

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
THURSDAY, JULY 19, 2012**

COMMITTEE MEMBERS PRESENT:

Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
James R. Hart, At-Large, Chairman
Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBERS ABSENT:

Walter L. Alcorn, At-Large

OTHER COMMISSIONERS PRESENT:

Ellen J. Hurley, Braddock District
James T. Migliaccio, Lee District

FAIRFAX COUNTY STAFF PRESENT:

Noel H. Kaplan, Senior Environmental Planner, Environment and Development Review
Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ)
Maya P. Dhavale, Planner III, EDRB, PD, DPZ
Ellen N. Eggerton, Green Building Ombudsman, Land Development Services,
Department of Public Works and Environmental Services
Dawn M. Ashbacher, Assistant Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:

Lori R. Greenlief, Land Use Planner, McGuireWoods LLP
Inda Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Flint Webb, Co-Chairman, Fairfax Federation of Citizens Associations' Environmental
Committee

ATTACHMENTS:

- A. "Discussion of Implementation of Green Building Policy" document, dated July 19, 2012
- B. Draft Green Building Comprehensive Plan Policy Review Strawman, dated July 7, 2011
- C. "Framework for Drafting a Soft Commitment" and "Soft Commitment Prototype Proffer/Condition" documents

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Chairman James R. Hart called the meeting to order at 6:48 p.m., in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Lawrence MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF JUNE 28, 2012, BE APPROVED.

Commissioner Donahue seconded the motion which carried unanimously.

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Maya Dhavale, Planner III, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ), reviewed the "Discussion of Implementation of Green Building Policy" document, dated July 19, 2012, as shown in Attachment A.

Noel Kaplan, Senior Environmental Planner, EDRB, PD, DPZ, summarized the Committee's discussions during the May 31 meeting regarding the implementation of the Green Building Policy, specifically how to create a framework for a "soft" commitment for an application outside the areas within which Policy b establishes an expectation for green building certification through LEED or an equivalent program. He noted that the recent case by Pohanka Stonecroft LLC (RZ 2011-SU-024/SE 2011-SU-009) for an auto dealership had raised a concern about equitability. Mr. Kaplan explained that Pohanka had expressed concern that a project involving a Bill Page auto dealership (PCA 2009-MA-011/SEA 95-M-039-02) was not being held to the same expectation for green building certification because it was located outside an area subject to such an expectation. He, therefore, questioned whether it was appropriate to retain the geographic distinctions established at the beginning of Policy b: "Within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers, Industrial Areas, and Transit Station Areas as identified on the Concept Map for Future Development" (see page 4 of the Draft Green Building Comprehensive Plan Policy Review Strawman, dated July 7, 2011, as shown in Attachment B). Mr. Kaplan next described options available to address this question, as listed on the "Discussion of Implementation of Green Building Policy" document.

In response to questions from Chairman Hart, Mr. Kaplan said the outcomes of this discussion might result in additional revisions to the draft strawman. He confirmed that the Planning Commission could present to the Board of Supervisors a few options to be advertised, which might allow for later public input and reflection.

Chairman Hart explained his responses to the following options:

- Options a through c and e (General comment): The geographic distinctions in Policy b should be retained because they provide a good starting point.
- Option d: The second bullet under Policy b stating, "Development involving a change in use from what would be allowed as a permitted use under existing zoning," should be retained because such an issue should be evaluated on a case-by-case basis.
- Option f: Another option may be to establish a baseline expectation for all development projects in the County to consider achieving a formal green building certification or

incorporating green building elements into the design and construction of the project, and to establish a higher or different green building performance expectation within the geographic areas identified in Policy b.

Commissioner Hurley expressed concern that imposing a commitment to LEED[®] or another certified building rating system on applicants who sought to redevelop older sites in the County might discourage much-needed redevelopment. She said she thought that the Cardinal Forest TD Bank case (SE 2011-BR-016) provided a good example of an applicant committing to the provision of specific green building strategies through a checklist. She also questioned why the County would expect an applicant who was volunteering to incorporate green building measures into its project to post a green building escrow, noting that such an expectation would discourage voluntary green building commitments.

Commissioner de la Fe expressed support for Option e to retain the existing Policy b language, including the geographic distinctions, and address difficult/complex cases on a case-by-case basis because it would allow flexibility in the evaluation process.

Replying to a question from Chairman Hart, Ms. Dhavale indicated that the County Attorney's Office was opposed to the idea of the County imposing a penalty if an applicant failed to meet its soft green building commitment. She emphasized the need for an enforceable green building commitment, but noted that the only enforcement mechanisms she was aware of were either: 1) Commitment to a green building escrow, or 2) Documentation that demonstrated that the project was anticipated to attain a higher than expected level of certification under the applicable rating system. Ms. Dhavale said staff was willing to consider other alternative approaches as long as they were enforceable.

Commissioner Lawrence pointed out that many of the green building elements listed on the "Soft Commitment Prototype Proffer/Condition" document (see pages 2-8 in Attachment C) described physical elements of a structure, such as ultralow-flow plumbing fixtures (Item Number 15 on page 4) or thermal insulation that had a greater R-value than code (Item Number 41 on page 8). He asked why a sign-off on these items from a qualified professional, along with copies of receipts, would not be sufficient. Ms. Dhavale replied that there was a need for an enforcement mechanism to provide a remedy to the County in case an applicant failed to incorporate the committed green building practices. She noted that a green building escrow, which would be in addition to and separate from other bond requirements, would help guarantee that all of the proposed green building elements would have been properly incorporated and installed.

Commissioner Lawrence asked if the construction bond could serve as a surety for a green building commitment. Ms. Dhavale noted that construction bond money was held for specific purposes and that it would be difficult to see where a green building commitment would fall.

Responding to a question from Commissioner de la Fe, Ms. Dhavale said she thought that the County Attorney's Office was reluctant to pursue the penalty approach because green building commitments were not explicitly required by the Zoning Ordinance. She explained that until the

Virginia General Assembly explicitly granted authority to the County to collect money in a green building bond to enforce commitments, this was not a viable option.

