



# City of Sunnyvale

## Agenda Item

14-0339

Agenda Date: 5/6/2014

### REPORT TO COUNCIL

#### SUBJECT

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

#### REPORT IN BRIEF

As part of the City's 2009 green building program, staff was directed to return to Council approximately every 18 months to review the green building tables for possible implementation of three separate phases. This is the third phase of the program. The intent of each phase is to evaluate how the program is working and determine if the standards should be increased.

After almost four years of experience, the green building program is working well overall. Particularly important is that the program uses standardized green building checklists (LEED and GreenPoint Rated), which are commonly used throughout the Bay Area and nationally. Over the past several years the popularity and availability of green construction products and techniques has increased greatly. Therefore, staff is recommending adoption of the resolution in Attachment 1 which updates the green building program as follows:

#### **Residential Projects:**

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

#### **Non-Residential Projects:**

- 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 to require 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.
- Allow up to an additional 10% FAR in the Moffett Park area through approval of a Major Moffett Park Special Development Permit. Project must show green development features, transportation demand management or other sustainability measures significantly beyond those required to obtain the 15% or 20% density incentive.

#### **Public Facilities:**

- Maintain the current standards for new construction, which requires LEED Gold for new

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buildings greater than 5,000 square feet (unless determined infeasible).

- Increase the standard for a major alteration to match that of the non-residential projects.

All proposed changes would be effective for all projects that submit building permit applications on or after November 1, 2014.

The Sustainability Commission discussed this item at its March 17, 2014 meeting. The Sustainability Commission was in agreement with the above recommendation and voted 5-0 to adopt standards at least as rigorous as above. The Sustainability Commission also moved to consider requiring conduit to be installed in all new residential buildings for future photovoltaic systems. Staff has not included this in the recommendation.

The Planning Commission discussed this item at its April 14, 2014 meeting. At the meeting staff provided an updated recommendation related to the Moffett Park Specific Plan (MPSP) Area, which is reflected in the recommendation at the end of this report (Alternative 1). The Planning Commission voted 5-2 to recommend that the Council adopt the revised staff recommendation.

## **BACKGROUND**

The first City-wide green building program was implemented in 2004 and included public awareness policies and incentives for non-residential development. That same year green building requirements specific to Moffett Park were included as part of the MPSP. The MPSP incentivizes the development of Class A office buildings through a streamlined review process subject to the provision of green buildings. The MPSP acknowledges that the LEED standard may need to be changed over time to achieve the city's vision of a more sustainable and energy efficient community.

In March 2009, the City Council approved a city-wide green building program that became effective January 1, 2010. This included minimum green standards for all new construction and major alterations/additions. The adopted ordinance set up a framework for residential and non-residential projects that could be modified over time to require higher levels of "green" achievement. The program was designed in three phases, with each phase increasing the level of green building required. The first phase was effective January 2010, the second phase was fully effective in October 2012 (the non-residential requirements were implemented earlier in October 2011). This will be the third phase of the program.

The green building program uses three green building codes/standards and requires various types of construction to meet specified levels. Following is a summary of each code/standard.

### ***CalGreen***

First effective on January 1, 2011, CalGreen is the California Green Building Standards Code. CalGreen is developed by the State of California and is a part of the building codes. This code sets standards for green construction in California. Initially CalGreen was limited to new construction. However, the current version requires additions and many non-residential alterations to existing buildings to meet CalGreen requirements for the area under construction.

CalGreen includes mandatory standards as well as optional Tier 1 and Tier 2 standards. The mandatory requirements are minimum standards that are applicable to all covered projects. The Tier

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1 and Tier 2 standards are optional levels of higher green standards that can be adopted by local jurisdictions. However, even the highest CalGreen Tier 2 level represents a lower standard than the GreenPoint Rated and LEED levels proposed below.

#### *Build It Green*

Build It Green is an independent non-profit organization committed to promoting green building. They have developed the GreenPoint Rated Checklist, which is a point based system providing options for a variety of green building techniques, allowing project designers and owners to select the items that are applicable or desirable for a specific project. The rating system is divided into categories for energy, indoor air quality, resource conservation, water conservation, and community connectivity, with a minimum number of points required in each category.

#### *LEED*

LEED, or Leadership in Energy and Environmental Design, is a rating system developed by the United States Green Building Council (USGBC) that provides credits for green building features and assigns a LEED level (Certified, Silver, Gold, or Platinum) based on the number of credits achieved. Similar to the GreenPoint Rated Checklist, the LEED rating system includes categories for Location and Transportation, Sustainable Sites, Water Efficiency, Energy and Atmosphere, Materials and Resources, Indoor Environmental Quality, Innovation, and Regional Priorities.

### **EXISTING POLICY**

#### **Community Vision Statement**

A regional leader in environmental sustainability: ...advocating to reduce dependence on non-renewable resources by providing greater transportation options, reducing waste, protecting our natural resources, and promoting alternative energy usage and research. We take environmental preservation and protection seriously and consider how each action will affect Sunnyvale for future generations.

#### **Community Vision Goal III.**

Environmental Sustainability: To promote environmental sustainability and remediation in the planning and development of the City, in the design and operation of public and private buildings, in the transportation system, in the use of potable water and in the recycling of waste.

#### **Green Building Requirements (Title 19)**

##### **19.39.030**

- (h) The city council shall establish by resolution, and shall periodically review and update as necessary, green building standards for compliance. The standards for compliance shall include, but are not limited to, the following:
- (1) The types of projects subject to regulation (covered projects);
  - (2) The green building rating system to be applied to the various types of projects;
  - (3) Minimum thresholds of compliance for various types of projects; and
  - (4) Timing and methods of verification of compliance with these regulations.

