

**RESOLUTION NO. 3170**

**RESOLUTION OF THE DISTRICT BOARD OF THE CASTRO VALLEY  
SANITARY DISTRICT, ALAMEDA COUNTY, STATE OF CALIFORNIA  
ESTABLISHING GREEN BUILDING AND BAY-FRIENDLY  
LANDSCAPING REQUIREMENTS FOR CASTRO VALLEY SANITARY  
DISTRICT BUILDING PROJECTS, TRADITIONAL DISTRICT  
PROJECTS, AND PUBLIC-PRIVATE PARTNERSHIPS**

**WHEREAS**, the Castro Valley Sanitary District (CVSD) finds that the design, construction, and maintenance of buildings and landscapes within the CVSD can have a significant impact on the CVSD's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the CVSD; and,

**WHEREAS**, the CVSD finds, based on studies by StopWaste.Org, that construction and demolition debris comprise up to 21% of materials disposed in Alameda County landfills. Plant debris from landscape construction, renovation and maintenance comprises an additional 7% of the materials disposed in Alameda County landfills; and,

**WHEREAS**, the CVSD finds that green building and Bay-Friendly landscape design, construction, operation and maintenance can have a significant positive effect on energy, water and resource efficiency, waste and pollution generation, wildlife habitat and the health and productivity of a property's occupants over the life of the building and/or landscape; and,

**WHEREAS**, the CVSD finds that green building and Bay-Friendly landscape design contribute to a reduction in greenhouse gas emissions, improve air quality and enhance urban sustainability; and,

**WHEREAS**, the CVSD finds that green building and Bay-Friendly landscaping benefits are spread throughout the systems and features of the building and the landscape, the larger SF Bay Area ecosystem and the community. Green buildings use recycled-content 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. Bay-Friendly landscaping is a whole systems approach to the design, construction and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed. Key components of

Bay-Friendly landscaping include reducing waste and using materials that contain recycled content; nurturing healthy soils while reducing fertilizer use; conserving water, energy and topsoil; using Integrated Pest Management (IPM) to minimize chemical use; reducing stormwater runoff; and creating wildlife habitat; and,

**WHEREAS**, the CVSD finds that green building and Bay-Friendly landscape design and construction decisions made by the CVSD in the construction and remodeling of CVSD buildings and/or landscapes can result in significant cost savings to the CVSD over the life of the projects; and,

**WHEREAS**, the CVSD finds that it is critical to both the economic and environmental health of the CVSD that the CVSD provide leadership to both the private and public sectors in the area of green building and Bay-Friendly landscaping; and,

**WHEREAS**, the most immediate and meaningful way to do so is to include green building and Bay-Friendly landscaping elements in CVSD projects and in projects built as public-private partnerships, and to encourage private projects to include green building and Bay-Friendly landscaping elements; and,

**WHEREAS**, green building and Bay-Friendly landscaping design, construction, operations and maintenance techniques are increasingly widespread in residential and commercial building construction; and,

**WHEREAS**, at the national level, the U.S. Green Building Council has taken the lead in promoting and defining commercial green building by developing the Leadership in Energy and Environmental Design (LEED)<sup>TM</sup> Rating System; and,

**WHEREAS**, in California, Build It Green has taken the lead in promoting and defining a statewide standard for residential green building by developing the GreenPoint Rated program; and,

**WHEREAS**, in Alameda County, StopWaste.Org has taken the lead in defining and promoting residential green building by developing the Alameda County Residential Green Building Guidelines (New Home Construction, Home Remodeling, Multifamily), which are now the basis for the GreenPoint Rated program in California; and,

**WHEREAS**, in Alameda County, StopWaste.Org has taken the lead in defining and promoting environmentally friendly landscaping for the commercial, institutional and residential sectors by developing the Bay-Friendly Landscape Guidelines for professional landscapers and the Bay-Friendly Gardening Guidelines for residents; and,

**WHEREAS**, requiring CVSD Projects and public-private partnership projects to incorporate LEED™, GreenPoint Rated and Bay-Friendly Landscape Guidelines is necessary and appropriate to achieving the benefits of green building and Bay-Friendly landscaping in the CVSD; and,

**THEREFORE, BE IT RESOLVED**, that the Castro Valley Sanitary District Board of Directors does hereby adopt the following provisions:

**Definitions:**

a. “Bay-Friendly Landscaping Guidelines” means the most recent version of guidelines developed by StopWaste.Org for use in the professional design, construction and maintenance of Landscapes. CVSD staff shall maintain the most recent version of the Bay-Friendly Guidelines at all times.

b. “Bay-Friendly Landscaping Scorecard” means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org. CVSD staff shall maintain the most recent version of the Bay-Friendly Landscaping Scorecard at all times.