Ellen Eggerton, Green Building Ombudsman, Land Development Services, Department of Public Works and Environmental Services (DPWES), explained that a bond was a security posted by the developer prior to beginning construction, usually in the form of a performance bond, which guaranteed that the developer would complete all public infrastructure and any other bondable items indicated on the approved plan. She noted that if the developer failed to complete a project in compliance with the minimum County and Virginia standards, such as the Chesapeake Bay Preservation Ordinance, the County could step in to complete the required work by utilizing money from the bond. She stated that the release of the green building escrow could not be tied to building performance because a building could not be made green after construction. Ms. Eggerton added that the funds would need to be applied to a County fund supporting implementation of practices that would have a similar environmental impact. She said the verification element in the soft green building commitment enabled staff to determine that the proffered equipment and materials had been installed in the building. She pointed out that a County inspector would inspect each major phase of construction to make certain the work conformed to the minimum Virginia Uniform Statewide Building Code (VUSBC). She added that the green building measures beyond the minimum building code would need to have other enforcement methods specified in proffers and not as part of the building code compliance.

Inda Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, asked whether staff would be open to lowering the typical escrow amount of \$2.00 per square foot of gross floor area of the building for applicants who were willing to commit to green building practices but could not afford that escrow amount. Ms. Dhavale replied that this had been applied in certain cases in which the applicant had proffered to incorporate specific green building elements into its project, and then totaled the cost of the materials and installation of these elements, reducing the escrow by that amount. She said these applicants essentially planned to invest a certain amount of money into their project with the selected green elements, with the remainder of the standard escrow to be posted. However, Ms. Dhavale noted that this approach reduced the flexibility available to the applicant if the project was not completed in a timely manner and the specific green elements that had been proffered were no longer feasible for that project.

In reply to a question from Commissioner Donahue, Mr. Kaplan said he did not think the County Attorney's Office had ever questioned the legality of the green building escrow. He also noted that DPZ staff had worked with DPWES staff to ensure that the escrow commitment did not adversely affect DPWES processes and was enforceable. Chairman Hart suggested that staff consult the County Attorney's Office regarding the legality of the green building escrow. He pointed out that proffers were offered voluntarily by rezoning applicants, whereas, development conditions were imposed by staff to mitigate impacts from a proposed use.

Commissioner Donahue said he was not opposed to the green building escrow as long as it was acceptable to the County Attorney's Office.

Chairman Hart said he thought that for development conditions that were submitted in a rezoning, special exception, or special permit application, the County did not have legal authority to require the applicant to place funds in an escrow account if it was not mitigating a specific impact. He said he also believed that the County did not have legal authority to require contributions to a green building escrow for projects located outside a geographic area of expectation for such a commitment. He explained that the main issue was how the County should enforce a green building commitment offered by an applicant when the subject site was outside an area of expectation and the commitment was absent a clear enforcement mechanism (e.g., escrow). Chairman Hart suggested two ways to address this issue:

- 1) Instead of a proffer or development condition, the applicant would submit drawings with notes detailing the physical green building features or materials and commit that they would be substantially in accord with what was shown on the architectural renderings or drawings. Staff would inspect the work to ensure that it conformed to the approved plans.
- 2) The applicant would commit that a professional engineer or licensed architect would certify that the committed green building provisions were satisfied at the time of the occupancy permit.

Ms. Dhavale explained that DPZ staff had been advised by DPWES staff to avoid tying occupancy permits to green building performance because DPWES was reluctant to prevent a developer from occupying its building due to failure to perform any of the green building measures as conditioned.

Answering a question from Chairman Hart, Mr. Kaplan stated that if an applicant offered a soft commitment that entailed a list of green building elements to be incorporated into its project, regardless of whether it was located inside or outside an area of expectation, the question of enforceability still existed.

Chairman Hart said he thought that failure to develop a property in substantial conformance with that shown on the submitted drawings or architectural renderings with detailed notes would pose a violation regardless of whether the failure related to green building features or materials.

In response to questions from Commissioner Flanagan, Ms. Dhavale indicated that the latest time an escrow should be posted was prior to the issuance of the building permit because the only step after that was final inspection. She noted that this final phase marked the completion of the project and granted permission to occupy a building. She said the concept of a “bridge escrow” enabled the applicant to post funds for a short time due to the absence of a trigger similar to how the County collected a bond. Ms. Dhavale stated that there might not be a way to trigger payment to the green building escrow after it had been initially deferred, noting that money was normally not collected at the time of final inspection.

Flint Webb, Co-Chairman, Fairfax Federation of Citizens Associations' Environmental Committee, indicated his support for the green building escrow. He explained that since a professional engineer had to sign off on a package of drawings for an application, which included installation of certain features, he or she should be held responsible if any of the provisions were not satisfied. He said this was another option available to the County to enforce a voluntary green building commitment.

Ms. Eggerton explained the following:

- Issuance of an occupancy permit was regulated by the VUSBC.
- During the building permits and inspections phase, County inspectors were only empowered by Virginia law to examine a building to verify that it conformed to the minimum VUSBC regulations, the permit, and the approved plans and to issue an occupancy permit if it was found to be in conformance.
- During the site and subdivision plans review phase, construction plans were submitted to and reviewed by County engineers and other personnel for compliance with the Zoning Ordinance.
- When the project was completed and code compliance was determined, the inspector issued a final inspection and granted permission to occupy a building (occupancy permit). There was no trigger point or way to collect money from the developer at the time of final inspection.
- The soft commitment conditions required the applicant to provide proof of installation and invoice receipts and letter of escrow because there was not another enforcement mechanism available. In addition, County personnel were not available to verify that the green building features were included in a project as conditioned.

Replying to a question from Chairman Hart, Ms. Eggerton stated that DPZ staff reviewed site plans to ensure that the nature and location of the proposed construction complied with the applicable Zoning Ordinance requirements. She explained that prior to occupancy, a Non-Residential Use Permit (Non-RUP) must be obtained from DPZ, which certified that the final inspections of the building or addition had been completed and that the special permit, special exception, or proffered conditions had been met.

Responding to a concern raised by Ms. Stagg, Ms. Eggerton indicated that a site plan must be submitted and approved prior to the commencement of construction. She also noted that typically, the building permit would not be issued prior to site plan approval, and site inspections were performed to ensure that all site related work was completed according to the approved plans and to ensure that all public improvements were completed. She added that buildings were inspected to meet the minimum building code.

