



City of Sunnyvale

Meeting Minutes - Final Planning Commission

Monday, April 14, 2014

7:00 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

7:00 P.M. PLANNING COMMISSION - STUDY SESSION - WEST CONFERENCE ROOM

- 1 Climate Action Plan to Achieve State Recommended Greenhouse Gas
Emissions Reduction Goals in Assembly Bill 32: California Global
Warming Solutions Act of 2006
Environmental Review: Negative Declaration
Staff Contact: Gerri Caruso, (408) 730-7591,
gcaruso@sunnyvale.ca.gov**
- 2 Public Comment on Study Session Agenda Items**
- 3 Comments from the Chair**
- 4 Adjourn Study Session**

8:00 P.M. PLANNING COMMISSION - PUBLIC HEARING - COUNCIL CHAMBERS

CALL TO ORDER

Chair Melton called the meeting to order at 8:00 p.m.

SALUTE TO THE FLAG

ROLL CALL

Present: 7 - Commissioner Ralph Durham
Commissioner Sue Harrison
Commissioner Larry Klein
Chair Russell Melton
Vice Chair Ken Olevson
Commissioner Ken Rheaume
Commissioner David Simons

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

CONSENT CALENDAR

- 1.A** [14-0408](#) Approval of the Draft Minutes of the Planning Commission Meeting of March 24, 2014

Comm. Durham pulled the minutes and said that on page 4 the word "protected" should be removed from his comment to read "no plan to remove any trees."

Comm. Durham moved to approve the minutes as amended. Vice Chair Olevson seconded. Motion carried by the following vote:

Yes: 7 - Commissioner Durham
 Commissioner Harrison
 Commissioner Klein
 Chair Melton
 Vice Chair Olevson
 Commissioner Rheaume
 Commissioner Simons

No: 0

- 1.B** [14-0442](#) **File #:** 2013-8029
Location: 523 E. Homestead Rd. (APNs: 309-44-003, -049, -050)
Zoning: Low-Medium Density Residential / Planned Development (R-2/PD) Zoning District
Proposed Project:
 SPECIAL DEVELOPMENT PERMIT to allow 7 single-family homes.
 VESTING TENTATIVE MAP to create 7 ownership lots.
Applicant / Owner: S & S Construction, LLC / Louis Mariani Trustee
Environmental Review: Mitigated Negative Declaration
Project Planner: Noren Caliva-Lepe (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov
NOTE: *Project applicant requests continuance to the meeting of May 28, 2014.*

Comm. Klein moved to approve the continuance of this item to May 28, 2014.

Comm. Durham seconded. Motion carried by the following vote:

Yes: 7 - Commissioner Durham
 Commissioner Harrison
 Commissioner Klein
 Chair Melton
 Vice Chair Olevson
 Commissioner Rheaume
 Commissioner Simons

No: 0

PUBLIC HEARINGS/GENERAL BUSINESS

2 [14-0381](#)**File #:** 2014-7121**Location:** 1621 Swift Court (APN: 313-41-043)**Zoning:** R-0 Low Density Residential**Proposed Project:**

DESIGN REVIEW to allow a first and second story addition to an existing single story home resulting in 3,193 square feet (2,713 square feet living area and 480 square feet garage) and a Floor Area Ratio (FAR) of 52%.

Applicant / Owner: Stoecker and Northway Architects (applicant) / Ariel and Anna Tseitlin (owners)

Environmental Review: A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Project Planner: Elise Lieberman, (408) 730-7443, elieberman@sunnyvale.ca.gov

Trudi Ryan, Planning Officer, presented the staff report and said staff is recommending the stucco trim in the front be changed to a stone or brick veneer wainscot, which should be Condition of Approval (COA) BP-1.

Comm. Harrison and Ms. Ryan discussed the property's setback.

Chair Melton opened the public hearing.

Cynthia Munoz, project architect with Stoecker and Northway Architects, discussed the architectural features of the addition and asked that the Commission consider varying the color of the stucco rather than changing the trim to a stone or brick wainscot.

Comm. Harrison confirmed with Ms. Munoz that the applicants would be amenable to adding shading to the western-facing windows.

Chair Melton closed the public hearing.

Chair Melton confirmed with Ms. Ryan that inclusion of COA BP-1 regarding the brick or stone wainscot would require a motion for Alternative 2.

Comm. Simons discussed with Ms. Ryan the efficiency of a trellis versus trees for adequate shading.