### **ENVIRONMENTAL REVIEW**

A Negative Declaration was prepared for the 2009 green building ordinance and program, and the proposed changes do not substantially exceed or create any negative impacts not already contemplated and studied in that negative declaration. Therefore, no additional environmental

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analysis is required to be performed to update the Green Building Tables.

## **DISCUSSION**

### **Current Green Building Program**

The current green building tables (Attachment 2) include graduated requirements based on the scope of projects. These tables require some level of green building for many projects, though there are small projects that do not have a green building requirement (such as re-roofing projects, small residential additions, and minor tenant improvements). This approach has been used to educate the public about green measures and to influence their development decisions. The minimum required green effort increases with larger projects and includes voluntary incentives for higher levels of green building.

The 2013 CalGreen was effective on January 1, 2014. This code version greatly increased the type of projects that are covered by the CalGreen standards. When first applicable in January of 2011, CalGreen only applied to new construction. Various modifications were made over the past few years and now the CalGreen applies to all residential additions, non-residential additions/alterations with a permit valuation of greater than \$200,000 as well as all new construction.

Staff has taken several actions to assist design professionals and homeowners in achieving the green building program requirements as well as the CalGreen requirements including the following:

- A website with information and links to resources at:  
[GreenBuilding.inSunnyvale.com](http://www.GreenBuilding.inSunnyvale.com) <<http://www.GreenBuilding.inSunnyvale.com>>;
- Informational brochures and FAQs on the green building program; and
- Prescriptive checklists that provide applicants with pre-selected items that, if used, will ensure compliance with the green building requirements.

The structure of the current program has been well received by the development community and property owners. Staff has received positive feedback that the program requirements are clearly described and that the use of standardized green building checklists (LEED and GreenPoint Rated) is helpful as most design professionals are familiar with them.

### **Comparison of Requirements to Other Jurisdictions**

As part of this phase of implementation, staff researched the green building requirements in other local jurisdictions. The summary is provided in Attachment 3. Many local jurisdictions rely only on the CalGreen code mandatory measures and have not adopted higher standards. Although some jurisdictions may have higher requirements for a specific project type and size, the overall program requirements in Sunnyvale's green building program is still a leader in the Bay Area.

### **Residential Projects**

#### **Minimum Standards for New Residential Construction**

The minimum point level to achieve certification through the Build It Green organization is 50 points. Sunnyvale's program currently requires a minimum of 80 points so that we provide a green building standard above the minimum. Based on programs in other local jurisdictions, 80 points is still at the high end. Almost half of the jurisdictions surveyed did not have any green building requirements beyond the State mandated CalGreen.

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While working with design professionals and homeowners, staff has found that the awareness and understanding of green building requirements has increased significantly. The GreenPoint Rated Checklist is commonly used throughout the Bay Area, allowing design professionals to apply their knowledge and experience from projects across different geographical areas to projects in Sunnyvale.

Staff recommends continued use of the generally accepted GreenPoint Rated Checklist for residential construction. With the objective of Sunnyvale maintaining a leadership role in promoting green building construction, staff recommends increasing the minimum GreenPoint Rated requirement from the current 80 points to 110 points for all new construction. This point level would be higher than the minimum required from Build It Green and would be the highest standards among local jurisdictions surveyed. Staff also recommends increasing the points required for the incentives to 150 (from 110). Based on current trends in green building construction, staff believes the higher point requirement will challenge residential builders but is still an achievable level.

#### Minimum Standards for Residential Alterations

Alterations to existing buildings include a wide range of projects from replacing a sewer line to a large addition. Many of the smaller projects do not affect enough change in an existing building to achieve a minimum green building point level. Therefore, the alteration projects are separated into the following threshold categories based on improvement value:

- Single-family/duplex - up to \$100,000 and over \$100,000
- Multi-family - up to \$250,000 and over \$250,000

Currently, the higher level category for each type of residential building requires that the project meet the CalGreen requirements that are applicable to the scope of work. However, with the adoption of the 2013 CalGreen, that code applies to residential additions, as well as new construction.

Staff recommends strengthening the requirement for all alterations to include the CalGreen items that are applicable to the scope of the alteration (the CalGreen code only applies to new residential construction or additions). For example, if the alteration included remodeling the bathroom, in addition to the standard energy efficiency upgrades required by the California Energy Efficiency Regulations, the project would also need to meet the CalGreen requirements for low VOC adhesives and paints.

#### Requirements for Verification of Residential Green Building Items

An important factor in assuring the green building thresholds are met is the verification that these items are included in the construction documents and are installed properly. Currently, the standard requirement is that these items are verified by a GreenPoint Rater, but the project is not required to be submitted to the Build It Green organization for verification. If an incentive is used, the current program requires the project to be submitted to the Build It Green organization for certification.

Staff has received feedback that the certification process through the Build It Green organization can be expensive and time-consuming. Also, the official certification comes several months after the construction is complete and the building is occupied. The goal of the green building program is to achieve high levels of green construction, but without increasing unnecessary costs. Staff recommends maintaining the current practice that all GreenPoint Rated Checklists be verified by a

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GreenPoint Rater, and not requiring submittal for formal certification.

Residential Incentives

The green building program provides incentives for new residential construction to encourage a higher “green” level for obtaining 110 Build It Green points (rather than the current standard of 80 points). The incentives include an option for additional lot coverage, building height, or density.

One residential project under construction has taken advantage of the green building incentive. The Carmel Partners projects at the former Town and Country site adjacent to Plaza del Sol (approved in October 2011) will achieve a minimum of 110 GreenPoint Rated Checklist points and was approved with a 5% density bonus. Several other projects that are currently in the entitlement review or building permit review phases are planning to use the incentive for the density bonus (e.g. Iron Work which is two approved developments on E. Evelyn Avenue being developed by Prometheus Real Estate Group and two pending E Weddell projects proposed by Raintree Partners and Sares-Regis Group). Staff has received inquiries regarding the use of the green building incentive for other projects that are in the pre-application phase.

