

**Application for Locally Adopted Energy Standards  
by the City of Oakland in Accordance With  
Section 10-106 of the California Code of Regulations,  
Title 24, Part 1**

July 26, 2010

From:  
Heather Klein, CGBP, LEED AP  
City of Oakland  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
510.238.3659  
Email: [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com)

Report prepared by:  
Michael Gabel  
Gabel Associates, LLC  
1818 Harmon Street, Suite #1  
Berkeley, CA 94703  
(510) 428-0803  
Email: [mike@gabelenergy.com](mailto:mike@gabelenergy.com)

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*Appendix: Alameda County Small Commercial Green Building Checklist*

## **1.0 Executive Summary**

The Oakland Council approved the introduction of its Green Building Ordinance on July 6, 2010. The new ordinance is scheduled to take effect under the state's 2008 Building Energy Efficiency Standards, and require that permit applicants exceed the state's energy efficiency requirements under provisions which take effect January 1, 2011. Gabel Associates has researched and reviewed the feasibility and energy cost-effectiveness of permit applicants exceeding the 2008 Standards in order to meet the minimum energy efficiency requirements of the proposed ordinance.

### *Overall Scope of the Oakland Ordinance*

<b>New ordinance or revision to previous ordinance?</b>	<b>New Ordinance</b>
<b>Projected Effective Date:</b>	<b>Phase 1: September 15, 2010 Phase 2: January 1, 2011</b>
<b>Green building or stand-alone energy ordinance?</b>	<b>Green Building Ordinance</b>
<b>Do minimum energy requirements increase after initial effective date?</b>	<b>Yes</b>
<b>Occupancies covered?</b>	<b>Residential and Nonresidential Buildings</b>
<b>Energy requirements apply to new construction, additions, alterations?</b>	<b>New Construction, Additions and Remodels</b>
<b>Special or unusual energy requirements?</b>	<b>Alameda County Small Commercial Green Building Checklist</b>
<b>Third party verification?</b>	<b>Green Building Certification for all occupancies</b>
<b>Implementation details in the ordinance or in a separate document?</b>	<b>Within the Ordinance</b>

Key Features of the Oakland Ordinance By Occupancy Type

Occupancy Type	General Requirements	Minimum Energy Requirement Effective January 1, 2011
Single Family and Multi-family Buildings:	2010 GreenPoint Rated	
All New Construction	Certification	15% Better-than-Title 24
Additions & Alterations > 1000 sf	Certification	
Nonresidential Buildings:	Alameda County Small Commerical Green Building Checklist	
New Construction: 5,000 to 10,000 sq.ft.	All Applicable Measures	10% Better-than-Title 24 or prescriptive options as applicable
Additions & Alterations: 5,000 to 25,000 sq.ft.	All Applicable Measures	
New Construction: 10,001 to 25,000 sq.ft.	All Applicable Measures	
New Construction, Additions & Major Alterations > 25,000 sq.ft.	LEED Silver point requirement	15% Better-than-Title 24

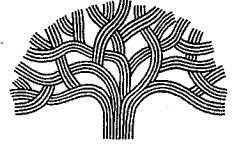
## **2.0 Cost Impacts and Cost-Effectiveness of the Ordinance**

The energy performance impacts of the Ordinance have been evaluated in Climate Zone 3 based on the January 21, 2009 study entitled “*Energy Cost Effectiveness Case Studies using the 2008 Title 24 Building Energy Efficiency Standards*” written by Gabel Associates LLC and adopted by the StopWaste.Org Board of Directors on April 22, 2009. This document is being provided to the California Energy Commission under separate cover from this Application.

## **3.0 Letter from the City to the California Energy Commission**

The following letter is from Walter S. Cohen, Director of Oakland’s Community and Economic Development Agency to the California Energy Commission explaining the process of adopting the green building ordinance.

# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612

Community and Economic Development Agency  
Office of the Executive Director

(510) 238-3941  
FAX (510) 238-2226  
TDD (510) 238-3254

July 19, 2010

Commissioner Anthony Eggert  
Commissioner Jeffrey Byron  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5514

## **RE: City of Oakland Green Building Ordinance and Building Energy Efficiency Standards**

Dear Commissioners,

Per the request of Commission staff, we would like to express to you our firm commitment to continue to enforce the current Title 24 Building Energy Efficiency Standards as part of the implementation of our local Green Building Ordinance. As the Director of the Community and Economic Development Agency, I am responsible for the Planning and Zoning Division, the Building Services Division and Inspection Division referenced in Oakland's Ordinance. I will continue to work with the Chief Building Official and my staff involved in energy plan review and field inspection to improve their working knowledge of the energy standards. This includes special training as needed which focuses on enforcement of the energy standards and the special requirements of the Ordinance.

On July 6, 2010 staff presented the Green Building Ordinance for Private Development Projects and the Energy Cost Effectiveness Study to City Council. The Ordinance was amended before the meeting, to reflect Commission staff comments requiring demonstration of compliance with the California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code. Clarification of this language reflects the City's commitment to enforce these standards as the minimum required by code, regardless of the green building rated system used, or the green point threshold required.

At the July 6, 2010 regularly scheduled and noticed public hearing City Council recognized the study analysis showing energy savings and cost effectiveness. The Ordinance and Study were approved by the City Council without change. A Second Reading and adoption of the Ordinance will be scheduled and held once the California Energy Commission approves our application.

Thank you for your consideration of the City of Oakland's Green Building Ordinance. Please don't hesitate to contact Heather Klein at [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com) if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter S. Cohen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Walter S. Cohen  
Director  
Community and Economic Development Agency  
City of Oakland

**Attachments:**

- A: Green Building Ordinance
- B: Energy Cost-Effectiveness Case Studies Using the 2008 Title 24 Building Energy Efficiency Standards, dated January 21, 2009, prepared by Gabel Associates, LLC for StopWaste.Org
- C: Proof of Public Notice

## **4.0 Text of the Oakland Green Building Ordinance**

*The text of the Oakland Green Building Ordinance as approved by the Oakland City Council on July 6, 2010 is included on the following pages.*

INTRODUCED BY

APPROVED FOR FORM AND LEGALITY

\_\_\_\_\_  
COUNCILMEMBER

\_\_\_\_\_  
DEPUTY CITY ATTORNEY

### **OAKLAND CITY COUNCIL**

**Ordinance No. \_\_\_\_\_ C.M.S.**

**ORDINANCE ADOPTING OAKLAND MUNICIPAL CODE TITLE 18 - SUSTAINABILITY, CHAPTER 18.02 SUSTAINABLE GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT TO ESTABLISH ENVIRONMENTALLY SUSTAINABLE REGULATIONS FOR BUILDING CONSTRUCTION, REMODELING, LANDSCAPING AND DEMOLITION**

**WHEREAS**, the Oakland City Council adopted the Sustainable Community Development Initiative (SCDI) through Resolution No. 74678 on December 1, 1998; and

**WHEREAS**, one of the adopted goals of the Oakland City Council is to "Develop a Sustainable City" and to "maximize socially and environmentally sustainable economic growth, including conserving natural resources;" and

**WHEREAS**, in May 2005, the Oakland City Council unanimously adopted a Civic Green Building Ordinance, joining numerous other cities in requiring that City owned or occupied buildings to meet specific green building standards set by the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) rating system; and,

**WHEREAS**, in May 2006, the Oakland City Council adopted a Resolution establishing the Alameda County Residential Green Building Guidelines (for new home construction, home remodeling and multifamily residential development), U.S. Green Building Council's LEED™ rating systems (for new commercial construction and remodeling), and Bay-Friendly Landscape Guidelines as official city reference documents for private development projects; and

**WHEREAS**, the demolition, design, construction, and maintenance of buildings and structures has a significant impact on the City's environmental sustainability, resource usage and efficiency, greenhouse gas emissions, waste management, and the health and productivity of residents, workers, and visitors; and



**WHEREAS**, green building is a whole systems approach to the location, siting, design, construction, operation, demolition, and landscaping of buildings and structures that reduces or eliminates the environmental, economic, and social impacts of associated with conventional building practices; and

**WHEREAS**, green building can have significant positive effect on energy, water, and resource efficiency, waste and pollution generation, wildlife habitat and the health and productivity of a property's occupants over the life of the building and landscape; and

**WHEREAS**, in recent years, green building construction and landscaping design have become increasingly widespread in California and in Oakland, with many homeowners, businesses, and building professionals voluntarily seeking to incorporate these techniques and operations into their projects; and

**WHEREAS**, at the national level, the U.S. Green Building Council has taken the lead in promoting and guiding green building by developing the Leadership in Energy and Environmental Design (LEED) Rating System and Reference Guide; and

**WHEREAS**, at the state level, Build It Green's GreenPoint Rated program has become the industry standard for residential new construction and remodels; and