Answering a question from Chairman Hart, Ms. Eggerton said DPZ staff would inspect a site to verify that all elements depicted on the site plans and drawings were installed prior to issuance of a Non-RUP.

Chairman Hart asked whether the Zoning Permit Review Branch staff in DPZ could verify whether the checklist of green building components had been met or review documentation from a professional engineer or licensed architect confirming the installation of the green building elements before issuing a Non-RUP. Ms. Eggerton replied that there was no such mechanism available in the building permit process. She explained that most often the rezoning, special exception, special permit, or variance was approved before issuance of the building permit to start construction. She added that all public improvements (if required) must be completed and approved prior to release of the bonds which were posted with the County to guarantee completion of these improvements.

Commissioner Lawrence said he believed the concept of a “scalable” escrow should be considered on a case-by-case basis because it would enable an applicant to reduce the escrow by the total cost to purchase and install the proffered green building elements into its project. He suggested that staff consider allocating the escrow money to an interest-bearing account and releasing the escrow plus interest to the applicant upon submission and acceptance of a certification statement confirming that the green building elements had been incorporated into the design and construction of the building.

Mr. Webb commented that alleged violations of a developer’s green building proffers or conditions could be reported directly to the Zoning Enforcement Branch in DPZ.

Commissioner Migliaccio said this discussion referred to a small subset of applications wherein the applicant offered a green building commitment for a project that was located outside an area with an expectation for such a commitment. He also recognized that the County could not require green building commitments when they were not explicitly required by the Zoning Ordinance and the Planning Commission could not deny an application if such a commitment was not offered. He expressed concern that if the County asked applicants to post an escrow when they had offered a voluntary green building commitment, this would either dissuade developers from offering such commitments or encourage them to not explicitly state their intention to incorporate green building practices because they did not want to post an escrow.

Chairman Hart pointed out that in situations where the applicant was willing to commit to green building strategies, such a commitment should be reflected in a development condition or proffer. Commissioner Migliaccio replied that the County could not impose a penalty if an applicant failed to satisfy its soft green building commitment. He said that in situations where the Planning Commission was basing its recommendation of approval to the Board of Supervisors on the condition that the proposed development would be green, the respective community and District Commissioner should seek an escrow but this should only apply on a case-by-case basis. However, he noted that unless such a stipulation was a Countywide policy and Zoning Ordinance requirement, the County could not enforce such a green building escrow.

Answering a question from Commissioner Hurley, Ms. Dhavale stated that an applicant would choose from the listing of possible green building elements what it determined to be suitable for inclusion into its project. She explained that Condition Number 29 requiring the use of building materials that had been produced or manufactured within 500 miles of the project site would help minimize the energy used to produce, manufacture, and deliver those products. She said an applicant would not choose this or any other condition unless it was confident it could be completed.

Commissioner Donahue said he was not opposed to the green building escrow as a mechanism to encourage an applicant to achieve its voluntary commitment, noting that it should continue to be an available option for applicants willing to post an escrow. However, he indicated that the County Attorney's Office should be consulted on this issue.

Commissioner Flanagan commented that asking for the green building escrow upfront in the process might cause a problem for certain applicants. He requested that staff consider linking the escrow to the Non-RUP or occupancy permit.

Chairman Hart said he thought that there was a loose consensus among the Commissioners that it was acceptable for an applicant to voluntarily post a green building escrow. He noted that there was still uncertainty on how to handle situations where an applicant wanted to offer a soft green building commitment for a project located outside an area of expectation, but was not willing to post an escrow. He acknowledged that depending on the answers from the County Attorney's Office, the County might not have legislative authority to enforce a green building escrow. He explained that the County could instead approach these situations on a case-by-case basis by accepting a list of specific green building elements the applicant intended to incorporate into the design and construction of its project and enforcing such a commitment in a development condition or proffer.

Mr. Kaplan noted that staff would investigate the questions raised by the Commissioners and present the answers at a future meeting. He said he did not think any of the questions would directly affect the strawman language although it might affect how the Committee wished to proceed once responses were received from the County Attorney's Office. He said he also thought that the Committee was comfortable with retaining the geographic distinctions in Policy b, and otherwise encouraging commitments to implementation of green building practices throughout the County. Mr. Kaplan stated that staff would make changes to the strawman based on the input received from the Committee during its review of stakeholder comments and present the Committee with a revised draft.

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Chairman Hart announced that the Committee would meet again on Thursday, September 13, 2012, in the Board Conference Room, to review the revised Green Building Policy strawman document from 6:45 to 7:30 p.m. He noted that from 7:30 to 8:15 p.m., the Committee would receive a presentation from DPWES staff on updates to the Public Facilities Manual and County Code to bring them into compliance with the new Virginia stormwater regulations

Chairman Hart asked that another meeting be scheduled in early October to continue the discussion on the implementation of the Green Building Policy (*Note: This meeting was subsequently scheduled for Thursday, October 4, 2012, at 7:00 p.m. in the Board Conference Room.*).

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The meeting was adjourned at 8:08 p.m.

James R. Hart, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved: November 29, 2012

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission

Planning Commission Environment Committee meeting, July 19, 2012
Discussion of Implementation of Green Building Policy

At the May 31, 2012 meeting, the Planning Commission's Environment Committee discussed the implementation of the green building policy, specifically how to craft and enforce a soft commitment for an application outside the areas within which Policy b establishes an expectation for green building certification through LEED or an equivalent program. As staff sought to address these questions, other questions concerning the implementation of the policy arose, specifically relating to the geographic distinction established within Policy b. Staff would like to discuss the following questions to have further clarification; the outcomes of this discussion may result in additional revisions to the draft strawman.