c. “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.

d. “CVSD Project” means any new construction or Renovation of a Building or Landscape owned or occupied by a CVSD Department or Agency.

e. “Covered Project” means (1) all new Building or Renovation projects that equal or exceed \$1 million in construction costs and are either owned or occupied by CVSD or developed as Public-Private Partnership; and (2) all new Landscaping Projects or Renovations of Landscapes that equal or exceed \$50,000 in construction costs and are either owned or occupied by CVSD or developed as Public-Private Partnership.

f. “Green Building and Bay-Friendly Landscaping Compliance Official” means the designated staff person(s) authorized and responsible for implementing this resolution.

g. “GreenPoint Rated” means the most recent version of the residential green building rating program developed by Build It Green. CVSD staff shall maintain the most recent version of the GreenPoint checklists and Residential Green Building Guidelines for New Home Construction, Remodeling, and Multifamily Building.

h. “Initiated” means officially identified and substantially funded to offset the costs associated with the project.

i. “Landscape” means the parcel area less the building pad and includes all planted areas and hardscapes (i.e. driveway, parking, paths, and other paved areas).

j. “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. CVSD staff shall maintain the most recent version of the LEED™ Rating System at all times.

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

l. “Renovation” means any change, addition, or modification to an existing Building Structure or Landscape, including, but not limited to, tenant improvements.

m. “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.

n. “Traditional District Project” means heavy construction projects such as pump stations, sanitary sewer line improvements, roads and bridges, and associated infrastructure on CVSD owned and maintained property.

Standard for Compliance shall include:

a. All Covered Projects Initiated on or after the effective date of Resolution No. 3170 shall meet either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of 50 and be so verified by Build It Green. All Covered Projects shall also have a LEED-Accredited Professional or a Certified Green Building Professional as a principal member of the design team from the beginning of the project.

b. All Covered Projects with landscapes Initiated on or after the effective date of Resolution No. 3170 shall meet the most recent minimum Bay Friendly Landscape Scorecard points as recommended by StopWaste.Org or its designee.

c. For the purposes of reducing operating and maintenance costs in all CVSD facilities and Public-Private Partnership facilities, Covered Projects that do not meet the threshold that triggers compliance with the requirements of the resolution are required to meet as many LEED credits, or GreenPoint Rated measures and as many Bay-Friendly Landscaping Scorecard points as practicable and are required to complete and submit the LEED or GreenPoint checklist and the Bay-Friendly Landscaping scorecard as a way of documenting the green building practices that have been incorporated into the project.

d. The CVSD Engineering Department shall regularly review the project specifications used in bidding Traditional District Projects to include the best green building/environmental practices and Bay-Friendly landscape practices applicable.

Promulgation of Implementing Regulations shall include:

a. The General Manager shall, within six months of resolution adoption, promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this resolution. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected CVSD departments.

b. The rules and regulations promulgated by the General Manager's Office under this section shall provide for at least the following:

1. The incorporation of the green building and Bay-Friendly landscaping requirements of this resolution into the appropriate design, construction, maintenance and development agreement documents prepared for the applicable Covered Projects.

2. The designation of an appropriate Green Building and Bay-Friendly Landscaping Compliance Official(s) who shall have the responsibility to administer and monitor compliance with the green building and Bay-Friendly landscaping requirements set forth in this resolution and with any rules or regulations promulgated thereunder, and to grant waivers or exemptions from the requirements of this resolution, and to report to the Board of Directors regarding green building and Bay-Friendly landscaping compliance on all Covered Projects and Traditional District Projects.

3. For Districts with an adopted Environmental Purchasing Policy (EPP), the Green Building and Bay-Friendly Landscaping Compliance Official(s) will coordinate activities with the person(s) responsible for implementation of the EPP.

**BE IT FURTHER RESOLVED**, compliance with the provisions of this resolution may be waived in unusual circumstances where the Board of Directors has, by resolution, found and determined that the public interest would not be served by complying with such provisions.

**BE IT FURTHER RESOLVED**, if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this resolution, 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 resolution or any part thereof. The Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, and phrase of this resolution irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or effective. To this end, the provisions of this resolution are declared to be severable.”

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I hereby certify that the foregoing Resolution No. 3170 was adopted by the District Board of the Castro Valley Sanitary District at a regular meeting thereof held on the 3<sup>rd</sup> day of June, 2008, by the following vote:

AYES: DIRECTORS Akagi, Francis, Johnson, McGowan and Waespi

NOES: None

ABSENT: None

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Daniel M. Akagi,  
Secretary of the Sanitary Board

APPROVED:

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Ralph Johnson,  
President of the Sanitary Board