

CITY OF PORTLAND, MAINE

Standing Committee on Sustainability and Transportation

Councilor Spencer Thibodeau (D2), Chair

Councilor Belinda Ray (D1)

Councilor Jill Duson (At large)

Minutes March 20, 2019

Members Present: Councilor Thibodeau, Councilor Ray, Councilor Duson

Staff Present: Mayor Ethan Strimling, Troy Moon, Ashley Krulik, Jen Thompson, Bruce Hyman

Meeting was called to order at 5:35 PM. Councilor Ray moves to approve the minutes from February. Councilor Duson, seconded.

Changes:

- Councilor Ray: Clarify in minutes that she was not suggesting Lyseth School's construction be impacted by current discussion of the Green Building ordinance.

All those in favor of approving as amended 3-0.

Sustainability Program Updates

Troy Moon reviewed the items on the Sustainability Program Update memo

Energy Benchmarking:

- Based on CMP timeline for whole building data, Mr. Moon recommended moving forward with benchmarking buildings that are covered by the ordinance and only have one tenant.
- Another idea from CMP on how to pull the data is for us to give them all the account numbers for buildings that are subject to the ordinance and they would pull the data manually. This will be very time intensive on both sides.

Councilor Thibodeau:

- Talk about next steps to make the process move faster at the end of the meeting.

Mayor Strimling:

- Any pesticide waiver requests in addition to Waynflete? Mr. Moon responded, no.

Greater Portland Metro

Greg Jordan, General Manager of Greater Portland Transit District presented on the Greater Portland Metro and how to achieve 15 minute frequency in the future.

Councilor Thibodeau:

- Clarified that additional operating costs could be \$200,000 to \$1 million per year.

Councilor Duson

- Route 9 - highest ridership - were highest priorities in a specific order (Route 9 is listed last)? Mr. Jordan responded that priorities are not listed in order of preference. During peak times, Route 9 is already at 15 minute intervals. Midday, frequency goes down to

60 minutes. Would like to improve to have 15 minute intervals throughout the day in the future.

- Route 9 goes through some very dense working class neighborhoods and is used frequently by students
- 90 minute pass - only have to pay one fare when going downtown and back within 90 minutes? Mr. Jordan responded, yes.
- Please explain fare capping - Mr. Jordan - makes it so that pay-per-ride riders do not pay more in a month than people who hold monthly passes
- Will there still be a 10 ride ticket? Mr. Jordan - propose getting rid of 10-ride ticket and paper based multi passes because the pay-as-you-go fare capping will give people the same discount. Hope to have MetroCards in many locations across the City.
- Can you add any amount to MetroCard? Mr. Jordan responded, yes.

Councilor Ray

- Route 8 needs work - along with Route 1, 9A, 9B, and 7. Mr. Jordan - public planning process for improvements to routes will begin at the end of 2019. Be in place in late 2020. Looking at Route 8 and Route 1 to restructure and economize to minimize additional cost.
- Could we see potential bump in 2021 budget to support updated service? Mr. Jordan - yes.
- If we are adding buses to increase frequency, will Portland see budget increase? Mr. Jordan - yes, but there will be cost sharing with other communities. Portland will have higher level of increase because we have a higher level of service.
- Facility needs - there will be increased costs to invest in new/expanded facilities.
- Updating to 15 minute intervals is important and will overcome barriers of riding the bus. Mr. Jordan - would like to come back to the Committee as improvements proceed.

Councilor Thibodeau

- Funding Overview - 74% taxpayer funded - we should follow up with letter to our federal delegation about how important this is to us
- MetroCards - would be nice to have cards available for sale at bus stops or on the bus but understand if that's not doable just yet.
- \$725,000 for electric buses - do you think technology is there? Mr. Jordan - yes. Battery ranges can now run full days. Looking at performance in cold weather, steep grades, and heavy ridership. Need buses to be able to do 180-200 miles a day. Looking into fast charging infrastructure and buses will charge 10-15 minutes between loops.
- \$170k state funding - this may opportunity to ask for more - send letter or invite Governor to Portland to discuss.
- Operations facility - interested in hearing more about what the future holds.
- South Portland bus routes - update on how to join forces? Mr. Jordan - working with them on the fare technology to help riders have seamless fare system. No formal conversation on consolidation since a year ago. Feel that this needs to happen to achieve a seamless and functional transportation system. Will also save money for everyone.

- What are you asking the City for over the next two years? Mr. Jordan - first - general support to move in this proposed direction. Would like to come back with a more refined plan that addresses funding and facility issues and narrow down total cost.
- Please follow-up with the Committee on 5 year and 10 year refined plans to understand capital costs and what that investment will get us.

