

1 [Resource Efficiency Requirements and Green Building Standards.]

2
3 **Ordinance repealing Chapter 7 of the Environment Code, Resource Efficiency**
4 **Requirements, and adding a new Chapter 7 to the Environment Code to adopt**
5 **and incorporate new provisions for green building design principles for City**
6 **construction projects and to reconfigure the existing Resource Efficiency**
7 **Building Task Force.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The San Francisco Environment Code is hereby amended by deleting
13 Chapter 7 in its entirety.

14 Section 2. The San Francisco Environment Code is hereby amended by enacting
15 Chapter 7 to read as follows:

16 700. FINDINGS AND PURPOSE.

17 The Board of Supervisors finds that:

18 A. Buildings are one of the distinguishing elements of human civilization, but if they are not
19 constructed thoughtfully they can waste precious natural and financial resources, as well as harm the
20 environment and the health of people who use them. Around the globe, building operations,
21 construction and demolition consume 40 percent of the world’s energy, 65 percent of all electricity, and
22 40 percent of all raw materials. Each year in the United States, building-related activities are
23 responsible for 30 percent of the nation’s carbon dioxide emissions, 40 percent of ozone pollution, and
24 35 percent of municipal solid waste.

25

1 B. The construction and remodeling projects San Francisco completed as part of a Green
2 Building Pilot Project demonstrate that thoughtful planning and design decisions can result in a
3 significant cost savings to the City over the life of such facilities, and can improve the health and
4 productivity of City employees and visitors. “Green Buildings” are designed to make optimum use of
5 public transportation and will offer substantial long-term economic, health and environmental benefits
6 to the citizens of San Francisco.

7 C. The selection of resource efficient and less toxic building materials and design features
8 is consistent with the City’s Precautionary Principle Policy. This principle requires that the City
9 consider of a full range of alternatives in order to select products and procedures that minimize harm
10 and maximize the protection of public health and natural resources.

11 D. The United States Green Building Council (USGBC) is a non-profit, nationally
12 recognized association with membership representing all segments of the building industry, including
13 architects, manufacturers, government agencies, and environmentalists. The USGBC has created the
14 Leadership in Energy and Environmental Design (LEED™) rating system for building design,
15 construction, and operations that provides specific principles and practices which result in certification
16 of environmental performance.

17 SEC. 701. DEFINITIONS.

18 The following terms shall have the meanings set forth below.

19 (a) “Building” means:

20 (1) Any structure used for support or shelter of any use or occupancy. “Structure” means
21 that which is built or constructed, an edifice or building of any kind, or any piece of work artificially
22 built or composed of parts joined together in some definite manner and permanently attached to the
23 ground.

1 (2) “Building” includes office buildings and other structures wherein things may be grown,
2 made or produced, kept, handled, stored or disposed of. “Building” also includes marinas, outdoor
3 recreation areas, and parking facilities.

4 (3) “Building” does not include machinery, equipment, or appliances installed for
5 manufacture or process purposes only, any construction installation that is not part of a building, or
6 any tunnel, roadway or bridge, or any vehicle or mobile equipment.

7 (b) “City department” means any department of the City and County of San Francisco.
8 City department does not include any other local agency or any federal or State agency, including but
9 not limited to, the San Francisco Unified School District, the San Francisco Community College
10 District, the San Francisco Redevelopment Agency and the San Francisco Housing Authority.

11 (c) “City-owned Facility” means any building owned by the City and County of San
12 Francisco. “City-owned Facility” does not include City-owned facilities or portions thereof that the
13 City leases to non-City entities, except when the City enters into a new lease or other similar agreement
14 with a new tenant executed after August 31, 1999.

15 (d) “Commission” means the Commission on the Environment.

16 (e) “Commissioning Process” means an independent process to ensure the attainment of
17 quality facilities pursuant to this Chapter. The process focuses on verifying and documenting that the
18 building and all of its systems are planned, designed, installed, and tested, and are operating and
19 maintained as designed. The Commissioning Process shall coordinate with, but not include, routine
20 inspections performed by the Department of Building Inspection.

21 (f) “Construction Project” means any building, planning or construction activity, including
22 new construction, renovation, remodeling, or building additions by a City department at a City-owned
23 Facility, Existing City Leasehold, or New City Leasehold.

24 (g) “Department” means the Department of the Environment.

