Oakland City Planning Commission STAFF REPORT

Case File Number ZT09-157 **April 7, 2010**

Project Name:	**Citywide**
Proposal:	Add a new title, Title 18 Sustainability, Chapter 18.02 Sustainable Green Building Requirements for Private Development Buildings to the Oakland Municipal Code which will require green building improvements for private development projects.
Applicant:	City Planning Commission
Environmental Determination	CEQA Guidelines Sections 15060(c)(2), 15061(b)(3) (General Rule), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning)
Status	The Special Projects Committee and the Landmarks Preservation Advisory Committee recommended that the item be heard before the full Planning Commission.
Action to be taken	Recommendation to City Council contained within staff report
For further information:	Contact case planner Heather Klein at (510) 238-3659 or hklein@oaklandnet.com.

SUMMARY

The conventional construction of buildings and landscapes has an impact on the environment, the economy, and our health. Green building is generally defined as a holistic, whole systems approach, to the life-cycle of a building. Green buildings reduce energy use, conserve water, limit solid waste during construction, and promote healthy indoor air quality All of these benefits have also been found to reduce emissions of carbon dioxide, a green house gas (GHG) and contributor to global warming.

While buildings can be constructed using "green" techniques, the preservation and rehabilitation of existing building stock (including historic properties) plays an even bigger part in achieving significant reductions in waste, energy and water use, and green house gas emissions since most of these buildings were built prior to 1980 and the adoption of the California Title 24 energy code.

Finally, a holistic approach to green building includes landscapes. Green landscapes nurture healthy soils while reducing fertilizer and pesticide use, prevent erosion and runoff; reduce waste through use of recycled content materials; conserve water and energy; and enhance wildlife habitat.

Based on this information and specific direction from the Planning Commission and CED Committee, staff included each project type (new construction, renovations, remodeling, historic buildings, new neighborhoods, and landscapes) in one proposed ordinance.

The purpose of this report is to discuss the proposed mandatory green building requirements for private development projects. Staff requests that the Planning Commission review the staff report and receive public comments. Staff further recommends that the Planning Commission recommend approval of the proposal and forward it to City Council for adoption.

WHAT IS GREEN BUILDING

Green building is generally defined a holistic, whole systems, approach to the life-cycle of a building

#5

which includes location, siting, design, construction and renovation, operation and, finally, demolition of a building. In practical terms, green buildings reduce energy use, conserve water indoors and out, limit waste during construction and operation, and promote healthy indoor air quality. Green Building techniques include choosing an appropriate location away from habitats and greenfields near infill development or on an already developed lot and near transit; siting a building to take advantage of passive heating and cooling methods; and reusing buildings or, alternatively, using recycled or sustainable products that preserve non-renewable natural resources. These buildings also include installation of high efficiency systems to reduce energy and water consumption. Green buildings benefit occupant's health through the use of healthy building materials, including zero to low Volatile Organic Compound (VOC) and formaldehyde free products.

WHY GREEN BUILDING IS IMPORTANT

The demolition, construction, and operation of buildings have an impact on the environment, the economy, and our health. Nationwide, buildings are the largest contributor to green house gases.[1] According to the U. S. Environmental Protection Agency, buildings in the United States, account for:

- 39% of total energy use
- 72% of electricity consumption
- 39% of carbon dioxide emissions
- 30% of greenhouse gas emissions (known contributor to Global Warming)
- 26% of waste stream/ Construction and Demolition debris
- 13% of potable water consumption

The state of California has recently passed legislation to address these impacts including:

- Executive Order (S-20-04) signed by Governor Schwarzenegger requiring all new and renovated state-owned facilities to meet LEED Silver standards.

- Executive Order (EO) S-3-05 signed by Governor Schwarzenegger establishing statewide GHG emissions reduction targets (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) which commits California to reduce GHG emissions to 1990 levels and establishes a multi-year regulatory process under the jurisdiction of the California Air Resources Board (CARB) to establish regulations to achieve these goals.

- Adoption of a state-wide green building code by the California Building Standards Commission, for all new construction which sets targets for site design, energy efficiency, water consumption, framing techniques, diversion of construction waste, material resource conservation, and indoor air quality.

- *California Assembly Bill 375 (SB 375)* which implements AB 32 by linking regional transportation plans with state greenhouse gas reduction goals.

In the City of Oakland, the 1996 Open Space Conservation and Recreation Element (OSCAR) includes policies related to energy efficient site planning, construction, and consumption. The 2004 Housing Element outlines policies and actions related to sustainable development, green building design, and energy conservation. These policies and actions are being updated and expanded upon as part of the

[1] American Institute of Architects, Sustainability 2030

Housing Element update. In addition, the Oakland City Council recently directed staff to develop the draft Oakland Energy and Climate Action Plan using a preliminary planning GHG reduction target equivalent to 36% below 2005 GHG emissions by 2020, and annual benchmarks for meeting the target. Green building actions were included in the draft report as ways to achieve this ambitious goal.

In addition to building impacts, the design, construction and maintenance of landscapes within the City can also have a significant impact on the City's environmental sustainability, use of resources, and the health of the watershed and San Francisco Bay. Based on the Alameda County Waste Characterization Study of 2000, 7% of the materials disposed of in Alameda County landfills are from landscape construction, renovation and maintenance, and plant debris is now banned from Alameda County landfills. In addition to waste issues, the largest use of urban water is for landscape watering[2]. While there is an increasing demand, the water supply is limited and California may face its fourth year of serious drought conditions. To begin to address these issues, the City of Oakland has adopted Ordinance 12950 C.M.S. requiring the Bay Friendly Landscape guidelines be used in all City projects and Oakland is currently subject to the states model Water Efficient Landscaping Ordinance.

In summary a green building ordinance would implement both the state and City's goals and policies.

BACKGROUND

Work to Date

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 several possible recommendations for consideration. 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 that 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.

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.

In July of 2008 former Council President Ignacio De La Fuente announced his intention to pursue green building requirements for private development. This announcement changed staff's direction and we began analyzing mandatory thresholds.

