

EXCERPT

Planning Commission

Meeting Minutes - Draft

April 14, 2014

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- 4**            **14-0338**            Adopt a Resolution to Update the Green Building Program for Residential Projects, Non-Residential Projects and Public Facilities

Andrew Miner, Principal Planner, presented the staff report.

Comm. Simons and staff discussed the potential inclusion, in the future, of the use of residential roof tops for congregated solar power.

Comm. Durham confirmed with Mr. Miner that there are guidelines for the types of materials used in construction to gain points, and discussed changes in general standards.

Comm. Harrison discussed with staff LEED ratings for alterations and examples of major alterations.

Comm. Klein and Trudi Ryan, Planning Officer, discussed the terminology distinguishing major from minor alterations, and clarified the modification to the staff recommendation provided to the Commission on the dais.

Comm. Rheaume confirmed with Ms. Ryan that the Green Building program applies only when an applicant obtains a building permit and not for smaller applications such as erecting a fence.

Vice Char Olevson discussed with staff reasons that justify changing the rules for construction standards and what benefit there is to the City of increasing the minimum number of points to obtain an incentive.

Chair Melton clarified with staff the minimum LEED standard for public facilities buildings. Chair Melton confirmed with Hanson Hom, Director of the Community Development Department, that the new fire station in Moffett Park would meet the minimum standard of silver and strive for gold.

Ms. Ryan noted that staff recommends changing the effective date from November 1 to January 1 to allow time to alert developments relying on Green Building bonuses to submit applications for building permits prior to the effective date.

Comm. Harrison asked if in the future staff would consider the addition of specific conditions such as the installation of irrigation systems with purple pipe to which Mr. Miner responded that it would be difficult to administer a program with very specific conditions.

Chair Melton opened the public hearing.

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Rich Ying, representing a Sunnyvale property owner, said the staff report was not available on the City website by Friday and requested the Planning Commission allow additional time for review and evaluation of the proposal.

David Wilbur, a Sunnyvale property owner, urged the Commission to opt for Alternative 3 to leave the current standards in place and allow staff time to reevaluate the resolution.

Chair Melton closed the public hearing.

Comm. Simons moved Alternative 2 to recommend to City Council to adopt the Resolution to update the Green Building tables for Residential Buildings, Non-Residential Buildings and Public Facilities with modifications:

1) The tables include the following:

a. Residential Projects:

- Raise the Build It Green point level for new construction to 110 points as the minimum and 150 points for the incentives; and
- Modify the requirement for remodels, alterations, and additions to require the CalGreen mandatory measures for all projects, regardless of the project construction valuation.

b. Non-Residential Projects and Public Facilities:

- Maintain the LEED Silver level for new construction between 5,000 and 25,000 square feet and LEED Gold for incentives;
- Increase the LEED Level to Gold for new construction greater than 25,000 square feet and LEED Platinum for the incentives;
- Increase the standard for major alterations so that projects between 5,000 square feet and 25,000 square feet meet a LEED Certified Level and projects greater than 25,000 square feet meet LEED Silver; and
- Modification: Delete the exception to the Moffett Park area in the Citywide incentives (e.g. allow an additional 10% FAR in the Moffett Park area) and add a footnote specific to Moffett Park.

c. Public Facilities:

- Maintain the current standards for new construction, which requires LEED Gold for new buildings greater than 5,000 square feet (unless determined infeasible); and
- Increase the standard for major alteration to match that of the non-residential projects.

2) Change the effective date to January 1.

Comm. Klein seconded.

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Comm. Simons said he thought he should make this motion because one of his first experiences with the Planning Commission was 20 years ago when he wanted to put a high-efficiency air conditioning condenser outside of his house and found he could place an inefficient one anywhere he wanted because of its small size, but could not place an efficient one anywhere due to setback requirements. He said having goals for sustainability and environmental balance has costs when things do not work out, that he likes setting rules and goals that are achievable and improve things and that this is a part of the process of making the City more sustainable and workable. He said the Commission is discussing recommending these rules to the City Council, that he is recommending the adoption of the updates and that there will be more time for discussion and opportunities to voice concerns when this item goes to Council.

Comm. Klein said he will be supporting the motion and was a Planning Commissioner when the original Green Building program was established to improve overall sustainability in the City of Sunnyvale. He said he understands Vice Chair Olevson's questions and concerns about whether or not the reasoning for the updates is captured in the staff report, and said this was initially envisioned as a goal of sustainability. He said it was originally concentrated just on Moffett Park and is now spread throughout the City and into residential which is what the Commission and City Council was trying to do then. He said he understands the concerns of the public and recommended taking their concerns and questions to the City Council. He said he is happy to see what the program has done in Moffett Park and is looking forward to its continuing improvements to Sunnyvale. He said the program is looked upon by other Cities as a standard, that Sunnyvale is pushing the barrier, and that in terms of sustainability, businesses are being given incentives to create better projects which is overall better for the City.

