

**Council Meeting: April 24, 2012****SUBJECT: 2012-7019 – Update to Green Building Program (Residential and Public Buildings)****REPORT IN BRIEF**

As part of the city's 2009 green building program, staff will return to Council approximately every 18 months to review the green building tables for possible implementation of a new phase. In September 2011, staff returned to Council with recommended program alterations primarily pertaining to non-residential construction. Council adopted those modifications and directed staff to return with further recommendations for public facilities and residential construction. This report addresses only residential and public facility projects.

As part of the study issue to Require Electric Car Chargers in New Residential Developments that was presented to Council in November 2011, Council adopted requirements for all new residential development to be pre-wired for electric car chargers. Additionally, Council directed staff to study possible incentives for the installation of actual car charging units in new residential development as part of this residential green building program review.

After over two years of experience, the green building program is working well overall; however, there is still a considerable learning curve for many design professionals and homeowners. Staff is recommending that the City Council adopt the attached resolutions regarding the green building tables (Attachments A) to include:

Residential Projects:**New Construction:**

- Consolidate the requirement threshold so that all projects, regardless of square footage, will need to meet the same level;
- Raise the Build It Green point level to 80 points as the minimum and 110 points for the incentives;
- Modify the verification requirements to require a Green Point Rater (certified by Build It Green) for all residential projects; and
- Provide credit for three Build It Green points for the installation of electric car charging units at 3% of parking spaces.

Alterations:

- Modify the requirement for major alterations to include the CALGreen (the California Green Building Code) items that are

applicable to the scope of the alteration (over \$100,000 for single family residential and over \$250,000 for multi-family residential projects).

Public Facilities:

New Construction:

- Raise the standard to LEED Gold for new projects over 5,000 square feet, unless infeasible, in which case LEED Silver would be the minimum standard.

Alterations:

- Maintain the standards since they are slightly higher than those for private non-residential projects.

All proposed changes would be effective for all projects that submit building permit applications on or after October 1, 2012. As part of the overall green building program schedule, staff will return to Council in October 2013 (18 months) to review the provisions for the third phase of the green building program.

The Sustainability Commission considered the issue on March 19, 2012. The Commission discussed appropriate standards for public buildings and residential projects, how projects are reviewed and inspected by the city to ensure the appropriate point level is reached, and other options to include in the program. The Commission voted 6-1 to recommend Alternative 1. The Commission felt that, although in some ways the program does not go far enough in requiring green building levels (especially for public buildings), the proposed changes are a good incremental step, and looked forward to reviewing the program again in 18 months.

The Planning Commission considered the issue on March 26, 2012. The Planning Commission discussed raising public building requirements to LEED Gold in order for the City to take a leadership role in the green building field. They also discussed how residential projects are reviewed, how green point levels are confirmed when construction is completed, and clarification about how electric car chargers are included in the program. The Commission voted 6-0 (one absent) to recommend Alternative 2, with the following changes:

- Require LEED Gold for public buildings instead of LEED Silver (with the ability to have LEED Silver if the type of building is infeasible to meet the higher level);
- Require the 3% electric car charger requirement be rounded up when calculating the total.

The Planning Commission also felt the proposed changes are good incremental steps in the program, and looks forward to future progress at the next update.

As a result of the two commission's concerns and recommendations regarding raising the public building requirements, staff has revised the recommendation so the standard for new public buildings is LEED Gold, unless determined to be infeasible, in which case LEED Silver will be the minimum standard. Infeasibility may be determined based on a number of factors such as the type of building (i.e. storage buildings may not have enough components to achieve a high level of LEED credits due to their limited plumbing, mechanical, and electrical facilities), financial impact, or project objectives. The infeasibility determination would be made by the City Council.

BACKGROUND

The City implemented the first city-wide green building program in 2004 which 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 Moffett Park Specific Plan (MPSP). The plan incentivizes the development of Class A office buildings through a streamlined review process subject to the provision of green buildings. The Plan 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 citywide green building program that became effective January 1, 2010. The adopted ordinance sets up a framework for residential and non-residential projects that could be modified over time to require higher levels of "green" achievement. This framework is accomplished with a resolution that specifies the green standards and incentives for new construction as well as additions and alterations.

Action establishing the citywide green building program affected the already existing minimum green building requirements in Moffett Park (also effective on January 1, 2010). The MPSP was modified (by resolution) at that time to indicate that new standards and incentives apply.

There are two programs that are used throughout the state in providing green building guidelines for residential projects: CALGreen and Build It Green. CALGreen is developed by the State of California and is a part of the building code. Build It Green was developed by an independent non-profit organization committed to promoting green building. The original Sunnyvale green building program used the Build It Green standards, but the City also incorporated the CALGreen standards when they became a part of the building code.

These programs were developed independently and are not coordinated with each other. Most of the requirements between the two programs are not aligned with each other and result in projects needing to meet two different standards. Therefore, the CALGreen program implementation resulted in an increase in green building standards.

On January 1, 2011 the statewide CALGreen code took effect for residential and non-residential projects. Staff administratively adjusted the tables in the informational handouts to reflect the minimum requirements to comply with the City's green building program and the CALGreen Code.

As part of the green building program, staff is scheduled to return to Council approximately every 18 months to determine if updates are needed. As part of the follow-up, in September 2011 Council approved modifications for non-residential projects (including in the Moffett Park area) and new multi-family residential construction. Council also directed staff to return with further recommendations for public facilities and residential projects.

During the first 18 months of the program the economy was weak and few projects were submitted that attempted any of the incentives. In recent months, however, residential construction has increased and many projects have been subject to the green building standards.

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)

19.30.030

- (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.

DISCUSSION

Current Residential Green Building Program

The current Green Building tables include graduated requirements based on the size of a project. Although many projects have a requirement to comply with the program, smaller projects are exempt or need only to provide a completed checklist and not achieve a minimum standard. For residential projects especially, 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.”

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;
- 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.