Staff held a wider community meeting in August of 2008 with approximately 45 people attending. Staff again received feedback on possible mandatory green building requirements.

In October of 2008 staff presented a conceptual framework for an ordinance to the Planning Commission and the Community and Economic Development (CED) Committee which was forwarded to the City Council (Attachment A). The conceptual workplan, described in further detail below, outlined key components that would be used as the basis for developing the mandatory thresholds. At the City Council meeting Councilmember Quan requested that the Bay Friendly Landscape Guidelines be included in the proposal.

---

[2] Department of Water Resources

In February of 2009 staff presented initial threshold requirements based on the input received from the community to the Special Projects Committee. The Special Projects Committee generally agreed with the thresholds but had concerns regarding the proposed requirements for high-rise residential, historic buildings, and neighborhoods. The Special Projects Committee asked that staff further evaluate these thresholds and forward the thresholds related to historic properties to Landmarks Preservation Advisory Committee (LPAB) for their review and recommendation.

Staff also held another community meeting on April 20, 2009 to solicit more comments and additional involvement. Approximately 23 persons attended. Staff also developed a brief website to inform the public of our efforts on this proposal.

In March, April, and May of 2009 staff presented the thresholds to the LPAB. The LPAB passed a motion to forward the proposal as written to the Planning Commission with the following recommendations:

- Require that a meeting with a historic preservation planner be added to each threshold related to historic properties. *Staff included this in the Ordinance.*
- The reasons for the meeting should include but not be limited to, a discussion of the hardship of achieving certain green building points and points that would conflict with character defining features. *Staff will develop this further as part of the implementation process.*
- Definition of what constitutes hardship. *Staff included this in the Ordinance.*
- Clarification of what the check lists are (i.e., what are the implications of not having everything checked on the check list, what's required/not required, and some subjectivity on that process). *Staff will develop this further as part of the implementation process.*
- Change and adaptive management of this ordinance when these standards change and as we get more experience. Mandatory review of the ordinance in five years after adoption. *Staff did not include this for legal reasons.*
- A very clear and explicit statement that green building does not trump historic preservation. *This is being reviewed as part of the Ordinance.*
- Including language for a time frame for revisiting the incentive issue. *Once the Ordinance has been implemented staff will revisit the issue of incentives.*

Conceptual Framework Approved as the Basis for the Ordinance and Subsequent Changes to the Framework by Staff

As noted above staff presented a conceptual framework for the Ordinance to both the Planning Commission and the CED Committee. Both the Planning Commission and CED Committee generally agreed with the conceptual plan. This framework outlined important considerations which staff relied upon in developing the proposed Ordinance. These are detailed below.

Threshold of Applicable Projects

Staff recommended that the City address each project type (new construction, renovations, remodeling, historic buildings, etc) in one ordinance. In addition, staff chose existing Planning, CEQA, and Building Permit square footage requirements as break points between thresholds for consistency and ease in implementation.

Green Building Rating Programs

Both the Planning Commission and the CED Committee agreed that the Ordinance should be based on existing green building rating programs since it would be time consuming and difficult to develop our own program when there are recognized programs with credibility and market value. Staff recommended that, in general, the City of Oakland use the Leadership in Energy and Environmental Design (LEED) for

commercial buildings and/or the GreenPoint Rated program for residential buildings as the basis for the Ordinance.

LEED was developed by the US Green Building Council (USGBC) 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, civic, and high-rise residential buildings; however the USGBC has expanded the number of project specific rating systems to include schools, retail, homes, and neighborhoods, just to name a few. The LEED system is a point based program with third party verification. Projects must pre-qualify for LEED by meeting several pre-requisites. The project team then designs features into the project to qualify for points, which are tallied to achieve a rating. In the LEED for New Construction Version 3.0 rating system, the LEED Certified rating is achieved with 40-49 points, LEED Silver is 50-59 points, LEED Gold is 60-79 points, and LEED Platinum is 80+ points. 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 based on the earned level of performance.

Build It Green developed the GreenPoint Rated rating system which has become the standard for evaluating the green performance of new single-family and multi-family projects. Build It Green has also developed an existing (single-family) home rating program and is working on an existing multi-family version. This system is solely based in California and includes practices that exceed California building codes. 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. The project team must retain a GreenPoint Rater to verify compliance with the GreenPoint Rated program. Without documentation, a certified GreenPoint Rater and submittal of the documentation, a project is not considered to be a GreenPoint Rated project.

In addition to LEED and GreenPoint Rated, staff is also using the Small Commercial Checklist and the Bay Friendly Basic Landscape Checklist (Attachment B). These checklists were developed by Stopwaste.Org of Alameda County Waste Management Authority. The Small Commercial Checklist is for those commercial projects where LEED is infeasible or inappropriate while the Bay Friendly Landscape Checklist addresses only green landscape techniques. These rating programs were added to address the expanded project types outlined in the section above. Neither checklist is point based. The project either is including this type of construction and, therefore, the measure that addresses that construction is applicable or the project is not including it and the measure is not applicable. An example, per the Small Commercial Checklist, would be a project including new water faucets. The project would then need to include low flow, water saving faucets. If the project is only for electrical work than this water saving measure is not applicable and is not required. In general both lists contain best management practices and include "low hanging fruit" measures.

Phasing

Staff recommended a three-year phase in period. Staff reasoned that this timeframe would allow the public to become familiar with the green building requirements and try out certain construction methods and products. At the same time staff would be trained in the requirements, have time to work out any conflicts and to provide the public with information.

The Building Services Department had several issues with this and would not recommend approval of this phased approach. While well intentioned, they believe that this process will be difficult to implement within their Division and would actually create more confusion for the development community.

Furthermore, the state recently adopted the CalGreen Building Code which would require certain green building measures by January 1, 2011. For these reasons staff is no longer recommending a phased

approach to the Ordinance. These issues are discussed later in the Key Issues section along with several options for the Planning Commission to consider.