1. Is it appropriate to retain the geographic distinctions established in Policy b? The direction from the Environment Committee was to establish guidance for soft commitments that could apply outside of the specific areas linked to green building certification in Policy b. During the May 31 discussion, there was particular concern raised regarding uses for which green building certification may not be reasonably applicable/workable. Staff's consideration of this concern has caused it to ask what the appropriate approach should be for such uses **within** the areas identified in Policy b, and this question, along with recent case experience where equitability concerns were raised regarding Policy b's geographic distinctions, have, in turn, raised a broader question as to whether these geographic distinctions should be retained. There may be a number of options available to address this question, including:
 - a. Remove the geographic distinctions in Policy b, thereby expanding its reach countywide.
 - b. Revise the policy to have no areas of expectation, only encouragement throughout the County.
 - c. Define expectation for commitments based on uses, not geography (Option a with a focus on particular uses).
 - d. Delete the "change in use" bullet (the second bullet within Policy b), perhaps in conjunction with Option a.
 - e. Retain the existing policy, including the geographic distinctions, and address difficult/complex cases on a case-by-case basis.
 - f. Other options from the Environment Committee?
2. Framework for soft commitments for applications outside of the areas of expectation
3. How to handle applications inside the area of expectation that are unwilling/unable to commit to formal certification?

Draft Green Building Comprehensive Plan Policy Review Strawman – July 7, 2011

**Green Building Comprehensive Plan Policy Review Strawman
July 7, 2011**

INTRODUCTION

At the time of the initial Green Building Policy adoption in December 2007, the Planning Commission was directed to review the policy after two years to assess the efficacy of the policy as well as to determine if any revisions were necessary, given that the green building field is rapidly evolving.

To begin this review, in November 2009 staff and the Planning Commission began a series of discussions to identify issues associated with the use and implementation of the policy. These issues reflected staff's experience with using the policy for two years, as well as changes to the rating systems and technological evolutions in the green building field. The issues and topics identified for discussion included:

- Existing rating systems for residential and non-residential buildings, including systems that had evolved or been introduced since the adoption of the original policy.
- Costs associated with green building.
- Policy implementation issues.
- Use of alternative rating systems (equivalent to LEED).
- Policy clarification regarding acceptable rating systems.
- Data collection and monitoring of building energy use.
- Operation and management of green buildings.
- How to best achieve green building goals through the Comprehensive Plan and zoning process.
- Greening existing buildings.

The Planning Commission and staff discussed these issues from November 2009 through June 2011. Department of Planning and Zoning (DPZ) staff researched items of interest and other County staff from the Department of Public Works and Environmental Services (DPWES) provided expertise on various issues. During this process, the Planning Commission expressed the expectation that these discussions would lead to an amendment of the current Green Building Policy Plan language. This strawman presents a preliminary version of possible draft language.

As a disclaimer, staff wishes to stress that this document has been prepared by staff of the Planning Division of the Department of Planning and Zoning as a preliminary working document intended to spur discussion. This document should not be considered to be complete or to represent settled positions on issues. Currently this document reflects the discussions between staff and the Planning Commission; the perspective of stakeholders throughout the County has not yet been incorporated. The views of stakeholders are invited for inclusion through a series of discussions and will be incorporated into the final document.

Summary of Current and Draft Policy Language, as of July 7, 2011:

Current Policy

- Applies to development and redevelopment.
- Encourages commitments to the U.S. Green Building Council (USGBC)'s Leadership in Energy and Environmental Design (LEED) rating system OR the equivalent.
- Encourages commitments to ENERGY STAR qualification for homes and creates an expectation for such commitments when zoning proposals seek development at the high end of the plan density range.
- Creates an expectation for green building commitments (LEED certification or equivalent) for zoning proposals for nonresidential development and for multifamily residential development of four or more stories in Tysons, Suburban Centers, Community Business Centers and Transit Station Areas when the zoning proposals seek one of the following:
 - Development in accordance with Plan options
 - Development involving a change in use from what would be allowed under existing zoning
 - Development at the Overlay Level
 - Development at the high end of the planned density/intensity range.

Draft Policy

The preliminary draft policy language proposes the following changes:

- Clarifying the emphasis of the policy to be on individual buildings, not site/neighborhood design.
- Adding support for reuse of and for greening/retrofitting existing buildings.
- Adding language to encourage energy and water usage data collection and performance monitoring.
- Defining “equivalent” in reference to green building rating systems.
- Adding support for higher levels of green building performance when proposed developments have exceptional intensity or density (both residential and non-residential).
- Updating the range of residential green building rating systems available for use, recognizing the more comprehensive systems now available.
- Adding Industrial Areas to the areas of the County with an expectation for a green building commitment.
- Clarifying expectations for public-private partnerships.
- Adding support for infrastructure for alternative fuel vehicles.

DRAFT POLICY PLAN LANGUAGE

Staff presents for discussion language detailing revisions to the Fairfax County Comprehensive Plan, 2011 Edition, Policy Plan, Environment Section as amended through July 27, 2010, pages 19 through 21, as follows. To identify changes from the adopted Plan, changes made are shown with either an underline (new draft text) or ~~strikethrough~~ (deleted text).

“RESOURCE CONSERVATION AND GREEN BUILDING PRACTICES

The energy shortage in the United States in the 1970s highlighted the finite nature of our natural resources. Since the 1970s, efforts have been pursued at the federal level to enhance energy efficiency and the efficient use of water resources. While such efforts are best addressed at the federal level, local efforts to conserve these resources should be encouraged. Recent and foreseeable events and trends have highlighted the increasing need for energy and resource conservation and efficiency, greenhouse gas reduction and green building practices. Many jurisdictions are now engaging in community energy planning and other strategies to best use available resources.

The “green building” concept provides a holistic approach to the reduction of adverse environmental impacts associated with buildings and their associated facilities and landscapes.

Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

Policy a. In consideration of ~~Consistent with~~ other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices may ~~can~~ include, but are not limited to:

- Environmentally-sensitive siting and construction of development;
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the Policy Plan);-
- Optimization of energy performance of structures/energy-efficient design;-
- Use of renewable energy resources;-
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products;-
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies;-

- Reuse of existing building materials for redevelopment projects;-
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris;-
- Use of recycled and rapidly renewable building materials;-
- Use of building materials and products that originate from nearby sources;-
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials;-
- Reuse, preservation and conservation of existing buildings, including historic structures;-
- Retrofitting of other green building practices within existing structures to be preserved, conserved and reused;-
- Energy and water usage data collection and performance monitoring;-
- Consideration of Solid waste and recycling management practices.

