

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 OCT -2 PM 6:25

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community & Economic Development Agency  
DATE: October 14, 2008

RE: **A Report and Recommendations On A Work Plan To Develop a Green Building Ordinance And Other Requirements For Private Development Projects.**

---

### SUMMARY

The purpose of this report is to discuss issues related to a future Green Building Ordinance or other green building requirements for private development projects in the City of Oakland.

The City of Oakland has already provided leadership in the area of green building by passing Ordinance No.12658 C.M.S. This legislation requires that all City Building Projects covered under the Ordinance meet a minimum of Leadership in Energy and Environmental Design (LEED) Silver under the U.S. Green Building Council's (USGBC) rating system and be certified by the USGBC. Mandatory green building requirements for private development will support one of the City Council's adopted goals to "Develop a Sustainable City", by "maximizing socially and environmentally sustainable growth, including conserving natural resources."

The most significant issues in drafting a Green Building Ordinance for private development include incentives, applicable project thresholds, timeframes for implementation, and compliance with the requirements. Staff has included recommendations for consideration in this report. Staff has not fully vetted the cost of implementing the recommendations. However, staff believes that most of the recommendations can be implemented by current staff within their existing positions in a similar way that the California Environmental Quality Act and other project permitting conflicts are addressed if the Committee concurs with staff's recommendations.

### FISCAL IMPACT

There is no immediate fiscal impact from the CED Committee providing direction on the key policy issues and recommendations outlined in this report.

An informational report to the CED Committee on September 23, 2008 detailed the use of funds from the Williams and Reliant settlements for energy efficiency and green building activities for fiscal years 2007-2009. The monies from this settlement are one time only funds. The City Council has already authorized CEDA to use \$375,000 to pay for 0.8 FTE Planner III.

Item: \_\_\_\_\_

Community and Economic Development Agency  
October 14, 2008

For the fiscal year 2007-2008, CEDA staff used the funds to begin extensive work on green building consideration. According to the September 23, 2008 report, this work totaled \$143,270 for the past fiscal year. Approximately \$161,729 will be used for staff to complete work on a mandatory Green Building Ordinance, with \$70,000 uncommitted funds still available. Staff will need to further review the possible uses of the \$70,000 in uncommitted funds. Final decisions on the use of the funds have yet to be determined. However, staff has already identified two areas where a portion of the funds could be allocated.

The City currently provides green building assistance in the Green Building Resource Center located at the Planning and Building Permit Center. The GBRC contains a green materials library and samples, green building guidelines, resources on recycling for builders, and project case studies. The GBRC is staffed four hours per week by the Environmental Services Division to aid permit applicants with compliance with the Construction and Demolition Recycling Ordinance. A portion of the uncommitted funds, noted above, could be used to expand staffing of the GBRC.

In order to adopt more stringent energy and building standards staff, will need to make findings to the California Energy Commission and the California Building Commission before implementing the Green Building Ordinance for private development. Staff is unsure whether this can be performed in-house. However, several jurisdictions have hired an outside consultant to complete and submit this documentation. The uncommitted funds could also be used to make the findings.

Staff anticipates that education, of both staff and the development community, will be needed to implement the Green Building Ordinance. Currently, the Alameda County Waste Management Authority (StopWaste.Org) has provided full scholarships to the City of Oakland for LEED test preparation classes and materials, and the Build it Green Certified Green Building Professional and GreenPoint Rater training. StopWaste.Org requests funding for this program from its Board of Directors. The Board could reject the funding at any time. However, it is anticipated that StopWaste.Org will continue to offer City staff these scholarships. These classes are often held locally so little to no travel or lodging expenses would occur. However, staff would need time away from their workloads to attend these classes.

The incentives in the Recommendations section include mainly the compilation and distribution of information such as rebates, tax incentives, guidelines, and checklists as well as launching a green building website on the Oakland homepage. The guidelines and checklists were adopted as Official City Green Building Reference Documents (Resolution No. 79871 C.M.S.) and are readily available. The Environmental Services Division has already approved language to update the Green Building Resource Center's webpage. This text could provide an appropriate starting point for the Green Building website. Staff believes that the necessary forms and content of the webpage could be completed in house with little fiscal impact.

Item: \_\_\_\_\_

Community and Economic Development Committee

October 14, 2008

Staff will need to analyze the ongoing costs of implementing and maintaining the Ordinance.

## **BACKGROUND**

The State and Federal government, as well as the City of Oakland have policies related to green building. These are detailed in Attachment A.

### **Possible Green Building Rating Programs**

The green building rating programs that are referenced in the Key Issues and Impacts and Recommendations sections are described below.

#### *LEED*

In 2000, the USGBC developed the LEED green building rating system for the design, construction, and operation of high performance buildings. This system is the internationally accepted benchmark for green buildings and is typically applied to commercial and civic projects, but it is also appropriate for high-rise residential buildings. The LEED system is a point based program with third party verification. Projects must prequalify for LEED by meeting several pre-requisites. The project team then designs features into the project to qualify for the points. The points are tallied to achieve a rating. In the LEED for New Construction rating system, LEED certified is 26-32 points, LEED Silver is 33-38 points, LEED Gold is 39-51 points, and LEED platinum is 52-69 points. A certain amount of points must be achieved in each environmental category. At the end of the project, the applicant team must submit documents to verify compliance with the points to the USGBC. The USGBC reviews the documentation and certifies the project as a LEED project.

#### *GreenPoint Rated*

In 2005, Build it Green was created as a result of the merger of the Green Resource Center and Bay Area Build it Green. Build it Green has developed the GreenPoint Rated rating system which has become the standard for new single-family and multi-family projects, although it can also apply to neighborhood and high-rise residential development. This system is solely based in California. GreenPoint Rated is also a point based program with third party certification. There are fewer pre-requisites and no certification tiers in GreenPoint Rated. The minimum point level is 50 and the possible number of points goes up from there. It is difficult to calculate the maximum number of achievable points since points that are awarded for one feature might disqualify the project from achieving points for another feature. A minimum amount of points must be achieved in each environmental category. The project team must retain a GreenPoint Rater to verify compliance with the GreenPoint Rated program and submits documentation to Build it Green for review and approval. Build it Green has also developed a GreenPoint Rated checklist for existing buildings.

Item: \_\_\_\_\_

### *California Green Builder*

The Building Industry Institute (BII) is the research branch of the California Building Industry Association (CBIA). The BII developed the California Green Builder program. The program is not point based with different points in specific topic areas. There are no levels or minimum points. The project is either certified or it is not. Projects applying for the Green Builder program must meet certain requirements including energy efficiency, indoor air quality, waste reduction, and water and wood conservation. The program requires verification (though not necessarily third-party) and is appropriate for single-family homes and multi-family subdivisions. The project team must retain a California Green Builder certified inspector. This person is a Home Energy Rating System (HERS) rater with additional California Green Builder training. Without documentation submitted and verified by the Building Industry Institute (BII), the project cannot be considered a California Green Builder project.

### **Public Process and Participation**

On September 19, 2007 staff presented an informational Director's Report on sustainable and green building practices in Oakland to the Planning Commission. The report contained possible recommendations regarding staff training, the Green Building Resource Center, voluntary and mandatory requirements, possible consulting opportunities for pre-design savings, and a change in building inspection practices, to name a few. The direction from the Planning Commission was to explore the possibilities with the help of a group of stakeholders.

In March 2008 staff held four stakeholders meetings, on an invitation only basis, separately with architects; commercial developers, bankers, and real estate agents; multi-family developers and smaller contractors who work on single-family homes, additions, and renovations. These meetings were well attended and staff received valuable input on a wide range of topic questions. The minutes from these meetings are included as Attachment B.

Staff presented the minutes and findings to the Special Projects Committee on March 20, 2008. The Committee reviewed the report, the meeting minutes, and took public testimony. They requested that staff hold another stakeholder meeting that was open to all members of the public. This meeting occurred on August 12, 2008. Approximately 45 people attended. Staff held small group discussions and the minutes from those groups are included as Attachment C. Additional public comments are included as Attachment D.

Staff will present the recommendations in this report to the Planning Commission on October 1, 2008. Staff will prepare a supplemental report with the Planning Commission's recommendations.

## KEY ISSUES AND IMPACTS

### Incentives

Incentives were an important topic of discussion at the stakeholder meetings and can be grouped into the following areas.

- Provide expedited project review during the planning and building permit phases.
- Provide monetary incentives. These could take the form of:
  - Rebate on fees
  - Establishment of minimal green building requirements with the City offering a monetary reward if a higher level of green building is achieved.
  - Deferral of fees
  - A fee offset, where if a green feature reduces or eliminates an impact, no fee is collected.
  - Increase in fees except on projects where green features are included.
  - Streetscape improvements to add to the curb appeal of the project
  - Business Tax reduction
  - Reimbursement for third party certification
- Resolution of Building Codes, Planning Codes, and Design Guidelines that conflict with established green building products or systems. In other words “Green the Code”.
  - Reduce parking requirements
  - Density bonuses
- Extension of project entitlements
- Distribution of information
  - Website for approved features/systems
  - List of products, consultants used on certified projects
  - Knowledgeable staff or a person dedicated to ease implementation
- City Marketing

\*See Attachment B and C for a complete list.

Staff reviewed but ultimately rejected incentives for expedited project review during the planning and building phases and any monetary incentives. Expedited review is only a viable option if the City makes the Ordinance voluntary and staff is available for the review. At this time the City does not have the funds to hire additional staff. Although incentives like streetscape improvements or Business Tax reductions seem like possibilities, the City is in a budget deficit and cannot provide monetary incentives of any kind. These are also up front incentives with no guarantee that the City would have a constructed green building at the end of the process. Within the Planning Code there is a process that allows developers to apply for a Conditional Use Permit for increased density and Floor Area Ratio due to the inconsistency between the General Plan and zoning designation. These inconsistencies are being addressed as part of the Zoning Update process. The new regulations might keep the same process or limit the height and

Item: \_\_\_\_\_

Community and Economic Development Committee  
October 14, 2008

density of a project and provide bonuses for projects in order to reach the maximum General Plan intensity of development. A third option would be to limit the height and not allow bonuses to achieve the General Plan intensity. This incentive is only meaningful if the requirements are voluntary and the Planning Commission and City Council cap the permitted height and density and allow bonuses, such as green building.

## **Thresholds**

### *Existing Program versus New Program*

The first issue to consider is whether to use an existing program or develop a City of Oakland program. As noted above there are three different rating systems that are typically used in California. However, the stakeholders did not mention the CBIA's program during the stakeholder meetings. This is largely due to the predominance of LEED for commercial projects and Build it Green for residential projects within California. These programs are recognized as the standard for certifying green buildings and it is unlikely that either rating system will be superseded by another program. The stakeholders agreed that uniformity among jurisdictions was an important consideration and that an existing program should be the basis for an Ordinance.

### *Project Applicability*

The second issue, as outlined in the stakeholder meetings, is that there are various ways to determine the applicability of projects under the Green Building Ordinance. The thresholds can be based on project type, size, location, or dollar amount. Project types can take the general form of commercial, residential, or industrial but can also be broken down into new construction, major renovations, additions, tenant improvements, and remodeling. Several project types such as historic structures, live/work and work/live units, and planned unit developments and mini-lots will require additional consideration. Thresholds based on the size of a project include the categories listed above but could also be further defined based on square footage. Several permits in the Planning Code use square footage as the threshold. The other threshold would be a certain dollar amount per improvement.