**WHEREAS**, at the county level, Stopwaste.Org has developed the Small Commercial Building Checklist and the Bay Friendly Basic Landscape Checklist as a list of best management practices to promote green building and landscaping practices where other rating programs are not applicable; and

**WHEREAS**, many cities within California have adopted mandatory green building ordinances for both public and private development using the Build It Green, LEED, and StopWaste.Org rating systems; and

**WHEREAS**, as outlined in the Oakland City Council's approval of a draft Greenhouse Gas reduction target in July of 2009 which would include green building actions, it is critical to both the economic and environmental health of the City of Oakland that the City provide leadership to the public and private sectors in the area of green building and sustainable landscapes; and

**WHEREAS**, the most immediate and meaningful way to do so is to include green building and landscape requirements for both the public and private sectors that are stricter than current building standards, based on local climatic, geological, and topographical conditions and are shown to be cost effective over the life of the building and landscape; and

**WHEREAS**, the proposed ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) each as a separate and independent basis pursuant to, without limitation,: (1) CEQA Guidelines pursuant to, without limitation,: (1) CEQA Guidelines Section 15307 (actions by regulatory agencies for the protection of natural resources; (2) CEQA Guidelines Section 15308 (actions by regulatory agencies for the projection of the

environment); (3) CEQA Guidelines Sections 15060(c)(2) and 15061 (b)(3), (it can be seen with certainty that there is no possibility that the activity in question may have a significant (negative) effect on the environment), and , which exempt changes in Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning); and

**WHEREAS**, the proposed ordinance, which requires changes and amendments to the Oakland Building Code, is necessary because of “local climatic, geological, and topographical conditions” per the California Health & Safety Code Sections 17958, 17958.5 and 17958.7 and the California Building Standards Code.

**WHEREAS**, the proposed standards in the Ordinance are cost effective and will require the diminution of energy consumption levels permitted by the 2008 Statewide energy efficiency standards.

**WHEREAS**, the City Planning Commission held several publicly noticed meetings to take public testimony and discuss the regulations, including a meeting on April 7, 2010 where they voted to recommend the proposal to the City Council; now, therefore,

**THE COUNCIL OF THE CITY OF THE OAKLAND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines the forgoing recitals to be true and correct and are an integral part of the Council’s decision, and hereby adopts and incorporates them into this Ordinance.

**SECTION 2.** The City Council hereby finds that the City is proposing to adopt various enumerated changes and modifications to the Oakland Building Code (Code). California Health and Safety Code Sections 17958, 17958.5 and 17958.7 and the California Building Standards Code permit cities to make such changes or modifications in the Code as they determine are reasonably necessary because of “local climatic, geological, and topographical conditions” provided that such modified standards and findings are filed with the California Building Standards Commission. Such findings detailed in Exhibit A-1 attached hereto are adopted by the Council and shall be filed with the California Building Standards Commission.

**SECTION 3.** The City Council hereby finds that the proposed building standards are cost effective and will require the diminution of energy consumption levels permitted by the 2008 Statewide energy efficiency standards, based on the findings in the January 21, 2009 study entitled “Energy Cost Effectiveness Case Studies using the 2008 Title 24 Building Energy Efficiency Standards,” adopted by the StopWaste.Org Board on April 22, 2009 and made a part hereof by this reference and detailed in Exhibit A-2.

**SECTION 4.** A new title, Title 18, Sustainability, Chapter 18.02 Sustainable Green Building Requirements for Private Development is hereby added to the Oakland Municipal Code as follows:

**Title 18 – Sustainability**

## Chapter 18.02 Sustainable Green Building Requirements for Private Development

### Sections:

#### Article 1 – Intent

##### 18.02.010 Title

##### 18.02.020 Purpose and Intent

#### Article II – Administrative

##### 18.02.030 Definitions

##### 18.02.040 Scope and Applicability

##### 18.02.050 Authority

##### 18.02.060 Conflict

##### 18.02.070 Amendments

##### 18.02.080 Payments

#### Article III – Green Building Compliance Standards

##### 18.02.090 Compliance Standards Table Effective until December 31, 2010

##### 18.02.100 Compliance Standards and Table Effective January 1, 2011

#### Article IV- Entitlement Phase

##### 18.02.110 Green Building Documentation Requirements

##### 18.02.120 Review and Consideration of Green Building Documentation

##### 18.02.130 Compliance

##### 18.02.140 Appeal Procedures

#### Article V – Construction Phase

##### 18.02.150 Green Building Documentation Requirements

##### 18.02.160 Review and Consideration of Green Building Documentation

##### 18.02.170 Compliance

##### 18.02.180 Appeal Procedures

### Article I - Intent

#### Section 18.02.010 Title

This Chapter shall be known as the “Sustainable Green Building Requirements for Private Development” and is referred to herein as this Chapter.

#### Section 18.02.020 Purpose and Intent

This Chapter is intended to promote economic development and enhance the health, safety, and welfare of its residents, workers, and visitors through the integration of environmentally sustainable strategies in building construction and landscapes in the City. The minimum standards,

set forth herein, are intended to minimize the use of natural resources and the production of waste and maximize the healthfulness of enclosed environments.

## **Article II - Administrative**

### **Section 18.02.030 Definitions**

As used in this Chapter, the following terms shall have the meanings set forth hereto or as otherwise specified in the regulations referenced herein. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

**ADDITION/ ALTERATION** for the purposes of this Chapter only means any change, addition, or modification to an existing building or structure, including, but not limited to, remodeling, renovations, tenant improvements, and expansion in floor area.

**ADDITION/ ALTERATION - MAJOR** for the purposes of this Chapter only means Addition/Alteration of non-residential buildings where (a) interior finishes are removed, (b) major upgrades to mechanical, electrical and/or plumbing systems are proposed, and (c) where such Addition/Alteration is 25,000 square feet or more.

**APPLICANT** means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality (other than the City of Oakland),, industry, public or private corporation, or any other entity that applies to the City for permits to undertake any construction within the City subject to this Chapter.

**BUILDING** is defined under Chapter 15.35.030.

**CHECKLIST** means the most recent green building methodology and rating system suitable for the type of construction proposed in evaluating the conformance with provisions of this Chapter, as determined by the City's Planning and Zoning Division.

**CHECKLIST - BAY-FRIENDLY BASIC LANDSCAPE** means the most recent version of the Checklist developed by StopWaste.Org for use in the professional design, construction and alterations of landscapes, and any subsequent Checklists associated with the green building methodology.

**CHECKLIST - GREENPOINT RATED AND GREENPOINTS (GPR)** means the most recent versions of the Checklists, associated with the green building rating system and certification methodology developed by Build It Green, including but not limited to, the Single-Family GreenPoint Rated Checklist, the Multifamily GreenPoint Rated Checklist, the GreenPoint Rated Checklist Existing Home (Elements Label), and any subsequent Checklists.

**CHECKLIST - LEED™** means the most recent versions of the Checklists, associated with the green building rating system and certification methodology developed by the United States Green Building Council (USGBC), including but not limited to, LEED for New Construction, LEED for Existing Buildings, LEED for Commercial Interior, LEED for Homes, LEED for

Schools, LEED for Retail, LEED for Neighborhood Development and any subsequent Checklists.

**CHECKLIST - SMALL COMMERCIAL** means the most recent version of the Checklist, associated with the green building methodology developed by StopWaste.Org, for use in the professional design, construction, and additions and/or alterations of small commercial (non-residential) buildings and any subsequent Checklists.

**COMPLIANCE STANDARDS TABLE** means the tables located in Section 18.02.090 and Section 18.02.100 of this Chapter which outlines the applicable size thresholds, checklist(s), and minimum compliance requirements for each construction type.

**CONSTRUCTION** means work which is subject to the Oakland Building Construction Code.

**CONSTRUCTION PHASE - PERMITTING** means the engineering approval process for a permit, including but not limited to a demolition, grading, and building permit, issued pursuant to the Oakland Building Construction Code.

**CONSTRUCTION PHASE - INSPECTIONS** means the site inspection process for a permit including but not limited to a demolition, grading, and building permit, issued pursuant to the Oakland Building Construction Code.

**DECONSTRUCTION** for the purposes of this Chapter means the systematic dismantling of a Building to preserve the useful value of its component materials.

**DEMOLITION** for the purposes of this Chapter only means the full or partial razing, ruining, tearing down or wrecking of any Building's exterior structure not withstanding the provisions of Chapter 15.36 of the Oakland Municipal Code.

**ENTITLEMENT PHASE** means the land use approval process per the Oakland Planning Code for a planning permit such as, but not limited to, a conditional use permit, design review or variance permit, and the continued compliance with the Conditions of Approval under which such permit was approved.

