CITY OF
HAYWARD
HEART OF THE BAY

7

DATE: July 29, 2008

TO: Mayor and City Council

FROM: Director of Community and Economic Development Department

SUBJECT: Green Building Ordinance for Municipal Developments

RECOMMENDATION

That the City Council adopts the attached resolution, which indicates adoption of the ordinance is exempt from the California Environmental Quality Act; and introduces the attached City of Hayward Municipal Buildings Green Building Ordinance.

SUMMARY

In support of the Resolution passed by Council in 2006 (Exhibit C), staff has been working with the Council Sustainability Committee (CSC) for several months to determine the best path for implementing a Green Building Ordinance in the City of Hayward. During the course of discussions, two separate but complimentary green rating systems were presented by staff and considered by the CSC: the LEED rating system developed by the US Green Building Council, and the GreenPoint Rating System developed for residential construction by a non-profit agency, Build It Green, in Berkeley.

Similarly, much time was spent analyzing which projects should be subject to which rating system, with particular emphasis placed on the differences between: (1) municipal projects and private sector projects, (2) large projects and small projects, and (3) commercial projects and residential projects. After thorough discussion, the CSC stated that municipal projects should lead the way. Therefore, this report presents a Green Building Ordinance applicable to municipal projects only. The CSC and staff anticipate bringing forward a second green building ordinance in September, which will apply to private sector developments and projects.

This recommended Ordinance for Municipal projects is based on the LEED rating system and recommends that larger municipal projects be subject to the LEED certification system. Covered projects are those owned, leased, or otherwise controlled by the City or the Redevelopment Agency; or which include public (City/RDA) participation. Those that have a planned construction cost of $5M or more or which are 20,000 square feet or more in size, will be required to achieve at least

LEED Silver certification. Smaller and less costly projects will be required to achieve at least 20 points on the LEED checklists.

BACKGROUND

During the last several months, staff has provided the Sustainability Committee a variety of information related to development of a green building ordinance for Hayward. Representatives from Stopwaste.org, an entity comprised of the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board, have also participated in those discussions.

Staff has also involved the development community in discussions. On April 18th, a meeting was held to inform builders and developers in the Hayward Community of the proposed private and municipal green building ordinances. There were three major concerns voiced by the participants: voluntary versus mandatory compliance, process and time added for plan review, and costs of compliance to developers, small builders, and Hayward homeowners.

As an outcome of that first April meeting, a group comprised of volunteer members of the development community, called the Green Building Review Committee, met on May 27. During that meeting, the Committee encouraged using Build It Green's GreenPoint Rating system for residential development if the City was inclined to use a green building system, recommended that standards not be mandatory, and encouraged using consistent standards in jurisdictions throughout the region.

A second meeting of the Green Building Review Committee was held on June 24 with the Committee, who provided feedback on the draft green building ordinances. Members again encouraged voluntary compliance for private developments, rather than mandatory compliance, and supported staff's recommendation to not require compliance until July 1 of 2009.

Key points associated with discussions about the ordinances, particularly the ordinance associated with private developments, have been whether to make green building measures voluntary or mandatory, and what system to utilize to ensure such measures are incorporated into project design and construction. At the conclusion of these meetings, the CSC stated that the City should set the example before applying strict green building requirements to private projects: the City should lead the way.

This philosophy was first expressed by in 2006 when the Council adopted Resolution #06-010 (Henson) "Regarding Leadership in Energy Efficient Design (LEED) Silver Rating for New Municipal Projects." This Resolution resolved that all new construction or renovation projects of municipally-owned buildings exceeding either 20,000 square feet or a construction cost of $3M were required to meet a minimum LEED Silver standard; and, further, that smaller projects were required to achieve as many LEED credits as possible.

Adoption of an ordinance that further implements municipal green building policy will accomplish the following important objectives that the resolution does not:

1. Allow the City to remain eligible for Waste Import Mitigation Funds from the Alameda County Waste Management Authority

   The City has received such funds for approximately 10 years and receives approximately $90,000 to $100,000 annually, which is used for a variety of diversion and recycling efforts. Per the Authority's criteria, Hayward must have a municipal green building *ordinance* that requires independent third party verification of implementation of green building measures. The 2006 resolution only requires building to a LEED standard and does not require verification, or LEED certification, as does the recommended ordinance.
2. Ensure projects incorporate LEED green building measures, as verified by an independent, third party.

   One of the benefits of requiring LEED certification, versus just building to LEED standards, is confirmation of implementation of green building measures by a trained, independent third party.
3. Ensure green building measures are incorporated into the Hayward Municipal Code, giving them more "weight" and visibility than does a resolution.