Another issue is whether the City should phase the adoption of legislation (such as just starting with residential: new construction) or address each potential project within one ordinance.

### *Mandatory Point Requirements*

The City could also consider requiring certain points within the existing checklists to be mandatory. Within these checklists, how the required points are achieved is up to the project team and based on project type, cost, availability of materials, or other factors. The checklists are heavily weighted to energy resources while there are fewer points available in the water resources section.

Item: \_\_\_\_\_

Community and Economic Development Committee

October 14, 2008

### **Internal Ratcheting of the Requirements**

Both the LEED and GreenPoint Rated programs are reviewed frequently by their respective Boards of Directors to determine the feasibility of the requirements. Build it Green's program will always be based on code in California, and thus will be updated as the codes change. LEED, being a national standard, is not based on California code today, but future revisions may allow for regional updates to local codes. In either case, points available now might be removed from the checklists and replaced with more difficult requirements or based on new information. This constant review maintains the programs' credibility and value in the marketplace. It also means that a building built under future requirements will be considered "greener" than a building built today. This internal ratcheting of the requirements ensures that buildings use the latest technologies and will become even more efficient. Requiring that a building meet a higher level or more points will be more difficult for the development community in future years under these programs.

### **Compliance**

A key issue will be compliance with the mandatory green building requirements. Both the LEED and the GreenPoint Rated programs are third party verification systems. This is an important part of both rating systems and helps the program maintain its integrity, market value, and uniformity. Neither system will permit a developer to market their product as a LEED building or GreenPoint Rated building without the submission of documentation for review and approval. However, there is a substantial cost associated with LEED certification of the project and many stakeholders raised this as an important issue. With the LEED and GreenPoint Rated systems, the building will already be built before the documentation is submitted for certification. This poses a problem for the City to ensure compliance.

### **California Environmental Quality Act (CEQA)**

The Green Building Ordinance will need to go through some type of environmental review per CEQA. Staff is currently reviewing what type of documentation will be required.

### **Other State Law Requirements**

Staff has been advised that adoption of mandatory Green Building requirements could trigger certain State law procedural requirements, as discussed below. Staff is investigating the extent to which these may apply. StopWaste.Org has advised that a wholly voluntary ordinance would not trigger these State requirements.

#### *California Energy Commission (CEC)*

According to the State Building Efficiency Standards (2005), Section 10-106 allows local jurisdictions to adopt energy standards more stringent than state standards. Local governments

Item: \_\_\_\_\_

Community and Economic Development Committee  
October 14, 2008

must apply to the CEC for approval of mandatory requirements. The application must include documents supporting the jurisdiction's analysis for how the proposed standards will save more energy than the current statewide standards. The CEC then verifies that local standards will require buildings to use less energy than the current standards. Staff will need to coordinate with the CEC early in this process in order to submit the correct documentation.

#### *State of California Building Standards Commission*

Currently, the State allows local jurisdictions to modify the adopted building codes on the basis of local, climatic, and topological conditions. If the City's Green Building program involves amendments to the Oakland Building Code, staff will need to make these findings and submit them to the State for their review.

### **POLICY DESCRIPTION**

The City and the State have set targets to reduce California's energy and water consumption, as well as the amount of waste generation. The California Air Resources Board (CARB) is currently reviewing thresholds for Green House Gas (GHG) emissions. These thresholds will likely become mandatory in the future. The implementation of green building requirements citywide will reduce energy and water consumption and GHG emissions. The Ordinance will also help the City implement its sustainable policies. In one GreenPoint Rated multi-family project with a rating of 107, the project:<sup>1</sup>

- Avoided 306 tons/yr of CO<sub>2</sub>e which amounts to 3,672 tons by the year 2020
- Saved 192,734 kWh/yr of energy
- Diverted 971 tons of waste from a landfill
- Conserved 1,287,946 gal/yr of water

Staff anticipates an aggressive schedule in order to implement a Green Building Ordinance. Below are the proposed steps and timeframes that staff believes would be necessary to complete the Ordinance.

- In early December 2008, staff will return to the Zoning Update Committee (ZUC) with specific thresholds, possible mandatory point requirements, and ratcheting timeframes for discussion.
- If necessary, staff will hold smaller stakeholder meetings to discuss certain areas of controversy.
- In late January 2009, staff will return to the ZUC with outcomes of stakeholder meetings and present recommendations.
- Staff will hold additional meetings with the stakeholders if necessary.

---

<sup>1</sup> GreenPoint Rated Climate Calculator: June 2008. Based on the limited number of projects that have been analyzed and the type of points achieved it is difficult to fully determine a total savings if a Green Building Ordinance were implemented.



- In late February, staff will return to the ZUC to finalize thresholds and mandatory point requirements.
- In late March, staff will present recommendations for implementation and compliance requirements to the ZUC.
- In April, staff will proceed to full Planning Commission with final recommendations and for approval of the environmental review.
- In May, staff will present the Ordinance to the CED Committee, a subcommittee of the City Council.
- July 2009, City Council will hear the Green Building Ordinance.

This schedule reflects the necessary public process and input from the development community on the Ordinance. Without this process and active participation from the stakeholders, the Ordinance will not receive building industry support. San Francisco's Green Building Ordinance was developed over a year and half with input from their taskforce members and stakeholders.

### **SUSTAINABLE OPPORTUNITIES**

The demolition and construction of buildings has an impact on the economy, the environment, and public health.

**Economic:** Compelling research now demonstrates that the integration of green building features into development projects can generate substantial energy, water and materials efficiencies, resulting in reduced operating costs of 20-80% over the life of the building. Reduced operating costs generate increased cash flow, which helps free capital for other investments. More recently, research is showing that with proper planning even the first costs of building green can be the same as or less than conventional building techniques.

Green building is a relatively new phenomenon. A Green Building Ordinance would encourage the growth of additional new businesses and jobs in order to support the needs of the green building industry within the City of Oakland. They are constructed using local materials as much as possible. They also minimize the strain on local governments by reducing waste to landfills and capacities within the existing storm drain and sewer systems.

**Environmental:** According to the EPA and surveys conducted in 2002, 107.3 million acres of the 1.983 billion acres of total land area in the US is developed. This represents an increase of 24% in developed land over the past ten years. Also, the generation and use of energy from fossil fuels is the major contributor air pollution and global climate change. In the United States, buildings account for<sup>2</sup>:

---

<sup>2</sup> US Green Building Council website, <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=291&>

- 36% of total energy use
- 65% of electricity consumption
- 38% of carbon dioxide emissions
- 30% of GHG

Based on these statistics, improving energy efficiency and using renewable energy sources in buildings using green building techniques are effective ways to improve air quality and reduce the impacts from global climate disruption.

Expansion of recycled content in building materials saves energy, water, and materials, and decreases pollution. Typical building construction accounts for:

- 30% of raw materials use
- 30% of waste output/136 million tons annually
- 12% of potable water consumption

**Social Equity:** The U.S. Environmental Protection Agency reports that indoor air can be ten times more polluted than outdoor air. Formaldehyde, commonly used in shelving and insulation, is one of the most common indoor pollutants. Many paints, finishes, and adhesives, contain unhealthy volatile organic compounds (VOCs). The use of green building practices promotes the use of alternatives to these unhealthy materials and thereby promotes resident and worker health.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Adoption of a Green Building Ordinance for private development will have no direct effect on accessibility for senior citizens or disabled persons. Any new development subject to the potential Ordinance would be required to comply with the Americans with Disabilities Act (ADA), as provided for in the Uniform Building Code (UBC), and in Title 24 of the California State Code.

## **RECOMMENDATIONS**

### **Incentives**

#### *Increased Fees for Non Green Building Development Projects*

One incentive to start encouraging green building is to increase the application fees for projects that use typical construction methods. The extra revenues from these projects could be used to educate staff and the development community in green building. This incentive is only viable if the Green Building Ordinance is voluntary. However, this incentive could also be used as the requirements are phased in. See the Phased Implementation section for further information.

Item: \_\_\_\_\_

Community and Economic Development Committee  
October 14, 2008

*Resolution of Building Codes, Planning Codes, and Design Guidelines Conflicts*

This incentive would mean reviewing the current regulations with the LEED and GreenPoint Rated checklists and resolving any inherent conflicts between the two. This incentive would require staff to review, make recommendations, and possibly write ordinances to change both the Planning Code and the Municipal Code for approval by the Planning Commission and City Council. This incentive provides a benefit for both the City in terms of clarifying which division has jurisdiction and a responsibility to implement the requirement and the development community in faster permit processing. This is an important incentive to consider. One green building feature that has generated a lot of discussion is grey water systems.

*Extension of Project Entitlements*

Currently the Planning and Zoning Division's Standard Condition of Approval permits a two year approval timeframe, with one extension granted administratively and additional extensions offered by the approving body. The purpose of limiting the approval timeframe is to 1) strongly encourage the applicant to construct the project and 2) to allow the approving body the discretion to apply requirements that were not in place at the time of project approval by requiring re-approval. While permitting an extension of the entitlements for green buildings would not cost the City additional funds, it would allow these projects to be out of conformance with new regulations if the incentive were allowed and not the green building requirements. This is also an up front incentive with no guarantee that the project would actually be constructed as a green building. For these reasons, staff believes that this incentive should be considered only with a mandatory ordinance.

*Distribution of Information*

Rather than an incentive, staff considers this to be a mandatory step in implementing a Green Building Ordinance. Staff will need to create or update a website, guidelines, checklists, process, forms, etc. Staffing the Green Building Resource Center would help in the distribution of the information while keeping Planning and Building personnel current and up to date on new products, technologies, and conflicts. The stakeholders have mentioned maintaining a website with approved methods of construction, product listings, contractors, and consultants. The website could also include information on State and Federal and agency rebates/grants for green building features.

*Staff Training*

Staff would also need to be trained to answer green building questions. Currently, there are four staff members in the Planning and Zoning Division and the Building Services Division trained in GreenPoint Rated. Three more are scheduled to complete the training by November 2008. Two staff members are LEED Accredited Professionals, with one more scheduled to take the exam in November 2008. Additional staff should be required to complete the LEED and/or GreenPoint Rated training.

Item: \_\_\_\_\_

Community and Economic Development Committee  
October 14, 2008

Staff would also recommend that the City of Oakland take an active role in the updates and development of the Build it Green and LEED programs. This involvement could include serving on the boards, hosting conferences, etc. and would ensure that the programs evolve with Oakland input and in a way consistent with the City's policies. One example of active involvement would be attending the Build it Green Public Agencies Council (PAC) which has 100 participating public agencies. The role of the PAC is to share information, create consistent green building standards in their regions, and support each others programs and initiatives. These meetings are held quarterly and staff has sporadically attended since 2005.

#### *City Marketing*

The former Sustainability Manager and the Planning and Zoning Division created a "Going Green" flyer. One green building incentive states that projects attaining a LEED Silver rating or GreenPoint Rated score of at least 75 will receive a framed certificate and publicly released Proclamation of Commendation from the City of Oakland as well as a publicized case study on the City of Oakland's sustainability website page ([www.sustainableoakland.com](http://www.sustainableoakland.com)). As of this date, the developers of green building projects have not actively requested this incentive. However, several Oakland case study posters being completed for the Green Building Resource Center. Stakeholders have stated that this would be a meaningful incentive. The added publicity from the City would increase the marketability of both commercial and residential projects. Several stakeholders mentioned the idea of a Green Project of the Year Award. This type of green building incentive would require nominal City resources and funding, but it would also show the City's commitment to green buildings.