**GREEN BUILDING CERTIFICATION** means the certification that the construction complies with the provisions of this Chapter by (a) Build It Green for GreenPoint Rated projects, (b) the Green Building Certification Institution (GBCI) or U.S. Green Building Council for LEED projects, (c) the City's Building Services Division for the Checklist - Small Commercial, the Checklist - Bay-Friendly Basic Landscape, or (d) the City's Environmental Services Division for deconstruction.

**GREEN BUILDING CERTIFIER** means an individual who (1) can certify that the Applicant is in compliance with this Chapter; (2) does not have financial interest in the project for which Green Building Certification is being sought; provided however, that compensation for providing such certification only shall not be deemed a financial interest, and (3) is (a) currently certified by the United States Green Building Council as a LEED™ Accredited

Professional, or (b) currently certified by Build It Green as a GreenPoint Rater. However, if the Green Building Compliance Officer is the Green Building Certifier than conditions 3(a) and 3(b) in this paragraph is not applicable. The Green Building Certifier must comply with the conflict of interest or code of conduct policies of the rating system, as may be applicable. The Green Building Compliance Officer acts as the Green Building Certifier for projects subject, but not limited to, LEED for Neighborhood Development, Checklist - Small Commercial, Checklist - Bay-Friendly Basic Landscape, and Deconstruction.

**GREEN BUILDING COMPLIANCE OFFICER** means the City Administrator or designee(s) who is/are responsible for enforcement of this Chapter during the entitlement phase and all phases of construction.

**GREEN BUILDING DOCUMENTATION** means the information required by the Green Building Compliance Officer sufficient to confirm compliance with the provisions of this Chapter.

**HISTORIC PRESERVATION PLANNER** for the purposes of this Chapter means a City of Oakland Planning and Zoning Division staff person or designee assigned to review the application submitted pursuant to this Chapter to ensure that the historic integrity of a Historic Resources is not adversely altered by implementation of this Chapter.

**HISTORIC RESOURCE** for the purposes of this Chapter only means a Historic Resource, including any Designated Historic Property, any Potentially Designated Historic Property that have an rating of A or B or are located within an Area of Primary Importance as these capitalized terms are defined in Oakland's Historic Preservation Element.

**LEED™** means Leadership in Energy and Environmental Design.

**MIXED-USE** for the purposes of this Chapter means a Building or group of Buildings located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or in a single building and which contain both residential and non-residential occupancies.

**OAKLAND BUILDING CONSTRUCTION CODE** means Chapter 15.04 of the Oakland Municipal Code.

**OAKLAND PLANNING CODE** means Title 17 of the Oakland Municipal Code.

**OCCUPANCY** for the purposes of this Chapter only means the assigned use of a Building or a portion a Building unless otherwise indicated.

**RATING SYSTEM** means the green building methodology determined by the City Planning and Zoning Division for evaluating compliance with the provisions of this Chapter for the Entitlement Phase and Construction Phases – Permitting and Inspections.

**RECORD TITLE HOLDER** means the current owner(s) of the fee simple interest of a real property.

**REMOVAL** for the purposes of this Chapter only shall mean either demolition or deconstruction of a Building, but does not include relocation of a Building.

**REQUEST FOR REVISION PLAN CHECK PROCESS** for the purposes of this Chapter is the process by which a project Applicant may formally request a revision to the Entitlement Phase and/or Construction Phase-Permitting or Construction Phase-Inspection permits.

**RESIDENTIAL** for the purposes of this Chapter only means a Building or group of Buildings containing a residential Group R occupancy and not do not contain a non-residential occupancy, which is used or designed or intended to be used for human habitation including living, sleeping, cooking or eating or any combination thereof, including residentially oriented live/work units and HBX live/work units as such classifications are defined under Section 17.09.040 of the Oakland Planning Code.

**SHALL/ WILL** means a determinative directive which includes the common meaning of the word *must*.

**UNREASONABLE HARDSHIP** for the purposes of this Chapter shall mean practical infeasibilities, difficulties, or results inconsistent with the general purposes of this Chapter that are only applicable during the Entitlement Phase.

#### **Section 18.02.040 Scope and Applicability**

This Chapter establishes the scope and applicability of construction, related to siting, designing, constructing, remodeling, demolishing, and landscaping that reduces the environmental and economic impacts of conventional construction practices.

##### **A. Inclusions**

This Chapter shall apply to the following:

- Residential New Construction
- One and Two-Family Additions /Alterations of more than 1,000 square feet of contiguous or non-contiguous gross floor area
- Multi-Family (3+units) Additions/Alterations
- Non-Residential New Construction of more than 5,000 square feet of contiguous or non-contiguous gross floor area
- Non-Residential Additions/Alterations of more than 5,000 square feet of contiguous or non-contiguous gross floor area
- Removal of a Historic Resource and construction of a new building

- Historic Residential Additions/Alterations
  - a) One and Two-Family Additions/Alterations of more than 1,000 square feet of contiguous or non-contiguous gross floor area
  - b) Multi-Family (3+ units) Additions/Alterations
- Historic Non-Residential Additions/Alterations of more than 5,000 square feet of contiguous or non-contiguous gross floor area
- Affordable housing new construction and rehabilitation which receives City/Redevelopment Agency funding and has restrictions on income and rent/sales price.
- Mixed-use construction
- Construction of more than 500 square feet of contiguous or non-contiguous gross floor area requiring a Design Review Permit and a landscape plan subject to the Bay Friendly Landscape Basic Landscape Guidelines.

## **B. Exclusions**

This Chapter shall not apply to the following:

- Fences, decks, arbors, pergolas, retaining walls, and signs.
- Secondary dwelling units, as defined in the Oakland Planning Code Section 17.102.360.
- Repair or replacement of roof covering, fenestration, and façade materials.
- Group U detached accessory buildings which do not exceed 1,000 square feet of floor area.
- Construction, additions, and alterations which are exempted from the permitting requirements both of the Oakland Building Construction Code and the Oakland Planning Code.
- Factory-built buildings approved by the State of California and manufactured housing approved by the United States Department of Housing and Urban Development.
- City and Redevelopment Agency capital improvement construction, alterations, and additions which are subject to Chapter 15.68 of the Oakland Municipal Code or the Bay-Friendly Landscaping Guidelines.
- Seismic retrofits only.
- Fire repairs to buildings that are damaged less than 75% of the current replacement cost per Section 17.114.120 of the Oakland Planning Code.



### **C. 2008 Building Energy Efficiency Standards**

Notwithstanding any additional requirements contained in this Chapter, all buildings submitted for permit by the City of Oakland shall meet all applicable portions of the 2008 Building Energy Efficiency Standards contained in the California Code of Regulations, Title 24, Part 6.

### **D. Ongoing Review**

- a) The Community and Economic Development Agency shall review this Chapter biannually and provide a report to the Planning Commission to determine whether it needs to be updated because of, but not limited to, new legislation enacted by the State or new standards developed by applicable organizations, such as StopWaste.Org, Build It Green, and LEED or the development of another effective rating system.
- b) The Community and Economic Development Agency shall review this Chapter with the adoption of each future Title 24 standards.

## **Section 18.02.050 Authority**

### **A. General**

The Green Building Compliance Officer is hereby authorized to enforce the provisions of this Chapter. The Green Building Compliance Officer may also adopt rules and regulations to implement this Chapter.

### **B. Abatement of Violations**

It shall be unlawful for any person, firm, or corporation to maintain any Building or portion thereof or real property or cause or allow the same to be done in violation of this Chapter. In addition to the civil penalties provided by pursuant to Oakland Municipal Code Chapter 1.08, a violator shall be liable for such costs, expenses, accruing interest, and disbursements paid or incurred by the City or any of its contractors in correcting, abating, and/or prosecuting such violation pursuant to Oakland Municipal Code Section 15.08.110.

### **C. Notification of Violations**

A notice of violation under this Chapter shall be served in accordance with Oakland Municipal Code Section 15.08.110(B).

### **D. Fees, Costs, Penalties and Interest**

The fees and costs incurred and the civil penalties assessed and the interest accrued in ascertaining violations or affecting abatement thereof and in collecting such fees, costs, penalties, accruing interest, and attorneys' fees shall be a charge against the real property and record title holder. Such fees, costs, penalties, and accruing interest shall be as established in the Master Fee

Schedule and may be recovered by all appropriate legal means, including nuisance abatement liens, prospective and priority liens, special assessments of the general tax levy, and civil and small claims court action brought by the City, and combinations of such actions.

**E. Service and Collection**

The methods of service for collection actions and the types and contents of the instruments of collection shall be as set forth in Chapter 15.08 of the Oakland Municipal Code, as may be amended.

**Section 18.02.060 Conflict**

Wherever the provisions of this Chapter conflict with each other or with the provisions of other associated codes, regulations, or ordinances, the more restrictive provision or standard shall control.

**Section 18.02.070 Amendments**

Where any section, subsection, sentence, clause, phrase, or other part of this Chapter and the referenced law recited herein are amended subsequently, all provisions of the original recitation not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto.