The increase of the threshold for covered projects from $3 million (resolution) to $5 million (ordinance) is reflective of the increased cost of construction, and to more accurately align the 20,000 square foot threshold to construction costs. A 20,000 square foot building at $3 million would calculate to $120 per square foot, which is well below market costs.

What is the LEED Rating System?

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ was developed by the U.S. Green Building Council (USGBC). USGBC is a non-profit organization composed of more than 15,000 organizations from across the building industry, including building owners and end-users, real estate developers, facility managers, architects, designers, engineers, general contractors, subcontractors, product and building system manufacturers, government agencies, and non-profit advocacy groups.

The LEED rating system encourages global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools, and performance criteria. LEED is a third-party certification program and the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

LEED Rating Systems are developed through an open, consensus-based process utilizing volunteer committees. Each committee is composed of a diverse group of practitioners and experts representing a cross-section of the building and construction industry. The key elements of USGBC's consensus process include: a balanced and transparent committee structure, technical advisory groups that ensure scientific consistency and rigor, opportunities for stakeholder comment and review, member ballot of new rating systems, and a fair and open appeals process.

To earn LEED certification, a project must satisfy all prerequisites and a minimum number of points outlined in the LEED Rating System. The application process varies for each Rating System. LEED Rating Systems are broken down into subsections, which are project specific. The subsections that would typically be applicable to municipal projects are as follows:

1. LEED-NC – (new construction)
2. LEED-EB – (existing building)
3. LEED-CI – (commercial interior)
4. LEED-CS – (core and shell)

Under each one of these systems, builders can achieve one of the following levels of LEED certification: LEED Certified, LEED Silver, LEED Gold, and LEED Platinum. The amount of points necessary to achieve any one level of certification differs based on the rating system under which the specified project falls. LEED checklists for New Construction and for Shell and Core Construction, the most common checklists used for non-residential construction, are attached as Exhibit B. As noted in the checklists, certain measures are required and there are different categories under which points may be achieved. Below is a summary of the two checklists:

	New Construction	Shell and Core
LEED Certification	26-32 points	23-27 points
LEED Silver	33-38 points	28-33 points
LEED Gold	39-51 points	34-44 points
LEED Platinum	52-69 points	45-61 points

As the checklists show, certain green building measures are required (pre-requisites) and minimum points thresholds are required in various categories. In addition, a very important point is that what may constitute 1 point in one rating system may not constitute 1 point in another rating system. In other words, the points are not comparable across the rating systems. Equally important is that when comparing points in LEED to points in the GreenPoint Rated system developed for residential construction by Build It Green, a non-profit entity in Berkeley, the amount of work required to earn the points is very different. While it may not take a tremendous amount of work to achieve a certain number of points under the GreenPoint Rated system, the level of work required to earn a point in the LEED certification process is much more significant.

DISCUSSION

The Council Sustainability Committee spent the last several months working with staff in developing the proposed ordinance, and should be commended for their efforts. By having mandatory green building standards for municipal projects, the City will be setting the example for the community in terms of responding to climate change, and conservation of energy and resources.

Municipal Green Building Ordinance

As noted in the attached matrix (see Exhibit A) and draft ordinance, staff is recommending that covered projects be required to be LEED Silver certified. Not only would the LEED Silver standards be required to be incorporated into a project, but that such projects obtain LEED Silver certification. Covered projects would entail those that are equal to or exceed $5 million in

construction costs (adjusted each year with an index factor) or 20,000 square feet, and which are owned or occupied by the City or Redevelopment Agency, or funded by the Redevelopment Agency, or built under a Disposition and Development Agreement with the Redevelopment Agency, and financially assisted by the Agency in a total amount of $2,500,000 or greater in cash, land subsidies or improvements value. The definition of municipal projects covered by this ordinance is comprehensive, and includes more than just typical municipal projects, as is encouraged by Stopwaste.org.

Other municipal projects that do not meet the size and construction cost thresholds would be required to score a minimum of 20 points on the LEED checklists, and those identified measures be incorporated into projects. City staff would require submittal of a completed checklist and would verify identified green building measures are incorporated into projects during the plan check and project inspection processes.

The Ordinance also provides that certain projects be exempt from the Ordinance requirements, including those that:

- involve historic buildings, as defined by the State Historic Building Code;
- involve routine building or structural maintenance;
- are deemed by the City Manager to be completely or partially exempt where it can be demonstrated that complete compliance is not possible due to unusual building circumstances; or
- are Public/Private partnerships where the City Council/Redevelopment Agency Board determine such compliance is not financially feasible, and that the proposed building will provide an over-riding community benefit.

The Sustainability Committee and staff recommend that the City be the lead in incorporating green building measures into projects, and feel the recommended ordinance supports such goal.