Mayor Strimling

- What are the contribution levels of other states? Mr. Jordan - do not know the numbers but know that Maine is one of the lowest in contributing to local transit. \$170k is the portion of the total local transit bucket that Portland gets.
- Have you done a fare analysis of how new fare would compare to other cities? Mr. Jordan - yes, average fare of similar cities is \$1.70. Manchester, NH is \$2.00. We know that we are at the high end but the fare capping opportunity is a mitigator to promote equity. There will also be a reduced fare option.
- Love fare capping aspect. Concerned about hike in fare.
- What would it cost the City of Portland to offer a program with reduced fares for lowest income residents? Mr. Jordan - would require some study and work with the City. Willing to explore if there is a funding source. Would not want to be in a position to certify people for that pass.
- Any preliminary work that we could look at prior to funding a deeper analysis? Mr. Jordan - happy to look at what other agencies are doing and do some modeling on what this would look like for us.
- Any information on how other communities fund transit? Developers? Mr. Jordan - can look into that and bring back.
- Frequency - is traffic a problem in terms of frequency? Mr. Jordan - traffic is a big problem. Hard to determine alternative scenario without solution to traffic congestion.
- Use smart technology to alleviate congestion? Mr. Jordan - transit signal priority citywide could help to improve frequencies. Could use Forest Ave. pilot project to estimate time savings.
- Operating facility - need one site or could there be two? Mr. Jordan - want operations and maintenance on one site. Could possibly get creative on administrative position locations but not ideal to have two sites. Multiple sites will be an alternative that will be reviewed.
- Maintenance costs diesel vs. electric? Mr. Jordan - there is a fuel savings, spend 50% less on electric parts/repairs.
- Zoning issues that could get in the way of growth? Mr. Jordan - no.
- Costs don't seem surmountable

Next Steps:

Work with Mr. Moon on developing letters to Federal and State governments.

Would welcome Mr. Jordan back once he has refinements to share.

Green Building Ordinance

Troy Moon - this agenda item follows up on last meeting's conversation on how green building ordinance applies to school buildings, possible amendments to green building ordinance to improve clarity and adoption, and hear from professionals in the room about green building codes.

Jen Thompson, Corporation Counsel, walked through email with suggested amendments to Green Building Ordinance.

Councilor Ray

- Amendments tackled her two concerns - definition of construction costs and assessed value, including buildings and not the land
- Had forgotten about "third prong" of purpose ("...and certain publicly funded building projects") - Lyseth school project doesn't fall under "third prong."
- Very satisfied with amendments made.
- Need to determine if LEED is the right standard to be referencing moving forward

Councilor Dusen

- Changes make things clear and this conversation puts into public record the standards would be applied during the permit application review. Would be looking to LEED standards in section 6167?
 - Jen Thompson - Ordinance applies to City buildings that we own (including schools) that are 2,000 sq ft or greater and meet the definition of new construction or a renovation. Second category applies to project on private property over 10,000 sq ft that is City funded. Yes, when a permit comes in, it would be reviewed under those two standards. 25% standard only applies to non-City buildings - we should possibly align those standards for both City and non-City owned buildings.
- If proposed amendment had been in place when Lyseth permit request came forward, would have had to address 2009 LEED for schools?
 - Ms. Thompson - right. We are letting the Lyseth School off the hook because the definition did not specify the value of the property is just the building or the building plus the land.
- Do not feel that a private owner would have passed the straight face test with that argument. It's not my intent with this clarification to impact the Lyseth project, but do want to clarify going forward because Council did not pass an ordinance that is do what I say, not what I do.
- We were intending to set an example when passing this Ordinance and need to live up to youth assumptions that we are doing our best.
- Hopes that these clarifications will ensure that the three remaining school renovations will align with Green Building Ordinance.
- Not trying to slow down the development of the schools.
- Believes that Lyseth project should be defined as new construction.

- Drummond Woodsum letter states that “Lyseth project includes new construction of 14,972 building square feet” - this would qualify as new construction under amended Ordinance. Need to complete LEED analysis for these projects.

Mayor Strimling

- Is Lyseth being built to green building code standards?
 - Councilor Dusen - no. They aren't building a drafty building, but they aren't meeting the code.
 - Councilor Ray - no, there was a letter drafted by a lawyer outlining why the school did not need to meet green building code. Renovations do not meet green building code standards. Close, but not quite. Committee does not want to go backwards and reconfigure Lyseth project, but want to make sure that the Ordinance is amended so that future projects will comply.
- Invite Superintendent to Committee prior to vote on amendment?
 - Councilor Ray - we are months away from a vote.
 - Councilor Dusen - requested that the school department be notified of these discussions.
- Request the school department be notified of future meetings.
- What are the cost implications of revising this ordinance for the schools? Need to understand fiscal impact.
 - Councilor Ray - bond stated that all renovations would be LEED certified.
- Would like to see chart with cost breakdowns. Councilor Thibodeau - will request cost breakdown but not review in detail in this Committee.
 - Councilor Dusen - please also make a formal request to the superintendent and school board to provide a copy of the LEED analysis that shows where the improvements rank in the points system to the Committee