Vice Chair Olevson confirmed with Ms. Ryan that this project is before the Commission because of the 52% Floor Area Ratio (FAR).

Comm. Harrison moved Alternative 2 to approve the Design Review with modified condition to add shading for the large west windows.

Comm. Klein seconded.

Comm. Harrison said we are trying to help people control their energy use and that their major use is in heating and air conditioning. She said she thinks this would benefit the client from a comfort standpoint and as well as benefit the community with regard to reduced energy usage, and that she can make the findings for the other parts of the project.

Comm. Klein said this project was fairly easy to approve and that in doing the site visit and looking at the plans, the project looks like it will fit into the community. He said in general this is a good project and he was able to make the findings. He said with the additional shading as Comm. Harrison proposed he thinks this will be an even better project and looks forward to it moving forward.

Comm. Durham said he can make the findings and that he was there in the morning and took a look at the place. He said currently over 50% of the properties have two stories and that this will be a better addition than the second stories originally built in the neighborhood. He said that the neighbors challenged him when he was walking around and looking at the place, which shows good community action on the part of the neighbors.

Comm. Simons said he will be supporting the motion and said he had a question for staff. He said with regard for the requirement for shading, he is for solving that as the goal and asked if it could be solved by tree plantings or a trellis or some other alternative, to which Ms. Ryan replied that he is correct. Comm. Simons said that is fine.

Vice Chair Olevson said he can make the findings and in looking at this project within the existing neighborhood he thinks everything fits, and that as he confirmed the only reason the project came before the Planning Commission and was not a staff decision is because of the FAR. He noted that this will not be the largest FAR, but will tie for the largest in the immediate area, and said he encourages his fellow Planning Commissioners to vote yes for the motion.

Chair Melton offered a friendly amendment to add COA BP-1 to include brick or stone wainscot on the front facade. Comm. Harrison said she can make the findings for the project without the addition of the stone facade and said that if the applicant is opposed to it she does not see a compelling reason to require it.

Comm. Harrison declined the friendly amendment.

Chair Melton said he will be supporting the motion, and that it was former Planning Commissioner Brandon Sulser who always referred to this as the anti-monster home ordinance so that when the Planning Commission looks at high FAR projects they are to confirm that it fits within the neighborhood. He said it is easy to make the findings on this project, and that this is a nice home in a great neighborhood in the City of Sunnyvale and will be made nicer with a good capital injection and a nice second story addition that will fit well within the whole neighborhood. He said he can make the findings and is looking forward to seeing this project come to fruition.

MOTION: Comm. Harrison moved Alternative 2 to approve the Design Review with modified condition to add shading for the large western-facing windows. Comm. Klein seconded. Motion carried by the following vote:

Yes: 7 - Commissioner Durham
Commissioner Harrison
Commissioner Klein
Chair Melton
Vice Chair Olevson
Commissioner Rheaume
Commissioner Simons

No: 0

- 3 [14-0197](#) 2014 Quarterly Consideration of General Plan Amendment Initiation Requests: 915 De Guigne Drive - Industrial to Residential Medium Density
- File #:** 2014-7244 (associated with file #s: 2011-7021 & 2011-7017)
Location: 915 De Guigne Drive (APN: 205-21-001)
Proposed Project:
 GENERAL PLAN AMENDMENT INITIATION Request to study a change from Industrial to Residential Medium Density and discussion of an Area Plan, Sense of Place Plan, Market and Fiscal Impact Analysis and parkland dedication.
Owner/Applicant: Watt Companies
Project Planner: Shaunn Mendrin, (408) 730-7429, smendrin@sunnyvale.ca.gov

Trudi Ryan, Planning Officer, described the General Plan Amendment Initiation (GPI) process, discussed the history of GPI requests on this site and in the area, and presented the staff report. She said that, while rare, staff is making no recommendation on this GPI request as there are many reasons to go either way.

Comm. Harrison discussed with Ms. Ryan the reasoning behind a small site within the larger area being the only site selected for the Industrial-to-Residential (ITR) zoning designation, and discussed ongoing clean-up activities on the site. Comm. Harrison and Ms. Ryan also discussed the factors affecting the cost of a Sense of Place Plan, an area plan and Market and Fiscal Impact Analysis, and Ms. Ryan clarified the phases of the GPI request and the staff recommendation to study the property if Council grants the GPI request. Comm. Harrison confirmed with Ms. Ryan that the Fiscal Impact Analysis started in 2011-2012 was never completed.