Environmental Review

Adoption of the ordinance would be categorically exempt from the California Environmental Quality Act (CEQA) per Section 15308 of the CEQA Guidelines – *Actions by Regulatory Agencies for Protection of the Environment.*

Policies and Priorities

Mandating green building standards for municipal projects is one of many efforts the City is undertaking to do its share in promoting green building and sustainable development for municipal development, while reducing impacts that could negatively impact climate change and the environment. For example, the City is developing a Climate Action Plan, which will include identification of ways the City government can reduce its greenhouse gas emissions. Also, earlier this year, the City adopted a Bay Friendly Landscaping Ordinance for City-maintained or public-private projects. The City is also participating in a PG&E Demand Response Program this summer to reduce electricity draw on the state-wide grid during peak demand hours (11 a.m. to 7 p.m.) in order to avoid rotating block outages. Requiring incorporation of green building measures into municipal projects directly reflect City policies and priorities and will help to

promote sustainable site selection, water efficiency, energy and atmosphere conservation, materials and resource conservation, and improve indoor air/environmental quality.

The Hayward General Plan contains the following policies related to green building that are applicable to municipal projects, which include public-private partnerships:

Land Use Chapter
Policy 2: Support higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage non-automotive modes of travel.

Policy 8: Promote infill development that is compatible with the overall character of the surrounding neighborhood.

Circulation Chapter
Policy 10: Encourage land use patterns that promote transit usage.

Housing Chapter/Element
Policy 2: Ensure the safety and habitability of the City's housing units, and the quality of its residential areas.

Conservation and Environmental Protection Chapter
Policy 3: Protect existing watercourses and enhance water quality in surface water and groundwater sources.

Policy 4: Protect and enhance vegetative and wildlife habitat throughout the Hayward area.

Policy 10: Incorporate measures to improve air quality in the siting and design of new development.

Policy 11: Maintain improved air quality by creating efficient relationships between transportation and land use.

Public Utilities and Services Chapter
Policy 4: Public facilities will be maintained and operated in a manner that protects and enhances the environment.

Policy 5: Hayward will promote energy conservation.

FISCAL IMPACT

Impacts to the General Fund or Redevelopment Agency funds could occur as a result of municipal projects being required to be LEED Silver certified. Also, since covered projects would include those that involve City or Agency-owned land, are funded by the City or Agency, or are built per a Disposition and Development Agreement, and assisted by the City or Agency in a total amount of at least $2.5 million, impacts to such funds would occur if the City or Agency were participating in a development with a private developer.

Three areas should be considered when accounting for costs associated with LEED certification: registration and certification fees, consultant fees, and green building material fees. Registration is mandatory and the fee for a USGBC member is $450, while the non-member fee is $600. Certification fees are based upon the size of the project and can vary widely, but for both design and construction review, are typically $1,750 to $22,750. Although consultant fees will vary according to project size, as well as other factors, a rough estimate of these fees ranges from $30,000-$50,000. Typically, the costs for incorporating green building materials into projects are higher than those for traditional materials; however, incorporating green building measures would reduce maintenance and operation costs, given more efficient energy design and construction measures would be incorporated.

An example of a municipal project requiring LEED Silver certification would be the proposed new library. For the sole purpose of showing potential LEED certification costs, assuming the new library would be 55,000 square feet in size and cost $22 million to construct, below is a summary of LEED related fees and costs:

Membership Dues:	$500
Registration Fee:	$450
Certification Fees:	$1,925
Consultant Fee:	$40,000
Green Materials Costs:	$1,100,000 (5% of construction costs)
Totals:	**$1,142,875**

Impacts to the General Fund associated with additional staff review time for minor municipal projects (less than $5 million in construction costs and less than 20,000 square feet) is anticipated to be roughly eight hours additional review time per project, associated with additional plan check review and inspection times. City staff is currently studying its fees and will recommend updating fees to reflect the costs of providing such review service associated with incorporation of green building measures.

NEXT STEPS

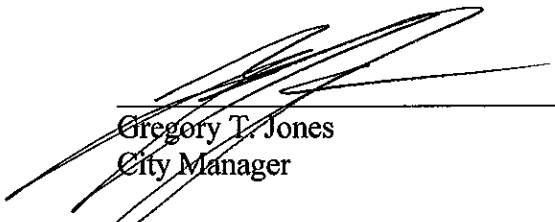
Should the Council introduce the ordinance and adopt the attached resolution, the ordinance would be brought back to Council in September for consideration of adoption, and would be effective 30 days afterwards.

Also, staff will present a draft Private Green Building Ordinance for Council consideration at a work session in September.