Ratcheting of the Requirements in Future Years

Staff recommended that the City choose a baseline level for the Ordinance and maintain the same minimum level of points over time in order to achieve certification. Staff reasoned that the rating programs are reviewed periodically by stakeholders and points available now might be removed from the checklists and replaced with more difficult requirements or based on new information. (An example of this is the mandatory requirements in the new state Green Building Code.) 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 will employ the latest technologies and will become even more efficient. Therefore, staff believed that there was no need to require point or level increases in the Ordinance because it will be more difficult for the development community to achieve the baseline requirements in future years. Because of this constant program review, staff also recommended using the most current program guidelines and checklists. Staff believed that the construction market will dictate a higher level of green without additional City requirements. The exception to this approach is staff's non-residential green building requirement level. Staff chose LEED Silver over LEED Certified as the baseline as this is the level required for City buildings.

Compliance

Staff recommended that City personnel track the project from planning through plancheck and construction to ensure that the project meets the green building requirements. The project would not be approved, a building permit issued or inspection milestones granted if the initial City review showed that the project would not meet the requirements. Staff did not recommend withholding a certificate of occupancy until the project was certified.

Verification

Staff recommended verification through the LEED and GreenPoint Rated certification process. This is an important part of both rating systems and helps these programs maintain their integrity, market value, and uniformity. As such neither system will permit an applicant to market their building as LEED or GreenPoint Rated without the submission of documentation for review and approval. In essence this is the "teeth" of the programs. Staff did not recommend that the City undertake the role of LEED certifier or GreenPoint Rater for the project as this would be too time intensive and costly for staff.

SUMMARY OF THE PROPOSAL

The proposed requirements cover the following project types.

1. Residential
2. Non-Residential
3. Historic
4. Projects with Notice of Funding Availability (NOFA)
5. Mixed Use
6. Landscapes

The Ordinance (Attachment C) will generally be voluntary, except for submittal of the specific checklists until December 31, 2010. Beginning January 1, 2011 the Ordinance will become fully effective. The project applicant must meet any pre-requisites and the minimum level. The project will be required to comply with the Ordinance in each construction phase: entitlements (Planning), plan check and building permit issuance, and inspections. The project must be certified by the specific third-party rating program unless otherwise stated. The size thresholds for compliance are directly related to existing Planning and Building Code permit thresholds. Below are the proposed thresholds and further discussion.

1. Residential New Construction	
A. One and Two Family Dwellings (Group R Occupancy)	
Checklists	***Minimum Requirements***
• Build It Green: Single Family GPR • LEED for Homes	• Completed checklist • Minimum point requirement for certification • Certification
B. Multi-Family Dwellings (3+ units) (Group R Occupancy)	
Checklists	***Minimum Requirements***
• Build It Green: Single Family GPR • Build It Green: Multi-Family GPR • LEED New Construction	• Completed checklist • Minimum point requirement for certification • Certification

In the first section, any new single-family or duplex construction project would follow the Build It Green: New Home Green Point Rated (GPR) checklist. Secondary units would not be required to follow these requirements even if detached. The project applicant would need to submit the checklist, meet the minimum requirements (currently 50 points) to be considered a GreenPoint Rated (GPR) project and have the project certified by Build It Green.

The next section is similar to the single-family construction threshold in phasing; however, new construction of 3 + units would use the Build it Green Multi-Family GPR Checklist.

The LEED rating system (as appropriate) can also be used as an alternative compliance path for all residential new construction.

2. Residential Additions and Alterations	
A. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)	
Checklists	***Minimum Requirements***
Build It Green: Existing Home GPR	• Completed checklist • Minimum point requirement for certification (Elements Label) • Certification (Elements Label)
B. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)	
Checklists	***Minimum Requirements***
Not available	When available: • Completed checklist • Minimum point requirement for certification • Certification

Additions, alterations, and remodeling projects that exceed 1000 sq. ft. of total floor area would need to comply with Build It Green: Existing Home Green Points Checklist. Staff chose this threshold as these projects currently need to go through the more stringent Tract III Design Review process. Under the Existing Home Green Points Checklist, Build It Green offers two certifications: Elements and Whole House. The Elements certification is for smaller remodels such as a kitchen or bathroom remodel or addition. The Whole House certification is for larger remodels that effect the building's mechanical, plumbing, and electrical system. Staff chose the Elements certification as the basis for this threshold as it is less onerous and yet would still apply to the majority of these projects. The Whole House certification is an acceptable compliance path where appropriate.

Build It Green currently uses the Green Rehabilitation of Multifamily Rental Properties and the Build It Green Multifamily Guidelines for Existing Multi-Family additions, alterations, and retrofits. However, Build It Green is currently developing a rating system for existing multi-family projects and the pilot program was expected to begin in January with the intent to finalize the system by mid-year. The manual and checklist are expected to be available for use by mid to late this year. Staff has included multi-family projects in the Ordinance as a placeholder and will re-review the Ordinance thresholds when the checklist and manual are available. However, it is expected the multi-family process will follow the same approach as the Existing Home program and therefore staff would follow the same approach as the other thresholds in the Ordinance regarding number of points, certification, etc.

3. Non-Residential New Construction	
A. Non-Residential projects between 5,000 to 10,000 sq. ft. of floor area	
Checklists	***Minimum Requirements***
Small Commercial Checklist	• Completed checklist • All applicable measures on the Small Commercial Checklist • Certification
B. Non-Residential projects between 10,000 to 25,000 sq. ft. of total floor area	
Checklists	***Minimum Requirements***
• LEED New Construction • Other LEED checklist • Small Commercial Checklist	• Completed LEED checklist and Small Commercial Checklist • All applicable measures on the Small Commercial Checklist • Certification
C. Non-Residential projects over 25,000 sq. ft. of total floor area	
Checklists	***Minimum Requirements***
• LEED New Construction • Other LEED checklist	• Completed checklist • LEED Silver point requirement • Certification

In the first section, any new non-residential construction project between 5,000 and 10,000 sq. ft. would submit the Small Commercial Checklist. The applicant must attain all applicable measures points on the Small Commercial Checklist only. City staff would verify that the project has attained all applicable measures.