Vice Chair Olevson clarified with Ms. Ryan the ITR zoning designation, and discussed clean-up of the land for future park dedication.

Comm. Durham and Ms. Ryan discussed the generation of revenue from residential and industrial properties and to which residential services that revenue is applied. Comm. Durham discussed with Ms. Ryan and Kathryn Berry, Senior Assistant City Attorney, the soil and groundwater contamination at the site and various mitigation measures.

In response to Comm. Rheaume's inquiry Ms. Ryan clarified the differences between the ITR and medium density residential (R-3) zoning designations.

Chair Melton discussed with Ms. Ryan new information from the Environmental Protection Agency (EPA) regarding the level of risk from soil vapor, and confirmed

that City Council could study both zoning designations simultaneously.

Comm. Harrison confirmed with Ms. Ryan the density of the site for the previous GPI request, discussed the typically unknown length of time to have a site removed from the superfund list, and that this site is a super fund site associated with its former use as an industrial site.

Chair Melton opened the public hearing.

Max Frank, Watt Companies Division President, gave a presentation on the site including proposed ownership units, site clean-up efforts, and paying the park in-lieu fee.

Comm. Harrison confirmed with Mr. Frank that Spansion is not interested in remaining on site in a renovated building, that the PG&E substation serves the 915 building but is not in current use and that the price of the for-sale units would range from the high \$600,000 to low \$1 million.

Comm. Simons discussed with Mr. Frank the other cities in which Watt Companies is developing, and confirmed that Watt Companies is flexible on the kind of architecture that will be used.

Comm. Rheame confirmed with Mr. Frank that the R-3 zoning designation is preferred.

Tara Martin-Milius, speaking as a resident of the San Miguel neighborhood, discussed her disappointment with the site not having the five acre park proposed in the previous application. She added that she appreciates less density and traffic in the current application and said she is concerned with suffering through another 7-8 years of no development on the site.

Chair Melton closed the public hearing.

Vice Chair Olevson commented on Cupertino having higher density developments with parks contained within them and discussed with Ms. Ryan that while this has been considered previously, it would not satisfy the public park dedication requirement.

Comm. Harrison confirmed with Ms. Ryan that City Council would have to create a new policy that would allow privately-owned properties with public access to count toward park land. Comm. Harrison and Ms. Ryan discussed the changes in market

conditions for residential and non-residential uses since the draft study was prepared.

Vice Chair Olevson moved Alternative 1a to recommend to City Council to approve the GPI request allowing the applicant to submit a General Plan Amendment application to study changing the land use from Industrial to Medium Density Residential, including studying possible development standards or zoning regulations to buffer and minimize conflicts with adjacent office/industrial uses.

Comm. Harrison seconded.

Vice Chair Olevson said he appreciates the City Council's change of the process which provides an opportunity to judge zoning and potential rezoning independent of a specific project even though the Commission has in mind what it may look like. He said this area looks ripe for residential as surrounding areas are already residential, and that this study would give us information as to whether that trend should continue. He said the Commission should make decisions such as this potential rezoning on the basis of definitive data, and said he recommends the Planning Commission recommend to City Council to initiate this study.

Comm. Harrison said she agrees with staff and Vice Chair Olevson that it is 50/50 and may be a good thing or not, and that the only way to find out is with a study. She offered a friendly amendment to, in addition to Alternative 1a, add Alternative 3 to prepare a study, to be funded by the applicant and contracted by the City, to assess the market feasibility of office/industrial land uses in the study area and the relative fiscal impacts and benefits to the City of residential and non-residential land uses. Vice Chair Olevson accepted.

Comm. Durham said he lives near, and is familiar with, the goings on in the area, and that while it is a good idea to initiate a study, he is not sure that he wants a huge housing development or office park at the site. He said it is a good idea to study the issue especially since Montessori School, Kings Academy and housing are along the west side. He said he thinks we should do the study and will be voting for the motion and amendment.

Comm. Simons offered a friendly amendment to add Alternative 2a to study a possible General Plan change for the Watt Companies property only (approximately 25 acres), and prepare a Sense of Place Plan for transit, pedestrian, bicycle and automobile circulation for an expanded East Sunnyvale area as shown on Attachment 1 to be funded by the applicant. Vice Chair Olevson and Comm. Harrison accepted.