**Non-Residential Projects**

Minimum Standards for New Non-Residential Construction

The minimum LEED level is Certified followed by Silver then Gold then Platinum as the highest level. The current green building program requires non-residential projects larger than 5,000 square feet to meet a LEED Silver level.

Staff recommends increasing the minimum LEED requirement for new non-residential buildings greater than 25,000 square feet to LEED Gold as the standard. The LEED Silver level would remain for new buildings between 5,000 square feet and 25,000 square feet. Buildings less than 5,000 square feet would maintain the current CalGreen requirement. Staff recommends maintaining the current level for buildings less than 25,000 square feet as higher LEED levels may be disproportionately more expensive for smaller sized buildings.

Minimum Standards for Non-Residential Alterations

Non-residential building alterations vary widely in scope and square footage of affected area. Therefore, the current standards for the non-residential alterations are applicable to projects that affect a significant portion of the building (structural, mechanical, plumbing, and electrical alterations) and contain the following square footage threshold:

- 5,000 to 50,000 square feet - LEED Checklist, no minimum points required
- Greater than 50,000 square feet - LEED Checklist with Certified Level

The 2013 CalGreen also requires non-residential alterations with a project valuation greater than \$200,000 to meet the CalGreen items that are applicable to the scope of work.

Staff recommends the requirement for all alterations be strengthened as follows:

- 5,000 to 50,000 square feet - LEED Checklist with Certified Level
- Greater than 50,000 square feet - LEED Checklist with Silver Level

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CalGreen items would still be applicable to projects based on the valuation, but the LEED standards are generally higher and would result in a “greener” project.

Requirements for Verification of Non-Residential Green Building Items

As with the residential projects, certification of the LEED checklist through the USGBC is currently required for projects that use an incentive. Other projects are verified by a LEED Accredited Professional (LEED AP). Staff has received positive feedback on the current LEED AP verification process, as the process to certify through the USGBC is expensive and time-consuming. Also similar to the residential projects, staff recommends maintaining the existing practice that all LEED levels be verified by a LEED AP and not requiring certification through the USGBC.

Non-Residential Incentives

The green building program provides incentives for new non-residential construction to encourage a higher level of green construction. The higher LEED levels allow a project to increase the FAR allowed.

Several office projects have been approved with the green building incentive and more are in the entitlement review phase. This incentive has proven to be popular among office developers. Currently, there is a very high demand for new office buildings within the City. Due to this high demand, the City’s development reserve (within the MPSP area) and development pool (over the rest of the City) are being reduced. Therefore, staff is recommending a significant increase in the non-residential incentive level for buildings greater than 25,000 square feet. Staff recommends the incentive for these buildings be increased to LEED Platinum, the highest LEED level, while maintaining LEED Gold as the incentive for buildings between 5,000 square feet and 25,000 square feet.

The increased FAR allowed in the MPSP is 15% in the MP-I zoning district and 20% in the MP-TOD. As noted above, staff recommends that a project meet the LEED Platinum level to receive these FAR incentives. In order for a project in the MPSP area to also qualify for the City-Wide 10% FAR increase, staff recommends allowing it to be considered through approval of a Major Moffett Park Special Development Permit. Also, the project must show green development features, transportation demand management, or other sustainability measures significantly beyond those required to obtain the 15% or 20% density incentive.

**Public Facilities**

The current requirements for Public Facilities are included in Attachment 2.

The principle for public facility requirements has been that these should exceed the requirements for private developments, as the City should set an example of the importance of green building. Even with the staff recommended updates to the non-residential requirements, the current standards for new construction of public facilities are higher than that for private developments.

The current standards for major alterations of public facilities are higher than private developments, but the recommended modifications of private development will be higher. Therefore, staff is recommending that private facilities meet the same requirements for major alterations as recommend for private as follows:

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- 5,000 to 50,000 square feet - LEED Checklist with Certified Level
- Greater than 50,000 square feet - LEED Checklist with Silver Level

Staff believes it will be difficult for major alterations of public facilities to exceed these requirements because City facilities can range greatly in scope (i.e. park buildings, fire stations, water treatment facilities, Community Center Theater, etc.) and do not necessarily meet the typical office/commercial characteristics.

### **Implementation of Updated Requirements**

Staff has continuously heard from the development community that green building has the least cost impact when it is considered at the earliest design stage of a project, including when preparing the preliminary site plan. A minimum six-month grace period after adoption of new building requirements typically provides adequate time for customers that are currently preparing construction plans to complete their plans and submit them before the changes are effective. The recommended effective date for the updated green building tables is January 1, 2015. Building permit plans submitted before this date would be subject to the current standards, while building permit plans submitted after this date would be subject to the updated standards.

Since the Planning Commission meeting, several property owners/developers with approved projects (i.e., planning entitlements already granted) have expressed concerns about the economic hardship that would be imposed if building plans could not be submitted before the effective date. They did not anticipate a significant increase in the City's green building standards when their projects were submitted for planning approval. Large phased projects that were intended to be constructed over multiple years would most likely be affected. Building permit plans for later buildings may not be submitted until well after the effective date of the proposed changes; the unbuilt portion of the project would be subject to different standards. For example, a developer that received a higher FAR through the green building incentive is currently required to have their buildings certified LEED Gold. If building plans are submitted after the effective date, the minimum standard increases to LEED Platinum and, where applicable, additional sustainability measures might be required. Developers that have preliminarily designed their buildings would incur additional cost to revise their building plans and the cost of constructing those buildings could be greater under the new standards.

Instead of setting building plan submittal as the basis for the effective date of the updated green building tables, the Council could choose to "grandfather" in projects that have received planning approvals prior to the effective date. Only projects that received planning approvals after January 1, 2015 (or another date) would be subject to the updated green building tables. If this option is selected, the Council may choose to stipulate that projects with prior planning approvals must submit building permit plans by a certain time period, such as within three years of the effective date, or the updated standards would apply.