Councilor Thibodeau

- No expectation that the entirety of a school needs to meet LEED certification. We will make sure school department received notification of meetings.
- Not trying to tank the school bond, that is not the goal of this discussion.
- Definition of renovation - if a renovation is less than the existing square footage of the building, what would we define it as? Ms. Thompson - I don't think that would fit in as a renovation?
 - Would it be new construction? Ms. Thompson - no.
- Need to add a definition of new construction.
 - New construction - additional square footage outside the existing square footage of the building
 - Renovation - within the existing footprint of the building
- If we renovate a piece of an existing building that is smaller than the larger footprint, would this need to meet green building standards?

- Need to follow-up to make sure new language makes this as clear as possible.

Jen Thompson

- Were all members of the committee present when Ordinance was adopted? In reading the language, appears that this was intended for larger scale projects only. As we formulate definitions, perhaps an analysis should be done into how the size/ratio of a project will shift into being a renovation.

Next Steps:

Formal request to the superintendent and school board for the Lyseth cost breakout and LEED points

Troy Moon - during the last meeting, discussed what set of green building standards should be used in ordinance. Invited Architect Jesse Thompson to review standards.

Jesse Thompson - gave a presentation on why it's important to meet green building standards.

- City has resources and people who are willing and ready to work on this project.
- Will not fix the problem by only focusing on City buildings.
- Maine has been stalled out at the State level but that is changing.
- Many newly constructed buildings in Portland do not follow code because there is a loophole - builders can meet total building performance by stating that energy cost will outperform reference building. Reference building is outdated and easy to outperform with standard building materials - windows and heating system.
- State of Maine using 2015 building code and 2009 energy code.
- Set up metrics to get closer to passive house standards
- 2009 LEED is very cumbersome and expensive
- Recommends improving codes in Portland for municipal and other buildings to create code path to get to zero
- Town must stay in sync with State code
- Ask for stretch code to exceed State code voluntarily
- Change line items in code to improve standards as compared to reference building

Councilor Ray

- Please send us presentation - Troy to forward
- Please share contact information for code experts
- What book are you referencing? Mr. Thompson - IECC

Councilor Dusen

- Thank you for helpful presentation - need to do some thinking

Mayor Strimling

- Will code changes increase costs? Mr. Thompson - insulation costs are a small part of total budget. Developers do not have the incentive to make buildings that will last a long time.

Councilor Thibodeau

- Current builders are following rules - how do we make sure at the City level to effectuate standards to be where we're supposed to be.
- Does Portland have to stay where the state is? Mr. Thompson - Portland can create their own standards within the codes.

Next Steps: Troy to look at how we have gone beyond the State codes in the past. What is handcuffing us now?

Public Comment

- Kimberly Cheslak: Will Committee accept written testimony? Yes.
- Emily Figdor- green building ordinance changes would not be possible within 4 school bond budget
 - Bond improvements are for learning environment, equity standards, and life safety standards
 - Definition of bond goals did not include environmentally friendly buildings
- George Rowe - has there been an inventory of all City projects that would have been impacted by green ordinance amendments? Feels that school bond is being targeted by these amendments.
- Maggie Wolf - 28 St. Lawrence Street - we are on the cusp of a huge building boom and need to step up our standards.
- Julie Rosenbach - kids in Lyseth - working in the sustainability field for 20 years - need to look at buildings differently at the beginning and set a different standard. Need to meet renewable energy goal of 100% renewable by 2040. Invest in efficiency now and save on energy costs in the future.
- Emma Reif- Sustainability expert in Portland - need to consider human health as we revise codes in addition to energy savings
- Kurt Jellison - standards are updated every 3 years, ventilation standard is out of date - student performance is improved with higher ventilation rates. Need to update to minimum standards.
- John Thibodeau - Protect our Neighborhood Schools - if we apply green building standards, not all 4 schools will be renovated due to funding shortcomings.
- Luke Truman - PCAT - suggest involving Code Enforcement Officers in conversation to include energy efficiency
- Naomi Beal - Passive House Maine - we have solutions for building more efficient buildings - also benefits health, comfort, and meeting Paris Accord goals

April 17 Meeting:

- Focus on solar
- MLK Recognition project
- Discuss Green Building Code updates
- Will not be relitigating School Bond or discussion around Lyseth School

Other projects:

- Single use plastics
- Water Resources integrated plan

Motion was made by Councilor Ray to adjourn the meeting at 8:18 pm. Motion was seconded by Councilor Duson. All in favor. 3-0.