In the second section, any new non-residential construction project between 10,000 and 25,000 sq. ft. would submit a LEED checklist. The applicant and staff would choose which specific rating system would be most appropriate for the project. In addition, the applicant would need to submit the Small Commercial Checklist. In requiring two checklists, staff is hoping to encourage applicants to go beyond the Small Commercial Checklist and submit for LEED certification which would be appropriate for this level of construction. The applicant must attain all applicable measures points on the Small Commercial Checklist only. City staff would verify that the project has attained all applicable measures.

The third section requires LEED as the rating system. The applicant and staff would choose which specific rating system would be most appropriate for the project. The applicant must submit the LEED appropriate checklist, meet the minimum amount of points to achieve LEED Silver and certification by the USGBC would be required.

4. Non-Residential Additions and Alterations	
A. Non-Residential Additions and Alterations between 5,000 - 25,000 sq. ft. of floor area	
Checklists	***Minimum Requirements***
Small Commercial Checklist	• Completed checklist • All applicable measures on the Small Commercial checklist
B. Non-Residential Additions and Alterations (see Major Alteration definition) over 25,000 sq. ft. of floor area	
Checklists	***Minimum Requirements***
• LEED New Construction • LEED Commercial Interiors • Other LEED checklist	• Completed checklist • LEED Silver point requirement • Certification
C. Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area	
Checklists	***Minimum Requirements***
• LEED New Construction • LEED Commercial Interiors • Other LEED checklist • Small Commercial Checklist	• Completed LEED checklist and Small Commercial checklist • All applicable measures on the Small Commercial checklist • Certification

In the first section, additions, alterations, or remodeling projects between 5,000 and 25,000 sq. ft. would need to submit the Small Commercial Checklist and achieve all applicable measures on the small checklist.

Addition and alteration projects that are over 25,000 sq. ft. would need to comply with LEED for Commercial Interiors or other appropriate LEED program. The applicant must submit the checklist, attain a LEED Silver rating and certification through the USGBC.

However, if the project is over 25,000 sq. ft. of floor area and does not include the removal of interior finishes and/or major upgrades to mechanical, electrical and/or plumbing systems, it is unlikely that the project could meet the requirements for LEED certification. In this case, the project would go through an alternative compliance process. The project applicant would submit both the LEED checklist and the Small Commercial Checklist and attain all applicable measures on the Small Commercial Checklist. The City would certify that the measures have been met.

5. Removal of a Historic Resource and New Construction	
A. New Construction projects resulting in removal of a Historic Resource	
Checklists	***Minimum Requirements***
• Build It Green: Single Family GPR • Build It Green: Multi-Family GPR • LEED Homes • LEED New Construction • Other LEED checklist	• Completed checklist • Consultation with a Historic Preservation Planner • LEED Gold for non-residential construction or 75 GPR points for residential construction • Certification • Deconstruction of the Historic Resource

For applicants proposing the demolition of a historic resource and new construction, they must submit the appropriate LEED or GreenPoint Rated checklist, meet with a Historic Preservation Planner, and achieve an increased number of green building points and attain certification. The point requirement for residential new construction would increase from 50 to 75 points and the commercial new construction would increase from LEED Silver to LEED Gold. This requirement would ensure that the City of Oakland is getting a new building that is comparable in terms of design quality, construction, and importance to that which was demolished.

The applicant must also utilize deconstruction techniques of the historic building. Deconstruction is the systematic dismantling of a building to preserve the useful value of its component materials. Unlike demolition, which landfills potential reusable building materials, deconstruction disassembles buildings in a manner that conserves and sorts materials that can be used again or remanufactured into higher-value goods.

6. Historic Residential Additions and Alterations	
A. Single-Family Additions and Alterations of Potentially Designated Historic Resources rated C or higher that exceed 1,000 sq. ft of floor area	
Checklists	***Minimum Requirements***
Build It Green: Existing Home GPR	• Completed Checklist • Consultation with a Historic Preservation Planner • Minimum point requirement for certification (Elements Label) • Certification
B. Multi-Family Additions and Alterations of Potentially Designated Historic Resources rated C or higher	
Checklists	***Minimum Requirements***
Not available	When available: • Completed checklist • Consultation with a Historic Preservation Planner • Minimum point requirement for certification • Certification

These requirements are the same as for additions or alterations to non-historic residential properties except that the applicant must meet with a Historic Preservation Planner.

7. Historic Non-Residential Additions and Alterations	
A. Non-Residential Additions and Alterations of a Historic Resource between 5,000 - 25,000 sq. ft. of floor area	
Checklists	***Minimum Requirements***
Small Commercial Checklist	• Completed checklist • Consultation with a Historic Preservation Planner • All applicable measures on the Small Commercial checklist • Certification
B. Non-Residential Additions and Alterations of a Historic Resource over 25,000 sq. ft. of floor area (see Major Alteration definition)	
Checklists	***Minimum Requirements***
• LEED New Construction • LEED Commercial Interiors • Other LEED checklist	• Completed checklist • Consultation with a Historic Preservation Planner • LEED "Certified" point requirement • Certification
***C.* Alternate compliance: Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area**	
Checklists	***Minimum Requirements***
• LEED New Construction • LEED Commercial Interiors • Other LEED checklist • Small Commercial Checklist	• Completed LEED checklist and Small Commercial checklist • All applicable measures on the Small Commercial checklist • Certification

In this section, additions, alterations, or remodeling projects between 5,000 and 25,000 sq. ft. would need to submit the Small Commercial Checklist, meet with a Preservation Planner and achieve all applicable measures on the small checklist. These are the same thresholds for non-historic, non-residential additions and alterations.

Addition and alteration projects that are over 25,000 sq. ft. would need to comply with the Commercial Interiors or other appropriate LEED program. The applicant must submit the checklist, attain a LEED Certified rating and certification through the USGBC. The reduction in the requirement, from LEED Silver for new construction to LEED Certified for renovations, is meant to encourage project applicants to save and rehabilitate the building instead of demolishing it.