Currently, the green building tables for residential projects are as follows:

SINGLE-FAMILY AND DUPLEX			
Type of Project	Minimum Standard	Verification/ Review Requirement	Voluntary Incentives
New Construction			
≤ 1,500 sq.ft.	CALGreen Mandatory Measures	City staff	--
> 1,500 sq.ft.	GreenPoint Rated Checklist v4.2 or later with 70 points minimum and CALGreen Mandatory Measures	City staff	Achieve 100 points, with Green Point Rater verification, and the project can increase lot coverage by 5%
Remodel, Alteration, and Additions			
≤ \$100,000 construction valuation	--	--	N/A
>\$100,000 construction valuation	GreenPoint Rated Checklist v4.2 or later (no minimum points required)	City staff	N/A

MULTI-FAMILY (condominiums, townhouses, and apartments)			
Type of Project	Minimum Standard	Verification/ Review Requirement	Voluntary Incentives
New Construction			
All	GreenPoint Rated Checklist v2.2.1 or later with 70 points minimum and CALGreen Mandatory Measures	Green Point Rater*	Achieve 100 points, with Green Point Rater verification, and the project can increase height by 5', or lot coverage by 5%, or 5% density bonus
Remodel, Alteration, and Additions			
≤ \$250,000 construction valuation	--	--	N/A
>\$250,000 construction valuation	GreenPoint Rated Checklist v2.2.1 or later (no minimum points required)	City staff	N/A

* Changed in September 2011 from City staff

Current Residential Incentives

The green building program provides incentives for new residential construction to encourage a higher “green” level for obtaining 100 Build It Green points (rather than the current standard of 70 points). The incentives are shown in the table above.

The additional development capacity allowed by the incentive may be reviewed at staff level or may require Planning Commission review depending on the zoning district and/or need for further environmental review. Significant changes may require environmental analysis to assure no site-specific significant negative impacts are being created. In 2009, a Negative Declaration (ND) was adopted as part of the green building program. The ND discussed the general environmental benefit of the program and acknowledged that individual projects would still be subject to project specific environmental review. One aspect of the green building program requires projects taking advantage of the increased density incentives to prepare a Transportation Demand Management program to reduce the number of trips to no more than would be permitted by the standard zoning levels.

To date, one residential project has taken advantage of the incentives. 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 100 Build It Green points in order to receive a 5% density bonus.

Comparison of Residential Requirements to Other Jurisdictions

As part of this study, staff researched the residential green building requirements in other local jurisdictions. The summary is provided in

Attachment B. Sunnyvale's green building program is still a leader in the Bay Area. The requirements for new residential construction are still one of the highest with only San Francisco requiring a higher level of 75 Build It Green points. For residential alterations, several jurisdictions have specific green standards for major projects, while Sunnyvale's current standards are focused on education and encouragement.

Possible Changes to the Residential Requirements

Since the adoption and implementation of the local green building requirements, the State has adopted CALGreen which includes mandatory requirements for all new construction and provides optional tiers for higher standards. Sunnyvale did not adopt the optional CALGreen tiers since we had already adopted the Build It Green program as the standard for new residential construction. Maintaining the Build It Green program is typical among other local jurisdictions, as only the City of Los Altos has adopted a higher CALGreen tier.

Thresholds for Residential Requirements

When originally implemented, the green building program contained multiple threshold levels. This was because the green building standards were new at that time and many homeowners, designers, and design professionals were not familiar with the Build It Green program. Another factor was that the increased cost for smaller projects was proportionally higher than for larger.

New single-family and duplex projects are currently divided into two categories, up to 1,500 square feet and greater than 1,500 square feet. New multi-family projects were not divided into multiple categories since these projects are a minimum of three dwelling units, so the concern regarding the disproportionality of increased cost was not as significant a factor.

Major alterations are also divided into two categories for both single-family/duplex and multi-family projects. In addition to the increased cost factor, these thresholds were established because the scope of many smaller alteration projects may not be ample enough to obtain a minimum number of Build It Green points.

While there is still a large learning curve that needs to occur in the residential construction industry, staff recommends consolidating the requirement threshold for new single-family/duplex projects so that all homes, regardless of square footage meet the same standards (which would make the single-family/duplex new building requirements similar to the multi-family residential requirements).

Minimum Standards for New Residential Construction

The minimum point level to achieve certification through Build It Green is 50 points. Sunnyvale's program currently requires a minimum of 70 points so that we provide a green building standard above the Build It Green minimum. Based on programs in other local jurisdictions, the 70 points is still at the high end, with the exception of San Francisco which requires 75 points for new residential construction. Almost half of the jurisdictions surveyed did not have any green building requirements beyond the State mandated CALGreen.

While working with design professionals and homeowners, staff has found that the general public is still a learning curve regarding the green building requirements. Most of the large residential developers are familiar with green building standards and techniques as they have greater resources to include green building principles in their building design and greater buying power to source materials. Many of the smaller developers and many design professionals focusing on individual single-family homes do not have a lot of experience in this area. One likely reason for this is because the requirements are not standardized across the various jurisdictions, so many design professionals who work primarily in other geographic areas have not experienced these green building standards.

Staff received feedback from developers that the cost of the current Build It Green requirement (70 points) for new residential construction can range from \$5,000 up to \$15,000 per unit. While it is not easy to determine what the cost would be for additional points as circumstances vary from project to project, it was mentioned by developers that the first 70 points are fairly easy to achieve, but an additional 10 points would be more difficult and costly. This comment was also made by a Planning Commissioner.

Staff recommends continued use of the generally accepted Build It Green Program for new residential construction. With the objective of Sunnyvale maintaining a leadership role in promoting green building construction, staff recommends increasing the minimum Build It Green point requirement from the current 70 points to 80 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 110 (from 100). Based on current trends in green building construction, staff believes the higher point requirement will challenge residential builders but will not pose a significant hardship.

