -  
15 right.

16 MR. SHEVEIKO: That's what it said in  
17 the legislative note as the main reason for why  
18 it wasn't already adopted, and so if that's the  
19 main concern, and I understand that DPS is not in  
20 the business of fiscal impact statements, but if  
21 that's the main concern of the County's executive  
22 staff, then that's something that should be

1 addressed, you know, formally.

2 MR. MANSOURI: Well, again -

3 MR. SUBIN: Okay, why don't - in the  
4 comment period that's going to go through January  
5 14, why don't you put that question in writing to  
6 the staff then it will be on the record?

7 MR. SHEVEIKO: Oh, I will. Thank you.

8 MR. MANSOURI: Thank you. Yes, ma'am?

9 MS. SHEEHAN: If you don't mind, I'll  
10 stand here.

11 MR. SUBIN: No, I understand.

12 MS. SHEEHAN: I'm Catherine Sheehan  
13 with the Montgomery County Department of General  
14 Services, and I would just like to know if there  
15 are any current plans for taking a look at the  
16 2015 IGCC and incorporating that into an  
17 executive regulation?

18 MR. MANSOURI: Yes, staff are working  
19 on that. They are looking at the 2015 and - but  
20 that would not be part of this adoption. This  
21 adoption is - we are receiving the comments, and  
22 we will respond to it. But for future adoption,

1 absolutely yes, we are looking for 2015.

2 MS. SHEEHAN: Is there a time  
3 schedule?

4 MR. MANSOURI: No, we want to get this  
5 one done first to be able to look at the second  
6 one.

7 MR. BUCCI: Excuse me, can I make a  
8 statement?

9 MR. SUBIN: Question or statement?

10 MR. BUCCI: Statement.

11 MR. SUBIN: Okay, come up here.

12 MR. BUCCI: My name is Tom Bucci.  
13 I've been a LEED certification consultant for -  
14 in my previous position for four years, and I  
15 want to state an observation I saw. I provided a  
16 certification consulting proposal to a Buddhist  
17 congregation that was a very limited budget  
18 trying to build a new temple, and it was  
19 approximately 25 to 30,000 square feet.

20 And as you know, as has been stated  
21 here, soft costs for smaller projects are a  
22 greater percentage of the projects. And so in

1 this case, they probably were not able to build  
2 their new temple because of the requirements and  
3 that's, you know, with the 10,000 square foot  
4 requirement.

5 MR. SUBIN: Okay, is this a specific  
6 question on that project or a general question?

7 MR. BUCCI: This is a statement. So  
8 I'm stating an observation that I saw as a  
9 consultant, and a concern. I'm not going to -

10 MR. SUBIN: Yes, please phrase it in  
11 general terms then rather than specifics.

12 MR. BUCCI: Okay, certain financial  
13 sensitive populations such as nonprofits such as  
14 religious organizations have very limited  
15 budgets, and so this affects them greatly in the  
16 ability to build and maintain their facilities.  
17 So I believe it would be good to consider that  
18 fact, and also the square footage requirement  
19 certainly plays into that.

20 And I'm actually surprised I haven't  
21 heard other folks, you know, ask to increase the  
22 bar to a higher square footage. I'm all for

1 green building, but it really affects those kinds  
2 of populations -

3 MR. SUBIN: Sure.

4 MR. BUCCI: - and small businesses.

5 MR. SUBIN: I appreciate that.

6 MR. BUCCI: Thank you.

7 MR. SUBIN: I note that there are  
8 members from Council staff. Would you like to -

9 MR. KARR: I have a question.

10 MR. SUBIN: - just announce your  
11 presence for the record?

12 MR. HARRIS: I'm Walt Harris from  
13 Council Member George Leventhal's office.

14 MR. MORRISON: Drew Morrison with  
15 Council Member Roger Berliner's office.

16 MR. TIBBETTS: Dale Tibbetts from  
17 Council Member Marc Elrich's office.

18 MR. ZYONTZ: Jeff Zyontz, County  
19 Council Central Staff.

20 MR. SUBIN: Thank you for being here.  
21 Where was the question, Steve?

22 MR. KARR: Yes, Steve Karr. I've been

1 following this for the last couple of years, and  
2 keeping track of the Department's progress for  
3 whatever is going on with this IGCC. It's been  
4 somewhat of a moving target. I think it's been  
5 referenced today. The document that is available  
6 in the handout is now noted with an effective  
7 date of April 4.