Comm. Simons said this was definitely on the edge for him and said it seems bad when someone asks for a friendly amendment causing one to vote against the original motion. He said this area is now 23 acres when in the past the whole project was much larger, including all of AMD which was 80 or more acres. He said at that time it was a huge opportunity for Sunnyvale for the development of corporate headquarters and that potential is gone now. He said it is a smaller project at 23 acres whether it is turned into an ITR area or maintained as industrial, and that he realizes that in the long run the economic engine that builds a city is consistency in zoning, regardless of industrial going away or residential becoming hot momentarily. He said he supports the study because the project will be for-sale residential and has the potential to be a nice development in the City of Sunnyvale. He reiterated that it is on the edge for him because space issues are huge and will need to be looked into in the future, but he will be supporting the motion.

Comm. Rheume said he believes he will be supporting the motion and is glad Comm. Simons added the Sense of Place Plan. He said the Market and Fiscal Impact Analysis will help him figure out which way to go, and his only concern is going for the R-3 rather than ITR zoning designation because he does not want to see the site vacant for seven years like Sunnyvale's downtown. He said he does not see the advantage to the City of going straight to R-3 if the applicant begins building as soon as proposed. Comm. Rheume offered a friendly amendment to change the zoning from R-3 to ITR.

Chair Melton clarified Comm. Rheume's friendly amendment with Ms. Ryan to include in the language "from industrial to medium density residential with the potential of an ITR designation." Vice Chair Olevson said he is concerned that we are specifying the results of the study prior to its initiation, but with staff's clarification of the inclusion of the ITR possibility, he accepted. Comm. Harrison said she accepts the friendly amendment with ITR as an option.

Comm. Klein said he will be supporting the motion and was on the Planning Commission when this area was first being looked at by the City. He said there was a question about residential going here and that the vision at the time was that a larger portion of buildings would be converted into residential and that this application continues that vision. He said it is time to study the area, and that providing Alternatives 1a, 2a and 3 allows staff to look at that again. He said the needs as far as City is concerned include the issue brought up by multiple Commissioners about a lack of parks in area, and is hoping that when the studies are being done the level of intensity of the chemicals in ground are looked at closely along with other options to improve the site. He said when residential was

added to the east of the site the addition of a park was critical and made sense. He said he looks forward to seeing how the studies move forward, and thinks the proposed project will be a good move in the future.

Chair Melton said he will be supporting the motion and thinks the new GPI process of allowing the Planning Commission to provide advise is great. He said the applicant has probably heard and taken notes on what the potential project might look like or what the study might talk about, including what is going on in the ground, the superfund, parks, architecture, and added low-income housing. He said the City has a real imbalance in terms of housing and said the Balance Growth Profile demonstrates that the City is a million miles ahead in terms of industrial space and is behind on residential. He said the entire concept of what is going on here passes the smell test and he said if you look at a map of what adjacent properties are doing and what this could do depending on the results of the study you can see how it makes sense and is a worthy topic to study. He said will paraphrase Mayor Griffith, as he has heard him say a number of times during past requests to study zoning changes, that he loves to study things especially if the applicant is paying for it, so he thinks this is a good opportunity to study something intriguing and makes sense but still has a lot of question marks. He said he looks forward to seeing the results of the study if that is what Council decides to pursue.

MOTION: Vice Chair Olevson moved Alternatives:

- 1a) To recommend to City Council to approve the GPI request allowing the applicant to submit a General Plan Amendment application to study changing the land use from Industrial to Medium Density Residential with the potential for an Industrial to Residential designation, including studying possible development standards or zoning regulations to buffer and minimize conflicts with adjacent office/industrial uses;
- 3) To prepare a study, to be funded by the applicant and contracted by the City, to assess the market feasibility of office/industrial land uses in the study area and the relative fiscal impacts and benefits to the City of residential and non-residential land uses; and
- 2a) To study a possible General Plan change for the Watt Companies property only (approximately 25 acres), and prepare a Sense of Place Plan for transit, pedestrian, bicycle and automobile circulation for an expanded East Sunnyvale area as shown on Attachment 1 to be funded by the applicant.

And the modification to include in the zoning change language "from industrial to medium density residential with the potential of an ITR designation."

Comm. Harrison seconded. Motion carried by the following vote:

Yes: 7 - Commissioner Durham
Commissioner Harrison
Commissioner Klein
Chair Melton
Vice Chair Olevson
Commissioner Rheaume
Commissioner Simons

No: 0

- 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.

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 reducing 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 siting 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

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 legal challenges to 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.

INFORMATION ONLY ITEMS

ADJOURNMENT

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