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

Currently, the higher level category for each type of residential building requires that the project include a Build It Green checklist, but does not require a minimum point level. When this was first implemented in 2010, Sunnyvale was one of the first cities to include alterations in the green building program. At that time, it was unclear if even major alterations would be able to achieve a minimum point level. The intent of the green building program is to require the area being altered to be upgraded to the current standards. This is similar to other zoning and building code standards. For example, if a homeowner were to re-wire their kitchen or add a gas line to the stove, they would not be required to also re-wire any other portion of the house or upgrade the existing gas lines.

The Build It Green program does include a checklist for alterations to an existing building called the Elements program. Based on experience with this program, staff research, and feedback at the public outreach meetings, this program can be difficult and expensive to implement. The average market cost for the Green Point Rater verification for the Elements program is \$2,500 compared with about \$1,200 for a New Construction program. This additional cost is due to the increased time needed to verify existing items in a home that may not be visible or may be difficult to reach. Additionally, it is difficult to set a minimum point level for all alterations as each project can vary so much.

As adopted by the State, the CALGreen code is applicable only to new construction. This code provides straightforward requirements for a variety of topics including site design, energy efficiency, water efficiency, material conservation, and environmental quality. Staff recommends the requirement for major alterations be strengthened to include the CALGreen items that are applicable to the scope of the alteration. For example, if the alteration included remodeling the bathroom, in addition to the standard energy efficiency upgrades required by the State Title 24 Energy Regulations, the project would also need to meet the CALGreen requirements for water efficient plumbing fixtures, use low VOC adhesives/paints, and install an exhaust fan with a humidistat (humidity sensor which automatically turns the fan on and off based on the humidity level).

Requirements for Verification of Residential Green Building Items

An important factor in assuring the green building items are met is the verification that items are included in the construction documents and are installed properly. As part of the original green building program, much of the verification was to be completed by City staff to reduce the cost and avoid a barrier for homeowners and developers in meeting the new standards.

If a project takes advantage of an incentive, then verification by a qualified third party (a Build It Green certified Green Point Rater) is required. Similar to the LEED requirements for non-residential construction, registration and certification from Build It Green is not required because the purpose of the program is to improve the green features included in construction projects. A few residential developers have chosen to submit their projects to Build It Green as a marketing tool, but it does not appear to result in a greener building.

Since the adoption of the green building program, the number of Green Point Raters has increased significantly and the cost of their services has decreased. Therefore, staff is recommending that all new construction be verified by a Green Point Rater.

Incentive for Installing Electric Car Chargers in New Residential Construction

In November 2011, as part of the study issue titled “Require Electric Car Chargers in New Residential Developments,” Council adopted standards for all new residential construction to require a minimum of 12.5% of parking spaces to be pre-wired with electric car chargers. At the same time, Council directed staff to study the option of providing incentives to the installation of electric car charging units in new residential developments.

The current CALGreen and Build It Green programs do not require or provide points for electric car chargers. The LEED program (Leadership in Energy and Environmental Design) allows three points for the category titled “Alternative Transportation – Low-Emitting and Fuel-Efficient Vehicles.” There are four options available in order to obtain these three points; one option is to provide electric car charging units for a minimum of 3% of the parking spaces on site.

Staff recommends including an incentive for new residential construction that follows the LEED standard. The recommended incentive would allow a new residential project to receive credit for three Build It Green points if electric car charging units were installed at a minimum of 3% of the parking spaces. For single-family/duplex projects this could be obtained by providing a charging unit in the garage. This would meet the minimum 3% requirement since a total of four parking spaces are required for each dwelling unit and one charging unit would be provided. For multi-family projects, charging units would need to

be provided for 3% of the total parking spaces on the site, including garage spaces, covered spaces, and uncovered spaces.

Possible Requirement for Duct Sealing for Residential Projects

At recent public outreach meetings, a suggestion was made that all major alterations should be required to seal any new and existing conditioned air ducts to a maximum leakage level of 6% as included in the CALGreen code. Duct sealing prevents loss of conditioned air and intrusion of other materials (dust, insulation, etc.) into the building through the ducts, which increases the efficiency of the forced air system.

Staff does not recommend this item be included in the green building program for the following reasons: First, as discussed above, zoning and building code requirements are applied to areas being altered. Requiring upgrades to areas of an existing building that are not part of the scope of work for a project may result in significant increased cost to the project.

Secondly, the State has two regulations that include the potential for duct sealing; the Title 24 Energy Regulations and the CALGreen code. The Title 24 Energy Regulations require duct sealing with a maximum leakage of 15% in the extreme climate zones of the State; this regulation is not applicable to Sunnyvale since the moderate climate does not result in significant use of the forced air systems. The CALGreen requirement is applicable only to new construction and requires duct sealing with a maximum leakage of 6%. However, this is not a mandatory requirement. Rather it is an optional item that a homeowner may select from in order to achieve one of the higher voluntary tiers. The voluntary tiers may also be achieved by selecting from the many other 21 items offered in the Energy Efficiency category. As previously noted in this report, Sunnyvale did not adopt the voluntary tiers as we were already using Build It Green as the standard.

If a homeowner were to choose to seal their ducts to a minimal leakage level in a new home, they could receive additional Build It Green points through the overall increased efficiency of the home.

Possible Changes to Public Facility Requirements

No new public facilities or major alterations to City facilities have been permitted since the implementation of the green building program. With the updated requirements approved in September 2011 for private non-residential projects, the new public facility project requirements are at a lower level. Historically, the City has set a higher bar and example for the community by requiring a higher level of LEED for City facilities than for private development. Staff recommends modifying the requirements for new public facilities to exceed the standards for private non-residential projects. Community

Development and Public Works staffs have discussed this increase; staff recommends new public facility projects meet LEED Gold, unless infeasible.

Because City facilities can range greatly in scope (i.e. park buildings, fire stations, water treatment facilities, Community Center Theater, etc.) it may be difficult to meet a LEED Gold rating for all facilities. Many public buildings do not meet typical office or commercial characteristics, and meeting a LEED Gold level would be extremely difficult. The feasibility of achieving LEED Gold would be evaluated on a case-by-case basis.