### **Sustainability Commission Meeting**

This item was included on the Sustainability Commission meeting of March 17, 2014 for discussion. The Commission was in support of raising the standards to those recommended in this report. Several items were discussed, including how this relates to the Climate Action Plan (CAP), how CalGreen and GreenPoint Rated/LEED compare, and the possibility of requiring photovoltaic ready items for new residential construction.



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In order to achieve the greenhouse gas (GHG) emission reductions levels of Assembly Bill 32 and Senate Bill 375, a CAP is scheduled to be considered by the Council in May. The CAP provides a framework of options the Council could adopt that would reduce GHG emissions. The various options will then be weighed based on various factors such as cost, impact on the community, and amount of GHG reduction achieve. While some of these options will affect construction, staff believes the CAP items should be evaluated as a package and decisions made on how best to achieve the GHG goals, rather than as part of the scheduled update to the existing green building program.

As discussed in the Background section above, the proposed GreenPoint Rated and LEED levels are a higher green standard than the highest CalGreen level of Tier 2. Therefore, staff recommends continuing with the GreenPoint Rated and LEED programs.

The Sustainability Commission also requested that staff consider the possibility of requiring new residential construction to be photovoltaic ready by installing conduit from the electrical panel to the roof to allow for future photovoltaic wiring. The intent of this is to allow easier installation of photovoltaic panels should a homeowner choose to install them in the future.

On July 1, 2014, a new version of the California Energy Efficiency Standards (CEES) will be effective. These standards will include a requirement that all new residential developments of 10 or more units include a minimum of 250 square feet of clear area (free of plumbing vents and roof vents) on the roof to allow for photovoltaic panels to be installed.

Staff believes that the CEES requirement reduces the barriers to future photovoltaic installation by ensuring that adequate roof area is provided to locate future panels. Staff does not recommend an additional requirement for conduit to be installed as this has not been a barrier to photovoltaic panel installations in existing houses. The conduit installation is one of the easier parts of the installation and needs to be sized and located based on the size and design of the photovoltaic panels. So, if conduit were to be pre-installed in new construction, it may or may not be effective for a future photovoltaic system.

### **Planning Commission Meeting**

At the Planning Commission meeting on April 14, 2014, staff provided an updated recommendation related to the MPSP Area, which is reflected in the staff recommendation at the end of this report (Alternative 1).

The Planning Commissioners asked questions about the LEED program, congregated solar, and community benefits achieved through green building. A question was also asked about the possibility of requiring new construction to be dual plumbed for reclaimed water. Dual plumbing was the subject of a Study Issue in 2010 (RTC 10-250) and is included in the Feasibility Study for Recycled Water Expansion (RTC 13-181). The adopted Feasibility Study did not recommend requiring dual plumbing within new buildings (to allow certain plumbing fixtures to use recycled water) due to the limited water savings and lower cost alternatives. However, the Feasibility Study did recommend requiring using recycled water for landscape irrigation due to the high potential for water-savings. Staff has been requiring new buildings to use recycled water for landscape irrigation when it is available at the site.

Two members of the public spoke. One person asking for the item to be continued and the other expressing concern over the cost of the recommended LEED level, stating that 35% FAR is very low, and asking that no action is taken to increase the green building requirements.

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The Planning Commission voted 5-2 to recommend that the Council approve the modified staff recommendation.

### **Council Policy 1.1.9 Sustainable Development and Green Building Update**

In 2004, Council adopted Policy 1.1.9 Sustainable Development and Green Building Update to encourage sustainable development throughout the City. This was part of the first green building study that included public awareness policies and incentives for new non-residential construction. Since this policy was adopted, the green building program has been developed and includes minimum green building standards for new construction and remodels. Staff recommends updating this policy to reference the green building program for minimum public facility, residential, and non-residential construction (Alternative 2).

### **FISCAL IMPACT**

The staff recommended changes to the green building program would not have a fiscal impact. If further modifications are made to the green building program, there may be a fiscal impact to the Building Division as additional plan review and inspection resources may be needed if significant new requirements are implemented.

### **PUBLIC CONTACT**

Public contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk.

Notices were sent to the neighborhood associations, developers and design professionals involved in development in Sunnyvale, and posted at the One-Stop Permit Center.

This item was also on the March 17, 2014 Sustainability Commission meeting agenda for discussion and on the April 14, 2014 Planning Commission agenda

### **ALTERNATIVES**

1. Adopt the Resolution to Update the Green Building Tables for Residential Buildings, Non-Residential Projects, and Public Facilities (Attachment 1) which includes the following:

#### **Residential Projects:**

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

#### **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 alternations so that projects between 5,000 square feet and 25,000 square feet meet a LEED Certified Level and projects greater than 25,000

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square feet meet LEED Silver.

- Allow up to an additional 10% FAR in the Moffett Park area through approval of a Major Moffett Park Special Development Permit. Project must show green development features, transportation demand management or other sustainability measures significantly beyond those required to obtain the 15% or 20% density incentive.

**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).
- Increase the standard for major alteration to match that of the non-residential projects.

2. Adopt the revised Council Policy 1.1.9 Sustainable Development and Green Building (Attachment 6).

3. Adopt the Resolution in Attachment 1 to Update the Green Building Tables for Residential Buildings, Non-Residential Projects, and Public Facilities with modifications.

4. Take no action and maintain the current green building standards.

**STAFF RECOMMENDATION**

Alternatives 1 and 2: 1) Adopt the Resolution to Update the Green Building Tables for Residential Buildings, Non-Residential Projects, and Public Facilities (Attachment 1); and 2) Adopt the revised Council Policy 1.1.9 Sustainable Development and Green Building (Attachment 6).