#### **Thresholds**

##### *Existing Program versus New Program*

It would be time consuming and difficult to develop a local program when there exist recognized programs with credibility and market value. Therefore, staff recommends that the City of Oakland use either LEED and/or GreenPoint Rated as the basis for the Ordinance. If project types do not fall under either category or for some reason the existing programs are not appropriate, only then should the City develop its own checklists. A strong argument for not developing an Oakland-specific green building rating system, or substantially modifying existing rating systems, is to maintain regional consistency. Builders and the building community are in favor of consistent standards for green building, as evidenced by the Home Building Association of Northern California and ABAG endorsing the GreenPoint Rated program for mandatory ordinances for residential development.

##### *Project Applicability*

Staff recommends that the City address each project type (residential, commercial, industrial, new construction, renovations, remodeling, historic buildings, etc) in one ordinance. One reason for this recommendation is that staff will further vet the thresholds when they return to the

Item: \_\_\_\_\_

Community and Economic Development Committee  
October 14, 2008

Zoning Update Committee. Additional stakeholder meetings will likely be necessary to achieve consensus. This process will take longer if only one project type is reviewed. Staff believes that these stakeholder meetings and recommendations could be accomplished concurrently for each project type.

*Alternative:* The CED Committee could recommend only focusing on one project type and phase in the other project types at a later date.

#### *Mandatory Point Requirements*

Staff recommends further consideration of possible mandatory point requirements within the existing checklists. Mandatory points could be related to water conservation, recycling, or safety and natural surveillance. Staff will review existing Ordinances and policies to determine these points. In addition, staff will look at other areas of general concern to residents that green building techniques could address and possibly alleviate.

*Alternative:* The CED Committee could recommend that all points be voluntary and only a certain level is achieved.

#### **Phased Implementation**

Staff recommends that the requirements be voluntary for a period of one year as staff is trained and the necessary information is finalized. However, staff would recommend that all projects be required to complete the green building checklists and include them with the permit application submittals. Staff would not require verification, either by the City or by a third party. This would allow the development community to become familiar with the green building requirements and try out certain construction methods and products. Staff will have time to work out any conflicts and to provide information to the public.

*Alternative:* Another option would be to require a less than minimum amount of points and not require certification. With this option, staff would need to consider what minimal number of points would encourage green building but not be cumbersome to development in this initial phase.

After the initial education period, staff would recommend the minimum number of points to achieve a green building certification through either LEED and/or GreenPoint Rated for a period of one year. At this point the development community would be familiar with the checklists and the requirements. They will have knowledge of green building techniques and products. Staff will be ready to supply the necessary information and assistance to meet the requirements. This is similar to the newly adopted green building standards for Notice of Funding Applications (NOFA) for affordable housing projects. The 2008 applicants are now required to fill out the GreenPoint Rated scorecard but verification is not required. Applicants can get bonus points for

Item: \_\_\_\_\_

Community and Economic Development Committee  
October 14, 2008

official certification. It is anticipated that GreenPoint Rated will be a requirement for NOFA funding for projects starting in 2009.

*Alternative:* Another option would be require less than the minimum number of points and no certification of the project. With this option, the development community would have one more year to become knowledgeable with green building.

### **Internal Ratcheting of the Requirements**

After the voluntary and minimal requirement periods (approximately 2 years), the Ordinance would be considered fully in effect. Staff recommends maintaining the same minimum level of points in order to achieve certification. Staff believes that the construction market will dictate a higher level of green without additional City requirements.

*Alternative:* The City could require that projects meet a higher level over time.

### **Compliance**

Staff recommends that City personnel track the project from planning through plancheck and construction to ensure that the project will meet any green building requirements. The project would not be approved, a building permit issued or inspections granted if the initial City review shows that the project would not meet the requirements. Staff does not recommend withholding a certificate of occupancy if the project appeared to be in conformance during the planning and plancheck phase but did not meet the final requirements.

*Alternative:* Payment of an upfront performance bond which is returned if the developer completes a green building.

*Alternative:* An in lieu fee for noncompliance.

Staff does not recommend that the City undertake full responsibility for the LEED or GreenPoint Rated certification. There are professionals that should handle this solely for the developer.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the CED Committee review the key issues and recommendations and provide policy direction on the work plan that will help staff in drafting a Green Building Ordinance for private development.

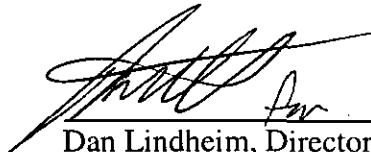
These recommendations include providing direction for:

1. Staff to review the full cost of review of current codes against the green building checklists as a possible incentive.
2. Staff to implement an extension of project entitlements for green building as an incentive only with mandatory requirements.
3. Staff to review the full cost of providing information to the development community including a green building website, forms, checklists, materials and exhibits in the Green Building Resource Center, and counter hours at the Green Building Resource Center as an incentive.
4. Encouraging additional staff to apply for the StopWaste.Org's scholarships and become knowledgeable in green building.
5. Staff to review the full cost of City marketing for green buildings in City literature an incentive.
6. Staff to develop the Ordinance using the existing LEED and GreenPoint Rated systems without modification or alteration.
7. Staff to develop one Ordinance that addresses all project types and sizes.
8. Staff to pursue further consideration of a limited number of mandatory points within the LEED and GreenPoint Rated programs to address specific issues or strengthen current adopted City policies.
9. Staff to develop the Ordinance with a one (1) year voluntary program, a one (1) year with the minimum number of points, and maintenance of the minimum number of points.
10. Staff to return to the Zoning Update Committee with further details on these recommendations and that the final recommendations are submitted to the Planning Commission by April 2009 based on the timeframes presented.
11. Staff to include the third party certification in the Ordinance as a requirement.
12. Staff to require that the project team retain an appropriate independent green building professional to oversee the green building requirements in the Ordinance.

Item: \_\_\_\_\_

13. Staff to require that the project is in compliance with the Ordinance at all stages of the permitting process.
14. Complying with CEQA and the findings required by State law.

Respectfully submitted,

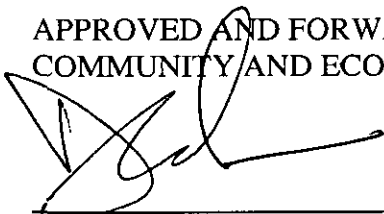


Dan Lindheim, Director,  
Community and Economic Development Agency

Reviewed by:  
Gary Patton, Deputy Director of Planning and Zoning  
Planning & Zoning Division

Prepared by:  
Heather Klein, Planner III  
Planning & Zoning Division

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City Administrator

- Attachments:
- A. Description of Federal and State Green Building Related Policies
  - B. Meeting minutes from March 2008 Stakeholder Groups
  - C. Meeting minutes from August 12, 2008 Stakeholder Group
  - D. Public Comments

Item: \_\_\_\_\_  
Community and Economic Development Committee  
October 14, 2008



## **International and Federal**

### *Kyoto Protocol*

The United States participated in the United Nations Framework Convention on Climate Change (UNFCCC) (signed on March 21, 1994). The Kyoto Protocol is a treaty made under the UNFCCC and was the first international agreement to regulate GHG emissions. It has been estimated that if the commitments outlined in the Kyoto Protocol are met, global GHG emissions could be reduced by an estimated 5 percent from 1990 levels during the first commitment period of 2008–2012. It should be noted that although the United States is a signatory to the Kyoto Protocol, Congress has not ratified the Protocol and the United States is not bound by the Protocol's commitments.

### *Climate Change Technology Program*

The United States has opted for a voluntary and incentive-based approach toward emissions reductions in lieu of the Kyoto Protocol's mandatory framework. The Climate Change Technology Program (CCTP) is a multi-agency research and development coordination effort (which is led by the Secretaries of Energy and Commerce) that is charged with carrying out the President's National Climate Change Technology Initiative.<sup>1</sup>

### *Resource Conservation and Recovery Act*

The Resource Conservation and Recovery Act requires Federal agencies to give preference in their procurement to the purchase of specific US EPA designated recycled content materials. The EPA designates products that are or can be made with recycled materials and also recommends recycled materials content ranges for these products.<sup>2</sup>

### *Energy Policy Act (EPAcT)*

The EPAcT forms the statutory basis for Federal energy and water conservation activities. It orders Federal agencies to reduce their energy consumption per square foot of building, install energy and water conservation features, track energy and water consumption and institute systems to facilitate the funding of energy efficiency improvements.

### *Strengthening Federal Environmental, Energy, and Transportation Management*

This Executive Order signed in January of 2007 requires Federal agencies to reduce greenhouse gases through a reduction in energy intensity of 3% a year or 30% by the end of fiscal year 2015. Federal agencies must ensure that at least half of renewable energy comes from new renewable sources and agencies must reduce water consumption by 2% annually through fiscal year 2015. In addition, new construction/major renovation must comply with the 2006 Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding (MOU).

## **State of California**

### *Assembly Bill (AB) 1493*

On July 1, 2002, the California Assembly passed Assembly Bill (AB) 1493 (signed into law on July 22, 2002), requiring the California Air Resources Board (CARB) to "adopt regulations that achieve the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles."

### *Green Building Requirements for State-Owned Facilities*

In December 2004, Governor Schwarzenegger signed an Executive Order requiring all new and renovated state-owned facilities meet LEED silver standards.

---

<sup>1</sup> Climate Change Technology Program (CCTP), About the U.S. Climate Change Technology Program (web page), Washington, D.C., last updated April 2006, <http://www.climatechange.gov/about/index.htm>, accessed July 24, 2007.

<sup>2</sup> Office of the Federal Environmental Executive, Federal Policies related to Green Building, (webpage), <http://www.ofee.gov/>

#### *Executive Order (EO) S-3-05*

In June 2005, Governor Schwarzenegger signed an Executive Order establishing statewide GHG emissions reduction targets. This EO provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent of 1990 levels.

#### *California Assembly Bill 32 (AB 32)*

In August 2006, the California Assembly passed Bill 32 (AB 32), the California Global Warming Solutions Act of 2006. AB 32 commits California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the CARB to establish regulations to achieve these goals. CARB must adopt such regulations by January 1, 2008. The regulations shall require monitoring and annual reporting of GHG emissions from selected sectors or categories of emitters of GHGs. By January 1, 2008, CARB also is required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels in 1990, which must be achieved by 2020.

#### *Green Building Code*

In July 2008, the Building Standards Commission adopted a state-wide green building code for all new construction. This is the first of its type in the nation. The code sets targets for site design, energy efficiency, water consumption, framing techniques, diversion of construction waste, material resource conservation, and indoor air quality. The standards are voluntary until 2010. However, only residential construction will have a specific short list of mandatory requirements in 2010 to be implemented in 2011. Commercial construction will have a longer list of measures but those will remain voluntary. The new standards can be seen as minimal and the CBC has stated that the intent is that local government entities still retain their discretion to exceed the standards established by this code.

#### *California Assembly Bill 375 (AB 375)*

In August 2008, the State Senate passed SB 375, a platform to implement AB 32 by linking regional transportation plans with State greenhouse gas reduction goals. Under SB 375, CARB is to set targets (by 2010) and MPOs (such as the San Francisco Bay Area's Metropolitan Transportation Commission) are to develop preferred growth scenarios that will cut emissions. SB 375 will tie State transportation funds to projects that conform to that scenario. SB 375 also requires Cities to revise their Housing Elements every eight years in conjunction with the regional transportation plan (and complete any necessary rezonings within three years). Lastly, the SB 375 relaxes CEQA requirements for housing developments that are consistent with a Sustainable Communities Strategy.

