

ORDINANCE NO. 9 - 04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUBLIN

**AMENDING THE DUBLIN MUNICIPAL CODE BY ADDING A NEW CHAPTER 5.61
MANDATING GREEN BUILDING PRACTICES FOR CITY PROJECTS**

The City Council of the City of Dublin does hereby ordain as follows:

SECTION I: ENACTMENT

The Municipal Code is hereby amended by adding Chapter 5.61 which shall read as follows:

CHAPTER 5.61 GREEN BUILDING PRACTICES FOR CITY PROJECTS

Section 1. FINDINGS

The City Council of the City of Dublin hereby finds and declares that:

A. The design, construction, maintenance, and demolition of buildings and structures 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.

B. "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.

C. Green building benefits are spread throughout the systems and features of the building. Building "green" can include, among other things, the use of certified sustainable wood products; aggressive use of high recycled content products; recycling of waste that occurs during deconstruction, demolition, and construction; enhancement of indoor air quality by selection and use of construction materials that do not have chemical emissions that are toxic or irritating to building occupants; modification of heating, ventilation, and air-conditioning systems to provide energy efficiency and improved indoor air; use of water conserving methods and equipment; and installation of alternative energy methods for supplemental energy production.

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

E. Requiring certain City projects to incorporate LEED™ green building measures is necessary and appropriate to achieve the benefits of green building.

F. Green design, construction, and operation decisions made by the City in the construction and remodeling of City buildings result in environmental benefits and cost savings to the City over the life of the buildings. By calling on the City to include green building measures in its own facilities, the City Council provides taxpayers a benefit through environmentally friendly, cheaper to operate buildings and simultaneously helps to develop markets for recycled, recyclable, and environmentally sound materials.

G. It is critical to both the economic and environmental health of the City that the City provides leadership to both the private and public sectors in the arena of energy efficiency and "green" construction. The most immediate and meaningful way to do this is to include energy efficiency and green building elements in as many public buildings as feasible.

H. It is in the public interest to address the appropriateness of mandating green building requirements for private projects separately from, and subsequent to, applying such requirements to City Projects. Accordingly, unless and until the City Council determines otherwise, the provisions of this Chapter shall not apply to private sector development.

Section 2. DEFINITIONS

A. "Green Building Practices" means a whole-systems approach to the design, construction, and operation of Buildings and Structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green Building Practices such as those described in the LEED™ Rating System, recognizes the relationship between natural and built environments and seeks to minimize the use of energy, water, and other natural resources and provide a healthy productive environment.

B. "Building" means any Structure used or intended for supporting or sheltering any use or occupancy as defined in the Dublin Building Code.

C. "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.

D. "City Project" or "Project" means new construction or renovation primarily funded or sponsored by the City, conducted on City-owned property, or managed by City personnel from design through construction. "City Project" or "Project" shall also include any buildings constructed for the City's use under a build-to-suit program or project. Traditional Public Works Projects and Parks Projects are not considered "City Projects" for the purpose of this Chapter.

E. "Construction" means the building of any building or structure or any portion thereof.

F. "Renovation" means : (1) a structural change to the foundation, roof, floor, or exterior of load-bearing walls of a facility, or the extension of an existing facility to increase its floor area; or (2) alteration of an existing facility, such as to significantly change its function, even if such renovation does not include any structural change to the facility.

G. "Initiated" means officially identified and fully funded to offset all the costs associated with the project as found in the City Capital Improvement Plan.

H. "Conditioned Space" means an enclosed space in a building that is provided with a mechanical heating/cooling system as defined in the Dublin Building Code.

I. "Estimated Cost of Construction" means the total projected cost of completing a proposed Project, including fees, design, construction and land.

J. "LEED Accredited Professional™" means an experienced building industry practitioner who has demonstrated his/her knowledge of integrated design and his/her capacity to facilitate the LEED™ certification process on the LEED™ Professional Accreditation exam. The exam, administered by the U.S. Green Building Council, tests an individual's understanding of green building practices and principles, and familiarity with LEED™ requirements, resources, and processes.

K. "LEED Rating System™" means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building Rating System™, or other related LEED™ Rating System, approved by the U.S. Green Building Council, as applicable to the Project.

L. "Traditional Public Works Projects" means heavy construction projects, such as pump stations, flood control improvements, roads, bridges, as well as traffic lights, sidewalks, bike paths and associated infrastructure on City-owned and maintained property.