1 (h) “Director” means the Director of the Department of the Environment or his or her
2 designee.

3 (i) “Existing City Leasehold” means that portion or portions of any building that is leased
4 or otherwise occupied, but not owned, by the City and County of San Francisco or any City Department
5 for a term of one year or more pursuant to a written agreement that was executed before August 31,
6 1999.

7 (j) “LEED™ rating system” or “LEED™: Leadership in Energy and Environmental Design
8 rating system” means the rating system developed by the United States Green Building Council
9 (USGBC) for evaluating the environmental performance of a building. Buildings are rated on a scale
10 from lowest to highest: LEED™ Certified, LEED™ Silver, LEED™ Gold and LEED™ Platinum.

11 (k) “LEED™ accredited professional” means an employee of a City department or another
12 individual who has passed the LEED™ accreditation exam issued by the USGBC in applying LEED™
13 principles to building design.

14 (l) “New City Leasehold” means that portion or portions of any building that is leased or
15 otherwise occupied, but not owned, by the City and County of San Francisco or any City department
16 for a term of one year or more pursuant to a written agreement that was executed or renewed after
17 August 31, 1999. “New City Leasehold” does not include common area portions of a building that are
18 not exclusively leased or otherwise occupied by a City department.

19 (m) “Recycling area” means space allocated for collecting, storing, and loading recyclable
20 materials. Such areas shall be able to accommodate receptacles for recyclable materials.

21 SEC. 702 RESOURCE EFFICIENT BUILDING TASK FORCE.

22 (a) Establishment and Purpose. The Board of Supervisors establishes the Resource-
23 Efficient Building Task Force to oversee and assist in making City buildings resource efficient. The
24 Task Force will consist of one member of the public appointed by the Mayor and a representative from
25 each of the following City departments:

- 1 (1) The Department of the Environment;
- 2 (2) The Bureau of Architecture within the Department of Public Works;
- 3 (3) The San Francisco Public Utilities Commission;
- 4 (4) The Department of Recreation and Park
- 5 (5) The Bureau of Construction Management within the Department of Public Works;
- 6 (6) The San Francisco Municipal Railway;
- 7 (7) The Department of Building Inspection; and
- 8 (8) The Port of San Francisco Francisco;
- 9 (9) The San Francisco International Airport; and
- 10 (10) The San Francisco Public Library.

11 At least one member of the Task Force shall be a LEED™ accredited professional.

- 12 (b) The Department of the Environment shall provide staff for the Task Force.

13 SEC. 703 DUTIES OF THE DEPARTMENT OF THE ENVIRONMENT.

14 (a) Establishment and Purpose. There is hereby created within the Department of the
15 Environment a Resource-Efficient Building Program. The purpose of the Resource-Efficient Building
16 Program is to:

- 17 (1) Develop goals, criteria, and strategies for maximizing resource-efficient building design
18 and operations and to make policy recommendations regarding requirements for city and private
19 resource-efficient buildings to the Board of Supervisors;
- 20 (2) Develop and oversee a training program in resource-efficient building practices,
21 including design, construction, renovation, operation and reuse of buildings in a resource-efficient and
22 energy-efficient manner for department heads and city architects, engineers, construction managers,
23 and building managers employed by the City in order to implement the policies adopted by the Board of
24 Supervisors;

1 (3) Coordinate with the Task Force and other City departments having expertise with, or
2 with responsibility for, compliance with the requirements of this Chapter, and on achieving resource-
3 efficient building goals including, but not limited to, the Department of Public Works, the San
4 Francisco Public Utilities Commission and the Department of Building Inspection. These departments
5 shall also assist the Director in providing advice, assistance, outreach, and education to other City
6 departments concerning resource- efficient building practices;

7 (4) Assess the efficacy of the Pilot Program and the Resource-Efficient Building Program
8 on both environmental and economic grounds; and

9 (5) Provide information to the general public to encourage the adoption of resource-
10 efficient building guidelines by the public and private sector.

11 (b) Guidance, Rules and Regulations. After a public hearing, the Director may promulgate such
12 guidance, rules and regulations as may be necessary or appropriate from time to time to carry out the
13 provisions of this Chapter, including the adoption of forms necessary to implement this Chapter. The
14 Director is authorized to call upon other City departments as necessary and appropriate to assist in
15 developing such guidance, rules and regulations.