Prepared by:

Susan J. Daluddung, Ph.D.
Director of Community and Economic Development

Approved by:



Gregory T. Jones
City Manager

Attachments:

Exhibit A:	Matrix Summarizing Staff Recommendations for Municipal Projects
Exhibit B:	LEED – NC (New Construction) and LEED – CS (Core and Shell) Checklists, and Information from the US Green Building Council
Exhibit C:	City Council Resolution 06-010 Draft Resolution and Ordinance

SUMMARY OF REQUIREMENTS OF RECOMMENDED MUNICIPAL GREEN BUILDING ORDINANCE

Project Type	Staff's Recommendation for Green Building Standards
Municipal Projects - Major (all new building or renovation projects that exceed $5 million in construction costs or 20,000 square feet in area and are either owned or occupied by the City or Redevelopment Agency, or developed as a Public/Private Partnership[1])	**LEED Silver Certification Required** (entails a third party rating/certification system utilizing LEED checklists)
Municipal Projects - Minor (all other new building or renovation municipal projects that are less than or equal to $5 million and 20,000 square feet)	**Non-residential components:** **Minimum score of 20 Points on LEED Checklists Required** (entails use of LEED checklists and in-house verification by City of Hayward staff)

[1] "Public-Private Partnership" means any project built on City-owned or Redevelopment Agency-owned land, primarily funded by the City or Redevelopment Agency of Hayward, or built under a Disposition and Development Agreement with the Redevelopment Agency, and financially assisted by the Agency in a total amount of $2,500,000 or greater in cash, land subsidies or improvements value.

Exhibit A

Exhibit B

LEED for New Construction v 2.2
Registered Project Checklist

Project Name: _____

Project Address: _____

Yes	?	No		
			Project Totals (Pre-Certification Estimates)	69 Points
			Certified: 26-32 points **Silver:** 33-38 points **Gold:** 39-51 points **Platinum:** 52-69 points	

Yes	?	No			
			Sustainable Sites		14 Points
Yes			Prereq 1	**Construction Activity Pollution Prevention**	Required
			Credit 1	**Site Selection**	1
			Credit 2	**Development Density & Community Connectivity**	1
			Credit 3	**Brownfield Redevelopment**	1
			Credit 4.1	**Alternative Transportation**, Public Transportation	1
			Credit 4.2	**Alternative Transportation**, Bicycle Storage & Changing Rooms	1
			Credit 4.3	**Alternative Transportation**, Low-Emitting & Fuel Efficient Vehicles	1
			Credit 4.4	**Alternative Transportation**, Parking Capacity	1
			Credit 5.1	**Site Development**, Protect or Restore Habitat	1
			Credit 5.2	**Site Development**, Maximize Open Space	1
			Credit 6.1	**Stormwater Design**, Quantity Control	1
			Credit 6.2	**Stormwater Design**, Quality Control	1
			Credit 7.1	**Heat Island Effect**, Non-Roof	1
			Credit 7.2	**Heat Island Effect**, Roof	1
			Credit 8	**Light Pollution Reduction**	1

Yes	?	No			
			Water Efficiency		5 Points
			Credit 1.1	**Water Efficient Landscaping**, Reduce by 50%	1
			Credit 1.2	**Water Efficient Landscaping**, No Potable Use or No Irrigation	1
			Credit 2	**Innovative Wastewater Technologies**	1
			Credit 3.1	**Water Use Reduction**, 20% Reduction	1
			Credit 3.2	**Water Use Reduction**, 30% Reduction	1

LEED for New Construction v 2.2
Registered Project Checklist

Yes	?	No			
			Energy & Atmosphere		**17 Points**
Yes			Prereq 1	**Fundamental Commissioning of the Building Energy Systems**	Required
Yes			Prereq 1	**Minimum Energy Performance**	Required
Yes			Prereq 1	**Fundamental Refrigerant Management**	Required

***Note for EAc1:** All LEED for New Construction projects registered after June 26, 2007 are required to achieve at least two (2) points.

			Credit 1	**Optimize Energy Performance**	1 to 10
			Credit 1.1	10.5% New Buildings / 3.5% Existing Building Renovations	1
			Credit 1.2	14% New Buildings / 7% Existing Building Renovations	2
			Credit 1.3	17.5% New Buildings / 10.5% Existing Building Renovations	3
			Credit 1.4	21% New Buildings / 14% Existing Building Renovations	4
			Credit 1.5	24.5% New Buildings / 17.5% Existing Building Renovations	5
			Credit 1.6	28% New Buildings / 21% Existing Building Renovations	6
			Credit 1.7	31.5% New Buildings / 24.5% Existing Building Renovations	7
			Credit 1.8	35% New Buildings / 28% Existing Building Renovations	8
			Credit 1.9	38.5% New Buildings / 31.5% Existing Building Renovations	9
			Credit 1.10	42% New Buildings / 35% Existing Building Renovations	10
			Credit 2	**On-Site Renewable Energy**	1 to 3
			Credit 2.1	2.5% Renewable Energy	1
			Credit 2.2	7.5% Renewable Energy	2
			Credit 2.3	12.5% Renewable Energy	3
			Credit 3	**Enhanced Commissioning**	1
			Credit 4	**Enhanced Refrigerant Management**	1
			Credit 5	**Measurement & Verification**	1
			Credit 6	**Green Power**	1