**Section 18.02.080 Payments**

The Record Title Holder shall pay all fees as established in the Master Fee Schedule associated with this Chapter, including but not limited to, the submittal of Green Building Documentation, requests for determinations, unreasonable hardship, alternative methods, appeals, and administrative hearings to the City.

**Article III - Green Building Compliance Standards**

**Section 18.02.090 Compliance Standards Table Effective until December 31, 2010**

The criteria in the Compliance Standards Table, below, applies 30 days after adoption of this Chapter and ends December 31, 2010. Note that where a “completed checklist” is required in this section, 18.02.090, that there is no requirement to become certified by Build it Green, U.S. Green Building Council, StopWaste.Org or any other non-governmental agency. Furthermore, compliance with Section 18.02.090 in no way enables the applicant to declare compliance with the associated programs of GreenPoint Rated, LEED or Small Commercial Building. All buildings or projects must comply with all requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

<b>1. Residential New Construction</b>	
<b>A. One and Two Family Dwellings (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>

<i>Required</i> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• LEED for Homes</li> </ul>	Completed checklist
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**B. Multi-Family Dwellings (3+ units) (Group R Occupancy)**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR, or</li> <li>• LEED New Construction</li> </ul>	Completed checklist

**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)**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<i>Required</i> <ul style="list-style-type: none"> <li>• Completed checklist (Elements Label)</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Completed checklist (Whole House Label)</li> </ul>

**3. Non-Residential New Construction**

**A. Non-Residential projects between 5,000 to 10,000 sq. ft. of floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	Completed checklist

**B. Non-Residential projects between 10,000 to 25,000 sq. ft. of total floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)

**C. Non-Residential projects over 25,000 sq. ft. of total floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	Completed checklist

**4. Non-Residential Additions and Alterations**

**A. Non-Residential Additions and Alterations between 5,000 - 25,000 sq. ft. of floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	Completed checklist

**B. Non-Residential Additions and Alterations (see Major Alteration definition) over 25,000 sq. ft. of floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	Completed checklist

**C. Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)

**5. Removal of a Historic Resource and New Construction**

**A. New Construction projects resulting in removal of a Historic Resource**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <i>Alternate for Residential Construction</i> <ul style="list-style-type: none"> <li>• LEED Homes</li> </ul> <i>Required for Non-Residential Construction- (any square footage)</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate for Non-Residential Construction (any square footage)</i> <ul style="list-style-type: none"> <li>• Other applicable LEED checklist</li> </ul>	Completed checklist

**6. Historic Residential Additions and Alterations**

**A. One and Two-Family Additions and Alterations of Historic Resources that exceed 1,000 sq. ft of floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<i>Required</i> <ul style="list-style-type: none"> <li>• Completed checklist (Elements Label)</li> </ul>

	<i>Alternate</i> <ul style="list-style-type: none"> <li>Completed checklist (Whole House Label)</li> </ul>
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<b>7. Historic Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations of Historic Resources between 5,000 - 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Small Commercial Checklist</li> </ul>	Completed checklist
<b>B. Non-Residential Additions and Alterations of Historic Resources over 25,000 sq. ft. of floor area (see Major Alteration definition)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist</li> </ul>	Completed checklist
<b>C. Alternate compliance: Non-Residential Additions and Alterations of Historic Resources not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction, and</li> <li>Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist, and</li> <li>Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)

<b>8. Affordable Housing Construction receiving City/Redevelopment Agency Funds</b>	
<b>A. One, Two, and Multi-Family New Construction</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>

<p><i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• LEED Homes, or</li> <li>• LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• The minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
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**B. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed checklist (Elements Label)</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist (Whole House Label)</li> </ul>

**9. Mixed-Use Construction**

**A. Both residential and non-residential uses**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As determined by Planning Staff based on square footage of each use and which rating system and checklist is more appropriate</i></p>	<p>Completed checklist</p>

**B. Alternate compliance path: Certify each portion of the building separately per the appropriate GreenPoint Rated, LEED or Stopwaste.Org checklist)**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As Determined by Planning Staff</i></p>	<p>Completed checklist</p>

**10. Construction Requiring a Landscape Plan**

**A. Construction projects over 500 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Bay Friendly Basic Landscape Checklist</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• Bay Friendly Scorecard for Home Landscapes, or</li> <li>• Bay Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	<p>Completed checklist</p>

**Section 18.02.100 Compliance Standards Table Effective January 1, 2011**

The following green building requirements shall **be effective January 1, 2011 and thereafter**. Note that Section 18.02.100 requires certification by the non-governmental agencies Build it Green, U.S. Green Building Council and/or StopWaste.Org for full compliance (Section 18.02.130). Projects that fail to become certified by these non-governmental agencies will be deemed in violation of this section of the Municipal Code of the City of Oakland and shall be referred to the City’s Code Enforcement Division for corrective action (Section 18.02.130(B)). All buildings or projects must comply with all requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

<b>1. Residential New Construction</b>	
<b>A. One and Two Family Dwellings (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Single Family GPR</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>LEED for Homes</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification</li> <li>Green Building Certification</li> </ul>
<b>B. Multi-Family Dwellings (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Multi-Family GPR</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>Build It Green: Single Family GPR, or</li> <li>LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification</li> <li>Green Building Certification</li> </ul>
<b>2. Residential Additions and Alterations</b>	
<b>A. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Existing Home GPR</li> </ul>	<i>Required</i> <ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification (Elements Label)</li> <li>Green Building Certification (Elements Label)</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification (Whole House Label)</li> <li>Green Building Certification (Whole House Label)</li> </ul>
<b>B. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
Not available	When available: <ul style="list-style-type: none"> <li>Completed checklist</li> <li>Minimum point requirement for certification</li> <li>Green Building Certification</li> </ul>
<b>3. Non-Residential New Construction</b>	
<b>A. Non-Residential projects between 5,000 to 10,000 sq. ft. of floor area</b>	

<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>B. Non-Residential projects between 10,000 to 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist (LEED and Small Commercial Checklist)</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>C. Non-Residential projects over 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• LEED Silver point requirement</li> <li>• Green Building Certification</li> </ul>

<b>4. Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations between 5,000 - 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>B. Non-Residential Additions and Alterations (see Major Alteration definition) over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• LEED Silver point requirement</li> <li>• Green Building Certification</li> </ul>
<b>C. Non-Residential Additions and Alterations <u>not</u> meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist (LEED and Small Commercial Checklist)</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>

<b>5. Removal of a Historic Resource and New Construction</b>
<b>A. New Construction projects resulting in removal of a Historic Resource</b>



<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternate for Residential Construction</i></p> <ul style="list-style-type: none"> <li>• LEED Homes</li> </ul> <p><i>Required for Non-Residential Construction- (any square footage)</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <p><i>Alternate for Non-Residential Construction (any square footage)</i></p> <ul style="list-style-type: none"> <li>• Other applicable LEED checklist</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• LEED Gold for non-residential construction or 75 GPR points for residential construction</li> <li>• Green Building Certification</li> <li>• Deconstruction of the Historic Resource</li> </ul> <p><i>Alternate LEED for Homes</i></p> <ul style="list-style-type: none"> <li>• Same as required above, except certification threshold is LEED Silver</li> </ul>

**6. Historic Residential Additions and Alterations**

**A. One and Two-Family Additions and Alterations of Historic Resources that exceed 1,000 sq. ft of floor area**

<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed Checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification (Elements Label)</li> <li>• Green Building Certification</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification (Whole House Label)</li> <li>• Green Building Certification (Whole House Label)</li> </ul>

**B. Multi-Family Additions and Alterations of Historic Resources**

<b>Checklists</b>	<b>Minimum Requirements</b>
Not available	<p>When available:</p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

**7. Historic Non-Residential Additions and Alterations**

**A. Non-Residential Additions and Alterations of Historic Resources between 5,000 - 25,000 sq. ft. of floor**

<b>area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>B. Non-Residential Additions and Alterations of a Historic Resource over 25,000 sq. ft. of floor area (see Major Alteration definition)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• LEED “Certified” point requirement</li> <li>• Green Building Certification</li> </ul>
<b>C. Alternate compliance: Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>

**8. Affordable Housing Construction receiving City/Redevelopment Agency Funds**

<b>A. One, Two, and Multi-Family New Construction</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required for Residential Construction - One and Two Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction – Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• LEED Homes, or</li> <li>• LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>B. One and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed Checklist</li> <li>• Minimum point requirement for certification (Elements Label)</li> <li>• Green Building Certification</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification (Whole House Label)</li> <li>• Green Building Certification (Whole House Label)</li> </ul>
<b>C. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
Not available	<p>When available:</p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

<b>9. Mixed-Use Construction</b>	
<b>A. Both residential and non-residential uses</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As determined by Planning Staff based on square footage of each use and which rating system and checklist is more appropriate</i></p>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>B. Alternate compliance path: Certify each portion of the building separately per the appropriate GreenPoint Rated, LEED or Stopwaste.Org checklist)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>As Determined by Planning Staff</i></p>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

<b>10. Construction Requiring a Landscape Plan</b>	
<b>A. Construction projects between 500 - 25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Bay Friendly Basic Landscape Checklist</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>• Bay Friendly Scorecard for Home Landscapes, or</li> <li>• Bay Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	Completed checklist
<b>B. Construction projects greater than 25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Bay Friendly Basic Landscape Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• Bay Friendly Scorecard for Home Landscapes, or</li> <li>• Bay Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• All applicable measures on the Bay Friendly Basic Landscape Checklist</li> <li>• Green Building Certification</li> </ul>

**A. National Appliance Energy Conservation Act**

Nothing in this Chapter shall require the Applicant to use “covered products”, as defined in the federal Energy Policy and Conservation Act (42 U.S.C. Section 6201 et seq), that exceed any applicable federal energy conservation standards for such products.