Encourage commitments to implementation of green building practices through certification under established green building rating systems for individual buildings (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design for New Construction [LEED-NC®] or the U.S. Green Building Council's Leadership in Energy and Environmental Design for Core and Shell [LEED-CS®]) program or other comparable equivalent programs with third party certification. An equivalent program is one that is independent, third-party verified, and has regional or national recognition. Where developments with exceptional intensity or density are proposed (e.g. at 90 percent or more of the maximum planned density or intensity), ensure that higher levels of green building performance are attained. Encourage commitments to the attainment of the ENERGY STAR® rating where applicable. Encourage certification of new homes through an established residential green building rating system that incorporates multiple green building concepts and has a level of energy performance that is substantially equal comparable to or exceeds ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs.

Policy b. Within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers, Industrial Areas and Transit Station Areas as identified on the Concept Map for Future Development, ensure that zoning proposals for nonresidential development or zoning proposals for multifamily residential development of four or more stories within the incorporate green building practices sufficient to attain certification through the LEED-NC or LEED-CS program or its an equivalent program specifically incorporating both energy efficiency and comprehensive green building

practices, where applicable, where these zoning proposals seek at least one of the following:

- Development in accordance with Comprehensive Plan Options;
- Development involving a change in use from what would be allowed as a permitted use under existing zoning;
- Development at the Overlay Level; or
- Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range.

- Policy c. Ensure that zoning proposals for residential development will incorporate green building practices sufficient to attain certification under an established residential green building rating system that incorporates multiple green building concepts and that includes an ~~qualify for the ENERGY STAR Qualified Homes designation or an equivalent a comparable level of energy performance.~~ where ~~Where~~ such zoning proposals seek development at or above the ~~mid-the high-end range~~ of the Plan density range, ~~and where broader commitments to green building practices are not being applied~~ ensure that County expectations regarding the incorporation of green building practices are exceeded in two or more of the following measurable categories: energy efficiency; water conservation; reusable and recycled building materials; pedestrian orientation and alternative transportation strategies; healthier indoor air quality; open space and habitat conservation and restoration; and greenhouse gas emission reduction. As intensity or density increases, the expectations for achievement in the area of green building practices would commensurately increase.
- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.
- Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses.
- Policy f. Encourage private companies involved in public-private partnerships, wherein land is leased or provided by the County and developed by private companies, to comply with to meet or exceed County guidelines for green building certification.

Policy g. Encourage provision of charging stations and related infrastructure for electric vehicles and related infrastructure within new development and redevelopment proposals, particularly for residential where other opportunities are not available.

Policy h. Encourage recording of aggregated energy and water consumption data for a defined period of time provision of aggregated non-proprietary energy and water consumption data for a limited period of time following construction for use in monitoring and evaluating performance of green building strategies and technology.

Open Questions

- Should certain credits be emphasized more than others?
- Other issues to be raised by stakeholders

Comprehensive List of Changes (as of July 7, 2011)

This list tracks the history and provides the reasoning or circumstances behind the proposed changes. Additions are shown in **bold**, and removed text is shown with *italics*.

- First paragraph of the policy, the sentence, “**Recent events and trends have highlighted the increasing need for energy and resource conservation and efficiency, greenhouse gas reduction and green building practices. Many jurisdictions are now engaging in community energy planning and other strategies to best use available resources**” was added to emphasize the current nature of the policy. The words “*and foreseeable*” were removed from the original sentence.
- Leadership in Energy and Environmental Design (LEED) for New Construction (LEED-NC) and for Core and Shell (LEED-CS) spelled out in the first mention in the policy, all subsequent mentions use acronyms.
- Policy a., first sentence. Remove “*consistent with*” and replace with “**in consideration of**” to be consistent with the rest of the language in the policy. Last sentence, removal of “*can*” and addition of “**may**.”
- The February draft added an additional bullet “*Adaptive reuse and preservation of existing structures, particularly historic buildings*” which was subsequently removed and replaced with two bullets, “**Reuse, preservation and conservation of existing buildings, including historic structures**” and “**Retrofitting of other green building practices within existing structures to be preserved, conserved and reused,**” to reflect the discussion concerning historic buildings and reuse of existing buildings.
- Policy a., a new bullet point, “**Energy and water usage data collection and performance monitoring**” was added to reflect the discussions concerning monitoring data concerning resource usage.
- Policy a., a new bullet point was added, “**Solid waste and recycling management practices**” to reflect the discussions concerning comprehensive consideration of green building techniques.
- Policy a., first sentence, paragraph following bullet points, the language, “**for individual buildings**” and “**-NC® or LEED-CS®**” was added to clarify the intent of the policy is to emphasize construction of green buildings rather than neighborhood design.
- Policy a., same sentence, the word, “*comparable*” was removed and replaced with “**equivalent,**” to be consistent with usage elsewhere in the policy.
- Policy a, the following sentence, “**An equivalent program is one that is independent, third-party verified, and has regional or national recognition**” was added to provide a definition for “equivalent.”
- Policy a., same paragraph, following sentence, the language, “**Where developments with exceptional intensity or density are proposed (e.g. at 90 percent or more of the maximum planned density or intensity), ensure that higher levels of green building performance are attained**” was added to reflect the interest in seeing higher levels of green building performance with

exceptional developments. The 90 percent language was added to give an example of what “exceptional” might mean.

- Policy a, same paragraph, the sentence, **“Encourage certification of new homes through an established residential green building rating system that incorporates multiple green building concepts and has a level of energy performance that is comparable to or exceeds ENERGY STAR qualification for homes”** was added to encourage residential green construction with elements beyond energy conservation, and to update the standard of energy performance. Originally, *“substantially equal”* was used in place of **“comparable”** but was removed to clarify the intent.
- Policy a. all bullet points except the last, remove periods and replace with semi-colons.
- Policy b., first sentence, **“Within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers, Industrial Areas and Transit Station Areas as identified on the Concept Map for Future Development”** was added to clarify where the policy creates an expectation for green building certification. The language *“four or more stories”* was removed to clarify intent. Also, **“Industrial Areas”** was added to this list from the original policy. Other small grammatical changes were made as shown.
- Policy b., same sentence, the language **“-NC or LEED-CS”** was added to be consistent with changes noted above and the language **“program specifically incorporating both energy efficiency and comprehensive green building practices”** was added to reflect concerns that residential construction in these areas might use Energy Star rather than a more comprehensive green building rating system.
- Policy c., the language **“rating system that incorporates multiple green building concepts and that includes an”** was added to update the policy as more comprehensive residential rating systems are now widely available for use, and the language **“designation or comparable level of energy performance.”** was added to emphasize the base level of energy performance for the policy. The word *“equivalent”* was originally used and “comparable” was substituted for clarity. The language *“and where broader commitments to green building practices are not being applied”* was removed as it was determined to not be needed. The language, **“Where such zoning proposals seek development at or above the mid-range of the Plan density range, ensure that County expectations regarding the incorporation of green building practices are exceeded in two or more of the following measurable categories: energy efficiency; water conservation; reusable and recycled building materials; pedestrian orientation and alternative transportation strategies; healthier indoor air quality; open space and habitat conservation and restoration; and greenhouse gas emission reduction”** and the language *“the high end”* is removed reflects the interest in raising the expectation for green certified residential development in the County.
- Policy f. was added in its entirety, *“Encourage public-private partnerships wherein County land is leased or provided by the County and developed by private companies to comply with County guidelines for green building*