For major alterations, the public facility standards are still slightly higher than those for private non-residential projects. Currently, major alterations to public facilities that affect 25,000 square feet or more should meet the LEED Certified level. However, for private development projects, the LEED Certified level is not required until the alteration affects 50,000 square feet. Staff recommends maintaining that lower threshold for public buildings.

ENVIRONMENTAL REVIEW

The proposed amendments to the Green Building Tables have been determined to be exempt from environmental review since a Negative Declaration was prepared for the 2009 green building ordinance and program, and the proposed changes do not substantially exceed that contemplated in that negative declaration.

FISCAL IMPACT

The staff recommended changes to the green building program would not have a fiscal impact. Although additional staff time (plan review and inspection) will be required as more projects will be subject to the green building program, this additional time will be off-set by a saving of staff time resulting in all new construction having a third-party verification, rather than staff continuing to verify these items.

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 by posting the agendas on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

Notifications

Notices were sent to the Sunnyvale Chamber of Commerce; neighborhood associations; and over 100 design professionals and contractors involved in development in Sunnyvale.

Outreach Meetings

Three public outreach meetings were held in January and February 2012. The meetings were attended by seven people representing the builders, realtors, and the community at large.

Study Session

A joint study session with the Planning Commission, Sustainability Commission, and Board of Building Code Appeals was held on February 27. Following is a summary of the comments that were made at this meeting:

Public Facilities:

- The City should set a higher bar for new construction of City buildings and have standards above those for non-residential.
- The Council should determine the LEED level for new City buildings based on the cost of each level. However, this may be difficult to justify as private development is required to meet a certain level regardless of the cost.
- City facilities should be one level higher than the requirements for private development.

Residential Projects:

- Major alterations need a minimum standard, not just fill out a checklist.
- Major alterations should meet the CALGreen requirements for water efficiency and heating/ventilation.
- The green features that are more impactful should be required
- Multi-family requirements should be higher than those for single-family/duplex.
- New construction should require 100 Build It Green points.
- Questions arose regarding how to measure success with the green building program.
- Multi-family projects should be required to register with Build It Green.
- Most impactful projects are new multi-family construction and single-family major alterations.

Sustainability and Planning Commission Hearings

Noticed public hearings were held by the Sustainability Commission on March 19, 2012 and the Planning Commission on March 26, 2012 (at which no

members of the public attended). One e-mail was received prior to the Planning Commission hearing, which is included in Attachment C.

ALTERNATIVES

1. Adopt the Resolution in Attachment A to Update the Green Building Tables for Residential Buildings and Public Facilities which includes the following:

Residential Projects:

New Construction:

- Consolidate the requirement threshold so that all projects, regardless of square footage, will need to meet the same level;
- Raise the Build It Green point level to 80 points as the minimum and 110 points for the incentives;
- Modify the verification requirements to require a Green Point Rater (certified by Build It Green) for all residential projects.
- Provide credit for three Build It Green points for the installation of electric car charging units at 3% of parking spaces.

Alterations:

- Modify the requirement for major alterations to include the CALGreen (the California Green Building Code) items that are applicable to the scope of the alteration (over \$100,000 for single family residential and over \$250,000 for multi-family residential projects).

Public Facilities:

New Construction:

- Raise the standard to LEED Gold for new projects over 5,000 square feet, unless infeasible, in which case LEED Silver would be the minimum standard.

Alterations:

- Maintain the standards since they are slightly higher than those for private non-residential projects.

2. Modify and adopt the attached resolution and, if needed, direct staff to evaluate the potential increased costs and return with a budget modification.
3. Take no action and maintain the current green building standards.

RECOMMENDATION

Adopt the Resolution in Attachment A to Update the Green Building Tables for Residential Buildings and Public Facilities.

The staff recommendation considers consistency with other jurisdictions, ease of use of the program, and minimum impact on express plan reviews at the One-Stop Permit Center. In order to be both consistent with other jurisdiction and a leader, staff is recommending using the standardized programs (Build It Green and CALGreen), but require a higher level than most other jurisdictions. This 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.

Ensuring the program is easy to use is also important in developing a program that will be usable to design professionals as well as staff. By providing clear requirements based on the square footage or valuation of a project, design professionals and homeowners can incorporate the requirements into their design plans.

Finally, an important factor in developing any program related to development review is ensuring that there is minimal impact on the express plan review process at the One-Stop Permit Center. Over 90% of all building permits are reviewed at the One-Stop Permit Center the same day the customer submits the plans. In order to maintain this level of service and staff efficiency, requirements need to be clear and understandable. By maintaining the current programs already in use and familiar to staff, but increasing the standards, the impact on the One-Stop Permit Center will be minimal.

Reviewed by:

Hanson Hom: Director, Community Development

Reviewed by: Trudi Ryan, Planning Officer/Ali Fatapour, Chief Building Official

Prepared by: Andrew Miner, Principal Planner/Diana Perkins, Permit Center Coordinator

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Resolution to Update the Green Building Tables for Public Facilities and Residential Buildings
- B. Green building programs from other local Jurisdictions
- C. Written correspondence from the public
- D. Sustainability Commission draft minutes from March 19, 2012
- E. Planning Commission minutes from March 26, 2012

RESOLUTION NO. _____

**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 are again reviewed and revised to provide increased requirements for residential construction and alterations, and new requirement for 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 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 October 1, 2012.

