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Important Notice Regarding Oakland's Green Building Ordinance and the 2013 Building Energy Efficiency Standards effective July 1, 2014

The purpose of this notice is to clarify the current City of Oakland's green building requirements for development projects with implementation of the 2013 Building Energy Efficiency Standards (Title 24) code revisions, effective July 1, 2014.

Background

On October 19, 2010, the City of Oakland adopted a local Green Building Ordinance which requires compliance with green building standards for most project types starting January 1, 2011, including but not limited to:

- Residential New Construction
- Residential Additions and Alterations
- Non-Residential New Construction
- Non-Residential Additions and Alterations

On May 31, 2012, the California Energy Commission adopted the 2013 Building Energy Efficiency Standards (Title 24) which became effective on July 1, 2014. As of this date, the following sections of Oakland's local Green Building Ordinance became inconsistent with the new regulations:

- 18.02.040C: Scope and Applicability, 2008 Building Energy Efficiency Standards
- 18.02.100: Compliance Standards Table Effective January 1, 2011 (regarding compliance with 2008 California Building Energy Standards, minimum point level for energy efficiency and certification, and 3rd party certification.)
- 18.02.150A (a)(i): Construction Phase Permitting (2008 Building Energy Efficiency Standards)
- 18.02.160A: Approval of Documents, Construction Phase

The California Energy Commission has approval authority over local codes that exceed Title 24. Local jurisdictions must, at a regularly scheduled and noticed public hearing before the legislative body, approve a study that demonstrates the cost effectiveness of energy efficiency requirements and submit the study to the California Energy Commission for their approval. The City of Oakland has not completed this process pursuant to the 2013 Title 24 regulations. Therefore, the City staff cannot enforce any "above code" energy efficiency requirements within certain checklists referenced in the Ordinance and subsequently, certification of the project through these programs.

Oakland Green Building Ordinance Compliance

The City of Oakland is currently working on a proposal to revise the local Green Building Ordinance to conform to the 2013 Title 24 standards. In the meantime, any requirement for certification with Build It Green's GreenPoint Rated Program for Single Family and Multi-Family Homes is suspended. Furthermore, no permit application is required to exceed the 2013 Building Energy Efficiency Standard requirements, including but not limited to requirements to install cool roof materials. All other aspects of the Green Building Checklists are required to be followed, submitted and

enforced. Projects that meet the Green Building Ordinance thresholds referenced in Section 18.02.100 should follow the process outlined below.

Residential New Construction (Single-Family)

- Completed Single Family GreenPoint Rated checklist, including signature by a New Home GreenPoint Rater on the applications, and the CALGreen Residential Construction checklist.
- Meet all Pre-requisites (except measure J5.1: Building Performance Exceeds Title 24, Part 6 and any cool roof requirements) & a minimum of 23 points (3 Community; 6 IAQ/Health; 6 Resources; 8 Water).
- Implement 2013 CALGreen mandatory measures for residential new construction.
- Verification by a GreenPoint Rater, during the Inspection Phase.

Residential New Construction (Multi-Family)

- Completed Multi-Family GreenPoint Rated checklist, including signature by a New Home GreenPoint Rater on the applications, and the CALGreen Residential Construction checklist.
- Meet all pre-requisites (except measure J5.1: Building Performance Exceeds Title 24, Part 6 and any cool roof requirements) & a minimum of 23 points (3 Community; 6 IAQ/Health; 6 Resources; 8 Water).
- Implement 2013 CALGreen mandatory measures for residential new construction.
- Verification by a GreenPoint Rater, during the Inspection Phase.

Residential Additions and Alterations (Single-Family)

- Completed Existing Home GreenPoint Rated checklist, including signature by an Existing Home GreenPoint Rater on the applications, and the CALGreen Residential Additions and Alterations checklist if the addition or alteration increases the building volume or size of conditioned space.
- Meet all pre-requisites & a minimum of 25 points (8 Energy; 2 IAQ/Health; 2 Resources; 4 Water) in the Elements Label (except Section J.2. Energy Upgrades will have no minimum point requirement).
- Required replacement of non-compliant plumbing fixtures.
- Implement 2013 CALGreen mandatory measures if the addition or alteration increases the building's conditioned area, volume, size.
- Verification by a GreenPoint Rater, during the Inspection Phase.

Non-Residential New Construction (Projects between 5,000 and 25,000 sq. ft. of floor area)

- Completed Small Commercial checklist and the CALGreen Non-Residential Construction checklist.
- Meet all pre-requisites & all applicable measures on the checklist (except Section 5: Improved Energy Efficiency and Section 3: Heat Island Effect (due to the cool roof requirements)).
- Implement 2013 CALGreen mandatory measures for non-residential new construction.
- Verification by City staff.

Non-Residential New Construction (Projects over 25,000 sq. ft.)

- Completed LEED 2009 checklist, including signature by a LEED AP on the applications,¹ and the CALGreen Non-Residential Construction checklist.
- Meet all pre-requisites & minimum of LEED Silver (except the cool roof requirements).
- Implement 2013 CALGreen mandatory measures for non-residential new construction.
- Verification by a LEED AP.
- Certification by the Green Building Certification Institute (GBCI).

¹ According to the US Green Building Council, projects may register under the LEED 2009 rating system until June 27, 2015 or the LEED v4 rating system. Although the Definition of a LEED Checklist (Section 18.02.030) means the most recent version of the checklist, the City has determined that the LEED 2009 checklist is still applicable and is the required checklist until June 27, 2015 or until the proposed Ordinance revisions are adopted. Projects that wish to register under LEED v4 may do so voluntarily as a substitute checklist.

Non-Residential Additions and Alterations (Projects between 5,000 and 25,000 sq. ft. of floor area, and projects over 25,000 sq. ft. that do not meet the Major Additions and Alterations definition in the Ordinance)

- Completed Small Commercial checklist and the CALGreen Non-Residential Additions and Alteration checklist, if project includes an addition >1,000 sq. ft. floor area or an alteration > \$200,000.
- Meet all pre-requisites & all applicable measures on the checklist (except Section 5: Improved Energy Efficiency and Section 3: Heat Island Effect).
- Implement 2013 CALGreen mandatory measures for non-residential additions and alterations of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above.
- Verification by City staff.

Non-Residential Additions and Alterations (Projects over 25,000 sq. ft. of floor area which meet the Major Additions and Alterations definition in the Ordinance)

- Completed LEED 2009 checklist, including signature by a LEED AP,² and the CALGreen Non-Residential Additions and Alteration checklist, if project includes an addition >1,000 sq. ft. floor area or an alteration > \$200,000.
- Meet all pre-requisites & minimum of LEED Silver (except the cool roof requirements).
- Implement 2013 CALGreen mandatory measures for non-residential additions and alterations of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above.
- Verification by a LEED AP.
- Certification by the Green Building Certification Institute (GBCI).

Finally, development projects that received Planning approval with inclusion of a Green Building Condition of Approval and are applying for a building permit pursuant to current Building Codes should follow the process outlined above until a revised Ordinance is adopted by City Council later this fall. If you wish to comment or participate in that process, please sign up for e-mail notifications by means of the Oakland Green building home page. www.oaklandgreenbuilding.com

Hopefully this notice clarifies the Green Building Ordinance requirements with the implementation of the 2013 Title 24 requirements. In addition to Oakland staff has revised the Green Building Compliance Standards Table to be consistent with this notice. If you have additional questions regarding this notice or green building in Oakland, please contact Heather Klein at (510)238-3659 or at hklein@oaklandnet.com.

² Ibid.
October 16, 2014