



**CITY OF OAKLAND
GREEN BUILDING ORDINANCE**



UNREASONABLE HARDSHIP EXEMPTION APPLICATION

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Zoning Information: 510-238-3911

www.oaklandca.gov

**GREEN BUILDING ORDINANCE UNREASONABLE
HARDSHIP EXEMPTION DETERMINATION APPLICATION**

1. TYPE OF GREEN BUILDING PROJECT (Check all that apply)

- Residential New Construction
- Residential Additions or Alterations to One or Two Family Dwellings (over 1,000 sq. ft.)
- Historic Residential Additions /Alterations to One or Two Family Dwellings (over 1,000 sq. ft.)
- Non-Residential New Construction
- Non-Residential Additions or Alterations
- Removal of Historic Resource and New Construction
- Mixed-Use Construction (both residential and non-residential uses)
- Construction Requiring a Landscape Plan

2. GENERAL INFORMATION

PROPERTY ADDRESS: _____

ASSESSOR'S PARCEL NUMBER: _____

LOT AREA (ACRES/SQ. FT.): _____ PROJECT SQ. FT.: _____

CASE FILE NUMBER (if Applicable) _____

DESCRIPTION OF PROPOSAL: _____

TO BE COMPLETED BY STAFF

FEES:

APPLICATION FEE: \$ _____

POSTER DEPOSIT: \$ _____

TOTAL FEES DUE: \$ _____

3. PROPERTY OWNER AND APPLICANT INFORMATION

Original signatures or clear & legible copies are required.

OWNER: _____

OWNER MAILING ADDRESS: _____

CITY/STATE: _____ **ZIP:** _____

PHONE NO.: _____ **FAX NO.:** _____ **E-MAIL:** _____

To be completed only if Applicant is not the Property Owner:

I authorize the applicant indicated below to submit the application on my behalf.

Signature of Property Owner

I understand that approval of this application does not constitute approval for any administrative review, conditional use permit, variance, or exception from any other City or State regulations which are not specifically the subject of this application including without limitation an exemption from the California Building Code requirements including the CALGreen mandatory measures or the California Building Energy Efficiency Standards (Title 24.Part 6). I understand that upon approval of this application I am not entitled to further green building ordinance exemptions as part of the plancheck or inspections process when constructing this project. I understand that I remain responsible for satisfying requirements of any private restrictions or covenants appurtenant to the property, which are not the subject of this application. I understand that the Applicant and/or Owner phone number listed above will be included on any public notice for the project.

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Planning Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature above.

I certify that statements made to me about the time it takes to review and process this application are general. I am aware that the City has attempted to request everything necessary for an accurate and complete review of my proposal; however, that after my application has been submitted and reviewed by City staff, it may be necessary for the City to request additional information and/or materials. I understand that any failure to submit the additional information and/or materials in a timely manner may render the application inactive and incomplete and that periods of inactivity do not count towards statutory time limits applicable to the processing of this application.

I, HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

Signature of Owner or Authorized Agent

Date

5. GREEN BUILDING ORDINANCE UNREASONABLE HARDSHIP EXEMPTION QUESTIONS

What is a Green Building Unreasonable Hardship Exemption?

A Green Building Unreasonable Hardship Exemption Determination is permission to be exempt from certain development regulations in Chapter 18.02 Sustainable Green Building Requirements for Private Development Projects. The Green Building Unreasonable Hardship Exemption Determination provides the discretion and flexibility to resolve difficulties or hardships that may be inappropriate where special or extraordinary circumstances occur or where the public interest is not served by strict adherence to the Green Building Ordinance.

When is a Green Building Unreasonable Hardship Exemption applicable?

Unreasonable Hardship circumstances do not mean economic hardship; rather, the statement “the public interest is not served by strict adherence to the Ordinance” refers to physical attributes of the site or building that do not allow for the green building prerequisites to be met or the minimum development standards of the Ordinance to be fully met.

Can I receive a Green Building Unreasonable Hardship Exemption for the California Building Energy Efficiency Standards or the state’s CALGreen mandatory green building standards?

No. The project must meet all Building Code requirements including these measures even though they relate to the requirements in the Ordinance.

Can I request an exemption from the entire Ordinance?

Yes, a project applicant could request such an exemption. However, per the above question and Section 18.02.140(e), the Director of Planning shall determine the maximum feasible credits for the project.

My project received a Planning approval meeting the Ordinance. Can I now get an exemption from the Ordinance at the Plancheck or Inspections stage?

No. This exemption is only applicable during the Planning Entitlement process. If you received a Planning Division approval minimum green building standards were included as a Condition of Project Approval. Not meeting Conditions of Project Approval will require City action, including possible re-review of the project, no-sign-off from the Planning Division, revocation of permits associated with the project, etc. The Building Services Division has a different process for appeals. See Section 18.02.180.