Adopted by the City Council at a regular meeting held on _____, 2012, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David Kahn, City Attorney

Non-Residential Projects

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

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

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

Residential Projects*

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

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

Local Residential Green Building Program Requirements for Various Jurisdictions

Updated 3/30/2012

Jurisdiction	Single-Family		Multi-Family	
	Remodel, Alteration or Addition	New	Remodel, Alteration or Addition	New
City of Santa Clara	None	<ul style="list-style-type: none"> CALGreen Mandatory 	None	<ul style="list-style-type: none"> CALGreen Mandatory
City of Mountain View	Additions >1,000 sq. ft.: <ul style="list-style-type: none"> CALGreen (indoor water and pollutant controls) Exceed Title 24 by 10% 	<ul style="list-style-type: none"> CALGreen Mandatory Exceed Title 24 by 15% (<5 units)	Additions >1,000 sq. ft.: <ul style="list-style-type: none"> CALGreen (indoor water and pollutant controls) Exceed Title 24 by 10% 	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 70 Points (≥5 units)
City of San Jose	None	<ul style="list-style-type: none"> CALGreen Mandatory 	None	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 50 Points (<10 units) <ul style="list-style-type: none"> CALGreen Mandatory BIG - 50 Points (≥10 units)
City of Milpitas	None	<ul style="list-style-type: none"> CALGreen Mandatory BIG or LEED – no points (<5 units)	None	<ul style="list-style-type: none"> CALGreen Mandatory BIG or LEED – 50 points (≥5 units)
City of Los Altos	Additions/Remodels >50%: <ul style="list-style-type: none"> BIG Whole House – 50 Points 	<ul style="list-style-type: none"> CALGreen Mandatory CALGreen Tier 1 	Additions/Remodels >50%: <ul style="list-style-type: none"> BIG Whole House – 50 Points 	<ul style="list-style-type: none"> CALGreen Mandatory CALGreen Tier 1
City of Campbell	<ul style="list-style-type: none"> BIG – no points 	<ul style="list-style-type: none"> CALGreen Mandatory 	<ul style="list-style-type: none"> BIG – no points 	<ul style="list-style-type: none"> CALGreen Mandatory
Town of Los Altos Hills	None	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 50 Points 	N/A	N/A
City of Gilroy	None	<ul style="list-style-type: none"> CALGreen Mandatory BIG or LEED – no points (>5,000 sq. ft.)	None	<ul style="list-style-type: none"> CALGreen Mandatory BIG or LEED – no points (>5,000 sq. ft.)

Jurisdiction	Single-Family		Multi-Family	
	Remodel, Alteration or Addition	New	Remodel, Alteration or Addition	New
Town of Los Gatos	None	<ul style="list-style-type: none"> • CALGreen Mandatory • BIG or LEED – no points 	None	<ul style="list-style-type: none"> • CALGreen Mandatory • BIG or LEED – no points
City of Palo Alto	<p>Additions or Remodels >\$25,000 that include site changes and Architectural Review:</p> <ul style="list-style-type: none"> • Meet specified CALGreen items <p>Additions or Remodels >\$100,000 that include site changes and Architectural Review:</p> <ul style="list-style-type: none"> • Meet specified CALGreen items • BIG Existing Home – no points <p>Additions >1,250 sq. ft.:</p> <ul style="list-style-type: none"> • BIG - 50 Points 	<ul style="list-style-type: none"> • CALGreen Mandatory • BIG - 70 Points, +1 point for each 70 sq. ft. over 2,550 sq. ft. (with local mandatory points required) 	<p>Additions or Remodels >50% and include 2 of the following: HVAC, building envelope, hot water system, lighting system:</p> <ul style="list-style-type: none"> • BIG - 70 Points 	<ul style="list-style-type: none"> • CALGreen Mandatory • BIG - 70 Points
City of Cupertino - (Council consideration of green building requirements planned for May 2012)	None	<ul style="list-style-type: none"> • CALGreen Mandatory 	None	<ul style="list-style-type: none"> • CALGreen Mandatory

Jurisdiction	Single-Family		Multi-Family	
	Remodel, Alteration or Addition	New	Remodel, Alteration or Addition	New
Santa Clara County	Remodels > \$100,000 value & additions >500 sq. ft.: <ul style="list-style-type: none"> BIG Existing Home – no points 	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 50 Points (1,200 – 3,000 sq. ft.) CALGreen Mandatory BIG - 50 Points, +1 point for each 100 sq. ft. over 3,000 sq. ft. (>3,000 sq. ft.) 	Remodels > \$100,000 value & additions >500 sq. ft.: <ul style="list-style-type: none"> BIG Existing Home – no points 	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 50 Points (1,200 – 3,000 sq. ft.) CALGreen Mandatory BIG - 50 Points, +1 point for each 100 sq. ft. over 3,000 sq. ft. (>3,000 sq. ft.)
City and County of San Francisco	N/A	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 75 Points 	N/A	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 75 Points
City of Sunnyvale (current)	Remodels or additions >\$100,000 : <ul style="list-style-type: none"> BIG Checklist – no points 	<ul style="list-style-type: none"> ≤1,500 sq. ft.: <ul style="list-style-type: none"> CALGreen Mandatory >1,500 sq. ft.: <ul style="list-style-type: none"> CALGreen Mandatory BIG - 70 Points 	Remodels or additions >\$250,000 : <ul style="list-style-type: none"> BIG Checklist – no points 	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 70 Points
City of Sunnyvale (proposed)	Remodels or additions >\$100,000 : <ul style="list-style-type: none"> CALGreen mandatory items applicable to the scope of work 	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 80 Points 	Remodels or additions >\$250,000 : <ul style="list-style-type: none"> CALGreen mandatory items applicable to the scope of work 	<ul style="list-style-type: none"> CALGreen Mandatory BIG - 80 Points

Diana Perkins - Revised Letter to Planning Commissioners: Green Building Ordinance

From: <Barbf[REDACTED]>
To: <Tryan@ci.sunnyvale.ca.us>, <gcaruso@ci.sunnyvale.ca.us>
Date: 3/23/2012 2:18 PM
Subject: Revised Letter to Planning Commissioners: Green Building Ordinance

Dear Planning Commissioner,

While considering Sunnyvale's proposed residential green building ordinance update, I thought you might be interested in a couple short papers by the Bay Area Climate Collaborative, "founded by the mayors of San Jose, Oakland and San Francisco to create regional consistency." The papers offer direction and regional perspective.