**Article IV- Entitlement Phase**

**Section 18.02.110 Green Building Documentation Requirements**

**B. Green Building Documentation**

Application submittals during the Entitlement Phase shall include:

- a) A completed copy of the applicable Checklist(s) as determined by Planning and Zoning Division staff.
- b) Permit plans shall indicate, in general notes or individual drawings where appropriate, the green building measures used to achieve the minimum requirements. The Green Building Documentation shall indicate how many points the project will achieve in each category pursuant to the appropriate rating system.
- c) A signed statement by the Green Building Certifier that the project complies with the minimum requirements upon approval of the Entitlement Phase permit subject.

- d) Any other Green Building Documentation the Green Building Compliance Officer determines, in his/her discretion, to be necessary to determine compliance with this Chapter.

**B. Peer Review of Green Building Documentation.**

The Green Building Compliance Officer reserves the right to retain an independent, green building qualified peer review of the Green Building Documentation at the sole expense of the Applicant.

**C. Completion**

An application shall not be deemed complete until all required Green Building Documentation has been submitted by the Applicant and reviewed and approved by the Green Building Compliance Officer.

**Section 18.02.120 Review and Consideration of Green Building Documentation**

The Applicant is responsible for verifying with the Green Building Compliance Officer that the minimum requirements of this Chapter have been met based on the Green Building Documentation. The Green Building Compliance Officer shall approve or disapprove the Green Building Documentation subject to the conditions of approval based on conformance to this Chapter's minimum green building requirements, as applicable.

If during the Entitlement Phase, the Green Building Compliance Officer determines that the Green Building Documentation fails to achieve the minimum requirements of this Chapter, the Green Building Compliance Officer shall reject and return the Green Building Documentation to the Applicant. The Applicant may resubmit the Green Building Documentation to the Green Building Compliance Officer with such modifications and additions, as may be required for permit applications submitted during the Entitlement Phase.

**Section 18.02.130 Compliance**

**A. Green Building Certification as a Condition of Approval**

Compliance with the provisions of this Chapter shall be listed as a condition of approval on the Entitlement Phase permit application approvals for construction. Failure to comply with any of the terms of this Chapter shall subject the Applicant to the full range of enforcement mechanisms set forth in Section 18.02.050 and the Oakland Planning Code.

**B. Noncompliance with Post Certificate of Occupancy Condition of Approval**

If the Green Building Compliance Officer determines that the project is not in compliance with the minimum requirements of this Chapter, as verified by the Green Building Certification, the project shall be referred to the City's Code Enforcement Division for further action. The Green Building Compliance Officer shall also require green building measures to mitigate the project's noncompliance or pursue other remedies available under this Chapter.

## **Section 18.02.0140 Appeal Procedures**

### **A. Unreasonable Hardship Exemption**

- a) If compliance with this Chapter presents an Unreasonable Hardship, the Applicant may apply for an exemption as set forth in this section. No Unreasonable Hardship Exemption under this section will be granted to any applicant for compliance requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code. In applying for an exemption, the burden is on the applicant to demonstrate the Unreasonable Hardship. The City Planning and Zoning Division shall maintain the Unreasonable Hardship Exemption Application.
- b) Acceptance or denial of an Unreasonable Hardship exemption is at the discretion of the Director of City Planning. Unreasonable hardship exemptions will only be granted in unusual circumstances based upon a showing of good cause and a determination that the public interest is not served by compliance or other compelling circumstances.
- c) Notice of application for an exemption shall be given by posting an enlarged notice on the premises of the subject property; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the city within three hundred (300) feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than seventeen (17) days prior to the date of the decision on the application by the Director of City Planning.
- d) The determination of the Director of City Planning shall become final ten calendar days after the date of decision unless appealed to the City Planning Commission in accordance with this Chapter and Section 17.134.060 of the Oakland Planning Code. For construction involving Historic Resources, the Director of City Planning may, at his or her discretion, refer the request for an unreasonable hardship exemption to the Landmarks Preservation Advisory Board for advisory decision to the Director of City Planning.
- e) The Director of City Planning or designee shall determine the maximum feasible number of credits reasonably achievable for the project and shall confirm the number of credits on the green building documentation, which shall be marked "Approved with Exemption". The construction shall be subject to the green building approval and compliance process in this Chapter, based on the confirmed number of credits.

### **B. Appeal**

Any aggrieved individual may appeal the Green Building Compliance Officer's determination of the applicable rating system, checklist, or the Director of City Planning's unreasonable hardship determination under this Chapter to the City Planning Commission pursuant to Section 17.132 of the Oakland Planning Code during the Entitlement Phase only.

## **Article V - Construction Phase**

### **Section 18.02.150 Green Building Documentation Requirements**

#### **A. Green Building Documentation**

Construction Phase -Permitting and Inspection submittals shall include:

- a) Construction Phase –Permitting.
  - i. All required documentation for the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code compliance.
  - ii. A completed copy of the applicable Checklist(s) approved during the Entitlement Phase, unless modified under 18.02.150, Section C.
  - iii. Permit plans shall indicate in general notes, detailed design drawings and construction specifications as necessary, the green building measures used to achieve the required minimum requirements. The Green Building Documentation shall indicate how many points the project will achieve in each category pursuant to the appropriate rating system.
  - iv. A copy of the signed statement by the Green Building Certifier submitted during the Entitlement Phase and a new signed statement by the Green Building Certifier that the project complies with the minimum requirements of this Chapter.
  - v. Any other Green Building Documentation required by the Green Building Compliance Officer to determine compliance with this Chapter.
  
- b) Construction Phase - Inspections.
  - i. A completed copy of the applicable Checklist(s) submitted in subsection a) above, unless modified under 18.02.150, Section C.
  - ii. Any other Green Building Documentation required by the Green Building Compliance Officer to determine compliance with this Chapter.
  - iii. Signed statement or statements by the Green Building Certifier during all relevant phases of construction, as determined by the Green Building Compliance Officer, that the project complies with the minimum requirements of this Chapter.

#### **B. Peer Review of Green Building Documentation**

The Green Building Compliance Officer reserves the right during the Construction Phase, to retain an independent, green building qualified peer review of the Green Building Documentation at the sole expense of the Applicant.

#### **C. Substitution of Credits**

During the Construction Phases for Permitting and/or Inspections, flexibility may be exercised by the Applicant to substitute or eliminate points approved during the Entitlement Phase as applicable. Substitution and/or omission shall occur only at the request of the applicant. The applicant shall submit, per the Request for Revision Plancheck process, additional Green Building Documentation

indicating the points to be substituted or omitted for review and approval. Substitution and/or omission of points shall only be permitted if it does not result in lowering the required minimum point threshold or eliminate points needed in each category pursuant to the appropriate rating system and as verified by the Green Building Certifier. In the case of construction involving Historic Resources, the new substituted points will require re-review and approval by the Historic Preservation Planner.

## **Section 18.02.160 Review and Consideration of Green Building of Documentation**

### **A. Approval of Documents**

The Green Building Compliance Officer or designees shall be responsible for verifying compliance with the minimum requirements for this Chapter based on the Green Building Documentation submitted during the following construction phases:

- a) Construction Phase - Permitting. The Green Building Documentation, provided under Section 18.02.150, unless modified by the Section 18.02.150(D), shall be reviewed during the permit review process and a permit shall be issued based on conformance to the applicable minimum requirements. Wherever the LEED or GreenPoint Rated systems include a minimum energy or other performance requirement, the Applicant may choose at permit submittal to meet the minimum performance requirements by demonstrating, using the 2008 Title 24 Building Energy Efficiency Standards, that the TDV energy of the Proposed Design is at least 15.0% less than the TDV energy of the Standard Design. In the Percent-Better-Than-Title 24 calculation, process and receptacle energy components may be excluded in nonresidential occupancies; and in high-rise residential occupancies, process, receptacle and lighting energy components may be excluded.
- b) Construction Phase - Inspections. The Green Building Compliance Officer or a designee shall verify that the green building measures and provisions indicated in the Green Building Documentation submitted during the Entitlement and Construction Phase -Permitting are implemented through inspections during the construction of the project. In lieu of or in addition to visual inspections by the Green Building Compliance Officer, the Applicant, through the Green Building Certifier, may submit Green Building Documentation verifying that green building measures have been implemented in compliance with the minimum requirements of this Chapter.