However, if the project is over 25,000 sq. ft. of floor area and does not include the removal of interior finishes and/or major upgrades to mechanical, electrical and/or plumbing systems, it is unlikely that the project could meet the requirements for LEED certification. In this case, the project would go through an alternative compliance process. The project applicant would submit both the LEED checklist and the Small Commercial Checklist and attain all applicable measures on the Small Commercial Checklist. The City would certify that the measures have been met.

8. Affordable Housing Construction receiving City/Redevelopment Agency Funds	
A. One, Two, and Multi-Family New Construction	
Checklists	***Minimum Requirements***
• Build It Green: Single Family GPR • Build It Green: Multi-Family GPR • LEED for Homes • LEED for New Construction	• Completed checklist • Minimum point requirement for certification • Certification
B. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)	
Checklists	***Minimum Requirements***
Build It Green: Existing Home GPR	• Completed checklist • Minimum point requirement for certification (Elements Label) • Certification
B. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)	
Checklists	***Minimum Requirements***
Not available	When available: • Completed checklist • Minimum point requirement for certification • Certification

This threshold addresses projects that receive Notice of Funding Application (NOFA) funds from the City for affordable housing projects. The requirement timeframes for this type of project are different from other project types because these requirements are currently part of the NOFA process. To qualify for NOFA funds the applicant must complete the checklist and achieve at least 50 GreenPoint Rated points. Staff is recommending continuing and codifying this proposal as part of the green building Ordinance.

9. Mixed-Use Construction	
A. Portion of project exceeding thresholds as defined above will determine the rating system and checklist for whole project	
Checklists	***Minimum Requirements***
• Build It Green • LEED Checklist • Small Commercial Checklist	• Completed checklist • Minimum point requirement for certification • Certification
B. Alternate compliance path: Certify each portion of the building separately per the appropriate GreenPoint Rated, LEED or Stopwaste.Org checklist)	
Checklists	***Minimum Requirements***
• Build It Green • LEED Checklist • Small Commercial Checklist	• Completed checklist • Minimum point requirement for certification • Certification

This section addresses mixed-use projects that contain both residential and commercial uses. The rating program for mixed-use projects will be evaluated by the Planning staff and based on which use exceeds the above thresholds. As a general rule, the use with more square footage would determine the rating program. However, staff would generally choose a stricter threshold if applicable. For example, in a new construction project with 7,000 square feet of commercial and 2 units, staff would choose the Build It Green Multi-Family threshold for compliance. In this case the square footage of the units would likely be less than the commercial square footage, but the commercial space would only require verification of best management practices per the Small Commercial Checklist while the residential units would require GreenPoint Rated certification.

10. Construction Requiring a Landscape Plan	
A. Construction projects between 500 - 25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan	
Checklists	***Minimum Requirements***
Bay Friendly Basic Landscape Checklist	Completed checklist
B. Construction projects greater than 25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan	
Checklists	***Minimum Requirements***
Bay Friendly Basic Landscape Checklist	• Completed checklist • All applicable measures on the Bay Friendly Basic Landscape Checklist • Certification

This section addresses landscaping within development projects. Applicable projects would need to comply with the Bay Friendly Basic Landscape Checklist. In the first section, projects between 500 and 25,000 sq. ft. of floor area need to only submit the checklist

In the second section, the project applicant must submit the checklist if the project is greater than 25,000 sq. ft. and achieve all applicable measures on the checklist. This threshold is in addition to the other green building thresholds above but points may overlap between the building and landscapes checklists. The stricter requirement shall apply if the rating systems are inconsistent.

GENERAL PLAN POLICIES

Several of the City's General Plan Elements describe policies and actions related to sustainability and that address energy efficiency, water conservation, reuse of materials to reduce waste and conserve natural resources and healthy air quality, which are the hallmarks of a green building. Below is an abbreviated list of the specific policies and actions that directly relate to the individual measures in the green building checklists.

Land Use and Transportation Element of the General Plan

The following General Plan Land Use and Transportation Policies apply to the proposed Ordinance:

Policy: W3.3- Protecting and Preserving Wetland Plant and Animal Habitats
Policy I/C2.1- Pursuing Environmental Cleanup
Policy T3.6 - Encouraging Transit
Policy T.4.1 - Incorporating Design Features for Alternate Travel
Policy D6.2 - Reusing Vacant or Underutilized Buildings
Policy N8.1 - Developing of Transit Villages

Historic Preservation Element of the General Plan (HPE)

The following HPE Goals and Policies apply to the proposed project:

Goal 2: To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural, or aesthetic interest or value.
Policy 2.1 - Preservation Incentives and Regulations for Designated Historic Properties
Policy 3.1 - Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions

Safety Element

The following Safety Element Policies apply to the proposed project:

Policy GE-2: Continue to enforce ordinances and implement programs that seek specifically to reduce the landslide and erosion hazards.
Policy HM-2: Reduce the public's exposure to toxic air contaminants through appropriate land use and transportation strategies.

Open Space Conservation and Recreation Element (OSCAR)

The following OSCAR Element Objectives, Policies, and Actions apply to the proposed project:

Objective CO-1: To protect and preserve soil as a resource for healthy plant, animal, and human life.
Objective CO-2: Encourage practices to minimize the risk of landsliding
Objective CO-4: To maintain a water supply sufficient to meet local needs while minimizing the need to develop new water supply facilities.
Objective CO-5: To minimize the adverse effects of urbanization on Oakland's groundwater, creeks, lakes, and near shore waters.
Objective CO-7: To minimize the loss of native plant communities and restore these communities where they have been damaged or lost and to preserve Oakland's trees unless there is a compelling safety, ecological, public safety, or aesthetic reasons for their removal

Objective CO-12: To improve air quality in Oakland and the surrounding Bay Region.
Objective CO-13: To manage Oakland's energy resources as efficiently as possible, reduce consumption of non-renewable resources, and develop energy resources which reduce dependency on fossil fuels.
Objective OS-8: To conserve wetlands so that they will continue to provide habitat for fish and animals
Objective OS-9: To protect rare, endangered and threatened species from the effects of urbanization
Action CO-13.3.3: Consider developing additional measures to promote energy efficient building design and construction and energy efficient site planning.