#### *California Assembly Bill AB 2939*

This bill will authorize local agencies to adopt and implement green building programs that exceed the green building standards recently established by the CBC. Local governments will be able to make findings based on environmental conditions and adopt green building standards that complement the California Green Building Standards Code (Part 11 of Title 24). The bill is currently enrolled and awaiting Governor Schwarzenegger's signature.

## Meeting Minutes

### Green Building Commercial Stakeholder Meeting

March 14, 2008, 2:00-4:00 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 3

#### **What incentives would be most valuable or meaningful to you to do a green project or add green features into a project?**

- Provide Density Bonuses, i.e. Chicago permits an extra story for a green roof
- Expediting Projects
- Reduce Costs
  - Time
    - Quicker PLNG Rev.
  - Subsidies
    - Overall fee deferral
    - Tier fee reduction to level of green, i.e., gold, platinum
    - Fee offset: Reduce environmental impact reduce fee, i.e. no water in the City's storm system, no water impact fee
    - Escalate monetary incentive for certain higher level of certification
    - Minimum City could do is reimburse fees for certification
    - Property tax rebate
  - Establish a relationship with PG&E and integrate PG&E services for development at the beginning of the project. Their services aren't fast enough. Maybe have a PG&E representative at the permit counter or in the Green Resource Center.
  - Help introduce a Build it Green Office Commercial Program
  - Provide incentives to green existing buildings and for tenant improvements.
  - Create TI green guidelines
  - Create a list of cost equivalents for green products
  - Pre-planning help for TI
  - Complete a green building and City improves streetscape with trees and benches, i.e., curb appeal
  - Marketing

- City will continue to highlight green buildings, green blocks to assist developers
- Involve Mayor with the Business Recruitment
- Economic Development Assistance with green building
- Case studies on website
- Incubator space for Class B, historic properties also on website
- Customer Service

**What obstacles do you foresee or have already encountered in implementing green building features into your buildings?**

- Green Roof Technology
  - Reclaim Water
  - Water retention
  - Battery powered water flow
  - Work with EBMUD to clean up water related issues
- Development Community to provide list of items that they know are coming down the pipeline for the City to investigate prior to incorporation into projects.
- Transit
  - Vanpool preference to tandem parking space. Could use an incentive since this is an income generating space and it remains empty.
  - Bike Parking, lockers, showers. Could use an incentive since this is an income generating space and it remains empty.
    - What about shared facilities? Nearby gyms?
    - 50% offset fee for bike parking to go to bikes awareness, bike lane installation, friendly streets, safety

**Is construction of a green project only about marketing or do you see the intrinsic value in green building or a standardize level of green building?**

- Yes
- For Class office LEED is the standard
- For tenants or leasees: increased productivity and they are seen as part of the green movement
- More education needed for tenants to change expectations in atmosphere; lighting, operations control, shading or windows, etc.
- Being green will not overcome the Oakland market

**Do banks and lenders see the value?**

- Appraisal/evaluation is important
- Data and studies show that tenant's pay more but operating costs are reduced
- Sometimes harder to convince tenants, depends on the tenant base
- The bigger the tenant the more likely to want a green building
- Split incentives, each tenant sees the value and the message gets out to mid-range developers

- Discussion around mandating seismic safety for existing buildings

**If there is value in green building, should the City of Oakland mandate a green building program for privately constructed residential development?**

- What should the level of green be? Considerations should include
  - Size/Cost
  - Age of building
- ? Use building size of 50,000 sq. ft. or new construction only? No needs to go further.
- Mandating green for existing is very expensive to retrofit. There would be huge backlash. Use the checklist and pick important items. Tie these to incentives.
- The difference between the green improvements and the new rent doesn't pan out.
- Staff to review the process for the façade improvement program.
- A phased approach might also work for these buildings and the program as a whole.
  - Education first. Counter staff should be knowledgeable
  - Start voluntary and with energy move to air quality and material resources
  - Operational cost / benefit should be know up front
  - Require lower level developer to get hooked then ratchet up
- PG&E program for entire City Block.
- Partner with KEMA and Stopwaste to produce TI guidelines, link to products and where to buy. Parallel effort with incentives
- Note: New streamlined LEED for 2009 to address smaller buildings

**Given your experience within the greater Bay Area context, is uniformity in green standards with other jurisdictions important?**

- Yes, it's easier to do business. However, need to tailor to Oakland and the majority of construction type.
  - For new construction, large and small sq. ft.
  - For Class B look at age, and sq. ft.
  - Live/Work
  - Core and Shell
- Within the requirements provide leadership for Oakland
  - Service
  - Creative incentives; don't disincentive
  - Keep it simple
- Partnership with USGBC to affect policy on national level. This will show/prove that Oakland is serious about green and is sanctioned. Become

a pilot city to try out innovation credits. Create common checklists similar to Stopwaste.org's multi-family guidelines.

### **Compliance?**

- Guarantee compliance with incentive –“time lag issue”
- Train City inspectors
- Place fee at back end
- Bonds were discussed?
- Provide money for the certification. Many times the improvements are done, the developer just doesn't want to pay for the certification
- Reimburse/ Matching grant
- Rebate granted at time of certification
- Submittal of checklist or scorecard is assurance but no guarantee

## Meeting Minutes

### Green Building Small Contractors Stakeholder Meeting

March 17, 2008, 6:30-8:30 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 3

#### **What incentives would be most valuable or meaningful to you to do a green project or add green features into a project?**

- Discounted fees for both Planning and Zoning
  - Pre-application fee is free with a green project
  - Rebate when certification is complete or fee added back if not complying with the level of green
- Expedited or streamlined review
- Routing to a preferred planner / planchecker who knows about the green issues
- Provide an official green hotline or channel with direct access to knowledgeable City personnel
- Reduced property taxes similar to Berkeley's solar rebate program
- Partner with the Davis Energy Group who manages the LEED for Homes pilot to vet innovation credits
- Provide a website database for approved features/systems
- Provide a City blog on what new green things are happening in the City of Oakland
- Mayor's award for the greenest project that year
- Provide a City approved certified green builder list; rigorous certification required to get on the list, not just a payment of fees
- Preferential parking when visiting the City of Oakland, like handicap spaces or Carshare
- Create a Very Important Green Builder Card to expediate access through the permit counter, plancheck, etc.
- Give any first incentive to people already doing green building

**What obstacles do you foresee or have already encountered in implementing green building features into your buildings?**

- Solar thermal systems is coming
- AMMR group needed to discuss new products
- Constant shift in products; need to know how to get info better; the smaller contractor's don't have the time or person to research
- Green questions are currently time consuming and burdensome to the applicant and City. Need access to the knowledgeable person
- Plumbing!

**Have you noticed a trend toward green building amongst your clients?**

- Question Skipped

**If there is value in green building, should the City of Oakland mandate or have a green building policy for privately constructed residential development?**

- Industry needs to look forward.
- If they know more now it will help in all the rest of their business.
- Key is to incentivize for small builders; Start off with things that will inspire and don't cost much money
- Energy conservation is important; Really enforce title 24
- Coordinate with the Berkeley, Emeryville, Richmond; Keep it simple.

**Should there be separate threshold for small multi-family (1-4 units)?**

- Remodeling is an issue. Wouldn't mandate remodeling.
- Incentives as or more important than mandatory
- Incentives for a time would provide a case study and show its possible to be green

**Is the Green Building Resource Center helpful? What would you like to see in the Green Building Resource Center, i.e. more information on products, a full-time person to answer questions, advanced workshops or training?**

- Good as a statement
- Needs to change more
- Need a go-to person: full-time help; Similar to the engineer of the day. Can the City staff it?

**Would a City approved list of Green Point Rated inspectors be helpful to you or facilitate the construction of a green project?**

- Question Skipped



## Meeting Minutes

### Green Building Multi-Family Stakeholder Meeting

March 17, 2008, 10:00 AM – 12:00 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 4

#### **What incentives would be most valuable or meaningful to you to do a green project or add green features into a project?**

- Expediting Projects
  - Solar – No Des. Rev./State Requirement
  - Geothermal wells with EBMUD
  - Quicker PLNG Rev.
  - Expedite After Planning – Fire
- Reduce Costs/ Subsidies
  - Overall Fees
  - Fee Deferral til CO
- Add Density near transit and extend T.O.D. beyond BART – major AC Transit corridors
- Consistency Across Municipalities
- Extend Entitlements
- Drop Requirement for Prev. Cert. to expedite if <40 units
- Add community benefits into zoning code
- Review green materials and systems with the Oakland Code – green the code.
- Provide an easier AMMR process
- Acknowledge that there is no way around Union Requirements and Building Technology has moved forward
  - Publicize the issue make a change
- Choose low hanging fruit first
- Additional incentives to exceed title 24 – difficult to exceed by 15%

#### **What obstacles do you foresee or have already encountered in implementing green building features into your buildings?**

- Des. Guidelines & zoning requirements are against green
- Pkg. requirements

- A maximum parking requirement not feasible
- Lenders/Buyers want parking
- People have to drive to jobs
- Incentive w/visitor parking
- Close to Transportation hubs
- Unbundling of packaging/everyone buys a space
- Car Share ordinance-desirable to locate on public accessible space (security issue for private garages)
- Less regulation – let market/developer figure out
- Use G.P.R. list and compare to zoning/building: eliminate conflicts to make green more feasible
- Historic conflicts – limitations, single pane windows
- Materials, codes, seismic
- Early resolution of constraints
- EBMUD to move forward w/purple pipe
- C-3 leave to developer to solve (performance no prescriptive) for creative response)
- G.P.R. – 50 pts. Changed practices, but not cost for developer

**Is construction of a green project only about marketing or do you see the intrinsic value in green building or a standardize level of green building?**

- Green imp. for marketing
- Must be standard threshold regionally & not a competitive race to top
- Residential. Issue – cannot tract user for results capturing data. Developer sells the product quickly.
  - Non Profits
    - Came up w/list
    - Could cost no more
    - Has intrinsic value

**If there is value in green building, should the City of Oakland mandate a green building program for privately constructed residential development?**

- Don't mandate w/o looking at big picture or mandate needs to be flexible
- Dev. in Oakland difficult; Mandate not good; Oakland has many problems
  - Crime
  - Schools
  - Retail
  - Infrastructure
  - Developing in Oakland is already GREEN
  - Incentives not mandate; Win with No mandate due to Great Incentives
  - No thresholds – difficult time
- Group agreement and disenchantment w/LEED- LEED certificate too \$\$\$
- Some though Oakland should have own criteria others that the independent 3<sup>rd</sup> party verification was important

- Bay Area – Embrace Regional Standard Build it Green which is better for housing market
- Policy – B.I.G. standards are inclusive, valuable & attainable
- B.I.G. or equivalent (burden on applicant) if equivalent – define equivalent
- Certification is issue
- Unintended consequences
  - Beware’ – Set achievable goals
  - Standard – Not highest!
  - Avoid w/good policy development
- No road blocks
- Adds to first costs: Deters Market – Lenders do not understand GREEN roofs can’t get water- proofing guaranty – condos maintenance issue!

