

RESOLUTION NO. 62,284-N.S.

ADOPTING POLICIES AND ACTIONS REQUIRING THE USE OF THE UNITED STATES GREEN BUILDING COUNCIL'S LEED™ (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) GREEN BUILDING RATING SYSTEM STANDARDS FOR CITY OWNED AND OPERATED PROJECTS

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that further commercial and civic development is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of its buildings; and

WHEREAS, the green building practices referenced herein are designed to encourage resource conservation, to reduce the waste generated by construction projects, to increase energy efficiency, and to promote the health and productivity of residents, workers and visitors to the city; and

WHEREAS, the City finds that the design, construction, and maintenance of buildings within the City can have a significant impact on the City's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the City; and

WHEREAS, the City finds, based on studies by the Alameda County Waste Management Authority, that construction and demolition debris comprise up to 21% of materials disposed in Alameda County landfills; and

WHEREAS, the City finds that green building design, construction, and operation can have a significant positive effect on energy and resource efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building; and

WHEREAS, the City finds that green building benefits are spread throughout the systems and features of the building. Green buildings use recycled-content building materials, consume less energy and water, have better indoor air quality, and use much less natural resources than conventional buildings. Construction waste is often recycled and remanufactured into other building products; and

WHEREAS, the City finds that green design and construction decisions made by the City in the construction and remodeling of City buildings can result in significant cost savings to the City over the life of the buildings; and

WHEREAS, the City finds that in recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides to green building practices. At the national level, the U.S. Green Building Council, developer of

the Leadership in Energy and Environmental Design (LEED™) Green Building Rating System and LEED™ Reference Guide, has become a leader in promoting and developing green building; and

WHEREAS, the City finds that green design and construction decisions made by the City in the construction and remodeling of City buildings can result in significant cost savings to the City over the life of the buildings; and

WHEREAS, the City finds that requiring certain City-sponsored projects to incorporate LEED™ green building measures is necessary and appropriate to achieve the benefits of green building; and

WHEREAS, for the purposes of this Article, the following definitions shall apply:

- a. "Building" means any Structure used for support or shelter of any use or occupancy. "Building" includes Structures of occupied space, as defined by the California Building Code.
- b. "City-Sponsored Project" means any Construction Project primarily funded or sponsored by the City or on City-owned land.
- c. "Construction" means the building of any Building or Structure or any portion thereof, including the Renovation of an existing Building or Structure.
- d. "Covered Project" means any City-Sponsored Construction Project constructing or renovating 5,000 gross square feet or more of occupied space, as defined by the California Building Code, and has a construction estimate that exceeds \$200,000 in 2003 dollars, that enters design and construction after the effective date of this Resolution.
- e. "Green Building Compliance Official" means the Green Building Coordinator in the Office of Economic Development or his or her designee.
- f. "LEED™ Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Green Building Rating System approved by the United States Green Building Council. City staff shall maintain the most recent version of the LEED™ Rating System at all times.
- h. "Renovation" means any change, addition, or modification to an existing Building or Structure.
- i. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley adopts a policy that all Covered Projects that enter design and construction after January 1, 2004 shall meet a minimum LEED™ "Certified" rating.

BE IT FURTHER RESOLVED, that all Covered Projects that enter design and construction after January 1, 2006 shall meet a minimum LEED™ "Silver" rating.

BE IT FURTHER RESOLVED, that City-Sponsored Projects or Structures deemed historic under any federal, state or local law are exempt from, but encouraged to comply with, the requirements of this Article whenever feasible.

BE IT FURTHER RESOLVED, that if, due to specific economic circumstances, compliance would defeat the intent of this resolution or create an unreasonable burden on the Construction Project or City Department, a request for an exemption shall be submitted in writing to the City Manager or his/her designee, but that in applying for an exemption, the burden is on the applicant to show hardship or infeasibility, and all economic hardship documentation must be performed on a life-cycle cost basis, and in the event a Waiver from the resolution is granted, the project will continue to pursue the maximum feasible number of LEED™ credits reasonably achievable for the covered project.

BE IT FURTHER RESOLVED, that the City Manager or his/her designee shall make the final determination as to whether: (1) a project is covered by this resolution, and (2) a Covered Project has achieved the required LEED™ rating. All Council reports requesting authority to contract for the design and/or construction services shall specify whether each project is a Covered Project or not and, in the case of Covered Projects, whether or not the project has been granted an Exemption.

BE IT FURTHER RESOLVED, that LEED™ registration and certification through the United States Green Building Council are encouraged but not required under this Article.

BE IT FURTHER RESOLVED, that if the City Manager or his/her designee determines that a Covered Project has not met the requirements for the applicable LEED™ rating, he or she may require additional reasonable green building measures be taken, as may be possible for the established budget for the project.

BE IT FURTHER RESOLVED, that all non-covered projects, in the public and private sector, are encouraged to use their best efforts to incorporate as many green building measures as feasible from the LEED™ Rating System and to pursue LEED™ registration and certification. This includes, but is not limited to, projects undertaken by the University of California at Berkeley, the Berkeley Unified School District, and Lawrence Berkeley National Laboratories.

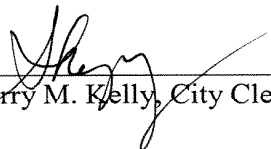
The foregoing Resolution was adopted by the Berkeley City Council on November 18, 2003 by the following vote:

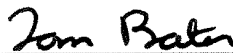
Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Attest:


Sherry M. Kelly, City Clerk


Tom Bates, Mayor