

## **ORDINANCE NO. 43-1**

### **AN ORDINANCE OF THE SANITARY BOARD OF THE ORO LOMA SANITARY DISTRICT ADOPTING CIVIC GREEN BUILDING AND BAY-FRIENDLY LANDSCAPING REQUIREMENTS**

The Sanitary Board of the Oro Loma Sanitary District, Alameda County, California, does ordain as follows:

#### **Section 1: PURPOSE AND INTENT**

To promote economic and environmental health within the County, it is essential that the District itself, through the design, construction, operation and deconstruction of its own facilities and facilities it funds, provide leadership to both the private and public sectors by incorporating green building and Bay-Friendly landscaping practices. The most immediate and meaningful way to do this is to require the integration of green building and Bay-Friendly landscaping strategies in District and public-private partnerships buildings and landscapes.

#### **Section 2: FINDINGS**

- a. The District finds that the design, construction, and maintenance of buildings and landscapes within the District can have a significant impact on the District's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the District.
- b. The District 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.
- c. The District 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.
- d. The District finds that green building and Bay-Friendly landscape design contribute to a reduction in greenhouse gas emissions, improve air quality and enhance urban sustainability.
- e. The District finds that green building and Bay-Friendly landscaping benefits are spread throughout the systems and features of the building and the landscape, the larger San Francisco 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 storm water runoff; and, creating wildlife habitat.

- f. The District finds that green building and Bay-Friendly landscape design and construction decisions made by the District in the construction and remodeling of District buildings and/or landscapes can result in significant cost savings to the District over the life of the projects.
- g. The District finds that it is critical to both the economic and environmental health of the District that the District provide leadership to both the private and public sectors in the area of green building and Bay-Friendly landscaping.
- h. The most immediate and meaningful way to do so is to include green building and Bay-Friendly landscaping elements in District projects and in projects built as public-private partnerships, and to encourage private projects to include green building and Bay-Friendly landscaping elements.
- i. Green building and Bay-Friendly landscaping design, construction, operations and maintenance techniques are increasingly widespread in residential and commercial building construction.
- j. 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.
- k. 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.
- l. 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.
- m. 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.
- n. Requiring District Projects and public-private partnership projects to incorporate LEED<sup>TM</sup>, GreenPoint Rated, and Bay-Friendly Landscape Guidelines is necessary and appropriate to achieving the benefits of green building and Bay-Friendly landscaping in the District.

### Section 3:     **DEFINITIONS**

For the purposes of this Ordinance, the following definitions shall apply:

- 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. District 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. District 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. “District Project” means any new construction or renovation of a building or landscape owned or occupied by a District building.
- e. “Covered Project” means (1) all new building or renovation projects that equal or exceed \$3 million in construction costs and are either owned or occupied by the District, or developed as a public-private partnership; and (2) all new landscaping projects or renovations of landscapes that equal or exceed \$100,000 in construction costs, and are either owned or occupied by the District, or developed as a public-private partnership.
- f. “Green Building and Bay-Friendly Landscaping Compliance Official” means the designated staff person(s) authorized and responsible for implementing this Ordinance.
- g. “GreenPoint Rated” means the most recent version of the residential green building rating program developed by Build It Green. District 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. District 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. “Public-Private Partnership” means any project built on District-owned land, primarily funded by the District, built as a project of the Redevelopment Agency, or built under a Disposition and Development Agreement with the District.
- m. “Renovation” means any change, addition, or modification to an existing Building Structure or Landscape, including, but not limited to, tenant improvements.

- n. “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.
- o. “Traditional Public Works Project” means heavy construction projects such as pump stations, flood control improvements, roads, and bridges, as well as traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on District owned and maintained property.

**Section 4:     **STANDARD FOR COMPLIANCE****

- a. All covered projects initiated on or after the effective date of this Ordinance, shall meet either: a “Certified” or higher LEED™ rating, so certified by the US Green Building Council, or a minimum GreenPoint Rated score of 50, 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 this Ordinance shall meet the most recent minimum Bay Friendly Landscape Scorecard points as recommended by StopWaste.Org.
- c. For the purposes of reducing operating and maintenance costs in all District facilities and public-private partnership facilities, covered projects that do not meet the threshold that triggers compliance with the requirements of this Ordinance 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 District shall regularly review the project specifications used in bidding traditional construction, renovation, and landscaping projects to include the best green building/ environmental practices and Bay-Friendly landscape practices applicable.

**Section 5:     **PROMULGATION OF IMPLEMENTING REGULATIONS****

- a. The District Manager shall, within six months of Ordinance adoption, promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this Ordinance. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected District departments.
- b. The rules and regulations promulgated by the District 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 Article 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 Ordinance, and with any rules or regulations promulgated hereunder, and to grant waivers or exemptions from the requirements of this Ordinance, and to report to the District Board regarding green building and Bay-Friendly landscaping compliance on all covered projects and traditional construction, renovation, and landscaping projects.

**Section 6: UNUSUAL CIRCUMSTANCES**

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

**Section 7: SEVERABILITY**

If any 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 Sanitary Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, and phrase of this Ordinance 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 Ordinance are declared to be severable.

**Section 8: EFFECTIVE DATE**

Upon adoption, this Ordinance shall be entered in full in the minutes of the Sanitary Board, shall be posted for one week in three (3) public places within the District, and shall be published once in The Daily Review, a newspaper of general circulation within the District, and shall take effect one week following its posting and publication, whichever occurs later. This Ordinance shall take effect thirty (30) days after its adoption.

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I certify that the forgoing is a full, true and correct copy of an Ordinance passed and adopted at a meeting of the Sanitary Board of the Oro Loma Sanitary District duly held on the 19<sup>th</sup> day of June, 2007, by the following vote of the members thereof:

**AYES, Members:** Crowle, Dias, Kerr, Landis, Sidari

**NOES, Members:** None

**ABSENT, Members:** None

s/ Frank V. Sidari, President

Countersigned:  
s/ Laython Neal Landis, Secretary