- **A Recommended Approach to California's New Green Building Code (8/22/10)**
http://builditgreen.org/files/GovRel/BACC/BACC_CalGreen_Recommendations.PDF
The Collaborative sees a city's first priority as enforcement of and education regarding CALGreen, "the nation's first statewide green building standards code," which went into effect January, 2011. Their second recommendation that "Where a local leadership standard is desired, continue to apply GreenPoint Rated and LEED rating systems." I see the staff proposal as aligned with the Collaborative's advice. Staff has stuck with LEED and GreenPoints, rather than recommending CalGreen tiers. And by recommending that CalGreen be extended to include residential *remodels*, the proposed Sunnyvale code changes would require that those involved in remodeling, not only those involved in new construction, become more informed about the state green building code.
- **Bay Area Green Building Policy Assessment (8/20/10)**
http://baclimate.org/images/stories/actionareas/greenbld/survey/bayarea_gb_policyfindings.pdf
The report finds that as of summer, 2010, about half of the Bay Area cities had adopted required *new* residential green building standards, all of them based on Build It Green ratings. (Sunnyvale, whose Green Building Ordinance went into effect in January, 2010, was one of these.) Also, as of summer, 2010, 22 cities and counties *required* 25-50 GreenPoints for residential *remodels*, depending on project size or valuation, using either the Elements or Whole-House Build It Green checklist. (Sunnyvale was not in this group of 22 of 109 Bay Area cities that *required* some number of GreenPoints for residential remodels. Our ordinance just required that a checklist be submitted—*no* points required. **This suggests that Sunnyvale's previous residential remodel requirements were not on the forefront of Bay Area jurisdictions.**)

Because the green building ordinances of San Rafael <http://acm.cityofsanrafael.org/Assets/CDD/Planning/Green+Bldg+Guide.pdf> and San Anselmo <http://www.townofsananselmo.org/index.aspx?NID=217> were both called out in the second report above as having set a high bar, they may also be of interest to a city that would be a regional leader. The proposed Sunnyvale code would be stronger for *new* residential construction than the 2010 codes of San Rafael and San Anselmo codes.

However, the other cities' residential *remodel* requirements include an interesting requirement in addition other green measures (GreenPoints in one case, a menu of options in the other), a **home performance audit for residential remodels** exceeding \$50,000. This requirement was based on the recommendations of a broad-based county task force of experts in construction trade, energy, design, and real estate. The reasoning:

This knowledge is very useful prior to designing a remodeling project since there may be very cost effective improvements which can dramatically reduce energy and water use, improve indoor comfort and improve indoor air quality. Because this information is so useful, the City's new green building regulations require that a Home Performance Audit be performed prior to a remodeling project on a single family or duplex dwelling which exceeds \$50,000 in construction costs. The two home performance auditing standards acceptable are those performed by HERS (Home Energy Rating System) raters certified by the California Energy Commission or raters certified by the Building Performance Institute. (above reference)

I like staff's proposal that the CALGreen floor be established for residential remodels. In my opinion this significant step over no actual requirements and moves the ball forward in more broadly applying CALGreen. In addition, **perhaps Planning Commission may want to consider adding the requirement of a whole house performance audit prior to residential remodels above some threshold.**

At this point in history, we need to move as quickly as possible to encourage energy and water efficiency in existing buildings, which make up the majority of our building stock. Requiring home performance audits before substantial residential remodels would start doing just that. At the least, perhaps we could begin phasing them in now.

I just wish I had solidifying my thinking before the Sustainability Commission considered the issue. (I do not speak for the Commission, just myself.)

Barbara Fukumoto
Sunnyvale Resident

P.S. San Rafael also requires pre-wiring for solar hot water and solar electricity for *new* home construction.

**MINUTES****SUNNYVALE SUSTAINABILITY COMMISSION
MARCH 19, 2012**

The Sustainability Commission met in regular session in the West Conference Room at 7:00 p.m. with Vice Chair Regina Wheeler presiding.

The meeting was called to order at 7:04 p.m.

ROLL CALL**Commission Members Present:**

Commission Chair Sue Harrison
Commission Vice-Chair Regina Wheeler
Commissioner Barbara Fukumoto
Commissioner Gerry Glaser
Commissioner Amit Srivastava
Commissioner Dan Hafeman
Commissioner Joe Green-Heffern

Council Liaison: Councilmember Tara Martin-Millus

Staff Present: John Stufflebean, Director of Environmental Services
Melody Tovar, Regulatory Programs Division Manager
Mark Bowers, Solid Waste Division Manager
Tim Kirby, Revenue Systems Supervisor
Kathryn Cooke, Recycling Outreach Assistant
Andy Miner, Principal Planner
Diana Perkins, Permit Center Coordinator
Dustin Clark, Environmental Sustainability Coordinator, Staff Liaison

SCHEDULED PRESENTATION

Kathryn Cooke, Recycling Outreach Assistant, provided the Commission information about outreach efforts to businesses related to the recently adopted Plastic Bag Ban Ordinance. The presentation addressed details of the ordinance, why the ban was enacted, current outreach efforts and frequently asked questions.

Tim Kirby, Revenue Systems Supervisor, provided the Commission an update to his February 21 presentation on efforts to reformat the water bill design and the City's water rate structure. The presentation included an overview of how the City structures and establishes the water rate.

PUBLIC ANNOUNCEMENTS

Vice Chair Wheeler opened the public hearing to public announcements.

There were no announcements.

Vice Chair Wheeler closed the public hearing.

CONSENT CALENDAR

1.A. Approval of draft minutes of Sustainability Commission meeting of February 21, 2012.

Commissioner Fukumoto requested pulling the minutes from the consent calendar for discussion. Commissioner Fukumoto requested a minor modification to clarify a comment regarding her view of the options for the future WPCP upgrade. Commissioner Glaser moved and Commissioner Srivastava seconded a motion to approve the meeting minutes from February 21 with minor modifications. The changes have been reflected in the February meeting minutes.