LEED for New Construction v 2.2
Registered Project Checklist

Yes	?	No			
			Materials & Resources		**13 Points**
Yes			Prereq 1	**Storage & Collection of Recyclables**	Required
			Credit 1.1	**Building Reuse,** Maintain 75% of Existing Walls, Floors & Roof	1
			Credit 1.2	**Building Reuse,** Maintain 95% of Existing Walls, Floors & Roof	1
			Credit 1.3	**Building Reuse,** Maintain 50% of Interior Non-Structural Elements	1
			Credit 2.1	**Construction Waste Management,** Divert 50% from Disposal	1
			Credit 2.2	**Construction Waste Management,** Divert 75% from Disposal	1
			Credit 3.1	**Materials Reuse,** 5%	1
			Credit 3.2	**Materials Reuse,** 10%	1
			Credit 4.1	**Recycled Content,** 10% (post-consumer + 1/2 pre-consumer)	1
			Credit 4.2	**Recycled Content,** 20% (post-consumer + 1/2 pre-consumer)	1
			Credit 5.1	**Regional Materials,** 10% Extracted, Processed & Manufactured	1
			Credit 5.2	**Regional Materials,** 20% Extracted, Processed & Manufactured	1
			Credit 6	**Rapidly Renewable Materials**	1
			Credit 7	**Certified Wood**	1

Yes	?	No			
			Indoor Environmental Quality		**15 Points**
Yes			Prereq 1	**Minimum IAQ Performance**	Required
Yes			Prereq 2	**Environmental Tobacco Smoke (ETS) Control**	Required
			Credit 1	**Outdoor Air Delivery Monitoring**	1
			Credit 2	**Increased Ventilation**	1
			Credit 3.1	**Construction IAQ Management Plan,** During Construction	1
			Credit 3.2	**Construction IAQ Management Plan,** Before Occupancy	1
			Credit 4.1	**Low-Emitting Materials,** Adhesives & Sealants	1
			Credit 4.2	**Low-Emitting Materials,** Paints & Coatings	1
			Credit 4.3	**Low-Emitting Materials,** Carpet Systems	1
			Credit 4.4	**Low-Emitting Materials,** Composite Wood & Agrifiber Products	1
			Credit 5	**Indoor Chemical & Pollutant Source Control**	1
			Credit 6.1	**Controllability of Systems,** Lighting	1
			Credit 6.2	**Controllability of Systems,** Thermal Comfort	1
			Credit 7.1	**Thermal Comfort,** Design	1
			Credit 7.2	**Thermal Comfort,** Verification	1
			Credit 8.1	**Daylight & Views,** Daylight 75% of Spaces	1
			Credit 8.2	**Daylight & Views,** Views for 90% of Spaces	1

LEED for New Construction v 2.2
Registered Project Checklist

Yes	?	No			
			Innovation & Design Process		**5 Points**
			Credit 1.1	**Innovation in Design:** Provide Specific Title	1
			Credit 1.2	**Innovation in Design:** Provide Specific Title	1
			Credit 1.3	**Innovation in Design:** Provide Specific Title	1
			Credit 1.4	**Innovation in Design:** Provide Specific Title	1
			Credit 2	**LEED® Accredited Professional**	1

LEED for Core and Shell v2.0
Registered Project Checklist

Project Name: _____

Project Address: _____

Yes	?	No		
0	0		Project Totals (Pre-Certification Estimates)	69 Points
			Certified: 23-27 points **Silver:** 28-33 points **Gold:** 34-44 points **Platinum:** 45-61 points	

Yes	?	No			
			Sustainable Sites		15 Points
Yes					
			Prereq 1	**Construction Activity Pollution Prevention**	Required
			Credit 1	**Site Selection**	1
			Credit 2	**Development Density & Community Connectivity**	1
			Credit 3	**Brownfield Redevelopment**	1
			Credit 4.1	**Alternative Transportation,** Public Transportation	1
			Credit 4.2	**Alternative Transportation,** Bicycle Storage & Changing Rooms	1
			Credit 4.3	**Alternative Transportation,** Low-Emitting & Fuel Efficient Vehicles	1
			Credit 4.4	**Alternative Transportation,** Parking Capacity	1
			Credit 5.1	**Site Development,** Protect or Restore Habitat	1
			Credit 5.2	**Site Development,** Maximize Open Space	1
			Credit 6.1	**Stormwater Design,** Quantity Control	1
			Credit 6.2	**Stormwater Design,** Quality Control	1
			Credit 7.1	**Heat Island Effect,** Non-Roof	1
			Credit 7.2	**Heat Island Effect,** Roof	1
			Credit 8	**Light Pollution Reduction**	1
			Credit 9	**Tenant Design & Construction Guidelines**	1