The staff recommendation considers the Council's adopted policy to have the City be a leader in green building and sustainability, ease of use of the program, and minimum impact on express plan reviews at the One-Stop Permit Center. In order to be a leader and maintain ease of use of the program, staff is recommending continued use of the standardized programs (GreenPoint Rated and LEED), but require a higher level than most other jurisdictions. This approach provides some level of consistency for design professionals in that they can familiarize themselves with these programs. While a higher point level may be the standard in Sunnyvale, it is based on the same overall programs.

Under Alternative 1, the effective date of the undated Green Building Tables would be January 1, 2015; building permit plans submitted after this date would be subject to the updated standards. Alternatively, if the Council believes that the updated standards should only apply to projects that receive planning approvals after the effective date (i.e., projects with planning approvals before the effective date would comply with current standards), then Alternative 3 should be adopted with a modification to the resolution.

Prepared by: Diana Perkins, Permit Center Coordinator

Reviewed by: Trudi Ryan, Planning Officer

Reviewed by: Hanson Hom, Director, Community Development

Approved by: Robert A. Walker, Interim City Manager

**ATTACHMENTS**

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1. Draft Resolution to Update the Green Building Tables
2. Current Green Building Program Requirements
3. Green Building Requirements from Other Local Jurisdictions
4. Sustainability Commission minutes from March 17, 2014
5. Planning Commission draft minutes from April 14, 2014
6. Revised Council Policy 1.1.9 Sustainable Development and Green Building

LB.

RESOLUTION NO. \_\_\_\_-14

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE TO UPDATE AND ADOPT THE GREEN  
BUILDING TABLES AND CLARIFY INCENTIVES**

WHEREAS, on August 27, 2008, the City Council directed staff to develop sustainable building guidelines for new construction, remodels and additions to buildings in the City; and

WHEREAS, on March 24, 2009, the City Council adopted Resolution 368-09, the Green Building Tables, which included a phased approach to full implementation of green building intent for building construction throughout the City; and

WHEREAS, the Green Building Tables were to be reviewed by the City Council after approximately 18 months to provide information on effectiveness of the policies and opportunity to refine its impacts; and

WHEREAS, on September 13, 2011, the Green Building tables were reviewed and revised to provide that all non-residential zoning districts an additional 10% floor area ratio will be allowed as an incentive for implementing green building techniques; and

WHEREAS, on April 24, 2012, the Green Building tables were reviewed and revised to provide increased requirements for residential construction and alterations, and new requirement for public facilities; and

WHEREAS, on April 29, 2014, the Green Building tables are again reviewed and revised to provide increased requirements for residential construction and alterations, non-residential construction and alterations, and public facilities; and

WHEREAS, the Green Building Tables attached hereto as Exhibit "A" will be an integral part of shaping an improved future for development of property throughout the City of Sunnyvale, meeting the City's goals of sustainability.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT the City Council of the City of Sunnyvale adopts the Green Building Tables (as revised) attached hereto as "Exhibit A" and directs staff to apply the requirements listed in the Green Building Tables to all building construction (as appropriate) in the City of Sunnyvale. These updated tables become effective January 1, 2015.

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Attachment 1

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# Possible Modifications to the Green Building Program

## Residential Projects

Type of Project	Minimum Standard	Verification/ Review	Voluntary Incentives
All New Construction	GreenPoint Rated Checklist v4.2 or later (which includes CALGreen) with 110 points minimum	Green Point Rater	Achieve 150 points, with Green Point Rater verification, and the project can increase lot coverage by 5%.  Multi-family projects have the option to increase building height by 5', lot coverage by 5%, or receive a 5% density bonus.
Remodel, Alteration, and Additions	CalGreen Mandatory Measures as applicable to the scope of work	--	--

## Non-Residential Projects

Type of Project	Minimum Standard	Verification/ Review	Voluntary Incentives
<b>New Construction and Initial Tenant Improvements</b>			
≤ 5,000 sq. ft.	CALGreen Mandatory Measures	City staff	--
> 5,000 sq. ft. to 25,000 sq. ft.	CALGreen Mandatory Measures and LEED Silver Level	LEED AP	<b>Moffett Park Specific Plan Area:</b> The project can increase an additional 15% FAR (MP-I) or 20% FAR (MP-TOD) to achieve LEED Gold with LEED AP verification.  <b>City-Wide<sup>1</sup>:</b> The project can increase an additional 10% FAR or height by 10' to achieve LEED Gold with LEED AP verification.
> 25,000 sq. ft.	CALGreen Mandatory Measures and LEED Gold Level	LEED AP	<b>Moffett Park Specific Plan Area:</b> The project can increase an additional 15% FAR (MP-I) or 20% FAR (MP-TOD) to achieve LEED Platinum with LEED AP verification.  <b>City-Wide<sup>1</sup>:</b> The project can increase an additional 10% FAR or height by 10' to achieve LEED Platinum with LEED AP verification.
<b>Major Alterations (structural, mechanical, plumbing, and electrical alterations)</b>			
≤ 5,000 sq. ft.	CALGreen Mandatory Measures	City staff	--
> 5,000 - 25,000 sq. ft.	CALGreen Mandatory Measures and LEED Certified Level	LEED AP	--
> 25,000 sq. ft.	CALGreen Mandatory Measures and LEED Silver Level	LEED AP	--

<sup>1</sup> In Moffett Park, up to an additional 10% FAR may be allowed, through approval of a Major Moffett Park Special Development Permit. Project must show green development features, transportation demand management or other sustainability measures significantly beyond those required to obtain the 15% or 20% density incentive.