16 (c) Green Building Compliance Guide. In accordance with Section 703(b) and in consultation
17 with other City departments, no later than 120 days from the effective date of this ordinance, the
18 Director shall adopt and regularly update a Green Building Compliance Guide for San Francisco
19 Municipal Buildings. The Compliance Guide shall contain all necessary forms and guidelines for
20 compliance with this Chapter. At a minimum, the Compliance Guide shall contain:

- 21 (1) a list of City requirements pursuant to this Chapter;
22 (2) all applicable LEED™ methods and standards;
23 (3) all local and state environmental regulations regarding building design and construction
24 related to LEED™;
25

- 1 (4) directions on how to prepare a conceptual design assessment and a construction documents
- 2 assessment;
- 3 (5) a method for administering a LEED™ rated project;
- 4 (6) a LEED™ project checklist;
- 5 (7) commissioning guidelines, including how to identify a commissioning authority and how to
- 6 obtain the LEED™ additional commissioning credit;
- 7 (8) guidelines for projects less than 5,000 square feet;
- 8 (9) a waiver request form; and
- 9 (10) an annual reporting form.

10 (d) The Director shall determine the costs of implementing this Chapter and shall request that
11 relevant City departments provide work orders to the Department to cover the costs of implementing
12 and maintaining the programs required by this Chapter. Such work orders may cover the costs of
13 departments on the Task Force.

14 **SEC. 704 RESOURCE-EFFICIENT PILOT PROJECTS.**

15 (a) Pilot Projects. Under the original enactment of this Chapter, an interdepartmental task
16 force selected the following as Pilot Projects:

- 17 (1) EcoCenter and San Francisco Department of the Environment Offices;
- 18 (2) Moscone West Convention Center;
- 19 (3) West End Pavilion;
- 20 (4) Visitation Valley Clubhouse;
- 21 (5) 23rd and Treat Streets New Mission Park and Clubhouse;
- 22 (6) Laguna Honda Hospital Replacement Project;
- 23 (7) New California Academy of Sciences;
- 24 (8) Golden Gate Music Concourse Underground Parking Facility; and
- 25 (9) Islais Creek, MUNI Maintenance and Operations Facility.

1 (b) Commissioning Process. Pilot projects are encouraged to follow the Commissioning
2 Process established by the Department pursuant to Section 703.

3 (c) Pilot Project Funding.

4 (1) Each revenue-generating City department shall, to the extent possible, fund its Pilot
5 Projects from its own revenue. The total costs of a pilot project shall be determined by the Bureau of
6 Architecture, in conjunction with the Department, based upon the design documents submitted by the
7 City department to the Bureau of Architecture

8 (2) The Department of the Environment shall assist departments in identifying additional
9 public and private sector funding sources for Pilot Projects not yet completed.

10 SEC. 705. RESOURCE EFFICIENCY REQUIREMENTS FOR CITY BUILDINGS.

11 (a) Within 90 days of the effective date of this Chapter, the Commission shall issue
12 guidelines to all City departments to assist them in determining which of the following provisions in
13 this Chapter apply to them. Pursuant to Section 703(b), the Director may revise these guidelines from
14 time to time.

15 (b) Water Conservation Requirements for Toilets.

16 (1) This requirement applies to the following City departments: City departments
17 undertaking or authorizing others to undertake Construction Projects with a total projected cost of
18 \$90,000 or more at City-owned Facilities; City departments undertaking or authorizing others to
19 undertake Construction Projects with a total projected cost of \$90,000 or more in Existing City
20 Leaseholds (but only if restrooms are included in the leasehold space and the City department has a
21 separate metering account with the San Francisco Public Utilities Commission); City departments
22 undertaking or authorizing others to undertake Construction Projects with a total projected cost of
23 \$90,000 or more in New City Leaseholds (but only if restrooms are included in the leasehold space and
24 the City department has a separate metering account with the San Francisco Public Utilities
25 Commission Water Department); City departments executing agreements for New City Leaseholds or

1 occupying New City Leaseholds (but only if restrooms are included in the leasehold space and the City
2 department has a separate metering account with the San Francisco Public Utilities Commission); City
3 departments occupying City-owned Facilities (but only if the City department has separate metering
4 account with the San Francisco Public Utilities Commission; and all City departments purchasing
5 toilets beginning 90 days after the effective date of this ordinance.

