

PLANNING COMMISSION MINUTES OF MARCH 9, 2009

2007-0346 - City of Sunnyvale [Applicant]: Amendments to Title 19 to Implement the Citywide Green Building Policies. These changes implement the policies adopted by the City Council on August 26, 2008. AM

Andrew Miner, Principal Planner, presented the staff report. Mr. Miner provided corrections to be included in the Report to Council: to change the recommended effective date of the ordinance to January 1, 2010; that the valuation of renovation improvements for single-family and duplex properties is \$100,000; and that a definition of the Green Building Tables be added to the ordinance. He said the staff recommendation is that the Commission recommend to Council to adopt the ordinance language, which includes ordinance revisions (including a new section 19.39 Green Building Regulations – Attachment B), the resolution adoption the Green Building Tables (Attachment C) as policy, and approved Budget Supplement with an effective date of January 1, 2010.

Comm. Klein discussed with staff LEED (Leadership in Energy and Environmental Design) certification, and the training for LEED accredited professionals. Comm. Klein clarified that the Board of Building Code and Appeals would consider appeals.

Comm. Hungerford discussed with staff Attachment C, the Draft Green Building Tables and Attachment B, page 8 and 9 regarding Covered Projects.

Comm. Sulser discussed with staff that the certified accredited professionals would be hired by the developer as part of the design team and the building plan check process would include a review of the green building features. **Trudi Ryan**, Planning Officer, added that most architects are becoming LEED accredited professionals.

Comm. McKenna said the document should include more about the purpose of the citywide goals. She said she would like to see a definition of “sustainable” included and a checklist that shows what the City would like to accomplish with sustainability in the long run. She said the issue of transportation is missing from the document and there should be reference to what development can do to make communities more walkable, bikeable, and to reduce car use. Staff concurred with the comments noting this is an ongoing effort.

Chair Rowe opened the public hearing.

Jim Griffith, a Sunnyvale resident, said he is concerned about the use of valuation rather than square footage which the City Council originally proposed. He said the Council knew that sustainability would be hard to accomplish and

said we should not be intimidated that this is a difficult task. He said the goal should be to try to identify things that are punitive or impractical.

Arthur Schwartz, a Sunnyvale resident, discussed insulation, solar systems, electricity consumption, and the value of green building. He said he would like to see the incentives removed and the benefits emphasized and asked about the City Sustainability Coordinator's involvement in the ordinance.

Chair Rowe closed the public hearing.

Chair Rowe discussed with staff that valuation is not determined by the applicant and is based on tables maintained by the Building Division. Chair Rowe discussed the incentives with staff noting that the incentives could go away over time. Mr. Miner said every 18 months the Council would review these tables, could remove incentives, and make changes to the Green Building Tables. Chair Rowe asked if a definition of sustainability could be included in the document. Staff indicated this could be done.

Comm. Klein discussed with staff that the Sustainability Coordinator was involved in the preparation of the document, and it is not his responsibility to implement this requirement.

Comm. Hungerford and staff discussed the relationship of Green Building Tables and the ordinance. **Kathryn Berry**, Assistant Senior City Attorney, noted that amending the Tables is easier if the Tables are part of a Resolution. She said that the Tables could be made part of the ordinance which would be more formal and require more time to amend.

Comm. Sulser moved to recommend to City Council Alternative 1 to adopt the ordinance language, which includes ordinance revisions (including a new section 19.39 Green Building Regulations – Attachment B), the resolution adopting the Green Building Tables (Attachment C) as policy and approved Budget Supplement with an effective date of January 1, 2010. Vice Chair Chang seconded the motion.

Comm. Sulser said this report is a reasonable way to move forward to start phasing in green building regulations.

Vice Chair Chang said that we are fortunate to have the Moffett Park Specific Plan as a foundation to start citywide green building and that he thinks this plan would be received well by City Council.

Comm. Hungerford said he would be supporting the motion, but recommended very careful legal review whether the Green Building Tables can be characterized as policy rather than as Code requirements.

Comm. McKenna said she is pleased the City has taken steps in this direction and wants to continue, knowing that this is the beginning of the process.

Chair Rowe asked if some of the subject matter brought up such as the intent of the ordinance, the transportation comments, and a checklist, should be included in the motion or as a recommendation. Staff said that the Commission could recommend the ordinance and recommend other items.

Comm. Klein said he would be supporting the motion. He said this piece of sustainability, is a good balance to move builders towards building green, with the phases eventually removing incentives. He said staff and Council will need to work out the ordinance versus the suggested phased tables and how those will be implemented.

ACTION: Comm. Sulser made a motion on 2007-0346 to recommend to City Council to adopt the ordinance language, which includes ordinance revisions (including a new section 19.39 Green Building Regulations – Attachment B), the resolution adopting the Green Building Tables (Attachment C) as policy and approved Budget Supplement with an effective date of January 1, 2010. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

Comm. McKenna moved to recommend that City Council consider including a more detailed purpose and intent in the ordinance to clarify what the City is hoping to achieve; to consider providing a definition of sustainability and a checklist to help better communicate what the City wants included in development and/or redevelopment; and that consideration is given to the impact transportation plays in reaching sustainable goals and what can be done to reduce impacts on the carbon footprint of the community. Comm. Sulser seconded the motion.

Comm. Sulser said that he thinks it is valuable to add intent to any ordinance adopted.

Chair Rowe said that she thinks Comm. McKenna's comments are a good recommendation.

ACTION: Comm. McKenna made a motion on 2007-0346 to recommend that City Council consider including a more detailed purpose and intent in the ordinance to clarify what the City is hoping to achieve; to consider providing a definition of sustainability and a checklist to help better communicate what the City wants included in development and/or redevelopment; and that consideration is given to the impact transportation plays in reaching sustainable goals and what can be done to reduce impacts on the carbon footprint of the community. Comm. Sulser seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the March 24, 2009 meeting.