## Attachment 1

**Public Facilities<sup>2</sup>**

Type of Project	Minimum Standard	Verification/ Review	Voluntary Incentives
<b>New Construction<sup>3</sup></b>			
≤ 5,000 sq.ft.	CALGreen Mandatory Measures	City staff	N/A
> 5,000 sq.ft.	LEED Gold Level	LEED AP	N/A
<b>Major Alterations</b>			
≤ 5,000 sq. ft.	CALGreen Mandatory Measures	City staff	--
> 5,000 - 25,000 sq. ft.	CALGreen Mandatory Measures and LEED Certified Level	LEED AP	--
> 25,000 sq. ft.	CALGreen Mandatory Measures and LEED Silver Level	LEED AP	--

2 Unless determined infeasible based on the type of building or scope of work.

3 Provide electric car chargers at a minimum of 3% of the parking spaces





## Current Green Building Program Requirements

### Non-Residential Projects

NON-RESIDENTIAL			
Type of Project	Minimum Standard	Verification/Review Requirement	Voluntary Incentives
<b>New Construction and Initial Tenant Improvements</b>			
≤ 5,000 s.f.	CALGreen Mandatory Measures	Verified/Reviewed by City Staff	--
> 5,000 s.f. (excluding Moffett Park Specific Plan area)	CALGreen Mandatory Measures and LEED <b>Checklist</b> with <b>Silver</b> Level	Verification by LEED AP	Achieve LEED <b>Gold</b> Level with USGBC <b>certification</b> and the project can increase: 10% FAR OR 10 ft. height.
Moffett Park Specific Plan > 5,000 s.f.	CALGreen Mandatory Measures and LEED <b>Checklist</b> with <b>Silver</b> Level	Verification by LEED AP	Achieve LEED <b>Checklist Gold</b> Level and the project can increase: 15% FAR (MP-I) 20% FAR (MP-TOD) Achieve LEED <b>Gold</b> Level with USGBC <b>certification</b> and the project can increase: 10% FAR additional
<b>Major Alterations (structural, mechanical, plumbing, and electrical alterations)</b>			
5,000 - 50,000 s.f.	LEED Checklist: <b>no minimum</b> points required	Verified/Reviewed by City Staff	--
> 50,000 s.f.	LEED <b>Checklist</b> : <b>Certified</b> Level	Verification by LEED AP	--

PUBLIC FACILITY*			
Type of Project	Minimum Standard	Verification/Review Requirement	Voluntary Incentives
<b>New Construction**</b>			
≤ 5,000 s.f.	CALGreen Mandatory Measures	Verified/Reviewed by City Staff	N/A
> 5,000 s.f.	LEED <b>Checklist</b> : <b>Gold</b> Level	Verification by LEED AP	N/A
<b>Major Alterations</b>			
>5,000 - 25,000 s.f.	LEED Checklist	Verification by LEED AP	N/A
>25,000 s.f.	LEED <b>Checklist</b> : <b>Certified</b> Level	Verification by LEED AP	N/A

\* Unless determined infeasible based on the type of building or scope of work.

\*\* Provide electric car chargers at a minimum of 3% of the parking spaces

RTC 14-0339

Attachment 2

**Residential Projects\***

<b>SINGLE-FAMILY AND DUPLEX RESIDENTIAL</b>			
<b>Type of Project</b>	<b>Minimum Standard</b>	<b>Verification/Review Requirement</b>	<b>Voluntary Incentives</b>
<b>New Construction</b>			
<b>All</b>	GreenPoint Rated Checklist V4.2 or later: <b>80 points</b> minimum and CalGreen Mandatory Measures	Verification by GreenPoint Rater	Achieve <b>110 points</b> with GreenPoint Rater verification and the project can increase: 5% lot coverage
<b>Residential Alterations to existing</b>			
<b>Up to \$100,000 construction valuation**</b>	None	N/A	None
<b>&gt; \$100,000 construction valuation*</b>	CalGreen Mandatory Measures as applicable to the scope of work	Verified/Reviewed by City Staff	None

\*\*Valuation per square foot of construction is determined in the annually adopted fee resolution

<b>MULTI-FAMILY RESIDENTIAL (including condominiums, townhouses and apartments)</b>			
<b>Type of Project</b>	<b>Minimum Standard</b>	<b>Verification/Review Requirement</b>	<b>Voluntary Incentives</b>
<b>New Construction</b>			
<b>All</b>	GreenPoint Rated Checklist V4.2 or later: <b>80 points</b> minimum and CalGreen Mandatory Measures	Verification by GreenPoint Rater	Achieve <b>110 points</b> with GreenPoint Rater verification and the project can increase: 5% lot coverage, OR 5 ft. height OR 5% density
<b>Residential Alterations to existing</b>			
<b>Up to \$250,000 construction valuation*</b>	None	N/A	None
<b>&gt; \$250,000 construction valuation**</b>	CalGreen Mandatory Measures as applicable to the scope of work	Verified/Reviewed by City Staff	None

\*\*Valuation per square foot of construction is determined in the annually adopted fee resolution

\*All new residential projects can receive credit for three Build It Green points if electric car charging units are installed at a minimum of 3% of the required parking spaces (the number of electric car chargers should always be rounded up to the next whole number).

