

RESOLUTION NO. ~~08~~-77

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EMERYVILLE ADOPTING CIVIC GREEN BUILDING AND
BAY-FRIENDLY LANDSCAPING REQUIREMENTS
APPLICABLE TO CITY PROJECTS**

WHEREAS, it is in the interest of the City of Emeryville to require civic construction projects to have in the construction, maintenance and deconstruction of those buildings and landscapes the following features: healthy indoor air quality, conservation of energy and water, infrastructure and design that allows for waste reduction, pedestrian and alternative transit-friendly design, use of resource efficient materials, and other such characteristics which result in a reduction of related climate change impacts; and

WHEREAS, the City of Emeryville General Plan contains numerous objectives and policies to support energy conservation and encourage the use of alternative energy and promote energy efficiency; and

WHEREAS, StopWaste.Org, the United States Green Building Council and Build-It-Green have developed guidelines and rating systems for green building and sustainable landscaping that are consistent with the objectives and policies of the Emeryville General Plan and which have been officially adopted by many cities and counties in the Bay Area as the standard rating systems for development within their communities; and

WHEREAS, it is critical to both the economic and environmental health of the City that the City include green building and Bay-Friendly landscaping elements in City projects, and to encourage private projects to include green building and Bay-Friendly landscaping elements; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville does hereby adopt the following provisions:

1. **Definitions:**

For the purposes of this resolution, 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. City 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. City 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) "City" means the City of Emeryville, the Emeryville Redevelopment Agency, and all departments thereof.
- (e) "City Manager" means the City Manager of the City of Emeryville or his or her designee.
- (f) "City Project" means (1) all new Building or Renovation of a Building or Structure construction projects that equal or exceed \$3 million in Construction Costs and are owned or occupied by the City; and (2) all new Landscape or Renovation of Landscape construction projects that equal or exceed \$50,000 in Construction Costs or are over 2,500 square feet in Landscape area and are owned or maintained by the City. City Projects are located on real property owned or controlled by the City and are not located within the public right-of-way. Traditional Public Works Projects are located within the public right-of-way and are not City Projects.
- (g) "Construction Costs" means the dollar valuation of a City Project as determined by the City of Emeryville Building Department.
- (h) "Green Building and Bay-Friendly Landscaping Compliance Official" means the staff person(s) designated by the City Manager as authorized and responsible for implementing this Resolution.
- (i) "Initiated" means the City Project is officially identified in the City's five year capital improvement program and substantially funded to offset the costs associated with implementing the City Project.
- (j) "Landscape" means the parcel area of the City Project site less the area of the Building or Structure and includes all planted areas and hardscapes (i.e. driveway, parking, paths and other paved areas).
- (k) "LEEDTM Rating System" means the most recent version of the Leadership in Energy and Environmental Design ("LEEDTM") Green Building Rating System approved by the United States Green Building Council ("USGBC"). The LEEDTM product most appropriate for the project shall be used. In most cases that will be LEEDTM NC (new construction.) City staff shall maintain the most recent version of the LEEDTM Rating System at all times.
- (l) "LEEDTM Accredited Professional" means an individual who has passed the LEEDTM accreditation exam administered by the USGBC or its designee.

- (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 projects involving new construction or renovation of pump stations, flood control improvements, roads, bridges, sewers, storm drains, water, gas and electrical facilities, traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on the public right-of-way.

2. Compliance Requirements

- (a) **Green Building Standards:** All City Projects of new Building or Renovation of a Building or Structure Initiated on or after the effective date of this Resolution, shall comply with the minimum standards as set forth in the following table:

Project Type	Compliance Level of LEED Rating System	Initiation Date
City Project - New Building/Renovation	LEED™ SILVER	Before 1/1/11
City Project – New Building/Renovation	LEED™ GOLD	After 12/31/10

The compliance of all City Projects shall be certified by the USGBC and all City Projects shall have a LEED™ -Accredited Professional as a principal member of the design team from the beginning of the project.

- (b) **Landscaping Standards:** All City Projects of new Landscape or Renovation of Landscape Initiated on or after the effective date of this Resolution, shall comply with the minimum standards as set forth in the following table:

Project Type	Compliance Level of Rating System	Initiation Date
City Project – NewLandscape/Renovation	Exceed Bay-Friendly min. by 10 points	Before 1/1/11
City Project – NewLandscape/Renovation	Exceed Bay-Friendly min. by 20 points	After 12/31/10

The compliance of all City Projects shall be verified by StopWaste.org’s Bay-Friendly Landscaping program and all City Projects shall have as a principal member of the design team from the beginning of the project a professional trained in Bay-Friendly Landscaping practices and principles. Additionally all City Projects shall incorporate compost and mulch, per City standards, into the planted area of the Landscape.

3. Voluntary Compliance – Non Covered Projects

- (a) For the purposes of reducing operating and maintenance costs in all City facilities, other projects of the City that do not meet the financial or square foot thresholds set forth in the definition of City Project, are nevertheless encouraged to meet as many LEED™ credits and as many Bay-Friendly Landscaping Scorecard points as reasonably practicable as determined by the City Manager and are required to complete and submit to the Green Building and Bay-Friendly Landscaping Compliance Official the LEED™ checklist and the Bay-Friendly Landscaping scorecard as a way of documenting the green building and landscaping practices that have been incorporated into the project. At a minimum, compost and mulch, per City standards, shall be incorporated into the planted area of the Landscape.
- (b) The Public Works Department shall regularly review the project plans and specifications used in bidding Traditional Public Works Projects to include the best green building practices and Bay-Friendly Landscape practices applicable.
- (c) All new Landscape maintenance contracts hereafter awarded by the City shall require the use of Bay-Friendly Landscaping practices; and

BE IT FURTHER RESOLVED, that in order to assist with the implementation of this Resolution, the City Manager shall take such necessary steps within six (6) months after the adoption of this Resolution to undertake the following:

- (1.) Incorporate the green building and Bay-Friendly landscaping requirements of this resolution into the appropriate design, construction, and maintenance and development agreement documents prepared for City Projects.
- (2.) Designate 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 to report to the City Manager regarding green building and Bay-Friendly landscaping compliance on all City Projects and efforts of the City regarding Traditional Public Works Projects.
- (3.) The scheduling and budgeting of appropriate training for affected staff on the issues of Green Building and Bay Friendly Landscaping practices. The USGBC's LEED™ Accredited Professional training, Build-It-Green's Certified Green Building Professional training, and StopWaste.org's Bay-Friendly Landscaping training courses are recognized as appropriate training.
- (4.) All existing City contracts with landscaping maintenance companies shall be reviewed to determine the cost of requiring the contractor to include Bay-Friendly Landscaping practices and principles and thereafter presented to the City Council for their consideration; and

BE IT FURTHER RESOLVED, that the City adopts, as official City reference documents, the *Build It Green Residential Green Building Guidelines*, the *USGBC LEED™ Green Building Guidelines* and the *StopWaste.Org Bay-Friendly Landscaping Guidelines and Gardening Guide*; and

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

ADOPTED, by the City Council of the City of Emeryville at a regular meeting on Tuesday, May 20, 2008 by the following vote:

AYES: ~~(4) Mayor Bukowski, Vice Mayor Atkin and Councilmembers Fricke & Kassis~~

NOES: (0) None ABSENT: None

EXCUSED: (1) Councilmember Davis ABSTAINED: None

KB
MAYOR

ATTEST:
B
CITY CLERK

APPROVED AS TO FORM:
Muhad B. Siddiq
CITY ATTORNEY