8 I believe in the previous  
9 announcement, up until an hour ago, that the  
10 record would be closing on December 31, which I  
11 appreciate you extending to the 14th of next  
12 year, January. But it was - the way it was  
13 presented is the record would close on December  
14 31. It automatically becomes law on January 31  
15 unless disapproved by County Council. Is that  
16 true or not true? Is that still holding?

17 MR. SUBIN: Well, we -

18 MR. KARR: You're extending the record  
19 to the 14th?

20 MR. SUBIN: The record is being  
21 extended until January 14. The effective date  
22 isn't until April 4. So that will leave that

1 time period for the Department to consider those,  
2 and then Mr. Bennett has also asked for that  
3 transitional period until October. So I don't  
4 know how that - when they take this back to the  
5 Director, they'll have to factor all of that in  
6 and consider the comments.

7 MR. KARR: So my question is for the  
8 benefit of those who were not here who go to the  
9 County Register website for the County Register,  
10 and you click on ER 21-15, and you read this will  
11 become effective on January 31 -

12 MR. MANSOURI: It won't happen until  
13 we get it through the executive, then go through  
14 the Council and get approved. It has to be  
15 approved by Council.

16 MR. KARR: So I guess my question is  
17 will the County Register be updated to reflect  
18 that?

19 MR. MANSOURI: I would assume yes,  
20 probably.

21 MR. SUBIN: Yes, it will have to be  
22 updated by law.

1 MR. MANSOURI: Right.

2 MR. KARR: Thank you.

3 MR. SUBIN: I saw a hand over here.

4 MS. KOCAK: I have one question. My  
5 name is Fulya Kocak. I'm in construction, and I  
6 also heard as -

7 MR. SUBIN: I think the reporter is  
8 going to have to get a spelling of your name.

9 MS. KOCAK: It's F-U-L-Y-A K-O-C-A-K.

10 MR. SUBIN: Again.

11 MS. KOCAK: F-U-L-Y-A K-O-C-A-K. I  
12 heard as a member with green technical advisory  
13 group for the District of Columbia to do the  
14 exact same thing for IGCC, and it took quite a  
15 bit of effort in their department and a lot of  
16 their resources, so they are going up to ten  
17 people to enforce the IGCC despite the fact that  
18 LEED and other third-party rating systems are  
19 alternatives.

20 So my question to you is the County  
21 planning to increase the resources or create a  
22 partner that does preliminary reviews,

1 inspections, education, and all of these required  
2 implementation steps?

3 MR. MANSOURI: Absolutely, yes. We  
4 have looked into it. We are adding staff, and we  
5 are - some of this data is right now under, as  
6 you are familiar with the code, it does have a  
7 section that deals with electrical. There are  
8 sections that deal with mechanical,  
9 architectural, light safety. So we are going to  
10 blend it into right now what we have, and then  
11 we're also adding more staff for doing the  
12 enforcement.

13 MR. SUBIN: Okay.

14 MR. MANSOURI: I do want to clarify  
15 one point. I'm sorry. I've heard a lot of  
16 comments about the cost. I want to make sure  
17 that it's clear we - DPS realizes that this is -  
18 well, it probably is going to cost a little bit  
19 more, or maybe less or more.

20 Cost - anytime we adopt a new code,  
21 any new codes that comes in, not necessarily the  
22 new codes are going to reduce the cost of

1 construction. Most of the time it does increase  
2 it. So would it cost more? Most probably it  
3 will cost more, but we're doing it because it is  
4 better for the environment. It's something that  
5 people do appreciate, so please keep that in  
6 mind.

7 MR. SUBIN: Okay, any other questions?  
8 Going once, twice. It is now 2:40 December 17,  
9 2015, and I am declaring this hearing closed.  
10 However, the record will remain open until 5:00  
11 p.m. January 14, 2016.

12 Any additional comments may be sent to  
13 Mr. Hemal Mustafa or Mr. Hadi Mansouri,  
14 Montgomery County Department of Permitting  
15 Services, 255 Rockville Pike, Second Floor,  
16 Rockville, Maryland 20850. Thank you all for  
17 your input.

18 MR. MANSOURI: Thank you.

19 (Whereupon, the above-entitled matter  
20 went off the record at 2:40 p.m.)  
21  
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing on the IGCC 2012

Before: Montgomery Count Department of Permitting

Date: 12-17-15

Place: Rockville, MD

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**NEAL R. GROSS**

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