M. "Parks and Recreation Projects" means landscape construction projects, such as sports facilities, play grounds, trails, as well as sports lighting, parking, restrooms and associated infrastructure on City-owned and maintained property.

N. "The Green Building Compliance Official" means the person who is authorized and responsible for enforcing this Chapter for any given City project, as designated by the City Manager.

Section 3. MANDATORY GREEN BUILDING PRACTICES

A. City Projects: All City Projects initiated on or after March 16, 2004, with the Estimated Cost of Construction of \$3,000,000 or greater, shall meet:

"Silver" rating under the LEED™ Rating System, or a City-approved equivalent.

All projects following the LEED rating system shall be registered and certified by the U.S. Green Building Council. The Green Building Compliance Official or his/her designee shall undertake such registration and application for certification.

B. All City Projects initiated on or after March 16, 2004, with the Estimated Cost of Construction of \$3,000,000 or less shall be designed and constructed using as many green practices as appropriate to the project as specified in the Operational Guidelines. These Projects shall not be required to be registered and certified by the U.S. Green Building Council. The Green Building Compliance Official or his/her designee shall be responsible for verifying the appropriate green building components.

C. Traditional Public Works and Parks Projects: The Green Building Compliance Official shall promptly undertake research to identify suitable mechanisms for applying Green Building Practices to Traditional Public Works and Parks and Recreation Projects. Within twelve (12) months of the effective date of this ordinance, the Green Building Compliance Official shall submit proposed Operational Guidelines to the City Council requiring the application of appropriate Green Building Practices to Traditional Public Works and Parks and Recreation Projects.

D. Exemptions: If a City Project has unique circumstances that make compliance with this Chapter infeasible, the Green Building Compliance Official may grant an exemption as set forth in the Operational Guidelines.

Section 4. STANDARDS FOR COMPLIANCE

A. The Green Building Compliance Official shall be responsible for the development and maintenance of Operational Guidelines which contain specifications necessary or appropriate to achieve compliance with the Green Building Practices stated in this Chapter. The Operational Guidelines shall be proposed [or promulgated] after securing and reviewing comments from affected City Departments.

B. The Operational Guidelines proposed [or promulgated] by the Green Building Compliance Official under this section shall provide for at least the following:

1. Criteria to escalate or lower the \$3,000,000 threshold contained in this Chapter;
2. The incorporation of the Green Building Practices of this Chapter into the appropriate design and construction contract documents prepared for the applicable City Projects and Traditional Public Works and Parks Projects;
3. Guidelines specifying how contractor bids or responses to Requests for Proposals must indicate plans for meeting all applicable LEED™ or Traditional Public Works and Parks and Recreation Green Building criteria required under this Chapter. All projects following the LEED rating system shall be required to have a LEED™ Accredited Professional on the Project team;
4. Guidelines specifying how green and sustainable practices and products will be incorporated in the operation and maintenance of City projects;
5. Guidelines specifying how the Green Building Compliance Official will administer and monitor compliance with the Green Building Practices set forth in this Chapter and with any rules or regulations promulgated thereunder, and make recommendations to the City Council concerning the granting of waivers or exemptions from the requirements of this Chapter, including Certification of City Projects.

Section 5. UNUSUAL CIRCUMSTANCES

Compliance with the provisions of this Chapter may be waived in unusual circumstances where the City Council has, by resolution, found and determined that the public interest would not be served by complying with such provisions.

SECTION II: SEVERABILITY

If any chapter, section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each chapter, section, subsection, subdivision, paragraph, sentence, clause, and phrase of this Ordinance irrespective of the fact that one or more chapters, sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or effective. To this end, the provisions of this Ordinance are declared to be severable.

SECTION III: EFFECTIVE DATE

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage. The City Clerk of the City of Dublin shall cause the Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of the State of California.

PASSED AND APPROVED AND ADOPTED by the City Council of the City of Dublin, on this 16th day of March, 2004, by the following vote:

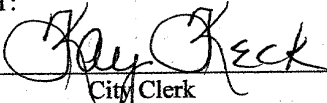
AYES: Councilmembers McCormick, Oravetz, Sbranti and Zika and Mayor Lockhart

NOES: None

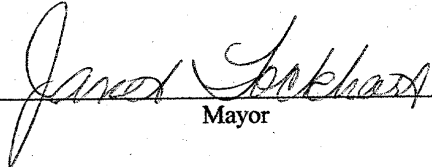
ABSENT: None

ABSTAIN: None

ATTEST:



City Clerk



Mayor

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