Housing Element

The following Housing Element Policies and Actions apply to the proposed Ordinance:

Policy 7.1 - Sustainable Residential Development Programs
Policy 7.2 - Energy Conservation
Action 1.3.4 – Transit Oriented Development
Action 7.1.1 – Green Building for Private Development
Action 7.1.3 – Re-use of Building Materials
Action 7.4.1 – Compact Building Design

Scenic Highway Element

The following Scenic Highway Element Policy applies to the proposed Ordinance: Urban development should be related sensitively to the natural setting.

ENVIRONMENTAL DETERMINATION

The project has undergone review to assess its potential environmental impacts. Staff has made the determination (see Attachment D for a detailed explanation), based on this analysis, that the proposed Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15060(c)(2), 15061(b)(3) (General Rule), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), each of which constitutes a separate and independent basis for the exemption.

OTHER LEGAL REQUIREMENTS AND CONSISTENCY WITH STATE POLICY

Staff has been advised that adoption of mandatory Green Building requirements does trigger certain State law procedural requirements, as discussed below.

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 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. StopWaste.Org has completed a Cost Effectiveness Analysis for climate zones 3 and 12 for cities within Alameda County. Since Oakland is located in climate zone 3, staff can use this cost effectiveness study to comply with the CEC requirements. Several other jurisdictions within Alameda County have successfully submitted the same Cost Effectiveness Study to the CEC. Staff will submit the Cost Effectiveness Study to the CEC for review and approval between the City Council's 1st and 2nd reading of the Ordinance. The Cost Effectiveness Study is included as Attachment E.

California Green Building Standards Code / State of California Building Standards Commission

The California Building Standards Commission adopted the Green Building Standards Code, Title 24 Part 11 in 2008. The purpose of this code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental air quality. The code covers both residential and non-residential buildings. Most measures are voluntary were several mandatory measures.

Recently, the state approved amendments to the Green Building Standards Code. The measures are only applicable to new construction and include basic stormwater measures, water efficient fixtures, construction management plans, VOC limits, bike parking requirements, and indoor air quality measures.

Other measures are now divided into two tiers (prescriptive and performance approaches) and these tiers are voluntary measures. The tiers describe how a project can achieve a "Calgreen" label by exceeding the mandatory standards. Within the tiers there are different requirements related to water and energy consumption; waste diversion; low-pollutant paints, and carpets, and flooring, to name a few. However, staff believes the new voluntary measures are really just best practices and the Calgreen label is not stringent enough to be considered as part of the Ordinance. It is not a holistic approach to green building and instead it is staff's opinion that it focuses more on products rather green building systems. Furthermore, Calgreen tiers do not require verification of these measures by a third party in order to be called a Calgreen project.

The state still allows local jurisdictions to exceed and modify the adopted building codes on the basis of climactic, topographical, and geological findings. Because the City's Green Building Ordinance involves amendments to the California Building Code, staff has made these findings and will submit them to the Building Standards Commission (BSC). Currently the BSC only files the findings. They do not review and approve and they currently have no authority to deny the submitted findings. The BSC has adopted StopWaste.Org's Model Findings into the appendix of the Green Building Standards Code as an example of how to prepare Model Findings. Staff has completed the Findings based on StopWaste.Org's model document and these are included as Attachment F.

KEY ISSUES

As stated above, staff presented the proposed thresholds to the Special Projects Committee who had concerns regarding the thresholds for high-rise residential, historic buildings, and neighborhood projects. In subsequent meetings with the development community these specific thresholds continued to be of significant concern. Below is a summary of these and other key issues (see also Attachment G).

Residential High-rise Projects

Staff originally required that high-rise residential projects (those projects requiring a Conditional Use Permit for a Large-Scale Development) to attain LEED Silver certification. Staff's reasoning was that this would be the same threshold as for large scale, high-rise commercial buildings. Based on further conversations with StopWaste.Org, Build It Green, and architects, a developer can choose whether to install a residential system or commercial system. Since the applicant can choose and is not required to install a commercial-type mechanical system staff believes that the Build It Green threshold of 50 points is appropriate. If an applicant wanted to certify under the LEED rating system that would be considered an acceptable alternative compliance option, as it would for all projects. Staff believes that these changes address the development community's concerns.

Demolition of a Historic Resource and New Construction

Staff originally proposed that new construction projects that demolish a historic structure automatically start out with a 50% negative point value and must achieve LEED Silver (without the negative start it would be a LEED Gold project). The purpose of the negative points was to require a penalty for not incorporating the historic structure or adaptive reuse of the building into the project. The Special Projects Committee thought that the negative point requirement was confusing. Staff eliminated this language to just require a LEED Gold building with certification for commercial projects. Commenter's at the hearing were also concerned that LEED certification was being required for new residential construction with demolition of a historic resource. Staff clarified the language for residential projects. The applicant must submit the appropriate GreenPoint Rated checklist, meet with a Historic Preservation Planner and achieve 75 green building points and attain certification. The applicant must also "deconstruct" the historic resource to preserve and recycle the existing building materials.

Staff has received many comments regarding this premium for demolition of a historic resource and new construction. Staff believes that the threshold is still appropriate for reasons detailed below.

Embodied Energy and Waste Regarding Demolition of Existing Buildings

The biggest issue within the green building community has become how to address existing buildings. According to the California Energy Commission approximately 72% of California's existing residential stock and approximately 46% of its non-residential buildings were built the adoption of the California Title 24 energy code. According to Oakland's Historic Element of about half of the City's buildings date from before 1946.

However, when analyzing the energy efficiency of a building most people only refer to the operating energy or how much energy it takes to heat, cool, and light a building. Embodied energy or the amount of energy bound up in the existing building or how much energy it took to build the building is not considered. According to a recent article in Preservation Magazine, a new energy-efficient office building doesn't start saving energy for about 40 years. If a new building replaces (demolishes) an older building it takes 65 years to recoup the energy lost because the demolition and disposal of construction materials consumes a significant amount of energy. For a residential building, it takes 13 years to recoup the lost energy but given the current size of new homes the time period would increase to 28 years.