### **B. Non-approval of Documents**

- a) Construction Phase - Permitting. If during the Permitting stages, the Green Building Compliance Officer determines that the Green Building Documentation fails to achieve the minimum requirements, the Green Building Compliance Officer shall reject and return the Green Building Documentation to the Applicant, including a detailed explanation for rejection and measures required to conform to this Chapter. The Applicant may resubmit the Green Building Documentation with such modifications and additions as may be required for Permitting issuance.



- b) Construction Phase - Inspections. If the Green Building Compliance Officer determines that the project under construction does not comply with any portion of the approved Green Building Documentation showing compliance with the minimum requirements, a Stop Work order may be issued. At the discretion of the Green Building Compliance Officer, the Stop Work order may apply to the portion of the project that is not in compliance or to the entire project. The Stop Work order shall remain in effect until the Green Building Compliance Officer determines that the project is in compliance with the requirements and the provisions of this Chapter as shown on the approved Green Building Documentation.

## **Section 18.02.170 Compliance**

### **A. Final Determination of Compliance and Building Occupancy**

Prior to signing a building permit by the Building Official and issuing of a Temporary Certificate of Occupancy, the Applicant must also submit a signed statement by the Green Building Certifier that the project meets the minimum requirements of this Chapter. The Green Building Compliance Officer may also review the verification documentation submitted by the Green Building Certifier and determine whether the Applicant has achieved the minimum requirements as set forth in this Chapter.

## **Section 18.02.180 Appeal Procedures**

### **A. General**

In order to hear and decide appeals of orders, decisions or determinations made by the Green Building Compliance Officer during the Construction Phase Permitting and Inspections process, relative to the application and interpretation of the non-administrative sections of this Chapter, the Record Title Holder may request an administrative hearing with a Hearing Officer. The request shall be filed in writing with the Green Building Compliance Officer within twenty-one (21) calendar days following said rendering. The request for an administrative hearing shall contain a brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the protested order, decision, or determination should be modified or reversed or otherwise set aside.

### **B. Hearing**

After receiving a written request and the required fee for an administrative hearing, the Green Building Compliance Officer shall fix a date, time and place for adjudication by a Hearing Officer during the Construction Phase Permitting and Inspections process. Only those technical matters or issues specifically raised by the appellant in the request shall be considered in the administrative hearing.

### **C. Hearing Officer**

In cases of a Construction Phase Permitting and Inspections process appeal, the Hearing Officer shall not be an employee of the City and shall be qualified by experience and training to adjudicate matters pertaining to the provisions of this Chapter. The Hearing Officer shall have no

authority relative to interpretations of the administrative (non-technical) provisions of this Chapter and shall not be empowered to waive or otherwise set aside the non-administrative (technical) provisions of this Chapter.

#### **D. Effect of Hearing**

Decisions of either the City Planning Commission or the Hearing Officer in all instances shall be final and conclusive. The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of decisions by either the City Planning Commission or the Hearing Officer.

### **SECTION 5. Severability**

The provisions of this Ordinance are severable, and if any clause, sentence, paragraph, provision, or part of this Ordinance, or the application of this Ordinance to any person, is held to be invalid or preempted by state or federal law, such holding shall not impair or invalidate the remainder of this Ordinance. If any provision of this Ordinance is held to be inapplicable, the provisions of this Ordinance shall nonetheless continue to apply with respect to all other covered development projects and applicants. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from its coverage.

### **SECTION 6. California Environmental Quality Act**

Prior to adopting this Ordinance, the City Council independently finds and determines that this action is exempt from CEQA (California Environmental Quality Act), pursuant to CEQA Guidelines Section 15060(C)(2), 15061(B)(3) (General Rule); Section 150307 (Actions by Regulatory Agencies for Protection of Natural Resources); Section 150308 (Actions by Regulatory Agencies for Protection of the Environment); and Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), each of which provides a separate and independent basis for an exemption.

### **SECTION 7. Annual Review**

The Community and Economic Development Agency shall review this Chapter biannually and provide a report to the Planning Commission to determine whether it needs to be updated because of, but not limited to, new legislation enacted by the State or new standards developed by applicable organizations, such as StopWaste.Org, Build It Green, and LEED or the development of another effective rating system. The Chapter shall also be reviewed with the adoption of each future Title 24 standards which may require additional approval from the California Energy Commission.

### **SECTION 8. Effective Date**

This Ordinance shall be effective on and after its adoption by sufficient affirmative votes of the Council of the City of Oakland, as provided in the Charter of the City of Oakland, Section 216.

This Ordinance shall be implemented in phases. The first phase criteria applies to 30 days from the date of final passage by the City Council until December 31, 2010. The Ordinance becomes fully effective January 1, 2011 and thereafter, as amended from time to time. The Ordinance shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so.

**IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010**

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

DATE OF ATTESTATION \_\_\_\_\_

# Small Commercial Green Building Checklist



This Commercial Checklist is intended to address new construction and renovations/expansions up to 10,000 square feet or \$3 million. Projects are recommended to meet all applicable measures on the checklist. For measures that are not applicable or are not in the project's scope of work, select "N/A" and make a note of why the measure does not apply to the project. For appendices, electronic copies of this checklist, and other green building resources, visit [www.buildgreennow.org](http://www.buildgreennow.org).

**Project:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Site

*Access to alternative transportation sources reduces the number of single passenger vehicle trips, reduces traffic congestion, and saves fuel and associated greenhouse gas emissions. Allowing space for bike parking increases participation in alternative transportation services. Cool sites and roofs reduce the amount of heat stored and re-radiated during summer days in urban environments that contribute to higher energy use and pollution.*

Yes	No	N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>1. Alternative Transportation Access</b> Project is located within 1/4 mile of two or more bus lines AND/OR within 1/2 mile of a light rail or commuter rail transit stop (BART, Amtrak, etc.). Project also includes bicycle racks or storage areas for use by building occupants (workers) in a secure and covered area. If the project is in a high use public area, provide bicycle racks and/or storage options for visitors to the building as well. Provide bike racks or storage area capable of securing at least 1 bike for every 2,000 sf of building space.	1. Provide a simple map showing distances to public transit stops from the main entry of the buildings. Use the "Nearby Routes & Services" calculator on the <a href="http://www.511.org">www.511.org</a> website or other transit agency website to calculate distances from the project address. 2. Provide a site plan that shows bike rack/storage locations. Highlight or circle the bike racks/storage areas and provide a total number of bikes able to be parked at the site. Bike racks dedicated to building occupants (workers) should be in a covered and secure location.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>2. Reduced Parking</b> Project does not exceed minimum local parking requirements OR the project does not provide any new parking.	1. Provide proof of the minimum local parking requirements for the site OR provide proof that no parking will be added. Minimum parking requirements usually come from the City. 2. If parking is added, provide a site plan with parking areas highlighted. Total and highlight the number of existing and new parking spaces.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>3. Reduced Heat Island Effect</b> Combine cool roof and/or cool site techniques for 75% of site area being impacted by construction (including roof and all landscaping/hardscapes on site). Cool roofs are reflective surfaces applied to the roof. To find cool roof products, go to <a href="http://www.coolroofs.org">www.coolroofs.org</a> and use the "Rated Products Directory". Cool site techniques include pervious surfaces (including open grid pavement and vegetation) and light colored concrete.	1. Site plan with the following areas calculated and clearly visible (if applicable): total site area, building/roof area, photovoltaic array area, landscape area, area of hardscapes under shade (from trees or awnings, etc.), and hardscape area. 2. Calculate the percent of the total site area that includes cool roof and/or cool site techniques. Photovoltaic panels can be exempt from the calculation if mounted on the roof or if they shade hard surfaces (subtract the photovoltaic array area from the total site area). For low-sloped roofs (<2:12), eligible cool roof materials must have a Solar Reflective Index (SRI) of 78 or higher. If SRI is not available for the cool roof product, then products with an initial solar reflectance of 0.70 or higher AND an initial thermal emittance of 0.75 or higher are acceptable. Steep sloped roofs (>2:12) do not need to comply and should have their square footage removed from calculation. 3. Provide manufacturer literature stating the cool roof SRI.	