certification” to reflect the discrepancy between County and Comprehensive Plan policies and to provide guidance in these situations and was replaced in the current draft with, **“Encourage private companies involved in public-private partnerships where land is leased or provided by the County to meet or exceed County guidelines for green building certification.”**

- Policy g. was added in its entirety, *“Support the use of electric vehicles through the encouragement of provision of charging stations and related infrastructure within new development and redevelopment proposals”* to provide support for newly evolving land use related transportation infrastructure. In this draft the language is replaced with, **“Encourage provision of charging stations and related infrastructure for electric vehicles within new development and redevelopment proposals particularly for residential where other opportunities are not available.”**
- Policy h. was added in its entirety, **“Encourage recording of aggregated energy and water consumption data for a defined period of time following construction for use in monitoring and evaluating performance of green building strategies and technology,”** to reflect an interest in evaluating the water and energy conservation potential of green buildings. The original statement included the words, *“provision of aggregated non-proprietary energy and water consumption data for a limited period of time”* which were removed to clarify the intent.

Framework for Drafting a Soft Commitment

1. In accordance with the Comprehensive Plan Green Building policy, encourage all development in the County to consider achieving a formal green building certification, or inclusion of green building elements into the design and construction of the project.
2. If the applicant is interested in incorporating green building techniques, but is unwilling or unable to achieve a formal certification, staff will work with the applicant to determine which green building / sustainable development techniques and strategies may be applicable for inclusion in the site and building design. Staff will provide the Soft Commitment Prototype Proffer/Condition and discuss options with the applicant.
3. The Soft Commitment Prototype Proffer/Condition is a comprehensive listing of possible green building elements. It is not intended for an applicant to incorporate all of these into the project. Rather, it provides a starting point for the applicant to determine what elements may be suitable for inclusion into the project. A soft commitment for a proffer or condition may be drafted from this list, and modified as appropriate for the specific project. Areas that need to be modified to reflect the specifics of the case are called out in each item in the draft either by the use of an “X” to represent a value, or noted in the text (e.g. “to be written as it pertains to the specific case” or “staff is seeking a commitment to actions above required codes and ordinances.”)
4. Note that to be a strong commitment, the applicant should select some energy and water conservation components. The commitment must also have a verification element, with appropriate documentation/records to be provided (as detailed for each element below).
5. The commitment must be enforceable. This prototype includes an escrow, but staff is open to any type of enforcement mechanism that the applicant wishes to provide that is acceptable to all County agencies involved in the development process. Currently, it appears a penalty is not a feasible option for enforcement.

Soft Commitment Prototype Proffer/Condition

The Applicant shall incorporate into the design and implement the green building technology and strategies listed below. The Applicant shall, at the time of site plan review and building plan review, provide a certification statement from a LEED-AP who is also a professional engineer or licensed architect confirming that the green building elements listed below shall be incorporated into the design and construction of the project.

Prior to building plan approval for the property, the Applicant shall execute a separate agreement and post a “green building escrow,” in the form of cash or a letter of credit from a financial institution acceptable to DPWES and defined in the Public Facilities Manual. The amount of the escrow shall be either \$2.00 per square foot of gross floor area of the building or a percentage of the estimated value of the building, as determined by the Department of Tax Administration, depending on the size of the building. The green building escrow shall be in addition to and separate from other bond requirements. This escrow shall be released once the following conditions have been met:

Prior to final construction bond release, the LEED-AP, who is also a professional engineer or licensed architect, shall submit a certification statement including supporting documentation as detailed below, confirming that the green building elements listed below have been incorporated into the design and construction of the building.

Concurrence and acceptance of the certification statement by the Environment and Development Review Branch (EDRB) of DPZ.

If the Chief of EDRB does not concur or accept the certification statement, and a review of the documentation determines that the green building elements have not been implemented or included in the design and construction of the project, then the Chief of EDRB shall notify the Applicant’s LEED-AP. The Applicant’s LEED-AP and the Chief of EDRB shall meet to discuss the potential deficiencies and to develop appropriate resolutions, which may include substitute techniques or elements that achieve the same intended sustainability or energy conservation benefits. Thereafter, if the Applicant fails to take the necessary corrective actions and have the Applicant’s LEED-AP submit a revised certification statement with supporting documentation within 90 days, then the entirety of the green building escrow for the property shall be released to Fairfax County and shall be posted to a fund within the county budget supporting implementation of county environmental initiatives. However, if the necessary corrective actions cannot be completed within 90 days, and the Applicant can provide documentation in support of this, then the time period may be extended as determined appropriate by the Zoning Administrator and no release of escrowed funds shall be made to either the Applicant or the county during this time period.

Green building elements for inclusion in the project:

1. The Applicant shall include a LEED®-accredited professional as a member of the design team. The LEED-accredited professional will work with the team to incorporate

sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification. At the time of site plan submission, the applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.

