

**TOWN OF SAN ANSELMO
PLANNING COMMISSION MINUTES OF MARCH 15, 2010**

CALL TO ORDER

Commissioners' Present: Brown, Harris, Krebs, Overberger, Sisich, Zwick
Commissioners' Absent: Schinner

OPEN TIME FOR PUBLIC EXPRESSION

No one spoke.

PLANNING AND BUILDING DIRECTOR REPORT

Acting Planning and Building Director Henderson advised that 123 Sturdivant Avenue has been continued to the next meeting of April 5, 2010.

Brown suggested that future projects that require grading as part of a planning project be required to submit the grading plan along with the architectural plans so the Commission can look at the entire scope of the project.

PUBLIC HEARING ITEMS

CONSENT AGENDA

1. **Minutes of March 1, 2010**
2. **DR- 1005, Brandon Carr, 249 Crescent Rd., APN 007-222-52**, Hillside Design Review for roof line modifications to a previously approved addition in the R-1 Zoning District (Staff person: Boyle).
3. **UP- 1007, Katie Smith, 145 Tunstead Ave. APN 007-251-13**, Use Permit to operate a retail store that exceeds 1,200 square feet in the C-2 Zoning District (Staff person: Boyle).

M/s Zwick/Harris, to approve Consent Item 1. All ayes.

M/s Zwick/Overberger, to approve Consent Item 2. Motion carried 5-1 Brown abstained.

M/s Zwick/Overberger to approve Consent Item 3. Motion carried 5-1 Krebs abstained.

The audience was advised of the ten day appeal period to the Town Council.

REGULAR AGENDA

4. **Public Workshop on the consideration of a Green Building Ordinance.** (Staff person: Boyle)

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Boyle gave a power point presentation.

Sisich wanted confirmation that there are no mandatory requirements on commercial remodels less than \$500,000. Boyle affirmed.

Sisich asked for clarification on new construction for Commercial. Boyle explained.

Sisich said he is concerned about the additional costs to the property owner. Boyle responded that the majority of the costs will come back quickly to the homeowner, and there is a savings over time by hiring a professional.

Zwick said he was not sure that some items, like front porches, were directly related to energy savings but he was told by Build It Green that these items were directly related to sustainability in a larger context.

Krebs asked if it is correct there is no cost for remodels. Boyle responded that costs incurred for remodels less than \$50k require insulating exposed hot water pipes, and installing radiant barrier when doing certain roofing repairs. Costs from \$50K to \$100K or 500-749 sq. ft. require a home performance audit.

Brown asked if the audit is required in Elements. Elise Hunter from Built it Green, said the intent is that it is meant to make it more efficient. The audit requirement is not as extensive for remodels.

Zwick asked for clarification on the audit. Hunter explained the requirements and the points.

Boyle said the \$50k to \$100K range is to focus on education. The advantage is that a GreenPoint Rater is not required. The Commission could require the audit at a lower range (\$50k and below).

Overberger said a project could be broken up into segments so that the cost is less than \$100k for each project. She asked what the advantage would be to put forth the entire project, thus requiring a GreenPoint Rater at an additional cost to the homeowner. Boyle said raters are involved to verify points and to have the points certified by Build It Green. Overberger stated that she is concerned about the additional cost. She feels that perhaps there should be fewer ranges.

Don Davey, BPI Rater, said a GreenPoint Rater is similar to a HERS Rater. He added that the difference between \$50k and \$100k is that the GreenPoint Rater is required after \$100k. The GreenPoint Rating has two levels and he explained the difference between elements and the point rating.

Overberger asked for a definition of "whole house". Hunter responded that there is no requirement, only when the project reaches 50 points or greater, then a more comprehensive audit is required.

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Krebs asked if there was consideration in eliminating the need for GreenPoint Raters, and requiring the homeowner's architect do the certification. Boyle said there was some discussion but the majority felt it was not an exorbitant fee and it is worthwhile.

Krebs referred to Exceptions on page 4 and asked if there are any hardships considered in the ordinance. Boyle said there is information on page 10 of the ordinance.