# Small Commercial Green Building Checklist



Yes No N/A **Measure & Requirement** **Documentation** **Notes**

## Water

*Water-efficient fixtures reduce water use and sewer costs and reduce demand on water supplies and treatment facilities. For sites that have landscapes, see the Bay-Friendly for Permitted Landscapes checklist at [www.buildgreennow.org](http://www.buildgreennow.org).*

Yes No N/A

### 4. Water Efficient Plumbing Fixtures

<p>The following performance thresholds are required for all new fixtures:</p> <ol style="list-style-type: none"> <li>1. Toilets: High Efficiency Toilets (HETs) with flush rate <math>\leq 1.28</math> gallons per flush (gpf).</li> <li>2. Urinals: Waterless or low-flow with flush rate <math>\leq 0.5</math> gpf.</li> <li>3. Faucets: flow rates <math>\leq 1.5</math> gallons per minute (gpm) for all faucets except kitchen sinks.</li> <li>4. Pre-rinse Spray Valves: flow rates <math>\leq 2.0</math> gpm.</li> </ol>	<ol style="list-style-type: none"> <li>1. Floor plan(s) with fixture schedule(s) showing location of all new toilets, urinals, faucets and kitchen pre-rinse spray valves in the project. Include flow rates in the fixture schedule.</li> <li>2. Specification sections showing that low-flow fixtures are specified for all new fixtures (if specifications are created for the project).</li> <li>3. Manufacturer literature (cut sheets) showing flush rate of toilets and urinals to be installed, and flow rates for faucets and spray valves.</li> </ol>	
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## Energy

*Exceeding energy efficiency minimums results in reduced greenhouse gas emissions, lower utility costs and increased comfort. Another benefit is higher quality construction, thanks to better air sealing, increased insulation, and high efficiency equipment.*

### 5. Improved Energy Efficiency

There are 2 paths for achieving this measure:

Path 1. Performance: For buildings that require Title 24 energy modeling, complete Path 1. Check "N/A" in the Path 2 box.

Path 2. Prescriptive: For projects that do not require energy modeling, complete Path 2. Check "N/A" in the Path 1 box.

Yes No N/A

#### Path 1: Building Energy Modeling

<p>Beat California minimum energy efficiency standards (Title 24, Part 6) by 10% or more.</p>	<ol style="list-style-type: none"> <li>1. Submit Title 24 report for whole building or by component. Percent better than code is determined by energy cost from ECON-1 report.</li> </ol>	
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#### Path 2: For projects that DO NOT require building energy modeling: Complete A&B below.

##### A. Select at least 2 of the following prescriptive energy efficiency measures

<input type="checkbox"/>	<p>i. Reduce Lighting Power Density (LPD) in the facility to 90% of code.</p>	<ol style="list-style-type: none"> <li>1. Provide lighting design plans and/or specifications.</li> <li>2. Calculate the total LPD and include on plans or in other format. The LPD can be calculated from lighting design plans or from Title 24 submissions. Must be a maximum of 90% of Title 24 LPD. Do not include occupancy sensor or other switches/control strategies in this calculation.</li> </ol>	
<input type="checkbox"/>	<p>ii. Verify outside air economizer operation.</p>	<ol style="list-style-type: none"> <li>1. Evaluate economizer operation upon startup. Confirm operation of actuator from minimum position to 100% open.</li> <li>2. Verify economizer operates per control sequence (outside air, room set point) to meet space requirements.</li> </ol>	
<input type="checkbox"/>	<p>iii. High performance windows - for all windows replaced.</p>	<ol style="list-style-type: none"> <li>1. Provide plans and/or specifications with window schedule. All new windows must be NFRC rated and have a U-factor no higher than 0.40. Solar Heat Gain Coefficient (SHGC) is dependent on glazing percentage, for buildings with less than 20% glazing, SHGC should be no higher than 0.45. For buildings with more than 20% glazing, SHGC should be no higher than 0.35.</li> <li>2. Provide manufacturer cut sheets or other documentation of NFRC label for windows chosen.</li> </ol>	
<input type="checkbox"/>	<p>iv. All new or replaced windows have low-conductivity frames. Metal frames do not qualify, except those with thermal breaks.</p>	<ol style="list-style-type: none"> <li>1. Provide window schedule or specifications showing all new or replaced windows frames are vinyl, fiberglass, thermally-broken metal, or other non-metal.</li> <li>2. Provide manufacturer cut sheet illustrating frame type.</li> </ol>	

# Small Commercial Green Building Checklist



Yes	No	N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/>			v. High Efficiency HVAC Equipment. All new HVAC equipment must comply with the Consortium for Energy Efficiency (CEE) Tier 1 commercial HVAC standards. See <a href="http://www.buildgreennow.org">www.buildgreennow.org</a> for a link to the CEE standards or download them at <a href="http://www.cee1.org/com/com-main.php3">www.cee1.org/com/com-main.php3</a> .	<ol style="list-style-type: none"> <li>1. Provide plans and specifications showing equipment schedule and performance specifications.</li> <li>2. Provide manufacturer literature confirming compliance with CEE Tier 1 standards.</li> </ol>	
<input type="checkbox"/>			vi. Provide on-site renewable energy generation (solar, wind, etc) system capable of producing at least 5% of the building's total electrical load OR at least 10% of the building's hot water demand.	<ol style="list-style-type: none"> <li>1. Provide estimated output and percent of building load to be offset with renewable energy system. Calculations to be provided by a licensed solar installer, electrical contractor, or from the CEC rebate application.</li> <li>2. Provide manufacturer cut sheets for solar panels. If photovoltaics are installed, provide cut sheet for inverter(s).</li> </ol>	
<p><b>B. Select at least 3 of the following prescriptive energy efficiency measures</b></p>					
<input type="checkbox"/>			i. Automatic daylight sensors are installed in at least 75% of spaces with exterior non-north facing windows. Automatic sensors must turn lights on, off, or dim depending on amount of daylight. (B.i and B.iii cannot both be attained on the same project).	<ol style="list-style-type: none"> <li>1. Highlight areas to be daylit on plans (those areas or rooms within 15 feet of skylights or exterior, non-north windows).</li> <li>2. Highlight locations of daylight sensors.</li> <li>3. Provide calculation showing that 75% or more of the space in daylit areas (by square feet or rooms) are under daylighting control.</li> </ol>	
<input type="checkbox"/>			ii. Locate occupancy sensors in 40% of intermittent or non regularly occupied spaces (hallways, bathrooms, closets, private offices). Exclude areas containing mechanical equipment or electrical panels which require light for maintenance activities.	<ol style="list-style-type: none"> <li>1. Provide lighting plans with intermittent/non-regularly occupied spaces highlighted.</li> <li>2. Highlight occupancy sensors on plans that serve these spaces.</li> <li>3. Provide calculation showing that 40% or more of the spaces are controlled by occupancy sensors.</li> </ol>	
<input type="checkbox"/>			iii. Multi-level switching in all "daylit" areas (B.i and B.iii cannot both be attained on the same project).	<ol style="list-style-type: none"> <li>1. Provide lighting plans with daylit areas highlighted (those areas within 15 feet of skylights or exterior, non-north windows).</li> <li>2. Confirm electrical design allows for multi-level switching.</li> </ol>	
<input type="checkbox"/>			iv. All new exit signs in the project are to be LED or nuclear. Recommend replacing all existing exit signs as well, even if not in project scope.	<ol style="list-style-type: none"> <li>1. Provide lighting plans specifying correct signage product.</li> </ol>	
<input type="checkbox"/>			v. Install ENERGY STAR rated office equipment and appliances. For eligible equipment, at least 75% of all new office equipment and 90% of all new appliances must be ENERGY STAR rated. See <a href="http://www.energystar.gov">www.energystar.gov</a> for product lists.	<ol style="list-style-type: none"> <li>1. Submit list of all planned new office equipment and appliances.</li> <li>2. Calculate the percent of planned office equipment and appliances that are to be ENERGY STAR. If ENERGY STAR products are not available for a particular appliance or piece of equipment, note that on the list and do not include those in the percentage calculation.</li> </ol>	
<input type="checkbox"/>			vi. High efficiency heating: If new furnaces are specified, they will have a minimum energy efficiency of 92 AFUE.	<ol style="list-style-type: none"> <li>1. Submit plans or specifications highlighting efficiency of forced air furnace(s).</li> <li>2. Submit manufacturer cut sheet for furnace(s) and highlight efficiency.</li> </ol>	
<input type="checkbox"/>			vii. High efficiency water heating: Specify gas water heaters above 0.65 EF or preferably a condensing hot water heater at 0.86. Avoid electric hot water heaters. Specify boilers with efficiency of 90% or more. (This excludes all tankless water heaters and any small kitchen or bathroom water heaters under 5 gallons.)	<ol style="list-style-type: none"> <li>1. Submit plans or specifications highlighting efficiency of water heater(s) or boiler(s).</li> <li>2. Submit manufacturer cut sheet for water heaters/boilers and highlight efficiency.</li> </ol>	

# Small Commercial Green Building Checklist



Yes	No	N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/>			viii. Tight ducts: Duct testing and sealing for all ductwork.	1. Submit evidence that duct sealing and testing will be performed. This could be in the specifications; be a HERS duct testing contract or report; or other documentation that ducts will be sealed and tested. 2. Provide final duct testing report.	
<input type="checkbox"/>			ix. Develop and implement an Operations & Maintenance (O&M) Plan for the building. Download a guide to green O&M at <a href="http://www.StopWaste.Org/EPP">www.StopWaste.Org/EPP</a> .	1. Develop an O&M plan for the project. The plan should address all that apply: building lighting, heating, cooling, plumbing, solar, rainwater catchment, irrigation/landscaping practices and other systems as well as more general building policies (such as green cleaning, environmental purchasing, etc). The plan should describe accessibility of units, proper maintenance techniques, descriptions of proper use, model numbers & cut sheets, manufacturer contact information for replacement/repair/questions. The plan should include switching/controls diagrams, lighting plans, heating, cooling, plumbing, solar, rainwater, irrigation/landscaping practices. 2. Submit signed O&M plan from the owner saying that the O&M plan will be followed once occupied.	

