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# Memorandum

**To:** Rules Committee

**From:** Councilmember Pete Constant  
Councilmember Pierluigi Oliverio

**Subject:** GREEN BUILDING  
DEVELOPMENT POLICY:  
PRIVATE DEVELOPMENT

**Date:** October 31, 2007

**Approved:**

## RECOMMENDATION

1. I recommend that the Rules Committee direct staff to develop a workload assessment for drafting an incentive-based private development green building policy. The workload assessment should:
  - a. Focus on incentives for building green, such as expedited permit processing.
  - b. Include a comprehensive stakeholder review to determine market feasibility, as well as best practices.
  - c. Include a policy review plan that allows for extensive public vetting through focus groups, industry representatives, City Council committees, etc.
  - d. Not be limited to the United States Green Build Council guidelines

## BACKGROUND

San José has taken a leadership role in sustainable design by requiring all City buildings to qualify for Leadership in Energy and Environmental Design (LEED) Gold certification. Currently, the United States Green Build Council (USGBC), the author of LEED standards, is drafting criteria for residential development. This is a pilot program, but will likely result in common sustainable building techniques in the future. The City Council recently approved the Mayor's Green Vision, which will set new standards for municipal leadership in sustainability.

San José does not currently have any policy or building guidelines that require private developers to utilize green building techniques. The City Council has taken it upon itself to require individual projects to comply with differing levels of sustainability based on the project's location. This has resulted in an uneven playing field for development across San José, where development standards differ by district. I feel it is more appropriate for the City Council to approve an ordinance that would apply citywide, rather than holding individual projects to arbitrary development conditions, based on the particular whims of individual Councilmembers.

The business community has implored us to strive for certainty and predictability in our processes. Drafting a citywide policy in a collaborative approach with input from a comprehensive group of stakeholders is the best way to encourage greater economic development in our City, while ensuring we work toward the goals of the Mayor's Green Vision.