TO:          HONORABLE CITY COUNCIL

FROM:        CITY MANAGER            DEPARTMENT:  PLANNING AND COMMUNITY ENVIRONMENT

DATE:        JUNE 2, 2008             CMR: 262:08

SUBJECT:     ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALO ALTO AMENDING TITLE 18 (ZONING) OF THE PALO ALTO MUNICIPAL CODE TO ADD A NEW CHAPTER 18.44 (GREEN BUILDING REGULATIONS)

RECOMMENDATION
Staff recommends that the City Council adopt the attached ordinance upon second reading, reflecting the revisions made by the Council on May 12, 2008. The revisions are redlined in the ordinance. Revised Tables A and B are attached to allow City Council to view the changes approved with the associated resolution also adopted on May 12, 2008.

The changes enumerated below are in order of appearance in the ordinance and include:

- the seven staff-recommended changes (five ordinance changes and three revisions to the tables) that appeared in the “at places” memorandum, as approved or modified by Council,
- an additional ordinance amendment approved by Council, and
- an additional amendment to Table B approved by Council.

1. Addition of the following sentence to the end of the paragraph under Section 18.44.020, Applicability as follows: “However, commercial covered projects with planning applications submitted after December 3, 2007 but for which building permits have not yet been issued as of the effective date of this ordinance shall be subject to compliance with this Chapter.”

2. Addition of the following clause (shown here in underlined text) to the “GreenPoint Rated Verification” definition, page 4 of the Ordinance (Section 18.44.030 Definitions, item (k)): “including green points allocation across all of the resource categories.”
3. Addition of the following sentence after the first sentence in the “Threshold Verification by LEED AP” definition, page 6 of the ordinance (Section 18.44.030 Definitions item (w)): “The LEED AP shall provide supporting information from qualified professionals (e.g. civil engineer, electrical engineer, Title 24 consultant, commissioning agent, etc.) to certify compliance with each point on the checklist.”

4. Addition to the list of residential projects subject to checklist point reduction (Section 18.44.050, Incentives for Compliance, item (b)(3)) “and Category 3 and 4 structures on the local inventory and those structures eligible for the National Register of Historic Places.”

5. Addition to the wording of “Interim Compliance Effort” (Section 18.44.060 item (b)(8)) to include the resource categories shown in underlined text as follows: “at least 75% of the required minimum total green points and the GPR allocation of minimum points across all resource categories”…

6. Addition of a footnote (#6) on Table B, and reference in all boxes where footnote #4 is referenced: “Points shall include GPR minimum points across all resource categories.”

7. Addition to the governing bodies listed in SECTION 3 of the Ordinance (page 12) “Historic Resources Board” as among the boards to receive a presentation within a year of the effective date of the ordinance.

8. Addition to SECTION 3 of the Ordinance (page 12), second sentence to revise to read: “The report shall include, but is not limited to, documentation of the number and types of projects subject to the ordinance, explanation of whether and how compliance was achieved, identification of any problems arising from implementation, the costs of enforcement, and any recommendations for revisions to the ordinance or accompanying resolution and Standards for Compliance tables.”

9. Addition to Table A, footnote #5 and to Table B, footnote #4, the words “and incentives” after “exemptions”. The attached tables show these modifications underlined.

10. Revision of Table B to delete the third row and to revise the fourth row under Single-Family and Two-Family Residential to read: “Additions <1,250 sf and/or renovations ≥$75,000” to allow use of the existing home remodel Green Point Rated (GPR) checklist instead of the new construction GPR checklist. The table has been modified (there is no annotation on attached table for this change).

PREPARED BY: _____________________________________________

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ATTACHMENTS
A. Proposed Ordinance  
B. Adopted Resolution  
C. Revised Table A  
D. Revised Table B