**Should there be separate thresholds for small multi-family (1-4 units) and for high rise construction (over life safety)? Should LEED be used for high-rises?**

- Give break to smaller projects vs don’t lower for smaller projects
- No higher standard for high rise
- Fixed costs is issue
- Oakland needs small developers
- Education is important
- Fill out form is better than mandate
- Check list not over-burdensome
- City of Oakland own check list for small developments and historic to focus on big issues.
- Affordable – any increase in cost is problematic

**Given your experience within the greater Bay Area context, is uniformity in green standards with other jurisdictions important?**

- Use common language – important B.I.G. – Common Program
- PT. threshold not as important
- S.F. very different from Oakland don’t use this

**Compliance?**

- B.I.G. done on site similar to building inspection
- LEED don’t know score till end
- LEED off site verification problematic
- LEED difficult for residential projects

## **Meeting Minutes**

### **Green Building Architect Stakeholder Meeting**

March 13, 2008, 6:30-8:30 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 3

#### **How can City help advocate for GREEN building with clients?**

- Require definitive green building standards
- Provide faster project review with clear concrete steps
- Monetary incentives – rebate on fees
- Providing incentives also means new products on the market and additional work
- Define what “green” means to the City?

#### **What obstacles do you foresee or have occurred in implementing green building features into your designs/buildings?**

- Municipal code doesn't allow for certain green products or systems: Resolve code problems or deal with these issues during the with planning phase
  - Sewage Issues
  - Water issues / Plumbing
- City should review green planning instead of green building; Review the issues holistically within the City and for the long term instead focusing site by site development
  - What specific issues should come first? An example would be transit or diversion of waste.
  - What is the City's role in this?
  - How do the City's resources get allocated?
- Acknowledge that other jurisdictions still have authority over certain aspects of building construction, i.e. CA Energy Commissioner governs energy, the plumbing union is influential in greywater, etc.

#### **What incentives would be most valuable or meaningful to facilitate a green project or add additional green features into the project?**

- Faster planning and plancheck review time
- Dedicated person with authority in the City to ease implementation
- Knowledgeable planning staff who can help the architect work to achieve the green points.
- Planning support for greener / dense projects; support density bonuses

- Develop incentives for types of projects with different budgets
  - Deal with the City's overall urban planning issues; crime, beautification, etc.
  - Split up Planning Code requirements – density ( as a green policy) from zoning
  - Implement a system similar to the tax credit system for affordable housing. This would be competitive process where the greener a project is the higher the tax credits or fee waivers.
  - Incentives should target the type of work occurring in the City. Is that work multi-family housing, single-family homes, tenant improvements?
  - Reward
    - Location
      - Examples of location efficient design (specific BofA mortgage brought up as including this in its criteria)
        - Near transit
        - Near infrastructure: Create a matrix formula for 'load' lessening property taxes – i.e. off grid less water no need for the City to upgrade infrastructure.
        - Site restoration (Brownfields)
        - Near other infill development
    - Environmental sensitivity
    - Affordability
    - Using existing buildings
- City owned properties – encourage the retention of existing buildings

### **If Mandatory – What Program?**

- Maintain a balance between mandates and flexibility
- Need mandatory threshold that most people can achieve at fist then ratchet up
- Gr. Pt. rated provides flexibility while LEED is more difficult
- City needs to clearly analyze the issue of certified or certifiable?
- Mandate basic GREEN then reward higher levels of green
  - Expedited plan review
  - Greater density
  - Rebates on permit fees
  - Rebates on utility hook-up fees
  - Consideration of AMMR's
- Group discussion on green design vs good design
- Choose a mandatory program for the goal not number in rating system vs Mandate the goal or measure (i.e. reduce waste) not a program
- Acknowledge that rating systems change so value of #'s will change
- Discussion of obstacles in achieving points in the program. City needs to help support changing the point system to deal with the following:
  - Air conditioning – can be penalized if don't use
  - Title 24 doesn't award for solar panels
  - Acknowledge the benefits of vinyl windows
  - Need submetering for hot water

**If the City mandates a green building program, how should the City verify compliance?**

- Questions skipped

**Should there be square footage thresholds for green building in residential construction? Should single-family construction be exempt?**

- Thresholds: Put thresholds which can be changed/updated in another document other than an ordinance
  - Remodeling
  - Some thought it should be exempt from GREEN building
    - Title 24 still applies
  - Others thought no building should be completely exempt
    - GREEN pt. rated will have remodel program
    - Energy consumption biggest issue
    - Demo waste
  - LEED Tenant Improvement is easy to achieve pointwise
- Green Resource Center
  - Need data base– what’s new in terms of products or systems;
  - Seems static and info is outdated
  - Staff to provide help, weed through the green “noise”
  - Should we have it all? No, send to PG&E instead – however if mandatory measure may be more useful
  - Website would be more helpful to architects.

## **DRAFT Meeting Minutes**

### **Green Building Stakeholder Meeting Group 1**

August 12, 2008, 6:00 PM – 9:00 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 3

*What would be most valuable or meaningful to you to do a green project or add green features into a project?*

- A. Efficient lights; outside ambient air; and availability of public transportation are the most valuable green features.
- B. Provide help exceeding Title 24 by 15-20%. This is a difficult requirement to fulfill. Provide revenue incentives.
  - 1. Information on the standards. The lack of information and education makes conformance with this requirement a very long process.
  - 2. The Build it Green multi-family standards and single-family guidelines, were very confusing; could not understand how to implement the green building features.

#### **Suggestions:**

- 1. City work with developers to understand process of using green building features.
- 2. One consultant was a model operator but could not suggest anything. Should use Kema as consultant. They have a larger knowledge base of green building and Title 24.
- 3. The city should provide help with energy efficiency or hire a consultant with a larger knowledge base.
- 4. Can you get credit for efforts, even if you didn't meet 20% above Title 24?
- 5. Change plumbing building codes
  - a) get rid of copper
    - i. 6) Use manifold system
    - ii. PEXS with manifold system, Poly Ethely or some European system works better

***What obstacles do you foresee or have already encountered in implementing green building features into your buildings? Where did those obstacles occur?***

1. Grey water code is too complex.
2. Treated water with purple pipe system not yet allowed in buildings. Need infrastructure for treated, recycled water.
3. Plumbing code does not allow PEX piping which is easier for a manifold system.
4. There are still no green mortgages available that would permit a cheaper interest rate or smaller payment to compensate for cheaper operating costs.

**Incentives**

1. Lower fees
2. Change standards that make green building more difficult to achieve
3. No incentives from lender to build green; residential/commercial
  - a) Trade off of cost vs. benefits are not tracked
4. Market demand drives green development. First class commercial development is the leader at the present time.

**Mandatory requirements? What effect?**

1. Incentives would be better than mandatory requirements. However, there should be a baseline standard for green building that is mandatory.
2. Make the rules transparent; or give options to fulfilling them.

***Is the Green Building Resource Center helpful? How could it be more helpful? How can the City help you facilitate the construction of a green project?***

1. Person at the counter or maybe a separate counter with a consultant.
2. Brochure rack
3. Online service with the ability to schedule appointments online.
4. Maintain a list of case studies
5. Maintain a list of consultants
6. Creation of a recycled materials bartering yard is needed for commercial projects. Credit would be given for recycling materials given to other projects.

***Is uniformity in green standards with other jurisdictions important?***

1. Would be nice, but seems difficult.
2. Would be helpful for consumers but how do you apply?
3. How do the green standards work with LEED?
4. LEED is offensive & cumbersome.



5. There is already a standard for recycling. Would be reasonable to impose a higher standard?

***If the City moves forward with a green building ordinance should there be separate threshold for single-family and small multi-family (1-4 units) What about TI's, remodeling, additions, or historic rehabilitation?***

1. A Build it Green rating of 50 points is reasonable and doable for a 1-4 unit project. This can be baseline
2. TI's; remodeling; additions; this can be a requirement based on a checklist.
3. Local market is sensitive to green building. The impression is that out of town developers aren't that sensitive to green building.
4. Berkeley does an energy audit by third party. Oakland might consider this.
5. Green materials that should/could be considered
  - a) Green liberal plus carpets
  - b) No carpet; open air buildings
6. Remodeling/Additions and Title 24 will be changing so may not need mandatory requirements.
7. GreenPoint Rated for Existing Homes is just starting. For existing homes the group preferred incentives over regulations.
8. Recycling of construction debris is increasing. Dump prices recently jumped.

***If the City imposes green building requirements, how should the City verify compliance? What do you think should be the consequences of not complying with the requirements?***

1. Don't get final Certificate of Occupancy
2. Defer a portion of permit fees to completion of project. File a lien at the end of project if not finished.
3. Building permit fee refunded
4. Defer collection costs to final of permit.
5. All developers have restrictive financing at end of construction.
6. Track the use of green building techniques
7. Use incentive system to encourage completion. If the developer has already completed a green project then they would be given a fast track process. Create a frequent flyer type system or VIP rating system with fast track process.
8. Use GreenPoint Rated system.

## **DRAFT Meeting Minutes**

### **Green Building Stakeholder Meeting Group 2**

August 12, 2008, 6:00 PM – 9:00 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 3

***What would be most valuable or meaningful to you to do a green project or add green features into a project?***

1. State provides rebates. Have the City provide information and list of available grants, rebates, and other funding sources to implement green features.
2. Provide list of materials /appliances to used in remodeling work
3. There is value in green building. Personal satisfaction, learning experience. Lessons learned from industry representatives helpful.

***What obstacles do you foresee or have already encountered in implementing green building features into your buildings? Where did those obstacles occur?***

1. If the City requires a standard they must educate community residents, contractors about requirements.
2. Major motivator is the client wishes. If the client wants this, then contractor will provide.
3. Too much research and time required to find green materials and products.
4. Tracking construction debris is difficult. Dumps raised fees dramatically lately.
5. Need simplified system for documenting. Documentation must be do-able. Too difficult to keep records about construction debris, tracking when debris goes.
6. Not all architects are that good at passive solar orientation.
7. Difficult to document where resources originate, wood, concrete whether it's recycled or not.
8. Chain of sub consultants, or everyone involved in construction process is long and difficult to educate all players.
9. Can't achieve objectives with regulations alone.
10. Invest in the Green Resource Center
11. Difficult projects should have difficult requirements.
12. Be responsive to what construction industry can do and what it can't.
13. Offer assistance with green building techniques early in the process.

***Is the Green Building Resource Center helpful? How could it be more helpful? How can the City help you facilitate the construction of a green project?***

1. Not aware of Green Resource Center. It needs to be staffed full time.
2. Want general info, More about Title 24.
3. New regulations for toilets for EBMUD.
4. Tracking when new regulations come online, it would be helpful to have information on new materials.

***Is uniformity in green standards with other jurisdictions important?***

1. Multiple rating systems with difficult rules make compliance or understanding difficult.
2. San Francisco standards are higher however it is more expensive to build to these standards
3. Uniform standards are easier
4. Uniformity must be done for right reasons, scale matters. For bigger projects, meeting the GreenPoint Rated standards is not that difficult, smaller projects will find it more difficult to meet varying standards.