Vice Chair Olevson said he will not be supporting the motion, and that with due deference to the experience of staff and his fellow Planning Commissioners, he has not heard quantitative justification throughout the discussion to change the ordinance other than it fitting City philosophy. He said he does not believe a governmental organization should be making substantial changes to ordinances without clear justification and urged the Commission to reconsider.

Comm. Durham said he is torn on this but will come down on the side of supporting the motion. He said we have to push toward greener and less environmental degradation to the City of Sunnyvale and the world at large. He said there will be costs, delays and problems trying to meet some of these standards, but that we will not get where we need to go in terms of sustainability without pushing the bar.

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Comm. Harrison said she will be supporting the motion and that green point rating benefits include homeowners having reduced costs and more comfortable homes, and commented on these things being health and safety issues to a large degree. She said reducing the amount of air leakage in ducts lessens costs for heating and cooling and reduces the influx of contaminated air as part of a heating system. She said low VOC caulk, adhesives and finishes reduce pollution, that lower water use means lower water bills, and that homeowners can maintain properties in a way that costs them less, hence costing the City less, which is part of the public purpose and intent of Green Building standards. She said the City has huge expenses in buying and treating water, and that the City has a standard of massing on the second story but that shading and solar access are design considerations that can be accommodated and are more significantly impactful on homeowners and neighborhoods than massing. She said the Climate Action Plan (CAP) indicates that siding and shading are important considerations that reduce energy usage and overheating and she would like to see them as part of the Green Building standards but will not push for them now.

Comm. Rheume said he was on the fence but goes along with Vice Chair Olevson's concerns regarding justification for raising the bar on the green point levels. He said he also agrees with Comm. Klein's comment that raising the bar forces applicants to build better products which makes for a better City. He said in the business world when he is asked to do something he needs to justify its purpose and why he is spending money. He said when he did an addition on his home he needed to buy material to put lights on the house and what he found when looking for materials in compliance were low quality products. He said he supports the green initiative when it makes sense, but that there is no proof as to why raising the bar makes sense, so he will not be supporting the motion.

Chair Melton said he will be supporting the motion and thanked the members of the public for coming out to speak. He said he could not speak to Mr. Ying not being able to download the staff report and said that this is just a step in the process and he will have another opportunity to look at the documents and bring his concerns to City Council. He said the tipping of the scales for him is existing city policy which states in the community vision section that the City aims to be a "regional leader in environmental sustainability ... advocating to reduce dependence on non-renewable sources by providing greater transportation options, reducing waste, protecting our natural resources and promoting alternative energy usage and research," which Chair Melton said is a lengthy statement saying we can hang our hats on the changes being made here. He said he finds himself somewhat in agreement with Vice Chair Olevson and Comm. Rheume and that Vice Chair

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Olevson will recall that the Planning Commission in January tussled with a recommendation to City Council that the Commission ended up voting 3-0 on for Council to not proceed on the item. He said the main factor contributing to the vote was that the Commission did not have data to justify the change, but that the tipping of the scales is existing policy and that the ordinance in place spells out a procedure for revisiting the policy and, when appropriate, gradually ratcheting up the levels to maintain the City's leadership position.

MOTION: Comm. Simons moved Alternative 2 to recommend to City Council to adopt the Resolution to update the Green Building tables for Residential Buildings, Non-Residential Buildings and Public Facilities with modifications:

1) The tables include the following:

a. Residential Projects:

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c. Public Facilities:

- Maintain the current standards for new construction, which requires LEED Gold for new buildings greater than 5,000 square feet (unless determined infeasible); and
- Increase the standard for major alteration to match that of the non-residential projects.

2) Change the effective date to January 1. Comm. Klein seconded. Motion carried by the following vote:

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**Yes: 5 -** Commissioner Durham  
Commissioner Harrison  
Commissioner Klein  
Chair Melton  
Commissioner Simons

**No: 2 -** Vice Chair Olevson  
Commissioner Rheaume

**5        14-0436        Standing Item:** Potential Study Issues for 2015

No potential Study Issues for 2015 were discussed.

**NON-AGENDA ITEMS AND COMMENTS**

**COMMISSIONER ORAL COMMENTS**

**STAFF ORAL COMMENTS**

Ms. Ryan announced upcoming Planning Commission meetings and the joint study session with City Council on May 20 regarding the Balanced Growth Profile.

Ms. Berry discussed the park dedication ordinance.

Ms. Ryan discussed Planning items recently considered by City Council.

Mr. Miner announced an upcoming Lawrence Station Area Plan Community Advisory Group meeting.

Vice Chair Olevson clarified with Ms. Berry the park dedication ordinance.

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

With no further business the Planning Commission meeting was adjourned at 10:23 p.m.