2. The Applicant shall provide secure bicycle racks and/or storage for XXX bicycles within 200 yards of a building entrance. The Applicant shall provide proof of installation and plan location. Additionally, the Applicant shall provide XXX shower(s) and a changing facility for employees within 200 yards of a building entrance. The Applicant shall provide proof of installation, plan location and manufacturers' product data for the showerhead.
3. The Applicant shall provide preferred parking for carpool or vanpool parking for XXX spaces. The location of the spaces shall be labeled on the site plan and the spaces shall be demarked with Reserved for Carpool/Vanpool Parking sign. The Applicant shall provide proof of installation and plan location.
4. The Applicant shall provide preferred parking for low-emissions vehicles parking for XXX spaces. The location of the spaces shall be labeled on the site plan and the spaces shall be demarked with Reserved for Low-Emissions Vehicle Parking sign. The Applicant shall provide proof of installation and plan location.
5. Encourage restoration/remediation of the site, including stream channels and other natural features, as well as habitat/open space preservation – to be written as it pertains to the specific case. Staff is seeking a commitment to actions above required codes and ordinances.
6. Encourage siting the building on the existing footprint of development– to be written as it pertains to the specific case.
7. The Applicant shall exclusively use native and non-invasive species for landscape and other plantings on the site. The Applicant shall provide planting lists showing species and location of plantings.
8. Encourage tree preservation above what is currently required by ordinance, especially in parking areas – to be written as it pertains to the specific case.
9. The Applicant shall exceed current PFM requirements for stormwater quantity and quality control – to be written as it pertains to the specific case. Use of innovative technologies for pollution and quantity control, and those technologies that prioritize reuse of and infiltration of water on site, such as LID, capturing and re-use of rainwater, or recycling greywater, is encouraged. Staff is seeking a commitment to actions above required codes and ordinances.

10. Encourage reduction of impervious surfaces on site, either through redevelopment/reduction of existing impervious surfaces or innovative technologies – to be written as it pertains to the specific case.
11. Encourage innovative methods for reduction of heat islands on non-roof surfaces, such as provision of trees for shading of parking areas, use of hardscape materials with a Solar Reflectivity Index (SRI) of 29 or greater, or pervious pavers – to be written as it pertains to the specific case. Staff is seeking a commitment to actions above required codes and ordinances.
12. The Applicant shall install a roofing membrane with a Solar Reflectance Index (SRI) appropriate to the slope of the roof (i.e. for a low-sloped roof ($\leq 2:12$) equal to or greater than 78 for a minimum of 75% of the total roof area, and for a high-sloped roof ($> 2:12$) equal to or greater than 29). The Applicant shall provide proof of installation, roof area calculations and manufacturers' product data.
13. The Applicant shall install a vegetated roof that covers at least 50% of the roof area. The Applicant shall provide proof of installation, roof area calculations, planting lists, and any manufacturer's product data.
14. The Applicant shall provide a light pollution reduction strategy for interior and exterior lighting as listed below – to be written as it pertains to the specific case (examples include, LED lighting for signage/interior lighting, reduction by automatic device below the interior lighting power maximum allowances per International Energy Conservation Code (IECC) Table 505.5.2 for all nonemergency interior luminaries with a direct line of sight to any openings in the envelope (translucent or transparent) between certain hours, with an after-hours override provided by a manual or occupant-sensing device provided the override lasts no more than 30 minutes, or for exterior lighting, the input power of exterior lighting shall be reduced (by automatic device of) by more than the Zoning Ordinance's current minimum of 50%). Staff is seeking a commitment to actions above required codes and ordinances. The Applicant shall provide proof of installation and plan locations.
15. The Applicant shall install motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage as listed below (to be modified with the project-specific fixtures to be included). The Applicant shall provide proof of installation and manufacturers' product data.
 - Water Closet (gallons per flush, gpf) 1.28
 - Urinal (gpf) 0.5
 - Showerheads (gallons per minute, gpm*) 2.0
 - Lavatory faucets (gpm**) 1.5
 - Kitchen and janitor sink faucets 2.20
 - Metering faucets 0.25

* When measured at a flowing water pressure of 80 pounds per square inch (psi).

** When measured at a flowing water pressure of 60 pounds per square inch (psi).

16. The Applicant shall install water-efficient landscaping (to be defined by the specifics of the case – examples include X% less water usage than a calculated midsummer baseline case, or one that uses no potable water, or one that does not require a permanent site irrigation system from the public water supply (other than a temporary system allowed for the first year from the date of installation). The Applicant shall provide a planting list with the number, size, and space of trees (including native and other species) and plant materials as a landscape plan that is part of the site plan, and shall be subject to review and approval of UFMD, and proof of installation and installation date.
17. Encourage the use of innovative wastewater technologies – to be written as it pertains to the specific case. Examples include reducing potable water use for sewage conveyance through use of water-conserving fixtures or use of nonpotable water. Staff is seeking a commitment to actions above required codes and ordinances.
18. The Applicant shall hire a commissioning authority and develop and incorporate commissioning requirements into the design and construction of the building. The commissioning authority hired by the Applicant shall develop and implement a commissioning plan and verify the installation and performance of the systems to be commissioning, as well as preparing a final report. The Applicant shall provide the final report.
19. The project shall not have any chlorofluorocarbon (CFC) based refrigerants in any of the building systems, or not use refrigerants. The Applicant shall provide manufacturer's specification sheets for any refrigerant installed in the building.
20. The project shall demonstrate an XXX% reduction in energy use, either through whole building energy simulation, or by demonstrating a reduction in energy use based on a mutually-agreed upon comparison building – to be written as it pertains to the specific case. Staff is seeking a commitment to actions above required codes and ordinances. The Applicant shall provide proof of energy savings, either with a report on the energy simulation, or by a report detailing the difference between the subject building and comparison building's utilities for the first six months of operation after the issuance of the Non-Residential Use Permit.
21. The Applicant shall provide a source of on-site renewable energy (e.g. solar, wind, geothermal, etc.), proposed to meet XXX% of the demand for the site – to be written as it pertains to the specific case. The Applicant shall provide proof of installation, installation location, manufacturers' product data, and projected annual energy generation.
22. One year after issuance of the final RUP/non-RUP, and every year on or around that date for the subsequent five years, the Applicant shall provide nonproprietary energy and water consumption data, as practicable, for any buildings constructed as part of this application. The data shall be aggregated by building and site, and performance of individual units and tenants will not be reported. The data will be in the format of gallons