***If the City moves forward with a green building ordinance should there be separate threshold for single-family and small multi-family (1-4 units) What about TI's, remodeling, additions, or historic rehabilitation?***

1. Thresholds should take into account:
  - a) The cost of structure matters: Million dollar home vs. affordable infill as well
  - b) Size, volume and square footage
  - c) Location.
2. Difficult to make rehabilitated buildings meet standards required of new buildings.
3. Contractors doing remodeling don't want extra permit hurdles. However a \$300,000 kitchen remodel in fancy house, its ok.
4. People who are educated in green building will do what is required.
5. It is hard for landlords to recoup costs of adding green features to buildings
6. Big commercial development use Leed, small development Build it Green
7. Small projects don't need to be burdened with government rules.
8. Expensive to employ a GreenPoint Rater on project. Makes sense for bigger, more expensive projects 20 units and up.
9. Leverage market forces and incentives: free toilet for residents
10. Want people to have good experiences with green building. Since it's new, the City shouldn't want to over burden people. In the beginning, the City needs to push people to incorporate green features into their developments.
11. Leed, Title 24 moving targets, standards are changing.
12. The simpler the requirements are the more people will use them.
13. Work with trade organizations, unions, sub contractors to educate about green building

***If the City imposes green building requirements, how should the City verify compliance? What do you think should be the consequences of not complying with the requirements?***

1. Use existing building inspection process.
2. When building inspector inspects for code compliance, check for green building components.
3. Waive inspection fees for green building
4. During design review, have green rater review plans and provide recommendations for green techniques, as well as recommend incentives for incorporating green techniques
5. If in non-compliance, issue violations
6. Regulations should be performance based. For example to have large home, must generate your own energy.
7. Use 3<sup>rd</sup> party certification. LEED is credible but who pays.
8. Likeability of building inspector – fees wrapped up its permit fees

## **DRAFT Meeting Minutes**

### **Green Building Stakeholder Meeting Group 4**

August 12, 2008, 6:00 PM – 9:00 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 3

***What would be most valuable or meaningful to you to do a green project or add green features into a project?***

1. Adding green features should be done proactively
2. "It is the right thing to do", the public wants green features, and these types of buildings attract tenants
3. Encourage clients to use green building features; should also be mandatory
4. Clients are always looking for ways to reduce costs (on long-term basis). This is tricky to balance.
5. Educate owners regarding the cost savings of a green building
6. City should require environmentally-friendly cleaning products. These products improve air quality (indoor and make tenants happier. Better cleaning products leads to a better environment because they are less toxic.
7. Clients tend to focus on certain issues (personal values). Educate the clients.
8. Encourages more education re: green projects it's what the public wants

***What obstacles do you foresee or have already encountered in implementing green building features into your buildings? Where did those obstacles occur?***

1. Obstacles occur at the client's sales pitch.
2. New construction vs. renovation retrofit is usually more costly up front due to age of equipment.
3. Need to educate workers on waste diversion. How do you divert waste when there's no waste to divert? This is a Catch 22.
4. Difficult to measure and quantify waste diversion.
5. Acquiring information fast enough. The available products are confusing as there is a lot of "green washing".
6. Transferring spec plans to contractor (sometimes contractor does not know where to get materials).
7. Including green products and features in a building requires additional coordination meetings and documentation beyond just the construction documents and specifications.
8. Not all people involved in construction process have same level of interest or education

***Is the Green Building Resource Center helpful? How could it be more helpful? How can the City help you facilitate the construction of a green project?***

1. Did not know about it.
2. Does not contain very much relevant information and is not very visible.
3. People in building industry usually know that information (may not be targeting the right audience).

4. People do not have time to use it when at the counter, does not offer enough information for commercial developers thought it may be appropriate for smaller commercial building.
5. Need to get cooperation from building inspectors.
6. Third party certifiers can help building inspectors at the city; Get staff trained in GreenPoint Rated.
7. Planning policies should not contradict green building ordinances if mandatory.
8. Need the right checks and balances and the right people to inspect and verify. Green Building should be mandated for all projects, but what that means must be clearly defined.

***Is uniformity in green standards with other jurisdictions important?***

1. Yes! It is critical to resolve conflicts between state and local planning requirements.
2. Individual programs need to be synchronized or maybe have regional agency endorse (eg:ABAG)

***If the City moves forward with a green building ordinance should there be separate threshold for single-family and small multi-family (1-4 units) What about TI's, remodeling, additions, or historic rehabilitation?***

1. First, there needs to be education and outreach such as an award program, Oakland green tour, public workshops based on project type, possible workshops from builder/developers of green projects, available case studies, and on carsharing and parking
2. Yes. Different standards for different types of projects are appropriate based on size and/or \$ amount.
3. There are already different planning and building standards and baseline requirements for all projects.
4. A tiered point system for different types of projects might be appropriate.
5. Maintenance program for government buildings should be green. Make existing City projects go through the LEED Existing Building Program.
6. Need to figure out how do to deal w/ existing units in the City.
7. Encourage green features for non-permitting jobs.

***If the City imposes green building requirements, how should the City verify compliance? What do you think should be the consequences of not complying with the requirements?***

1. The developer doesn't get the final Certificate of Occupancy or performance bond back.

***Further Thoughts***

**Incentives:**

Solar programs tied to property taxes

**Ideas:**

1. Need to work on existing unit inventory. Property transfer taxes (small %) could be directed toward green products and features in these homes.
2. People who have produced green point projects could give lectures to other builders.
3. Build-it-Green tours
4. Build-it-Green award programs
5. Incorporate sustainability into the City business development program.

## **DRAFT Meeting Minutes**

### **Green Building Stakeholder Meeting Group 5**

August 12, 2008, 6:00 PM – 9:00 PM

City of Oakland

City Hall, 1 Frank H. Ogawa Plaza, Hearing Room 3

***What would be most valuable or meaningful to you to do a green project or add green features into a project?***

1. Information and resources related to energy efficiency. Reduced energy costs is a big incentive.
2. Long term occupancy cost – Long term energy use reduction
3. Fast track of planning and building process - On the books but doesn't really exist. Not much fast track in Oakland today.
4. Information on available resources, rebate, and grants to the builder or supplier.
5. Publicize the PG&E- calendar of free events or classes.
6. Provide links to city programs for resources, funding, etc.
7. Once projects are completed share their vendor's lists. Compile a directory of products, suppliers, workers for general use. This doesn't need to be endorsed by the City just available as information.
8. Develop a Major Green list and list those who have gone through the process. In this way a person new to green building can contact them and discuss successes and pitfalls.
9. Is the city training planners, inspectors, etc.? Good to have more City staff trained.

***What obstacles do you foresee or have already encountered in implementing green building features into your buildings? Where did those obstacles occur?***

1. Inspectors do not understand green building features or technology. One example of a product is manufactured housing. The installers and the city inspectors did not know how to review them and it caused delays.
2. That's why developers often do business with the same team, but this team needs to be reeducated in green building.
3. Encourage local hires to be educated; educate laborers.
4. Education needs to occur for all stakeholders
5. The time to devote to education is an issue especially with all the "green washing".
6. LEED certification may be cumbersome and costly. City may require certification but some incentive is also necessary to counter this cost.
7. Build it Green is much easier. It is also local which helps and it's compatible with LEED.

***Is the Green Building Resource Center helpful? How could it be more helpful? How can the City help you facilitate the construction of a green project?***

1. Green Bldg. Center is nice
2. Have been in there. Patrick Hayes is helpful
3. City needs to help direct people to visit the Green Bldg. Resource Center.

4. City needs to educate architects (not just business people) at the Green Building Center
5. The materials boards are a good start. Need to display projects of all sizes and types.

***Is uniformity in green standards with other jurisdictions important?***

1. Yes. It's hard enough to develop in different jurisdictions with different planning requirements.
2. Some differences are not the problem but need the same standard process or system.
3. Would be nice to have an incentive for a greater level of green and removal of obstacles for features encouraged within the rating systems.
4. Those new to green may need relevant, uniformity in certification.
5. Uniformity in requirements throughout the Bay Area is not going to happen but it would make development and construction easier. Let City have some individuality with a standard.

***If the City moves forward with a green building ordinance should there be separate threshold for single-family and small multi-family (1-4 units) What about TIs, remodeling, additions, or historic rehabilitation?***

1. Should be same threshold for all projects
2. No good exception to not doing a green project except maybe rehabilitation work. May end up with something too expensive for small projects.
3. Build it Green Rehab may be good.
4. Build it Green existing construction. is usable
5. TIs should be included. Concerns about manufacturing/industrial/live work, and historic rehab.

***If the City imposes green building requirements, how should the City verify compliance? What do you think should be the consequences of not complying with the requirements?***

1. City should not do certification; someone who specializes in the green building industry should do the certification.
2. City can certify the certifier; Helpful to provide a list of certified raters.
3. If money were no object, the City should do it.
4. Details are important; need experts to evaluate the technology and features.
5. At point of construction anything could change, so the project should be reviewed for compliance throughout the development process.
6. Some consideration to compliance should be given if it's the first time a green project is being constructed. Compliance v. Certification issues.
7. Some hardship in certification
8. Is that buying points? Maybe allowances for just first few projects.
9. Hardships can also be informational.

**Klein, Heather**

---

**From:** kevin wakelin [kevin@thevibrantgrp.com]  
**Sent:** Tuesday, August 12, 2008 2:26 PM  
**To:** Klein, Heather  
**Subject:** Re: Green Building in Oakland

Heather

Unfortunately, I am sadly unable to attend tonight's discussion forum due to an unexpected scheduling conflict.

Please keep me on your contact list as this subject is of great importance to The Vibrant Group.

Having completed the first multi-family residential project in California to receive the LEED for Homes certification, we have real knowledge of what it takes to go green and feel we can contribute to your discussion so that your program has a foundation of duality to it – ie, it rewards those that are already taking measures to go green, and it incentivizes those who may not be considering going green to take on measures.

We also think that the program should offer fast-track approval procedures to those that guarantee a minimum green certification and a VIP program for those that go for the highest bar of LEED certification – fast-track approvals, waiver of certain design and planning restrictions, reduction and mitigation of planning/building fees and even subsidization of the LEED administration/certification fees which can be costly.

You should also think about an Oakland "Green Neighbor" certificate – ie, a project that has been certified under LEED and Build it Green also gets an Oakland "Green Neighbor" award.

Another big picture incentive would be for those projects that continue to maintain and improve their sustainability standards by offering annual discounts on their property tax bill, or their monthly storm/sewer/waste bills...

Please forward any meeting minutes to me as well from tonight's discussion.

Kind regards,

Kevin M. Wakelin  
**THE VIBRANT GROUP**  
2339 Third Street, Suite 5900  
San Francisco CA 94107-3100  
c: 415-298-4142  
f: 415-621-6206  
e: kevin@thevibrantgrp.com

---

**From:** "Klein, Heather" <HKlein@oaklandnet.com>  
**Date:** Fri, 18 Jul 2008 16:12:09 -0700  
**Subject:** Green Building in Oakland

Hello,  
The Community and Economic Development Agency is hosting an evening requirements for certain types of private development in Oakland. Please see

**ATTACHMENT D**



**Klein, Heather**

---

**From:** Margaret L. Cafarelli [mlc@urbandevelopments.com]  
**Sent:** Friday, April 11, 2008 12:50 PM  
**To:** Klein, Heather  
**Cc:** dboxer@yahoo.com; mlc@urbandevelopments.com  
**Subject:** RE: Meeting Minutes for the Green Building Stakeholder Meeting

Heather,

I may take a little different approach than my colleagues do. I think developers should be rewarded for embedding "green" or "sustainable" building practices into their buildings or developments. I also think the city should adopt a minimum standard and there should be bonuses given to developers that exceed those standards. The problem is that most developers want to layer "green" because they think there is a marketing edge to doing so, but they don't really want to build "green". I think the city should develop a minimum standard like "Energy Star" or "Build it Green" which are a minimum standard, but reward those that exceed these standards. Oakland could put forth their own standard much the same as the City of Boston did.