Yes	?	No			
			Water Efficiency		5 Points
			Credit 1.1	**Water Efficient Landscaping,** Reduce by 50%	1
			Credit 1.2	**Water Efficient Landscaping,** No Potable Use or No Irrigation	1
			Credit 2	**Innovative Wastewater Technologies**	1
			Credit 3.1	**Water Use Reduction,** 20% Reduction	1
			Credit 3.2	**Water Use Reduction,** 30% Reduction	1

LEED for Core and Shell v2.0
Registered Project Checklist

Yes	?	No			
			Energy & Atmosphere		**14 Points**
Yes			Prereq 1	**Fundamental Commissioning of the Building Energy Systems**	Required
Yes			Prereq 2	**Minimum Energy Performance**	Required
Yes			Prereq 3	**Fundamental Refrigerant Management**	Required

***Note for EAc1:** All LEED for Core and Shell projects registered after June 26, 2007 are required to achieve at least two (2) points.

			Credit 1	**Optimize Energy Performance**	1 to 8
			Credit 1.1	10.5% New Buildings / 3.5% Existing Building Renovations	1
			Credit 1.2	14% New Buildings / 7% Existing Building Renovations	2
			Credit 1.3	17.5% New Buildings / 10.5% Existing Building Renovations	3
			Credit 1.4	21% New Buildings / 14% Existing Building Renovations	4
			Credit 1.5	24.5% New Buildings / 17.5% Existing Building Renovations	5
			Credit 1.6	28% New Buildings / 21% Existing Building Renovations	6
			Credit 1.7	31.5% New Buildings / 24.5% Existing Building Renovations	7
			Credit 1.8	35% New Buildings / 28% Existing Building Renovations	8
			Credit 2	**On-Site Renewable Energy**	1
			Credit 3	**Enhanced Commissioning**	1
			Credit 4	**Enhanced Refrigerant Management**	1
			Credit 5.1	**Measurement & Verification** - Base Building	1
			Credit 5.2	**Measurement & Verification** - Tenant Sub-metering	1
			Credit 6	**Green Power**	1

LEED for Core and Shell v2.0
Registered Project Checklist

Yes	?	No		
			Materials & Resources	**11 Points**

Yes					
			Prereq 1	**Storage & Collection of Recyclables**	Required
			Credit 1.1	**Building Reuse,** Maintain 25% of Existing Walls, Floors & Roof	1
			Credit 1.2	**Building Reuse,** Maintain 50% of Existing Walls, Floors & Roof	1
			Credit 1.3	**Building Reuse,** Maintain 75% of Interior Non-Structural Elements	1
			Credit 2.1	**Construction Waste Management,** Divert 50% from Disposal	1
			Credit 2.2	**Construction Waste Management,** Divert 75% from Disposal	1
			Credit 3	**Materials Reuse,** 1%	1
			Credit 4.1	**Recycled Content,** 10% (post-consumer + 1/2 pre-consumer)	1
			Credit 4.2	**Recycled Content,** 20% (post-consumer + 1/2 pre-consumer)	1
			Credit 5.1	**Regional Materials,** 10% Extracted, Processed & Manufactured	1
			Credit 5.2	**Regional Materials,** 20% Extracted, Processed & Manufactured	1
			Credit 6	**Certified Wood**	1

Yes	?	No		
0	0		**Indoor Environmental Quality**	**11 Points**

Yes					
Yes			Prereq 1	**Minimum IAQ Performance**	Required
			Prereq 2	**Environmental Tobacco Smoke (ETS) Control**	Required
			Credit 1	**Outdoor Air Delivery Monitoring**	1
			Credit 2	**Increased Ventilation**	1
			Credit 3	**Construction IAQ Management Plan,** During Construction	1
			Credit 4.1	**Low-Emitting Materials,** Adhesives & Sealants	1
			Credit 4.2	**Low-Emitting Materials,** Paints & Coatings	1
			Credit 4.3	**Low-Emitting Materials,** Carpet Systems	1
			Credit 4.4	**Low-Emitting Materials,** Composite Wood & Agrifiber Products	1
			Credit 5	**Indoor Chemical & Pollutant Source Control**	1
			Credit 6	**Controllability of Systems,** Thermal Comfort	1
			Credit 7	**Thermal Comfort,** Design	1
			Credit 8.1	**Daylight & Views,** Daylight 75% of Spaces	1
			Credit 8.2	**Daylight & Views,** Views for 90% of Spaces	1

***Note for EQc4.1-4.4:** Project teams will receive 1 point for achievement of 2 credits, 2 points for achievement of 3 credits, or 3 points for achievement of 4 credits among EQc4.1, EQc4.2, EQc4.3 and EQc4.4.