In reference to studies that have been made on page 4, Krebs asked if there have been any definitive studies. Boyle responded that there have been for the LEED commercial renovation.

Krebs referred to page 5 and asked if the Town will be required to do a similar study. Boyle said it is a requirement on the California Energy Commission that the Town demonstrate that the requirements above Title 24 (Energy Code) are cost effective.

Deputy Town Attorney Hurd added that this is a state requirement. Boyle added that the study is about \$2,000 and PG&E has stepped forward and paid for San Rafael's study and he anticipates PG&E will pay for San Anselmo's as well.

In response to Overberger, Hunter stated that Build It Green and the Building Code will consistently be updated, raising the bar. Title 24 of the 2008 Building Code will be used for new projects and there is a list of mandatory measures that will go into effect in January.

Regarding wording on page 5, Brown questioned how are we assuring that it will beat Title 24 requirements. Boyle said the requirements of Title 24 as well as the GreenPoint Rater will certify this.

Davey explained how Title 24 Energy requirements work.

Brown said if staff doesn't verify; how will public education be done? Boyle said that he, the Building Official and Building Inspector are trained as Green Building Certified Professionals. Any residential remodel project less than \$100k will be done by staff. If the GreenPoint Rater is required, they will be certified and will provide education to the homeowner.

The public comment period was opened.

John Victor, GreenPoint Rater, said there is a need for the third party to make sure it is done properly. He looks forward to consistency from all jurisdictions.

Matt Brassler, Agatha Court, stated that it is important to give credit or incentives for green building. It would be great to get Fire, Public Works, Planning and Building to review a project at one time. He wants someone with the knowledge and authority at the counter to help the residents. There is a disconnect between different departments and it might be difficult adding another level, which could create more issues.

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Ken Brooks, Mill Valley resident and GreenPoint Rater, stated that the Build It Green website is very educational. Also, most of the designers and architects are up to speed on this issue.

Alex Burnham said he was part of the Technical Advisory Committee and the outreach to the community is very important. He noted that the contractor community is not being required to learn. He encourages the Town to reach out to the contractors to encourage them to learn the green building process. There are programs to teach contractors.

Zwick asked how the contractors can get involved. Burn responded that there has been no discussion to encourage training cost reimbursements. Zwick suggested if the Town put on a seminar, the cost could be spread around. Burn replied the basic cost is \$2,500 to be certified.

Henderson stated the Marin Builders Association is looking into this as well and is helping to educate contractors.

Dan Thomas, Fernwood Drive, asked if there is any hardship that can be added as an exception. Brown said it is already written in the ordinance.

Thomas asked if there will be conflicts between the Fire Department's Wildland Urban Interface (WUI) Ordinance and this proposed ordinance. Zwick said the Fire Department is now addressing some of these issues to be green as well as to ensure fire safety.

Jeff Jungsten, Mill Valley, certified green rater and chair of the Marin Builders Association Green Committee. He explained they have worked hard to get the ordinances to be standardized. The ordinance has evolved from many meetings. He noted that the Marin Builders Association is working hard to educate people. He would be available to answer any questions.

Don Davey said PG&E has a training center in San Francisco, noting that it is free and available to everyone. He came up with a list of best practices and it would be in a form that is placed in each building department. He would like some support in developing this material.

Tony Wright, Scenic Avenue, Architect and GreenPoint Rater, said it might be a good idea for the Planning Commission to get some training.

Elise Hunter, Built It Green, supports the BERST Ordinance, stating it is well thought out.

In response to Krebs, Hunter said that setting the threshold at 75 points for new homes is not a problem; getting above 50 points is not very difficult.

Ken Brooks, GreenPoint Rater, stated it is not difficult getting points in Marin.

The public comment period was closed.

Zwick asked the attorneys on the Commission for their comments on the ordinance.

Krebs advised that he has looked at the draft ordinance but not in great detail.

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Harris echoed Krebs, he has read the ordinance but there is nothing that leaps out and the ordinance can be revisited if changes need to be made.

Hurd noted that he only received the draft ordinance on Saturday. He suggests discussing the thresholds and any other issues that might be modified in the ordinance and those changes can be incorporated for the next meeting.

Zwick asked if any other municipalities have changed the point threshold. Boyle said as far as he knows San Rafael and the County of Marin passed it without any changes.

Zwick said he is comfortable with the point threshold for renovations as submitted.

Overberger stated she is willing to go with what is proposed for best practices for residential remodels as long as it can be revised, if necessary, in the future.

Zwick said the points are very reasonable numbers to achieve.

Harris said that if the value of the remodel is less than \$50k there is a requirement to make improvements, but if the value is \$50-\$100K there is no requirement, except for the home performance audit; he has a problem with that.

Brown suggests adding points to line 2 for projects, or adding line 1 and 2 if there is concern.

Hunter said she would strongly recommend against adding points; just pick measures that are doable on the checklist.

Brown directed staff to recommend 3 to 5 measures to add to line 2 that would add weight or merit to that category.

Don Davey said that there are measures in the audit that could be used as a recommendation in \$50k - \$100K range.

Krebs stated he would like to see it kept the way it is for uniformity.

Zwick said he would like staff to be knowledgeable enough to answer questions from the public.

Overberger stated she is not sure how staff will be able to keep up with the nuances.

Harris has no idea what the time constraints would be on staff. John Victor, GreenPoint Rater, said it could take many hours of staff time, including time in the field for each project.

Henderson said the Town does not have the money or the staffing levels to do the evaluation and rating in-house.

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Jennifer Asselstein, San Anselmo Avenue, said it is important to know what the definitions are for the different valuations. Once you reach the threshold, the home owner will then know what professional they will need to bring in.

Brown said there are different thresholds that are used with different departments. Staff should look at this. Zwick concurred, adding that we should be consistent.

Hurd said pages 6 and 7 of the ordinance have broad language which gives a lot of leeway regarding who has the authority.

Krebs said he is comfortable giving the Chief Building Official authority using the threshold, noting that the ideal way to determine thresholds is based on valuation.

Harris asked what the connection is for using high end items rather than lower cost items. Brown said that is why it is important to let the Building Official evaluate the project.

Consensus by the Commission was not to have staff be required to be certified as GreenPoint Raters or LEED AP's and supporting the thresholds listed in Tables A and B.

Overberger asked about incentives to the homeowner with regard to fees. She likes the suggestion if a homeowner goes beyond the requirements; there is a rebate in fees paid to the Town.

Hurd said there is a fee schedule that is set by the Council, based on the actual cost of processing applications. If we were able to give rebates it would suggest we did not need the money to run the department.

In response to Krebs, Boyle said there are no additional fees paid to the Town, only what is paid to the rater.

Harris said the best incentive is a fast track through the permit process.

Krebs added fast tracking is a big cost savings and coordination between the key departments is important.

Harris said there is no requirement until \$500,000 for commercial renovation and felt it is too high.

With regard to page 3 of 17, Brown asked if we could get into trouble when we are guaranteeing results. Hurd responded he does not look at it as a guarantee.

Regarding page 8 of 17, he suggested deleting item "c".

Regarding page 9 of 17, "c", he asked if the wording "qualified green building rater...." requires the plan checker be certified.

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Regarding Item "F", he asked how the Town could enforce it after final building inspection.

In response to a question from Brown, Boyle said it is his understanding that solar water heater pre-plumbing requirements are in the San Rafael Ordinance.

Harris said this raises the cost issue. It is a great way to force people to do solar water heating.

Sisich said the add-on ordinance regarding construction and waste management requirements seem onerous.

Brown responded that it has become more and more common throughout the country. There are carriers out there that divert so you don't have to do the sorting.

Sisich said at first glance it seems complicated.

Henderson commented that the additional ordinance could always be considered later if necessary.

Boyle said page 2, construction diversion (existing home checklist) is required. It can be added to row 2.

Henderson said the revisions to the ordinance will be brought back to the Commission on April 19, 2010.

ITEMS FROM STAFF

None

ADJOURN TO THE MEETING OF April 5, 2010

The meeting was adjourned at 10:20 p.m.

Barbara Chambers