The bottom line for me is that this is something we need to do now—not half measures that give us a marketing edge—but we need to make it a core value of our business. Having said that I don't think you can mandate anything—I do however think there should be an attainable baseline with great incentives for those who embody sustainability as a core value. The reality is that those buildings that don't incorporate sustainable building practices will be considered obsolete by the financial community.

Incentives:

- Density
- Parking requirements could be relaxed—many projects in New York don't park their project. Require car-share at a minimum—maybe park 1 space per 5 units and car-share must be included. Or give developers the option to park the 1-1 or not.
- The reality is that cities need their fees—so I would not forgo the fees you collect however—I would expedite zoning approvals and building permits. Get projects on track faster—that is huge savings in \$\$\$
- Take a look at your zoning and general plan—green both!

The reason developers don't like LEED is because they have to commission their building and it costs \$\$\$ to do so. We will commission 1640 Broadway and we will build it to a LEED Gold or Platinum standard. We will also have a score card as to how the building is performing and how the residents are doing living in the building. We want the residents to be involved in the performance of the building.

I just returned from the conference—"Investing and Developing Green" in North Carolina, sponsored by the Urban Land Institute. You really might want to think about attending some of these—there is a lot of great info. There were quite a few cities in attendance. If you go to ULI.org you will be able to buy cd's of the sessions.

Happy to talk further!

Be Well,  
Marge

Margaret L. Cafarelli

18 March 08  
Via Electronic Mail

To:  
Heather Klein, Planner III  
CEDA  
250 Frank H. Ogawa Plaza  
Suite 3315  
Oakland, CA 94612  
510 238 3659  
510 238 6538 Fax  
hklein@oaklandnet.com

Re:  
Architects, Stakeholders' Meeting  
Green Building Initiatives

Heather,

I very much enjoyed contributing to the peer discussion related to Oakland Planning's Green Building initiatives 13 March 08.

I wanted to clarify, expand upon or summarize some of my proposals, comments or suggestions to ensure their accurate appraisal and incorporation into your forthcoming staff reports.

In the below, please note that all mayors in every state have determined that this problem must be solved at the city level, given the lack of foresight by Federal government.

See NY Times:

Mayors, Looking to Cities' Future, Are Told It Must Be Colored Green

Direct link:

<http://www.nytimes.com/2007/11/03/us/03mayors.html?scp=1&sq=mayors%2C+green&st=nyt>

#### 1 Modification/Enhancements to Existing Municipal Codes

As stated, Planning's ability to promote a full range of green building initiatives is limited to the constraints of the Municipal Code.

Planning should include in its reports identification of municipal codes that constrain their ability to recommend the most comprehensive set of solutions.

The largest contributor of load to environmental health from construction and inhabitation is wastewater, dwarfing both all and all combined loads of other forms of waste and resource or energy consumption.

The State of California has authorized the environmentally-conscious Alameda County, Chapter 15.18, Onsite Wastewater Treatment System and Individual/Small Water System Ordinance under the requirements of the State of California Clean Water Act.

This code was adopted more than a year ago and Alameda County Health has moved its implementation forward by establishing Memorandums of Understanding (MOU's) with Dublin, Pleasanton, Livermore, et al.

I have enjoyed an ongoing dialogue with Ron Torres, Alameda County Health Supervisor, on their progress with Oakland.

It is his opinion and mine that MOU's would not be required with Public Works if Oakland simply shaped its green building initiatives and codes to allow Chapter 15.18 to work seamlessly with city constraints.

As stated, the Municipal Code currently requires sewer connections for all new buildings and extensions to a sewer line for all buildings with existing septic systems that are within 200' of a sewer line.

This code is based on an archaic understanding of currently available and advanced technologies.

Conventional wastewater systems use leechfields that deliver indivisible wastewater to the soil, omitting wastewater type separation/recycling and requiring large parcel sizes to function properly.

Advanced onsite wastewater systems contain and separate greywater from blackwater, recycling the greywater 3-4 times for irrigation, water closet supply and fire protection before detouring it to blackwater treatment.

Blackwater treatment volume is reduced by 90% using these procedures and resolves all waste to oxygen rather than delivering the average 20 gallon per day load to sewage treatment system infrastructures, which ultimately deliver

their loads to the San Francisco Bay.

The above excludes the conventional, additional infrastructure loads and costs of ongoing upgrades to sewer lines to meet increasing population connections.

As stated in abbreviated form at our meeting, given the above, I would propose that an amendment to the Municipal Code to allow on-site wastewater recycling for those buildings that are either greater than 200' from an existing sewer line or, due to special circumstances (as is the case on Panoramic Hill) cannot utilize an existing line (ie, Oakland line paths share those of adjacent non-conforming municipalities).

It is important to note that advanced technologies require only a few hundred square feet of lot area to function as designed.

This will not create an administrative cost for Oakland as the permits are obtained and ongoing inspections are performed by Alameda County Health, which employ inspectors with specific expertise in these systems.

Homeowners utilizing these systems would risk the use or loss of their property and residence if their systems were not approved as continuously functioning by Alameda County Health on a regular basis.

Once communities utilizing advanced wastewater treatment technologies have been established and proven in large numbers, Oakland should move quickly to providing tax incentives to property owners who move their treatment and other loads off-grid.

I have met with green roof product manufacturers on this subject and all agree that green roof technologies could provide the necessary site area and processing depth required for these systems to function on existing and new development, even where no other site area is available.

This includes green roofs that support harvestable crops.

Note that these advanced systems presume the universally accepted advanced systems in rainwater collection/retention and on-site power generation.

## 2 General Principle of Retention of Existing Structures

I want to be very clear that I am not a proponent of prohibition of new development utilizing the most advanced construction technologies where existing building may be present on parcels that have not been fully realized for efficiency, potential or environmental contribution.

Existing buildings, particularly those considered historically desirable, are by their very nature inefficient and wasteful by current standards.

Oakland Planning is almost single-handedly responsible for the blight that inflicted West Oakland for decades as a result of its insistence that Victorian residential structures could be renovated, but not demolished.

The problem with Planning's premise is that in the real world the finish materials utilized in these ornate structures nearly always require custom fabrication and the highly-skilled craftsmanship required to install these materials no longer exists.

As well, the existing structures from which these finish materials are hung were almost always inadequately designed for their historic loads, let alone the loads required by current State of California building codes.

The yield of these constraints is that to comply with Planning's bias, the only professionally responsible solution for these properties would be to strip the existing structures of their finishes, underpin and upgrade all foundations, insert beams and columns and then reapply nearly all finishes in the form of custom fabrication.

Other than recalling the plotlines of Dr. Seuss stories, I cannot imagine a less entertaining scenario.

The financial inviability for existing homeowners in West Oakland, let alone developers with greater resources but also with the requisite business sense, led to greater and greater deterioration and inhabitation and board-ups on every block.

The Live/Work residential model of Emeryville that was allowed to leak into West Oakland on vacant lots, has revitalized the community and made its potential apparent.

Only that revitalization and the financial success of developers willing to risk interests in West Oakland has made the rehabilitation of some Victorian structures viable.

I am very much a proponent of the juxtaposition of old and new, of architectural aesthetic layering directly mandated by the State's Historic Guidelines, which require that additions not appear to be original and that encourage modern approaches to the related massing, materials and fenestration.

Emeryville City Hall is a perfectly adequate example of what the Guidelines promote, a vital new set of spaces and programs unique to their time and, respectfully, retention of the potential of existing structures to illuminate their place in time while incorporating the programming of the current whole.

Although I am not a proponent of demolition of existing structures or the associated waste in doing so, I am a

proponent of their relocation.

If Oakland is serious about retaining existing inefficient buildings it should provide a means for their relocation and renovation.

Oakland acquires hundreds of vacant parcels on a regular basis as a result of unpaid property taxes that it typically auctions at nearly pure profit.

As stated, these parcels could easily be offered to developers such that both developing communities and communities in need of development could benefit.

Renovation costs for relocated buildings would be simply offset by the zero parcel cost.

### 3 Green Building Resource Center

My recommendation for the Green Building Resource Center in Planning's second floor physical location is not merely that it provide computing equipment with Internet access.

As any search engine user knows, the return of 1 zillion instances of "solar panels" hardly serves a purpose, let alone justifies Google's \$500+ price per share.

A true Oakland Green Building proprietary database would sort and collate this data into useful information for architects, developers, builders and homeowners.

In Los Angeles, the city provides a Research Report process for review and approval of systems or products and issues pre-approvals for their use in projects and an LA Research Report number (#) to manufacturers upon completion.

This means that in a set of construction documents an architect can simply annotate a pre-fabricated element along with its RR# at its plan location without having to provide elevations, details, specifications and consultant calculations for that element.

In green building construction, the level at which projects are designed is at the level of comprehensive systems which may include specific elements; the difference between all exterior walls/floors/roofs and a specific heat pump. A useful database would be organized by A/E/C MasterFormat specification division and subdivision and include Oakland's version of pre-approvals of systems and elements.

The Green Building Resource Center should (post those features and functions) be a point of personal contact at Planning's physical location for a more extensive resource online directly from and clearly apparent (ie big logos) on the Oakland.net site entry page.

This should be redundant, so that it is an equally apparent link on the entry Planning, Building and other related pages.

### 4 Open Sourcing

One subject that was not discussed at the meeting is availability of internal Planning documents or resources.

It should not be necessary for architects to randomly surmise and then have to request that Planning has internal documents to aid planners that are not generally available to licensed professionals, let alone the public.

The internal, point-based Design Review Checklist, for example, upon which architects should be able to base specific arguments in favor of their design, should be available as part of the submission package requirements and criteria for projects.

Internal green building checklists, if utilized by Planning, should be similarly available.

In closing, please provide the entire set of recommendations in the staff report to the Planning Commission on Oakland Green Building initiatives derived from all four stakeholder meetings either as a link to online files or as attachments to a reply.

I look forward to your review and ongoing participation in Planning efforts to solve these critical problems.

Sincerely,

Michael Tolleson, RA, AIA  
1331 40th St  
Suite 309  
Emeryville, CA 94608  
510 658 2945  
510 658 2945 Fax  
michael@michaeltolleson.com  
www.michaeltolleson.com

**Klein, Heather**

---

**From:** Rhiannon Fleming [rfleming@mnbuild.com]  
**Sent:** Friday, March 28, 2008 10:33 AM  
**To:** Klein, Heather  
**Subject:** RE: Meeting Minutes for the Green Building Stakeholder Meeting

Hi Heather,

Thanks for having me at the meeting. The notes seem very accurate about our contractor input on Green Building.

I would like to stress the availability of information and a simple process over monetary incentives. I think many builders don't go the green route simply because they view it as complicated and tedious. The old style contractors are resistant to changing their tried and true methods. If we view going green as the same level of discomfort for older contractors as our parents feel about today's computers and gadgets, then we can better understand the obstacles. (stepping down from soapbox now)

By the way, could I convince you to send me the setback requirements for awnings on a commercial corner lot?