As also shown previously in the report, the construction of buildings generate 30% of waste output/136 million tons annually in the US. Statewide, California landfills are heavily impacted by over 4 million tons of construction and demolition (C&D) debris each year. According to the US EPA, building demolition accounted for 48% of the national C&D waste stream per year, while renovations accounted for 44%.

In summary, the renovation of existing buildings will be major factor in achieving the state's goal of a reduction in GHG emissions reduction by 80 percent of 1990 levels in 2050 or the City's preliminary goal of 36% by 2020. However, it is not the state's intention to promote demolition of existing buildings and new construction to completely achieve this goal. Based on the Greenhouse Gas Reduction Strategies [3] developed by the state's Climate Action Team, zero waste and high-recycling programs would account for 10 million tons of CO2 saved by 2020. This is the third highest strategy after vehicle standards and a renewable energy portfolio.

Economic Reasons to include Historic Commercial Buildings in the Ordinance

[3] Climate Action Team; http://www.climatechange.ca.gov/publications/factsheets/2005-06_GHG_STRATEGIES_FS.PDF

The retention and remodel of existing buildings makes sense not only from a waste and energy standpoint but from an economic one. Staff had several discussions with the Economic Development Division about whether to include a threshold related to historic commercial buildings. Recently commercial developers have begun to voluntarily certify new Class A buildings through the LEED rating program. Class A spaces are typically the highest quality office space locally available, including modern construction with state-of-the-art functionality and architectural design, infrastructure, life safety and mechanical systems. Potential tenants see the benefit of LEED certification because that ensures a healthier working environment, locations close to transit, with natural lighting and other sustainable features.

However, many tenants see an existing commercial building, typically Class B or C, as inferior to a newly built commercial building. The Economic Development Division confirmed that they have a harder job finding tenants for these spaces because they are not LEED certified. It is one of the first questions posed to the Division when discussing available office space. The fact is that the Class B and C buildings will not be able to compete for tenants unless the City addresses existing alterations or remodels of these buildings. As unoccupied, these buildings will fall into disrepair and eventually an applicant will request demolition. However, there is a proven market for Class B and C buildings with lower lease costs than Class A buildings but with LEED certification. The Uptown Arts Building is a recent example of an existing historic building that achieved LEED certification for a renovation.

Staff's Approach to Existing Buildings including Historic Resources

While buildings can be constructed using "green" techniques, based on the statistics above, the preservation and rehabilitation of existing building stock (including historic properties) plays an even bigger part in achieving significant reductions in waste, energy and water use, green house gas emissions and regional competiveness. Many jurisdictions addressed building renovations but exempted historic buildings from their green building ordinances. It seems part of their reasoning stemmed from the assumptions that 1) historic buildings are already green based on material consumption savings in these buildings and 2) that green renovations would harm the historic status of the building. The exception to this thinking is San Francisco's green building ordinance which addresses demolition of any building.

It has been well-documented that historic buildings can attain green building certification. As of 2005 approximately 131 historic building applications have been registered as a LEED projects through the USGBC and 4.2% of those were National Register resources. Furthermore, the State Office of Historic Preservation "promotes energy and resource conservation in historic buildings and believes this can be accomplished responsibly without compromising the qualities that define their intrinsic historic character." So while historic buildings are intrinsically "green", there is an opportunity to improve upon the sustainable features in these buildings without compromising the historic components. Historic Residential Buildings can also achieve a Build It Green's Existing Home certification.

Lastly, staff believes that a comprehensive green building ordinance must address the entire lifecycle of a building including demolition. Staff believed that it was too onerous a requirement to address the demolition of any building in Oakland within the green building Ordinance. However, projects that currently demolish a Potentially Designated Historic Property (PDHP) rated C or higher on the Local Register must already meet more stringent entitlement (findings for demolition, CEQA review, and design review) requirements than a proposal on vacant land. Basically these properties are already singled out for additional and stricter consideration based on the historic nature of the property. The Green Building Ordinance proposal for additional green building requirements for projects that involve demolition of a PDHP parallels this policy direction of more stringent review and requirements. By accommodating an existing historic building into the proposed project, less energy is consumed, construction waste is diverted, and material resources are saved. In sum, new construction requirements alone cannot achieve Oakland and the state's sustainable goals.

Premium for Demolition of a Historic Resource

Based on the information above, staff believed that it would be a glaring omission to exclude renovations and demolition of historic properties from a green building ordinance. Staff increased the required number of green measures/points as a disincentive to demolish a historic resource. This premium to demolish a historic building is also largely based on discussion that occurred during the public hearing to adopt San Francisco's green building policy. The San Francisco Board of Supervisors required an applicant go beyond the base green building thresholds if demolition occurs as part of the project in order to close, what they believed was a loophole actually encouraging demolition of historic resources. The thought was that an applicant would claim that they *needed* to demolish a historic structure in order to meet the stringent green building ordinance. Staff believes the same risk to historic structures applies in here Oakland as well. Oakland's Historic Element states that since World War II, Oakland has lost a significant number of historic properties due to demolition, insensitive alteration or neglect. This trend is still continuing. Therefore, staff included a 25 point increase for residential buildings and an increase from LEED Silver to LEED Gold for non-residential buildings if demolition of a resource is included in the project. Staff believes that this type of disincentive for demolition will preserve more historic projects especially where there is already a disincentive (public comment, expensive CEQA review, consistency with City policy, etc) for demolition.

Consistency with the General Plan

Staff also included the disincentive to demolish a historic resource for consistency with and to implement the General Plan. As detailed above in the *General Plan* section several objectives, policies, and actions promote the reuse of vacant or underutilized buildings and enacting of policies to discourage demolition. In fact one of the major goals of the Historic Preservation Element is to "preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural, or aesthetic interest or value." Policy 2.1 states that the City shall use a combination of incentives and regulation to encourage preservation of significant historic properties… Staff believes that the green building Ordinance is one of many ways in which this policy can be implemented. The work on demolition and alteration findings that will be considered by the Planning Commission is another such area.