VOTE: 6-0-1 (Commissioner Hafeman abstained due to his late arrival at the February meeting)

1.B. Approval of Sustainability Commission 2012 Master Work Plan

Commissioner Glaser moved and Commissioner Green-Heffern seconded a motion to approve the Sustainability Commission 2012 Annual Master Work Plan.

VOTE: 7-0 (Vote was unanimous)

PUBLIC HEARINGS/GENERAL BUSINESS

1. ACTION: Green Building Ordinance

Andy Miner, Principal Planner and Diana Perkins, Permit Center Coordinator presented the Commission the Green Building Program draft staff report. Commissioners asked questions and provided comments regarding the staff recommendation. Commissioner comments and questions mainly focused on how the city arrived at the 80 point Build It Green requirement. Staff indicated that while there is a desire for regional consistency, the City Council has stated that the City should also be a leader. Staff felt that the 80 point threshold showed leadership while at the same time not being too burdensome on residents and builders. Staff also explained that this is an ongoing process, and while having a higher requirement than some surrounding communities, the requirement was manageable from the perspective of staff time and customer service at the One-Stop.

Vice Chair Wheeler opened the public hearing to public comments.

There were no comments.

Vice Chair Wheeler closed the public hearing.

Commissioner Green-Heffern moved and Commissioner Harrison seconded a motion to recommend Council adopt the Staff recommendation in the Update to Green Building Program draft staff report.

Commissioner Green-Heffern spoke to his motion. Commissioner Green-Heffern thought the staff recommendation was appropriate as it appears to be a balanced approach that the Planning Department has thought about over a several year period, including tradeoffs, and is a gradual escalation that seems like a reasonable approach.

Commissioner Fukumoto supported the motion and commented that the staff recommendation appears to be a solid incremental step forward. Commissioner Fukumoto liked elements of the recommendation including the increase in the number of Build It Green Points required, requirement for electric car charging, that some requirements extend to remodels.

Commissioner Wheeler supported the motion and commented that the recommendation was a step in the right direction, but would like to see more concrete evidence to why the 80 point requirement was derived. Commissioner Wheeler thinks the City needs to figure out a way that Sunnyvale can be more of a leader in these areas.

Commissioner Glaser commented on why he would oppose the motion. Commissioner Glaser indicated that he viewed the Green Building Ordinance as being more about education than regulation and having a higher Build It Green value requirement forces people to think about how they will get to that higher level by learning more about it. Commissioner Glaser did not believe that field inspections have been proven to be cost effective yet or that they achieve the result better than doing it the current conventional way. Commissioner Glaser would like to see the process go faster with even more Build It Green points being required.

VOTE: 6-1 (Commissioner Glaser Opposed)

NON-AGENDA ITEMS AND COMMENTS

Commissioner Oral Comments

Commissioner Glaser provided the Commission an update and information of meeting and webinar attended. Commissioner Glaser attended a meeting on the impacts of sea level rise in the Bay Area. The main take away from the meeting was the fundamental reality that sea level rise has become for planners and plan checkers and what they will do with projects.

Commissioner Glaser listened in on a webinar about Community Choice Aggregation. The takeaway message he received is that a CCA is something the City could potentially do. If the City were to develop a CCA there is the potential that it could be the largest in the country. Commissioner Glaser suggested Community Choice Aggregation as a topic for the April Sustainability Commission meeting.

STAFF Oral Comments

Due to the length of Sustainability Commission meetings, staff inquired with the Commission whether they would be interested in beginning their meeting at 6:30 p.m. instead of 7:00 p.m. The general consensus was that they did not want to change the meeting time, but could make time management a focus during the meetings.

INFORMATION ONLY ITEMS

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Dustin Clark, Environmental Sustainability Coordinator

Reviewed by: John Stufflebean, Director of Environmental Services
Melody Tovar, Regulatory Programs Division Manager

4. **File #:** 2012-7019
Location: City-Wide
Proposed Policy Update: Update to Green Building Program (Residential and Public Buildings)
Environmental Review: Previous Negative Declaration
Staff Contact: Andrew Miner, (408) 730-7707
aminer@ci.sunnyvale.ca.us

Andrew Miner, Principal Planner, presented the staff report and introduced **Diana Perkins**, Permit Center Coordinator, and co-preparer of the report. Mr. Miner said the Sustainability Commission considered the report on March 19, 2012 and the minutes from the meeting are provided this evening. He said City Council would be considering this project at their April 24, 2012 meeting. Mr. Miner referred to Attachment B, page 3 under the City of Sunnyvale (proposed) Single-Family and Multi-Family "New" columns. He said that the BIG (Build It Green) points would be changed from 70 points to 80 points.

Comm. Chang asked staff whether CALGreen would be updating their guidelines in the next 18 months. Ms. Perkins explained that the Building Codes are revised and adopted on a triennial basis with the next scheduled effective date being January 1, 2014; however updates are provided on a regular basis between the triennial adoptions. Comm. Chang discussed with staff the recommended raising of the BIG points for incentives from 80 to 110 points. Comm. Chang discussed with staff the recommendation for raising the standard for new construction of Public Facilities to LEED (Leadership in Energy and Environmental Design) Silver and encouraging LEED Gold.

Vice Chair Larsson confirmed with staff that the Council would next review the green building tables in October 2013. Vice Chair Larsson discussed with staff a suggested home performance audit for residential remodels over a certain threshold. Vice Chair Larsson commented if the audit is not feasible right now that it could be added later with staff confirming that changes will be done in incremental steps in future updates.

Comm. Sulser discussed with staff the diversity in types of public buildings and the recommendation of raising the standard on public facilities to LEED Silver. Staff commented that the recommendations for public facilities at least meet the same standards as non-public buildings. Staff said that ultimately Public Works would need to provide input on different types of public buildings in regards to meeting different levels of LEED standards.

Chair Hendricks discussed with staff the public facilities recommendation raising the standard to LEED Silver and the possibility of raising the standard to LEED Gold. **Trudi Ryan**, Planning Officer, said possibly a higher standard could be required, with a provision available to a lesser standard, if reasonable hardship could be demonstrated.