Thanks so much,

Rhiannon

-----Original Message-----

**From:** Klein, Heather [mailto:HKlein@oaklandnet.com]  
**Sent:** Friday, March 21, 2008 9:48 AM  
**To:** Michael McDonald; (rfleming@mnbuild.com); John Dalzell  
**Subject:** Meeting Minutes for the Green Building Stakeholder Meeting

Hello,

Thanks again for participating in the Green Building Stakeholder Meeting. Your comments were in valuable. Attached are the draft minutes for your review and comment. Hopefully we heard correctly put on paper all of your comments and suggestions. If possible please provide comments no later than April 11<sup>th</sup>.

Best,

Heather Klein  
Planner III  
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
ph: (510) 238-3659  
fax:(510) 238-6538  
email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

**Klein, Heather**

---

**From:** Stuart Rickard [stuart@placeworks.com]  
**Sent:** Sunday, March 23, 2008 7:36 AM  
**To:** Klein, Heather  
**Subject:** RE: Meeting Minutes for the Green Building Stakeholder Meeting

Heather,

I'm sorry I could not attend the meeting on Thursday. My brother was in town and we had dinner with him.

Thank you for including me in the focus group. As I thought about it more, developing in Oakland is green for three main reasons: density (which reduces transportation energy use); climate (Oakland very temperate – reducing HVAC energy); and most importantly reinvestment improves social equity issues. This thought assumes that development will happen somewhere in the greater Bay Area region (including all the way out to Tracy/Stockton) – better in Oakland than elsewhere!!

The comment that Oakland could address green building by providing the best expertise on the subject – rather than by imposing regulations – was interesting. Maybe I am naïve, but I think this could work.....

Thanks,

Stuart

-----Original Message-----

**From:** Klein, Heather [mailto:HKlein@oaklandnet.com]  
**Sent:** Friday, March 21, 2008 9:48 AM  
**Subject:** Meeting Minutes for the Green Building Stakeholder Meeting

Hello,

Thank you again for participating in the Green Building Stakeholder Meeting for the City of Oakland. Your comments were in valuable. Attached are the draft minutes for your review and comment. Hopefully we heard correctly and put on paper all of your comments and suggestions. If possible please provide comments no later than April 11<sup>th</sup>. I look forward to continuing the dialogue with you and will be in touch regarding future meetings on the subject.

Best,

Heather Klein  
Planner III  
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
ph: (510) 238-3659  
fax:(510) 238-6538  
email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

## Klein, Heather

---

**From:** Mike McDonald [mike@m-c-d.net]  
**Sent:** Wednesday, March 19, 2008 4:59 PM  
**To:** Klein, Heather  
**Cc:** Tyler Moore  
**Subject:** Fwd: VIG



Untitled Attachment

Heather,

From notorious SF designer Tyler Moore. Let me know what you think.  
Perhaps print and laminate copies for sub committee members for meeting.

For consideration: VIGs enjoy the ability to schedule meetings in advance with green trained planners, building officials, etc..shorter wait time in line, validated parking at city garage, discounts as appropriate on fees, expedited processing, etc.

Mike

Michael McDonald  
President  
McDonald Construction &  
Development, Inc.  
Tel: 510-772-7906  
www.m-c-d.net

Begin forwarded message:

> From: Tyler Moore <tyler@mm-sf.com>  
> Date: March 19, 2008 4:09:14 PM PDT  
> To: Michael McDonald <mike@m-c-d.net>  
> Cc: tyler moore <tyler@mm-sf.com>  
> Subject: Re: VIG  
>

> mcd.  
> check out attachment.  
> quick and dirty but gets the point across.

>  
> let me know.  
> t

>  
>  
> M A R K A T O S | M O O R E

>  
> tyler moore  
> +1 (415) 956-9477  
>  
> 855 Sansome No. 101  
> San Francisco CA  
> 94111  
>  
> mm-sf.com  
>  
>  
>

**Klein, Heather**

---

**From:** Bill Lightner [Bill.Lightner@LightnerGroup.com]  
**Sent:** Wednesday, March 19, 2008 4:41 PM  
**To:** Klein, Heather  
**Subject:** RE: Special Projects Committee Meeting tomorrow to discuss Green Building in the City of Oakland

Heather:

The evidence shows that Green Buildings, no matter how good the term sounds, cost more money than anyone on a budget, including homebuyers AND local government want to pay. Huge corporations and the federal government may be able to justify the cost but not the rest of us. This is fact not opinion.

Moreover, I believe LEED certification, per se, is a waste of money, as its objectives can be met where desired without all the needless paperwork and LEED bureaucracy.

Though it will be tempting for policy makers to do so, they should not burden private development with this cost. If building Green is to be public policy, the additional costs should be borne by society as a whole, through the taxation process.

So, put it to a vote and see whether the citizens of Oakland are willing to pay the cost of going Green.

Bill Lightner  
Lightner Property Group  
415.267.2900 x114  
[www.lightnergroupp.com](http://www.lightnergroupp.com)

---

**From:** Klein, Heather [mailto:HKlein@oaklandnet.com]  
**Sent:** Wednesday, March 19, 2008 4:02 PM  
**Subject:** Special Projects Committee Meeting tomorrow to discuss Green Building in the City of Oakland

Attached is tomorrow's agenda for the Special Projects Committee regarding the topic of green building in Oakland. I hope that you'll be able to participate in the discussion.

Heather Klein  
Planner III  
City of Oakland

250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
ph: (510) 238-3659  
fax: (510) 238-6538  
email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)



**Klein, Heather**

---

**From:** TJ Towey [tj@ktarch.com]  
**Sent:** Wednesday, March 19, 2008 3:31 PM  
**To:** Klein, Heather  
**Subject:** Some Input following the meeting.

Hi Heather,

Well, I don't have the typing skills to match Mr. Tolleson's recent missive, but I did have one thought following the meeting that his email reminded me I wanted to share with you.

On the subject of an incentive for "green" projects, we discussed the possibility of expedited plan checking. This is normally an extra fee to the applicant. I believe there could also be a substantial reduction in building permit and plan check fees for the green building, as well. The way to do this without compromising the City's bank account could be to charge all applicants potentially qualified for the "reduction" (say for instance, all new commercial buildings) a "green fee" on the permit, as a percentage cost add. This money would be pooled, and post-construction, a rebate would be granted of some or all of the City's permit fees (expediter, plan check, permit) based on proof (LEED Certification). Bigger rebate for greener certification levels. Like LEED returns the registration fees if you get Platinum. Because many projects would not even try for green, full rebates could be given for Platinum.

I like this idea because the extra fee paid to the City, plus the possibility of a rebate, gets people "incentivized" to go green. Also, if some level of green certification is achieved (those fees are an added mandatory expenditure in themselves) the "break" from the City helps offset the added costs of pursuing LEED certification. If everyone decides to go green, the rebates could be scaled back to keep the "fund" in balance.

Regards,  
T.J.

**Thomas J. Towey, CEO**  
Kornorous-Towey Architects  
315 14th Street  
Oakland, CA 94612  
ph: (510) 446-2244  
fax: (510) 446-2242  
[www.ktarch.com](http://www.ktarch.com)

**Klein, Heather**

---

**From:** Brianne Steinhauser [bsteinhauser@pyatok.com]  
**Sent:** Tuesday, March 18, 2008 10:06 PM  
**To:** Klein, Heather  
**Cc:** Brianne Steinhauser  
**Subject:** Green Building Brainstorming Session  
**Importance:** High

Hi Heather-

I am so sorry this is coming late, but it has been a busier-than-expected week. However, I did want to make a few additional comments since last week's Brainstorming session.

First, I want to thank you! Thanks to you and Ann and all the folks at the City who are making this happen. Having worked with the D.C.'s Planning and Building Departments for a number of years, I can tell you that the past few years of working in Oakland finally makes me optimistic about the difference passion can make. I am truly excited that the ideas of a sustainable city are finally moving beyond the standard, with so many stakeholders from so many corners.

2. I want to clarify a few statements at that meeting. I do not think that only instituting specific mandatory measures work. I agree that the City of Oakland should look at Green Building holistically first, as the big picture is absolutely necessary. But I think most beneficial to the City without risk of eventual obsolete programs/ laws and with the most affect is to begin with specific measures that are particularly burdensome to the City's resources (waste management, tightening water-use req's, infrastructure, transportation issues, density, and overall livability and vision of Oakland as a place to call home). I am more hesitant to support the City on requiring measures that require specific materials or even certain performance of materials (No-VOC, for instance).
3. I would want to see more information about how the City is considering ramping up in staff to handle new work that the GB program would bring, whether it is verification that measures on a Green Building checklist has been built, more time in Planning and Building to do the various checks, review of applications and Planning Commission staff report commentary of G.B. I think it would defeat so much of what is trying to be accomplished by not staffing appropriately, to the point where anyone fills out anything about G.B. because they can get away with it.
4. Requiring 'certification': as a firm that does affordable housing, I worry about the funding of this. GPR isn't that expensive and the paperwork is not tremendous, since a 3rd-party rater does the majority of it. But for the high-rise affordable housing projects (14th & Madison by AHA) that would fall under LEED-NC, the paperwork, time commitment to do the paperwork, and the costs associated are high. Also, as I mentioned at the meeting, Certification comes long after the City is typically involved in the project, a year or two after Substantial Completion often.
5. Parking flexibility! We would love to see a scale of requirements based on use and proximity to other forms of public transportation. We'd love to see the City invest more in ideas like CityCarshare.
6. I see a lot of potential in working with Contractors. There is a lot of work needed to be done. The Waste Management Plan before construction begins that is currently in affect is a good start. Require larger % of construction waste diverted, and provide resources for expanding recycling and reuse. Emissions and transportation routes to sites are important. Pollutant control during construction can be better enforced. Is there a collaboration that can happen between the City and the Contractor on recycling, with required posted signs (multi-lingual) on process and where?
7. It could be beneficial if, like being assigned a Planner or a Plan Check Engineer, every project is assigned a Green Building Coordinator that sits in on the project during early phases, and works as a planner to help ensure quality. Certain measures can then be folded into the Conditions of Approval. Also, Planners, Building Dep't, everyone should be knowledgeable and talk early and frequently on a project about goals.
8. The Resource Center currently doesn't feel like it has much use, except for the newbie single-family home buyer. I can see it evolving into its own department with GB Coordinators on hand to help a project through. See above.
9. Land Use issues are definitely important.

10. The City (separate from Green Building) should have a tree-planting program (or a more robust one), almost like a bicycle plan-certain routes become designated for tree-planting and upkeep. Oakland has a history of taking down trees, and this would tie into #11 on your Urban Environmental Accords.

11. Bicycle parking- most buildings should be required to have some secure, covered parking for its residents/ occupants/ staff. The City should also mandate a min. requirement # of bike racks for visitor parking outside.

Finally, I am curious about attachment C's RECO: I am very hesitant on this, as I see foreclosures happening all over Oakland, and I wonder how this would be resolved between parties, neither of which may have much \$ to upgrade at the point of sale.

Having gone over the packet with Peter Waller from our office, we reviewed this fairly thoroughly, and the above are the thoughts we had. I know it is a lot, but we are excited about this, and would like to give you as much feedback as possible.

I will be leaving town on the 20th, so I will not be able to attend the meeting. However, I wish this goes well, and that you have had a lot of great feedback from the other focus groups. I look forward to reading those notes and hearing how the meeting met. And I look forward to working with you again.

Sincerely,  
Brianne Steinhauser

Associate  
Pyatok Architects, Inc  
1611 Telegraph Ave., Suite 200  
Oakland, CA 94612