LEED for Core and Shell v2.0
Registered Project Checklist

Yes	?	No			
			Innovation & Design Process		**5 Points**
			Credit 1.1	**Innovation in Design:** Provide Specific Title	1
			Credit 1.2	**Innovation in Design:** Provide Specific Title	1
			Credit 1.3	**Innovation in Design:** Provide Specific Title	1
			Credit 1.4	**Innovation in Design:** Provide Specific Title	1
			Credit 2	**LEED® Accredited Professional**	1

Exhibit C

HAYWARD CITY COUNCIL

RESOLUTION NO. 06-010

Introduced by Council Member Henson

RESOLUTION REGARDING LEADERSHIP IN ENERGY EFFICIENT DESIGN (LEED) SILVER RATING FOR NEW MUNICIPAL PROJECTS

WHEREAS, the City of Hayward, through the design, construction, operation and deconstruction of its own facilities and facilities in funds, wishes to provide leadership to both the private and public sectors by incorporating green building strategies in City buildings; and

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

WHEREAS, the City Council 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 Council 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; and

WHEREAS, the City Council 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 Council finds that it is critical to both the economic and environmental health of the City that the City provide leadership to both the private and public sectors in the area of green building; and

WHEREAS, the most immediate and meaningful way to do so is to include green building elements in City buildings and to encourage private projects to include green building elements; and

WHEREAS, the adoption of this Resolution is categorically exempt from environmental review pursuant to 14 California Code of Regulations Section 15308, actions by regulatory agencies to protect the environment; and

NOW THEREFORE, BE IT RESOLVED that the City Council finds the adoption of this Resolution categorically exempt from CEQA and that all new construction or renovation projects of municipally-owned buildings intended for human occupancy which exceed either twenty thousand square feet or a construction cost of three million dollars and which are initiated after the adoption of this Resolution shall meet a minimum LEED "Silver" standard.

NOW THEREFORE, BE IT FURTHER RESOLVED, that all new construction or renovation projects of municipally-owned buildings intended for human occupancy that do not meet the threshold that triggers compliance with the requirements of this Resolution shall seek to achieve as many LEED credits as practicable.

IN COUNCIL, HAYWARD, CALIFORNIA January 24, 2006

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jimenez, Quirk, Halliday, Ward, Dowling. Henson
MAYOR: Cooper

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: Angelina Reyes
City Clerk of the City of Hayward

APPROVED AS TO FORM:

M. O'Toole
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO._____

mel 7/22/08

Introduced by Council Member_____

RESOLUTION FINDING THAT THE ENACTION OF THE MUNICIPAL BUILDINGS GREEN BUILDING ORDINANCE IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

BE IT RESOLVED by the City Council of the City of Hayward that the City Council finds that the enaction of the Municipal Buildings Green Building Ordinance, Article 21 of Chapter 10 of the Hayward Municipal Code, is categorically exempt from environmental review under the California Environmental Quality Act, pursuant to Section 15308 of the CEQA Guidelines, Actions by Regulatory Agencies for Protection of the Environment.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2008

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

mhe
1/24/08

AN ORDINANCE ADDING ARTICLE 21 TO CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE ESTABLISHING GREEN BUILDING REQUIREMENTS FOR MUNICIPAL BUILDINGS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this Article is to promote the health, safety and welfare of Hayward residents, workers and visitors by minimizing the use and waste of energy, water and other natural resources in the construction and operation of the City's building stock and by providing a healthy indoor environment.

The green building practices required by this Article will encourage resource conservation, reduce waste generated by construction projects, increase energy efficiency and promote the health and productivity of residents, workers, and visitors of the City.

Section 2. Findings The design, construction, and maintenance of buildings and structures within the City can have a significant impact on the City's environmental sustainability, resource usage, energy efficiency, waste management, and the health and productivity of residents, workers, and visitors.

Green building design, construction, and operation can have a significant, positive effect on resource conservation, energy efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building.

Green building benefits are spread throughout the systems and features of the building. Green buildings can include, among other things, the use of certified sustainable wood products; extensive use of high-recycled-content products; recycling of waste that occurs during deconstruction, demolition, and construction; orientation and design of a building to reduce the demand on the heating, ventilating, and air conditioning systems; the use of heating, ventilating, and air conditioning systems that provide energy efficiency and improved indoor air quality; enhancement of indoor air quality by selection and use of construction materials that do not emit chemicals that are toxic or irritating to building occupants; the use of water conserving methods and equipment; and installation of alternative energy methods for supplemental energy production.

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.

The U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED™) Green Building Rating Systems and LEED™ Reference Guide, has become a leader in promoting and guiding green building.