## Materials

*Construction materials constitute about 22% of the disposed waste stream statewide. Many of these materials can be reduced, reused or recycled. Recycling reduces the amount of material entering landfills and can save money for building owners through reduced disposal and operating fees. Buying environmentally preferable new products can reduce the impact on raw materials extraction and disposal at end of life.*

Yes No N/A

### 6. Construction Waste Management

	During construction, divert 100% of concrete and asphalt concrete and divert at least 65% of remaining job site construction waste from landfill via recycling or reuse.	1. Prior to construction, complete a construction waste management plan. The City should provide a sample template, or one can be downloaded at <a href="http://www.buildgreennow.org">www.buildgreennow.org</a> . 2. After construction, provide final waste management plan and verification (service provider weight tags and/or receipts) that 100% of concrete and asphalt concrete were diverted and at least 65% of remaining job site construction waste diverted from landfill via recycling or reuse. If material was taken to a transfer station, a facility average recycling rate must be applied to the amount of material sent to that facility.
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### 7. Environmentally Preferable Materials

Achieve at least 5 Environmentally Preferable Materials from i-xiv below.  
 Materials or finishes listed below meet at least one of the following environmentally preferable criteria: Plywood/MDF/wood is FSC certified; salvaged/reclaimed materials (including onsite materials); flyash in concrete; rapidly renewable materials (bamboo, etc); recycled content materials (at least 40% combined pre and post consumer); exposed concrete (for flooring only); or low-emitting (Volatile Organic Compounds (VOCs) and other chemicals. See [www.buildgreennow.org](http://www.buildgreennow.org) for links and resources on Environmentally Preferable Materials.

<input type="checkbox"/>	i. Cabinets & Shelving (includes boxes, face frames and doors). <i>At least 50% of cabinets and shelving (by volume or linear feet) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material (recycled content %, FSC certification, etc.). 3. Provide calculation of applicable material percentage.
<input type="checkbox"/>	ii. Interior Trim (includes all trim for floors, doors, walls, ceilings, windows, wainscot). <i>At least 50% of all interior trim (by volume or linear feet) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide calculation of applicable material percentage.

# Small Commercial Green Building Checklist



Yes	No	N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/>			iii. Doors and Door Cores <i>At least 50% of all doors (by count) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide calculation of applicable material percentage.	
<input type="checkbox"/>			iv. Countertops and Substrates. <i>At least 50% of all countertops and substrates (by volume or linear feet) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide calculation of applicable material percentage.	
<input type="checkbox"/>			v. Furniture (Includes systems and stand-alone furniture). <i>At least 75% of all furniture (by number of pieces or by cost) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of furniture. 3. Provide calculation of applicable material percentage.	
<input type="checkbox"/>			vi. Ceiling Tiles. <i>At least 75% of all ceiling tile (by square feet) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide calculation of applicable material percentage.	
<input type="checkbox"/>			vii. Insulation. <i>At least 75% of all insulation (by volume, square feet, or cost) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide calculation of applicable material percentage.	
<input type="checkbox"/>			viii. Flooring. <i>At least 50% (by square feet) of all flooring (exposed or stained concrete) or floor coverings (carpet, resilient flooring, tile, hardwood, etc.) meet environmentally preferable criteria.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide calculation of applicable material percentage.	
<input type="checkbox"/>			ix. Flyash in Concrete <i>Achieve 15% flyash as percentage of portland cement for all new concrete poured.</i>	1. Provide proposed mix designs showing flyash as percentage of portland cement. 2. Provide calculation showing planned 15% flyash for total new poured concrete (ensure that flyash is percentage of portland cement).	
<input type="checkbox"/>			x. Exterior Paint. <i>At least 50% of all exterior paint (by square footage or volume) is recycled content (40%+).</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature showing recycled content. 3. Provide calculation of applicable material percentage.	
<input type="checkbox"/>			xi. Low-Emitting Interior Paint. <i>All interior paints are low emitting: <math>\leq 50</math> grams/liter for flat paints, <math>\leq 150</math> g/L for non-flat paints and other coatings.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide documentation that all paints and coatings are low-emitting. Provide MSDS sheets.	
<input type="checkbox"/>			xii. Low-Emitting Adhesives & Sealants. <i>All adhesives and sealants are low-emitting according to the South Coast Air Quality Management District Rule 1168 (see <a href="http://www.aqmd.gov/rules/req/req11/r1168.pdf">www.aqmd.gov/rules/req/req11/r1168.pdf</a> for VOC limits).</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide documentation that all adhesives and sealants are low-emitting. Provide MSDS sheets.	



# Small Commercial Green Building Checklist



Yes	No	N/A	Measure & Requirement	Documentation	Notes
<input type="checkbox"/>			xiii. Low-Emitting Carpeting. <i>All carpeting, carpet pads, and adhesives are certified Green Label Plus per the Carpet and Rug Institute (CRI). See <a href="http://www.carpet-rug.org">www.carpet-rug.org</a> for label requirements and product lists.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide CRI Green Label Plus documentation.	
<input type="checkbox"/>			xiv. Low-Emitting Composite Wood. <i>All interior composite wood (MDF, plywood, particleboard, etc.) contain no added urea formaldehyde.</i>	1. Provide finish schedule or specifications with applicable material(s) highlighted. 2. Provide manufacturer literature to support environmental claims of material. 3. Provide MSDS sheets of composite wood.	

## 8. Collection of Recyclables

Encourage ongoing recycling by providing at least as much bin volume for recycling as for waste. Additionally, recycle at least 5 of the following material streams: glass, plastic, cardboard, aluminum, food scraps, hazardous waste (fluorescent lamps, batteries, oil, etc.), and e-waste (computer equipment).	1. Provide plans showing recycling receptacles are provided in all applicable areas: offices, private rooms, meeting rooms, kitchens, etc. 2. Provide calculation of adequate recycling volume. 3. Provide evidence of recycling for at least 5 of the material streams. Submit recycling hauler information for recyclables and food scraps. Provide a short narrative on how the facility will collect and recycle hazardous and e-waste.	
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## Indoor Environment & Air

Effective daylighting and natural ventilation may improve indoor environmental quality. Natural ventilation can reduce heating and cooling requirements and may justify smaller, simpler HVAC systems, which can reduce the project's first costs. Ventilation (natural or mechanical) improves indoor air quality. Daylighting can offset some of the electric lighting load.

Yes No N/A

## 9. Daylight, Views & Natural Ventilation

Provide access to views to the outdoors (any window or skylight can provide a view) from 80% of regularly occupied areas. Operable windows are recommended for all projects; required if 2 or more walls have windows or access to outdoor air and there is not a security compromise by having operable windows.	1. Provide site plans with view areas highlighted (those areas within sightline of skylights or exterior windows). 2. Calculate percent of regularly occupied areas with/without access to views. 3. Provide window schedule showing operable and non-operable windows.	
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## 10. Fresh Air Monitors for Densely Occupied Spaces

For systems with moveable outside air dampers: For all densely occupied spaces, such as multi-purpose rooms or conference rooms, provide CO2 monitors with alarms (example: small visual indicator such as a light to alert building occupants or building operator), and the ability to manually adjust air flow.	1. Provide mechanical plans with CO2 monitors highlighted. 2. Confirm alarm function (user adjustable) of Building Automation System. Verify control sequence resulting from "alarm" in Sequence of Operations. 3. Provide Title 24 "Acceptance" forms. 4. Written confirmation that testing, adjusting and balancing (TAB) contractor will adjust and balance the moveable outside air damper to provide cooling as required for air conditioning the space. When CO2 monitor located within referenced AC unit's conditioned space sends an alarm signal the economizer damper actuator shall open outside air damper to provide 30% more air than the minimum damper setting.	
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