The green building Ordinance will complement the proposed demolition findings, as well as other existing policies. Staff consistently uses ordinances to implement General Plan policies and actions. Since the Green Building Ordinance addresses construction waste and reuse of materials and the Historic Preservation Element addresses demolition (i.e. waste), staff believes that is appropriate to include stricter demolition thresholds for historic resources in a green building ordinance. The proposed demolition threshold is not intended to circumvent or eliminate but complement existing and proposed policies encouraging preservation of existing buildings and historic resources.

Finally, staff is also offering an incentive for applicants to rehabilitate and renovate a historic commercial building. In the proposed Ordinance the applicant must only attain LEED Certified for a non-residential building. The reduction in the requirement, from LEED Silver for new construction to LEED Certified for renovations, is meant to encourage project applicants to save and rehabilitate the building instead of demolishing. There is no such incentive for residential projects since staff is using the minimum level for certification as the baseline threshold and we would not want to eliminate certification completely for residential projects.

Possible Options for Consideration

Staff believes that the development community still has concerns with a premium threshold for demolition of a historic resource. Below are several options for the Planning Commission's consideration in order of staff's support.

- The Planning Commission could consider a reduction in the point requirement from 75 points to a lesser number.

  Staff would not recommend lowering the residential threshold to less than 60 points. Staff choose based on what we believed was an adequate disincentive since a GreenPoint Rated project automatically receives 30 points just for meeting the pre-requisite of 15% above Title 24. Furthermore many other cities ordinances already go above the 50 point baseline including, but not limited to:
  - Sunnyvale 70 points > 1,500 sf
  - Palo Alto – 70 points for projects >1,250 sf
  - San Francisco 75 points in 2012
  - San Raphael 60 points

- The Planning Commission could reduce the threshold to only include historic resources that are Landmarked, in a Preservation District, or have a historic rating through the Oakland Cultural Heritage Survey of an A or B.

  Staff believes that decreasing the threshold for green building requirements would be a mistake. It would exempt a majority of the historic building stock from the requirement and could result in significant demolition of C rated buildings in Areas of Primary Importance. Furthermore, the resources listed above already are more difficult to demolish due to CEQA. Therefore, reducing the requirement would not impart as significant a disincentive.

- The Planning Commission could eliminate the disincentive threshold for demolition.

  Staff would not recommend this option. However, if the Planning Commission chose to pursue this option staff would recommend that the Planning Commission include in the Ordinance a policy statement that preservation of historic resources is an important factor in achieving the city's green building goals and that demolition of these resources is contrary to the City's green building and climate goals, as well as the HPE's goals.

LEED for Neighborhood Development

Staff eliminated this threshold for consideration.

Costs

Developer Costs

Sustainable buildings generally incur a premium above the costs of standard construction in order to implement green features and systems. However, they also provide an array of financial and environmental benefits that conventional buildings do not. Benefits, such as energy and water savings, should be looked at through the life cycle of a building, not just evaluated in terms of upfront costs. The life cycle costs include initial costs (design and construction); operating costs (energy, water/sewage, waste, recycling, and other utilities); maintenance, repair, and replacement costs; and other environmental or social costs/benefits (impacts on transportation, solid waste, water, energy, infrastructure, worker productivity, outdoor air emissions, etc). Although some of the benefits (indoor air quality and health) are difficult to quantify, if the costs are viewed from an overall building life cycle standpoint, the savings resulting from an initial investment in sustainable design and construction techniques will exceed any additional upfront costs.

The proposed Green Building Ordinance will require upfront costs to an applicant. According to a 2003 report to the California Sustainable Building Task Force the upfront costs for a LEED building are estimated at about 2% with additional costs for a LEED platinum building.[4] This percentage was based on LEED certified buildings and so includes the third party certification through the USGBC. StopWaste.Org concurs that a green building will cost about 2-5% more than a conventional building.

Staff Costs

Similarly to San Jose's green building ordinance, the proposed Ordinance has been designed to limit the impact on existing staff resources and avoid new development fees by having a third-party verify project compliance with the applicable green building standard. Staff believes that having a project be reviewed for compliance through each stage in the development process, i.e. planning entitlements, plan check review, and inspections, will result in a project meeting the Ordinance without additional fees or deposits. Staff believes that this checks and balance approach will be successful. However, the City may choose to include a fee or deposit if necessary to recoup unintended staff costs.

Implementation of the policy will still require increased staff time but due to the involvement of the third party rater is not expected to increase costs. Staff has already drafted public information materials and development application materials. Staff will need to train staff on implementation of the proposed policy as well as assist the public with implementation.

Incentives

The Planning Commission reviewed the issue of incentives at the October 2008 hearing. They were not inclined to pursue any incentives at that time. However, this is still an issue within the development community and staff anticipates holding additional community meetings to discuss this further.

CONCLUSION

As stated earlier in the report, building construction renovations, and demolition have serious effects on the environment in terms of energy consumption, material resources, overall waste, and air quality. Oakland is at the forefront of these issues with the adoption of the Sustainable Development Initiative, the Urban Accords, and preparation of an Energy and Climate Action Plan. As shown in the discussion above, the proposed green building Ordinance takes into account the specific development conditions in Oakland including Oakland's sustainable and General Plan goals and policies. The Ordinance is progressive and comprehensive, addressing all types of construction through the building's complete lifecycle.

RECOMMENDATIONS:

Staff asks that the Planning Commission:

1. Review the staff report,
2. Receive public comments,
3. Affirm staff's environmental determination based on the findings contained in the report, and

4 The Costs and Financial Benefits of Green Buildings: A Report to California's Sustainable Building Task Force; October 2003

4. Recommend approval of the proposal to the City Council for adoption.

Respectfully submitted:

ERIC ANGSTADT
Deputy Director
Community and Economic Development Agency

Prepared by:

Heather Klein
Planner III, Major Development Projects

Attachments:
A: CED Report dated, October 14, 2008
B: Green Building Checklists
C: Draft Oakland Municipal Chapter 18.02
D: Categorical Exemption CEQA Document
E. Cost Effectiveness Study for the CEC and the Model Findings for the BSC
F: LEED for Neighborhood Development and General Plan Consistency
G: Public Comments