RTC 14-0339  
Attachment 3

# Local Residential Green Building Program Requirements for Various Jurisdictions

Updated 3/17/2014

Jurisdiction	Residential		Non-Residential	
	Remodel, Alteration or Addition	New	Major Alteration	New
City of Santa Clara	CalGreen	CalGreen	CalGreen	CalGreen
City of Mountain View	CalGreen	<5 Units: <ul style="list-style-type: none"> <li>• CalGreen</li> </ul> ≥5 Units: <ul style="list-style-type: none"> <li>• CalGreen</li> <li>• BIG - 70 Points</li> </ul>	CalGreen	≤ 5,000 sq.ft.: <ul style="list-style-type: none"> <li>• CalGreen</li> </ul> 5,000 – 25,000 sq.ft. <ul style="list-style-type: none"> <li>• CalGreen</li> <li>• LEED Certified</li> </ul> >25,000 sq.ft. <ul style="list-style-type: none"> <li>• CalGreen</li> <li>• LEED Silver</li> </ul>
City of San Jose	None	<10 Units: <ul style="list-style-type: none"> <li>• CalGreen</li> <li>• BIG/LEED Checklist-no points</li> </ul> ≥10 Units: <ul style="list-style-type: none"> <li>• CalGreen</li> <li>• BIG - 50 Points</li> </ul>	None	<25,000 sq.ft. <ul style="list-style-type: none"> <li>• CalGreen</li> <li>• LEED Checklist-no points</li> </ul> >25,000 sq.ft. <ul style="list-style-type: none"> <li>• CalGreen</li> <li>• LEED Silver</li> </ul>
City of Gilroy	CalGreen	CalGreen	CalGreen	CalGreen

Jurisdiction	Residential		Non-Residential	
	Remodel, Alteration or Addition	New	Major Alteration	New
City of Milpitas	CalGreen	< 5 Units: <ul style="list-style-type: none"><li>• CalGreen</li><li>• BIG or LEED – no points</li></ul> >5 units: <ul style="list-style-type: none"><li>• CalGreen Mandatory</li><li>• BIG– 50 points</li></ul>	CalGreen	≤25,000 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen</li></ul> 25,000 – 50,000 sq.ft. <ul style="list-style-type: none"><li>• CalGreen</li><li>• LEED Certified</li></ul> >50,000 sq.ft. <ul style="list-style-type: none"><li>• CalGreen</li><li>• LEED Silver</li></ul>
City of Palo Alto	Single-Family >1,250 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen with significant local amendments</li></ul> Multi-Family >50% of sq.ft.: <ul style="list-style-type: none"><li>• CalGreen with significant local amendments</li></ul>	>1,250 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen</li><li>• BIG - 70 Points, +1 point for each 70 sq. ft. over 2,550 sq. ft. (with local mandatory points required)</li></ul>	>5,000 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen with significant local amendments</li></ul>	CalGreen with significant local amendments
City of Cupertino	Single-Family: <ul style="list-style-type: none"><li>• CalGreen</li></ul> Multi-Family Major: <ul style="list-style-type: none"><li>• CalGreen</li><li>• BIG - 50 Points</li></ul>	≤ 9 units: <ul style="list-style-type: none"><li>• CalGreen</li></ul> >9 units: <ul style="list-style-type: none"><li>• CalGreen</li><li>• BIG - 50 Points</li></ul>	>35,000 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen</li><li>• LEED Certified</li></ul>	<25,000 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen</li></ul> 25,000 - 50,000 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen</li><li>• LEED Certified</li></ul> >50,000 sq.ft.: <ul style="list-style-type: none"><li>• CalGreen</li><li>• LEED Silver</li></ul>

Jurisdiction	Residential		Non-Residential	
	Remodel, Alteration or Addition	New	Major Alteration	New
Santa Clara County	Additions >500 sq. ft.: • CalGreen • BIG – no points	1,200-3,000 sq. ft.: • CalGreen • BIG - 50 Points >3,000 sq. ft.: • CalGreen • BIG - 50 Points, +1 point for each 100 sq. ft. over 3,000 sq. ft.	CalGreen	CalGreen
City and County of San Francisco	<25,000 sq. ft.: • CalGreen ≥25,000 sq. ft.: • CalGreen • BIG - 75 Points	≤ 9 units: • CalGreen >9 units: • CalGreen • BIG - 75 Points	≤25,000 sq. ft.: • CalGreen >25,000 sq. ft.: • CalGreen • LEED Gold	≤25,000 sq. ft.: • CalGreen >25,000 sq. ft.: • CalGreen • LEED Gold
City of Sunnyvale (current)	Single-Family Remodels or additions >\$100,000 : • CalGreen Multi-Family Remodels or additions >\$250,000 : • CalGreen	• CalGreen • BIG - 80 Points	5,000-50,000 sq. ft.: • CalGreen • LEED – no points 50,000 sq. ft. and greater: • CalGreen • LEED Certified	≤ 5,000 sq. ft.: • CalGreen >5,000 sq. ft.: • CalGreen • LEED Silver
City of Sunnyvale (proposed)	CalGreen	• CalGreen • BIG - 110 Points	5,000-50,000 sq. ft.: • CalGreen 5,000-25,000 sq. ft.: • LEED Certified >25,000 sq. ft.: • LEED Silver	≤5,000 sq. ft.: • CalGreen 5,000 – 25,000 sq. ft.: • LEED Silver >25,000 sq. ft.: • LEED Gold



# City of Sunnyvale

## Meeting Minutes - Draft

### Sustainability Commission

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Monday, March 17, 2014

7:00 PM West Conference Room, City Hall, 456 W. Olive Ave.,  
Sunnyvale, CA 94086

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#### **CALL TO ORDER**

The meeting was called to order at 7:05 p.m. by Vice Chair Srivastava.

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

**Present:** 5 - Commissioner Gerald Glaser  
Commissioner Dan Hafeman  
Commissioner Petya Kisyova  
Commissioner Bruce Paton  
Vice Chair Amit Srivastava  
**Absent:** 1 - Commissioner Barbara Fukumoto

**Commissioner Fukumoto (absence excused)**  
**Council Liaison: Mayor Jim Griffith (present)**

#### **PRESENTATION**

##### **1 PRESENTATION - Water Conservation**

Water and Sewer Division Manager Mansour Nasser provided a presentation to the Commission regarding the current status of California's water supply situation, Sunnyvale's supply sources, water conservation programs and potential actions that may be brought forward in response to the drought.

#### **PUBLIC ANNOUNCEMENTS**

Vice Chair Srivastava opened the public hearing to public comments.

There were no comments.