of water used and kWh used per building, and gallons of water used and kWh used for the entire site. The data shall be provided to the Chief of the Environment and Development Review Branch of DPZ. This data will not be shared in disaggregated form with non-DPZ staff or Planning Commissioners without the written consent of the Applicant. The information obtained shall be for information purposes only and provision of the information will not result in any negative consequences to the Applicant. This proffer/condition may be modified related to the amount, type, format, frequency, and scope of data provided and the duration of the data provision requirement upon the mutual agreement of DPZ and the Applicant without requiring a PCA. Additionally, if the required data cannot be obtained by the Applicant from utility providers or tenants because of applicable law, the utility provider's policy, privacy issues, legal precedence or collection of the data is administratively burdensome to the Applicant or the County, then the Applicant or the County, as applicable, shall provide written notice to the Chief of the Environment and Development Review Branch of DPZ or the Applicant, as applicable, describing why the data cannot be obtained and/or why provision of that data is administratively burdensome. The Applicant and DPZ shall thereafter meet to discuss possible modifications to this proffer/condition. If, after the meeting between the Applicant and DPZ, the Applicant or DPZ determines that provision of the data, as provided herein or as modified, is not practicable, then they shall provide notice of the same and the Applicant shall be relieved of the obligation to provide the data required under this proffer/condition.

23. The Applicant shall purchase a minimum of two-year renewable energy contract to provide at least XXX% of the building's electricity from renewable sources – to be written as it pertains to the specific case. The Applicant shall provide calculations demonstrating the energy consumption of the building, and the amount to be purchased, as well as a signed contract with an electrical provider specifying the duration of the contract and the type of energy to be purchased.
24. The Applicant shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both customers and employees. There shall be a dedicated area on the Property for the storage of the recycled materials. The Applicant shall provide proof of installation, installation locations and a copy of the Applicant's recycling hauling contract.
25. The Applicant shall reuse walls, floors, roof portions, and/or interior nonstructural elements – to be written as it pertains to the specific case. The Applicant shall provide constructions drawings and an itemized list of the reuse.
26. The Applicant shall have a construction waste management plan that consists of hiring a waste removal and diversion company to process all construction waste at a recycling center. The Applicant shall provide a copy of the waste removal contract as proof of compliance.

27. The Applicant shall reuse, or use refurbished or salvaged materials for XXX% of the total cost of the materials used in the construction of the building – to be written as it pertains to the specific case. The Applicant shall provide calculations showing the total cost of the materials used in the project and the total cost of the reused materials.
28. The Applicant shall use materials that include a minimum of XXX% of total recycled content (combined one-half of the amount of the pre-consumer and the entire post-consumer recycled content) for XXX (e.g. floor, wall tiles, carpet). The Applicant shall provide proof of installation and the manufacturers’ product data indicating the recycled content.
29. The Applicant shall use building materials that have been produced or manufactured within 500 miles of the project site – to be written as it pertains to the specific case. The Applicant shall provide proof of installation and invoice receipts, with manufacturer’s data showing the production or manufacturing location.
30. The Applicant shall use rapidly renewable/certified building materials and products – to be written as it pertains to the specific case. The Applicant shall provide proof of installation and invoice receipts demonstrating the type of product installed.
31. The Applicant shall install carbon dioxide (CO₂) monitors with demand control mechanical ventilation. CO₂ monitors shall be located in all occupied spaces with a design occupancy of 25 or more people per 1,000 square feet. Monitors shall be located between 3 and 6 feet above the floor. The Applicant shall configure all monitoring equipment to generate increased ventilation to restore proper ventilation levels per ASHRAE62.1-2007, or its equivalent. The Applicant shall provide proof of installation, the manufacturers’ product data and installation locations.
32. The Applicant shall exceed the ventilation rates in the ASHRAE Standard 62.1-2007 by XX% - to be written as it pertains to the specific case. The Applicant shall provide calculations and manufacturer’s product data.
33. The Applicant shall develop and implement a construction indoor air quality management plan during construction, meeting or exceeding the recommended control measures of the SMACNA IAQ Guidelines for Occupied Buildings Under Construction, including using MERV 8 return air grille filters on each permanently installed air handler used during construction. The Applicant shall provide the plan, proof of installation, and the manufacturers’ product data.
34. The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings if available – to be written as it pertains to the specific case. Low-emitting is defined according to the following table (again written for the specific case):

Application	(VOC Limit g/L less water)
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Carpet Adhesive	50
Rubber floor adhesive	60
Ceramic tile adhesive	65
Anti-corrosive/ anti-rust paint	250
Clear wood finishes	350

The Applicant shall provide proof of installation and the manufacturers' product data.

35. The Applicant shall install carpet and carpet padding that shall meet the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program. The Applicant shall provide proof of installation and the manufacturers' product data.
36. The Applicant shall install vinyl composition tile and rubber tile flooring that shall meet the requirements of the FloorScore certification program. The Applicant shall provide proof of installation and the manufacturers' product data and certification letter
37. The Applicant shall not use any particle board, medium density fiberboard (MDF), plywood, wheatboard, strawboard, or panel substrates on the interior of the building which contain urea formaldehyde resins. The Applicant shall provide proof of installation and the manufacturers' product data.
38. The Applicant shall provide natural lighting through the use of windows and/or skylights to a minimum of 75% of the spaces. Areas excluded are the mechanical room and parts storage. The Applicant shall provide proof of installation, installation locations on the architectural plans and installation area calculation indicating 75% of the building area.
39. The Applicant shall install only LED or fluorescent lamps in all interior building lighting fixtures. The Applicant shall provide a maximum lighting power allowance of 1.25 watts/square foot (code maximum is 1.5 watts/square foot for retail area and 0.9 watts/per square foot for the service department area). The Applicant shall provide proof of installation, energy usage calculations and manufacturers' product data.
40. The Applicant shall install Energy Star appliances and equipment for all refrigerators, dishwashers, water heaters, computers, monitors, televisions, vending machines, water coolers, and other appliances and office equipment (if available). The Applicant shall provide proof of installation, installation locations, and manufacturers' product data, including the Energy Star energy guide.
41. The Applicant shall increase the R-value of thermal insulation for the roof to R-XX (minimum code requires R-20) and for the cavity walls to R-XX (minimum code requires R-20.5) to reduce heat loss/gain – to be written to the specific case. The Applicant shall provide proof of installation and manufacturers' product data.
42. Other case-specific proffers/conditions as proposed by the Applicant.