



February 6, 2009

Jayson Antonoff, Green Building Team
Department of Planning and Development
701 Fifth Avenue, Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Re: Draft Staff Policy Recommendations, January 30, 2009.

Dear Jayson:

Thank you for the opportunity to participate on the City's Green Building Task Force. Building Green is becoming more common place in the industry and many AGC members are at the forefront of the green wave. They have constructed numerous Silver and Gold LEED buildings and there is a potential Platinum building in the works. Based upon our practical experience we have the following comments on the Draft Staff Policy Recommendations.

Green Permitting

AGC strongly supports an expedited permitting system with guaranteed review and approval times for projects that will achieve a high level of energy efficiency. But as noted the process should provide a high degree of predictability as developer financial and construction timing decisions will be based upon the anticipated timeline for the process. Therefore we believe that there needs to be accountability not only for the developer but the City as well. If through no fault of the developer, the City fails to meet its deadline then the City should pay the developer a penalty. In the construction industry contractors often have penalty clauses imposed upon them if they fail to complete the construction on time. The penalty could be some percent of the cost of the permit per day.

Innovation Board

This is a creative approach to drive innovative technologies but needs to be combined with an incentive program such as the Energy Performance Rebate Program (See comments below) or some other program to achieve wide participation and maximum benefit, particularly since this is uncharted ground. The market place has shown that financial incentivizes drive innovation. As in my example above, construction contracts also often include bonus clauses for completing the project early and or on time. This has led to many innovative improvements in construction techniques such as the 405 overpass that was built on wheels and rolled into place within a few days while maintaining traffic flow.

By the way, AGC members have previously served on the Construction Codes Advisory Board and we can help identify contractors to serve on the Innovation Sub-committee.

Energy Code Updates

From a construction industry point of view, AGC believes the City should follow the state lead on any Energy Code Updates and not impose additional more stringent requirements. Our members build all across the state and we advocate as much conformity as possible in the application of Building requirements.

Further, your own analysis indicates that the current code performance is near the limit of what can be achieved through the prescriptive compliance approach.

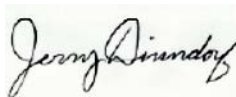
Rather we support the Development of Performance-Based Energy Codes and think the City should move forward with a Pilot Project to demonstrate its potential. Again the approach should be combined with incentives for the developer to undertake the process.

Energy Performance Rebate Program

As stated earlier we think such a program has great potential for helping achieve energy use reductions. However, based upon what we know to date we could not support any of the proposed funding mechanisms. From the layman's point of view, we fail to understand why the program could not be funded by the public utilities. We see utilities funding all or part of other conservation programs; insulation, windows, etc., based upon some return to the Utilities and wonder why you couldn't apply the same principle?

Please let me know if you would like to discuss any of these comments. And thank you again for a very organized and well managed stakeholder process.

Sincerely



Jerry Dinndorf
AGC Seattle District Manager