Vice Chair Srivastava closed the public hearing.

#### **CONSENT CALENDAR**

**2** Draft Minutes of the Sustainability Commission Meeting of  
January 21, 2014.

Commissioner Kisyova moved and Commissioner Hafeman seconded the motion to approve the consent calendar. The motion carried.

**Yes:** 4 - Commissioner Hafeman  
Commissioner Kisyova  
Commissioner Paton  
Vice Chair Srivastava

**No:** 0

**Absent:** 1 - Commissioner Fukumoto

**Abstain:** 1 - Commissioner Glaser

**PUBLIC COMMENTS**

Vice Chair Srivastava opened the public hearing to public comments.

There were no comments.

Vice Chair Srivastava closed the public hearing.

**PUBLIC HEARINGS/GENERAL BUSINESS**

**3** Discussion: Updating the Green Building Program

Commissioner Glaser moved and Commissioner Hafeman seconded the motion to recommend Council adopt Green Building Standards no less rigorous than those presented by staff and that staff consider including requirements for PV readiness for residential and commercial new construction. The motion carried by unanimous vote.

**Yes:** 5 - Commissioner Glaser  
Commissioner Hafeman  
Commissioner Kisyova  
Commissioner Paton  
Vice Chair Srivastava

**No:** 0

**Absent:** 1 - Commissioner Fukumoto

**4** Discussion and Possible Action: Nomination of Sustainability  
Commission Representative to the Lawrence Station Area  
Plan (LSAP) Citizens Advisory Group (CAG)

Commissioner Glaser moved and Commissioner Kisyova seconded the motion to nominate Commissioner Fukumoto as the Sustainability Commission representative to the Lawrence Station Area Plan Citizen Advisory Group ,if willing, and if not to take up the issue at the next meeting. The motion carried by unanimous vote.

**Yes:** 5 - Commissioner Glaser  
Commissioner Hafeman  
Commissioner Kisyova  
Commissioner Paton  
Vice Chair Srivastava

**No:** 0

**Absent:** 1 - Commissioner Fukumoto

**5** Discussion and Possible Action: Approval of Sustainability  
Commission Annual Workplan

Commissioner Glaser moved and Commissioner Paton seconded the motion to approve the Sustainability Commission Annual Workplan as modified. The motion carried by a unanimous vote.

**Yes:** 5 - Commissioner Glaser  
Commissioner Hafeman  
Commissioner Kisyova  
Commissioner Paton  
Vice Chair Srivastava

**No:** 0

**Absent:** 1 - Commissioner Fukumoto



**6** Discussion and Possible Action: Draft Climate Action Plan

The Sustainability Commission reviewed and discussed the Draft Climate Action Plan (CAP) in preparation for the staff report and public hearing at their April meeting. The Commission discussed a letter sent to them by the Silicon Valley Association of Realtors (SVAR) regarding the SVARs request that the Commission consider recommending Council remove a CAP provision requiring mandatory water and energy efficiency disclosure at the time of sale of a home.

The Commission commented on the lack of substantiated data provided by the realtors association of the impact from the measure and would welcome additional information and specific data, such as impacts to transactions times, etc.

**7** Discussion and Possible Action: Selection of Commission Chair and Vice Chair

The Sustainability Commission deferred this item until the April meeting.

**COMMISSIONER ORAL COMMENTS**

Commissioner Hafeman commented that every other light bulb has been removed from the streetlights downtown near the new Solstice development. Commissioner Hafeman is interested in hearing from staff regarding how that occurred and whether it was done as a result of a complaint from Solstice or if a light survey had been conducted and determined it was appropriate to make the change.

Commissioner Paton reported attending some training sessions provided by the Elkhorn Slough Coastal Training Program regarding climate communication and climate engagement. Commissioner Paton also reported attending a program called Reimagining Our Future, that talked about visualizing a more positive future.

Commissioner Hafeman reported attending a meeting regarding the Lawrence Expressway road modification plan.

**ADJOURNMENT**

Vice Chair Srivastava adjourned the meeting at 10:00 p.m.

- 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. Rheame 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.

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.

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.

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. Rheame 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. Rheame and that Vice Chair

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:

- 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. Motion carried by the following vote:

**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.

## **Policy 1.1.9 Sustainable Development and Green Buildings**

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### **POLICY PURPOSE**

This policy is designed to encourage sustainable development throughout the City of Sunnyvale, to provide education and information to the community, and to serve as an acknowledgement by the City Council of the importance of sustainable development concepts and practices.

### **POLICY STATEMENT**

It is the policy of the City to encourage new and remodeled development within the City to incorporate sustainable design principles in the following disciplines:

- Sustainable Sites
- Water Efficiency
- Energy and Atmosphere Materials and Resources
- Indoor Environmental Quality

The City of Sunnyvale adopts the following policy statements in recognition of the importance of sustainable development:

#### **Public Facilities**

1. Remodeled City facilities will incorporate sustainable design practices in the areas noted above (e.g. carpeting, paint, recycled content materials, recyclable materials, concrete, Certified Wood, etc.) to the extent practicable.
2. New public facilities shall comply with the Green Building Program standards effective at the time of building permit application.
3. As material specifications and standards for maintenance and remodeling of City facilities are reviewed, inclusion of sustainable design practices (e.g. carpeting, paint, recycled content materials, recyclable materials, environmentally-friendly cleaning products, concrete, Certified Wood, etc.) will be considered by staff.
4. City staff are encouraged to attend green building seminars and workshops to keep current with industry innovations and products.

#### **Private Development**

1. Provide education and outreach to residents, businesses, and development community.
2. New construction shall comply with the Green Building Program standards effective at the time of building permit application.
3. Provide incentives for industrial/office development to incorporate green building design practices.

(Adopted: RTC 04-064 (2/24/2004))

Lead Department: Community Development