Comm. Dohadwala commented that she has some knowledge of LEED and that some public facilities will have challenges that will make it difficult to meet the standards. She also commented about the point rating system saying that for example, if 110 points are required that the earlier points are easier to achieve and the later points are progressively harder to

attain. Comm. Dohadwala discussed with staff about the differences between CALGreen versus BIG and how the Building Department enforces or reviews the requirements including plan checks, inspections, and outside raters. Comm. Dohadwala referred to page 5 of the report and discussed with staff voluntary incentives and reviews including Planning Commission review. Staff said the incentives have not changed with the staff recommendations.

Vice Chair Larsson clarified with staff lot coverage versus FAR (Floor Area Ratio) in regards to the table on page 5 of the report.

Chair Hendricks commented that he thinks success on this subject, is buildings becoming more efficient with less consumption of natural resources, with the objective of being good environmental stewardship. Chair Hendricks discussed with staff the information about Electric Car Chargers in New Residential Construction. Chair Hendricks said the requirement seems like a small number.

Chair Hendricks opened the public hearing and closed the public hearing, as there were no speakers.

Comm. Travis commented that he was a little disappointed when read the report. He said that after the Joint Study Session with the Sustainability Commission he felt like the City was going to run a marathon and then we only ran about 15 feet. He said the he thinks the recommendation on residential projects is too low and that we should take the BIG level to 90 points. He said with our public buildings that we should raise the standard to aiming for LEED Gold and make an exception if we cannot attain Gold. He said he thinks we need to upgrade these standards to a higher standard.

Vice Chair Larsson commented that one thing he has learned about designing versus verifying is that sometimes designing has to be aimed 30 points higher than the requirement, as points may be lost during the verifying stage.

Comm. Dohadwala commented that before she read the report she was bothered by trying to achieve a level without a certification. She said reading the report has helpful as she now understands that the Building Division reviews and has some degree of enforcement. She said she agrees with Comm. Travis that we should aim higher for the LEED Gold and we should be stepping up the BIG more.

Chair Hendricks commented that we are talking about designing and achieving. He said he thinks we are here to achieve. He said we are trying to encourage and educate and it would be nice if the verification cost would only happened when the incentive plays into it. He said the important thing is the doing and not to get hung up on the verifications.

Comm. Dohadwala provided an additional comment for the next step, referring to page 10, where it says "zoning and building code requirements are applied to areas being altered." She said possibly, like ADA (Americans with Disabilities Act) requirements, green building upgrades not in part of the scope of work could be used to enhance energy efficiency with a percentage of the construction costs being applied to green building.

Comm. Travis moved for Alternative 2 to recommend to City Council to modify and adopt the attached resolution and, if needed, direct staff to evaluate the potential increase costs and return with a budget modification. The modifications are: to change the minimum standard for new public facility projects to meet LEED (Leadership in Energy and Environmental Design) Gold, unless infeasible; and that the allowance of three Build It Green points if a minimum of 3% of parking spaces in new residential construction are equipped with Electric Car Charger equipment, should round up to the next whole number, if a partial number. Vice Chair Larsson seconded the motion.

Comm. Travis said he has grand ideas of where we should be going with green building, however he is good with letting the recommendation stay where it is and to build on it. He said he thinks we should set a higher standard for ourselves with public facilities.

Vice Chair Larsson said he thinks this is a good step forward in a many step process. He said with the 80 points it still puts Sunnyvale towards the front of leading the pack. He said if we are too far out in front, it might be confusing for builders. He said we want to balance taking initiative with something feasible and beneficial for the community. He said there were many details in the report. He said he agrees with Comm. Travis that setting a high standard is appropriate and the City wants to be a leader in this area.

Comm. Chang discussed with staff how many 5000 square foot public buildings currently exist. Staff said the recommendations and requirements would only affect new construction and larger remodels. Comm. Chang said he would be supporting the motion. He said we want to move forward making our buildings more efficient including the public facilities and need to take this first step. He said in 18 months we will have data to evaluate how the requirements are working.

Comm. Dohadwala said she would be supporting the motion. She said we want to have a green sustainable city, being good stewards, and taking small steps at a time. She said there is a learning curve to become sustainable and green. She said she likes what we are doing and looks forward to seeing what more can be done.

Comm. Sulser said he would be supporting the motion. He said these are reasonable next steps in the process. He said he is glad the Planning Commission is recommending LEED Gold for public facilities as Sunnyvale has many buildings to be replaced. He said there are more and more white collar office buildings being built, and in the future we need to look at a more aggressive approach for our public facilities.

Chair Hendricks said he would be supporting the motion, though he is resisting offering a Friendly Amendment regarding public facilities. He said he hopes the real intent is not the 5000 square feet, but whether the building makes sense as a substantial asset. Chair Hendricks said that when we review this issue again in 18 months, he hopes we are going to increase the numbers, based on more quantifiable data. He said he supports continuing to raise the bar and appreciates Comm. Travis' motion to require LEED Gold. He said he thinks it will cost more money, however the long-term should be a return on the investments.

ATTACHMENT E

Approved Sunnyvale Planning Commission Minutes

March 26, 2012

Page 9 of 10

ACTION: Comm. Travis made a motion on 2012-7019 for Alternative 2 to recommend to City Council to modify and adopt the attached resolution and, if needed, direct staff to evaluate the potential increase costs and return with a budget modification. The modifications are: to change the minimum standard for new public facility projects to meet LEED (Leadership in Energy and Environmental Design) Gold, unless infeasible; and that the allowance of three Build It Green points if a minimum of 3% of parking spaces in new residential construction are equipped with Electric Car Charger equipment, should round up to the next whole number, if a partial number. Vice Chair Larsson seconded. Motion carried 6-0, with Comm. Kolchak absent.

APPEAL OPTIONS: This recommendation will be provided to City Council and is scheduled to be considered at the Council meeting on April 24, 2012.