Requiring municipal projects to incorporate green building measures is necessary and appropriate to achieve the public health and welfare benefits of green building.

Section 3. The City of Hayward's Municipal Code is hereby amended to add Article 21 to Chapter 10 as follows:

"GREEN BUILDING REQUIREMENTS FOR MUNICIPAL BUILDINGS

SECTION 10- 21.100 TITLE. This Article shall be known and may be cited as the Municipal Buildings Green Building Ordinance of the City of Hayward.

SECTION 10-21.110 DEFINITIONS. For the purposes of this Article, certain terms are defined as follows:

a. "Applicant" means any individual, firm, Limited Liability Company, association, partnership, political subdivision, government agency, industry, public or private corporation or any other entity that applies to the City of Hayward for permit(s) to construct a Project subject to the provisions of this Article.

b. "City Project" means any new construction or renovation of a building owned or occupied by the City or the Redevelopment Agency of the City.

c. "Covered Project" means all new building or Renovation projects that equal or exceed 20,000 square feet in area or $5 million in construction costs adjusted annually to the Building Cost Index published in the Engineering News-Record Magazine, and are either owned or occupied by the City or the Redevelopment Agency of the City or developed as a Public/Private Partnership.

d. "LEED ™" and "LEED ™ Checklist" mean the Leadership in Energy and Environmental Design rating system, certification methodology, and checklist used by the United States Green Building Council (USGBC). City staff shall maintain the most recent version of the LEED ™ Rating system at all times.

e. "LEED Accredited Professional" means an individual who has passed the LEED ™ accreditation exam administered by the US Green Building Council.

f. "Minor City Project" shall mean all new building or Renovation projects that are less than 20,000 square feet in area or $5 million in adjusted construction costs and

are either owned or occupied by the City or the Redevelopment Agency of the City or developed as a Public/Private Partnership.

g. "Public-Private Partnership" means any project built on City-owned or Redevelopment Agency-owned land, funded by the City or Redevelopment Agency, of Hayward, or built under a Disposition and Development Agreement with the Redevelopment Agency, and financially assisted by the Agency or the City in a total amount of $2,500,000 or greater in cash, land subsidies or improvements value.

h. "Renovation" means any change, addition or modification to an existing building or structure including, but not limited to, tenant improvements.

SECTION 10- 21.120 APPLICATION AND EXEMPTIONS.

The provisions of this Article apply to all Covered Projects and Minor City Projects submitted for plan check review after November 1, 2008, with the following exemptions:

a. Buildings that have been designated as "Historical" pursuant to the California Historical Building Code, Title 24 Part 8.

b. Permits issued only for foundation repair, re-roofing, repair of fire damage, work required by termite reports, or other items of building or structural maintenance.

c. Exemptions or partial exemptions may be granted by the City Manager for other projects where it can be demonstrated that complete compliance is not possible because of unusual building circumstances

d. Exemptions or partial exemptions may be granted by the City Council/Agency Board for "Public/Private Partnerships" where it can be demonstrated that compliance with this Article is not financially feasible by either the private-sector developer, the City or the Redevelopment Agency, and that the proposed building will provide an over-riding benefit to the community.

SECTION 10-21.130 STANDARD FOR COMPLIANCE.

a. All Covered Projects shall meet a minimum LEED ™ Silver rating and be so certified by the US Green Building Council. All Covered Projects shall also have a LEED-Accredited Professional as a principal member of the design team from the beginning of the project. The LEED™ rating option to be used shall be chosen by the LEED-Accredited professional as the one most appropriate for the project.

b. The proponents of Minor City Projects are required to complete and submit the LEED™ checklist as a way of documenting the green building practices incorporated into the projects, and measures identified in the checklists shall be incorporated into the design and construction of the projects, to be verified by City staff. Projects using the LEED checklist shall earn a minimum of 20 points.

c. The Director of Public Works Department or his or her designee shall regularly review the project specifications used in bidding traditional Public Works Projects to include the best green building/environmental practices applicable.

SECTION 10-21.140. PROMULGATION OF IMPLEMENTING REGULATIONS. The City Manager shall promulgate and rules and regulations necessary or appropriate to achieve compliance with the requirements of this Article. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected City departments.

SECTION 10-21.150 ANNUAL REVIEW. The City Council shall review this Article annually to determine whether it needs to be updated because of new legislation enacted by the State or new standards developed by applicable organizations, such as StopWaste.org, Build It Green, and the US Green Building Council (LEED: Leadership in Energy and Environmental Design). The Building Official shall annually report to the City Manager regarding the number and types of projects built pursuant to this Article."

SECTION 4. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

SECTION 5. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the_____ day of _____, 2008, by Council Member_____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the___ day of ____, 2008, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ATTEST: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward