

**Sustainable Code Committee**  
Minutes  
November 20, 2013  
3:00 PM  
Joel D. Valdez Main Library  
101 N. Stone Ave., 2<sup>nd</sup> floor conference room

**1. Welcome and Introductions**

Attendees:

*City Staff:* Adam Smith (PDSD)

*Committee Members:* Hank Krzysik, Rob Kulakofsky, Joseph Maher, Bruce Plenk, and Allyson Solomon, Jason Wong

*Audience:* Sarah Butler and Chuck Martin

**2. Debriefing of the November 13<sup>th</sup> Urban Agricultural Task Force meeting**

Staff briefed the committee on the task force meeting.

**3. Update on the proposed Solar Development Regulations**

Staff briefed the committee on the task force meeting.

**4. Overview and discussion of the other draft Sustainability Code amendments**

Electric Charging Station

Run the draft proposal by the local EV group. Bruce Plenk will forward staff the group's contact information.

Cisterns

A. Revise proposed Sec. 6.6.2.K.1 as follows: “[c]isterns less than six feet in height and ~~greater~~less than 10 square feet in area...”

B. Delete proposed “integrated cistern” standard (Sec. 6.6.2.K.3). It is redundant with the other proposed cistern standards and adds an unacceptable level of certainty because a Zoning Administrator determination is required.

Private Covenant Restrictions

A. Developers object to proposed Sec. 6.6.2.L that would prevent homeowners' from prohibiting sustainable-related features through covenants, conditions, and restrictions (CC&R) because people, in part, buy in planned subdivisions for the

certainty that their property values will not be diminished by their neighbors making changes to their home or conducted activities that may detract or change the character of the neighborhood. CC&Rs create this certainty. Also, as it is the homebuilders that are taking the risk of developing the homes and subdivisions, they should have the ability to build what the market wants and decide on a project-by-project basis the level of “green-ness.”

- B. Several committee members questioned whether the City had the legal authority to limit the use of CC&Rs. The committee requested that staff inquire with the City Attorney’s Office.
- C. Bruce Plenk informed the committee that, per State court ruling, homeowners’ associations cannot prohibit solar collection systems.
- D. The committee discussed whether there were ways to revise the requirement so that homeowners’ could not prohibit the installation of sustainable features, but could limit where they are permitted (such as is the side or rear yard only).

Nonconforming Uses, Buildings, and Structures

Clarification on the proposed revisions to Sec. 9.3.2 (Expansion of Nonconforming Structures) is needed. Should the proposal allow expansion of nonconforming structures provided they incorporate a sustainable feature? If so, is there a cap on the size of the expansion? [Note: this idea will likely be strongly opposed by neighborhood representatives.] Or, should the exemption apply to accommodate a sustainable feature only?

**5. Call to the Audience**

There were no speakers.

**6. Next Steps**

The next Sustainable Code Committee meeting is:

January 15, 2014  
3:00 PM  
Joel D. Valdez Main Library  
101 N. Stone Ave., 4<sup>th</sup> floor conference room