6 (2) All City departments listed above shall ensure that all toilets are replaced with toilets
7 that use no more than 1.6 gallons of water per flush. Replacement shall occur at the earlier of:

8 (A) The time of major remodeling, defined as when a water drainage system is substantially
9 altered, modified or renovated (as those terms are defined in San Francisco Plumbing Code Section
10 101(4) or when two or more toilets and/or urinals are replaced in a single bathroom; or

11 (B) By June 30, 2005.

12 (3) Each City department subject to subsection (b)(1) of this Section shall be responsible for
13 the costs of compliance and for ensuring that all applicable contract documents for the replacement of
14 toilets contain the above requirement.

15 (4) To facilitate the installation of these toilets, the San Francisco Public Utilities
16 Commission shall:

17 (A) Negotiate and secure, within 90 days of the effective date of this Chapter, contracts with
18 one or more vendors that all City departments may use for the purchase and installation of 1.6-gallon-
19 per-flush valves and tank toilets. The contract will include a list of toilets approved by the
20 International Association of Plumbing and Mechanical Officials. The toilets on this list shall be the
21 only toilets purchased. This list shall be updated annually by the San Francisco Public Utilities
22 Commission and shall be provided to all heads of City departments responsible for purchases and/or
23 installations at City-owned Facilities or leaseholds and to the Purchasing Department.

24 (B) Establish a procedure (including a fixed price) by which City departments may contract
25 with the Department of Public Works' Bureau of Building Repair for the installation of such toilets.

1 This procedure shall be distributed to all City departments responsible for purchases and/or
2 installations at City- owned Facilities or leaseholds within 90 days of the effective date of this Chapter.
3 It shall be updated by the San Francisco Public Utilities Commission annually and sent to all heads of
4 City departments responsible for purchases and/or installations at City-owned Facilities or leaseholds
5 and to the Purchasing Department.

6 (5) Between July 1, 2005, and June 23, 2007, the San Francisco Public Utilities
7 Commission shall inspect all buildings subject to this requirement to ensure that all toilets have been
8 installed as required by this subsection.

9 (6) Should the Director determine that toilets that are more water-efficient than those
10 specified in the foregoing sections exist, the Director may, in consultation with the San Francisco
11 Public Utilities Commission, establish a list of other water-efficient toilets that City departments may
12 use pursuant to Section 703(b).

13 (c) Water Conservation Requirements for Shower Heads.

14 (1) This requirement applies to the following City departments: City departments
15 undertaking or authorizing others to undertake Construction Projects with a total projected cost of
16 \$90,000 or more in City-owned Facilities; City departments undertaking or authorizing others to
17 undertake Construction Projects with a total projected cost of \$90,000 or more in Existing City
18 Leaseholds (but only if restrooms are included in the leasehold space and the City department has a
19 separate metering account with the San Francisco Public Utilities Commission); City departments
20 undertaking or authorizing others to undertake Construction Projects with a total projected cost of
21 \$90,000 or more in New City Leaseholds (but only if restrooms are included in the leasehold space and
22 the City department has a separate metering account with the San Francisco Public Utilities
23 Commission); City departments executing agreements for New City Leaseholds or occupying New City
24 Leaseholds (but only if restrooms are included in the leasehold space and the City department has a
25 separate metering account with the San Francisco Public Utilities Commission); City departments

1 occupying City-owned Facilities (but only if the City department has a separate metering account with
2 the San Francisco Public Utilities Commission); and all City departments purchasing shower heads
3 beginning 90 days after the effective date of this Ordinance.

4 (2) All City departments listed above shall ensure that all shower heads are replaced with
5 shower heads using no more than 1.5 gallons per minute by June 30, 2005.

6 (3) Each City department subject to subsection (c)(1) shall be responsible for the costs of
7 compliance and for ensuring that all applicable contract documents for the replacement of shower
8 heads contain the above requirement.

9 (4) To facilitate the installation of these shower heads, the San Francisco Public Utilities
10 Commission shall:

11 (A) Provide a list of the approved shower head brands and models to all heads of City
12 departments responsible for purchases and/or installations at City-owned Facilities or City Leaseholds
13 and to the Purchasing Department;

14 (B) Negotiate and secure, within 90 days of the effective date of this Chapter, a contract
15 with one or more vendors for the purchase and installation by City departments of 1.5 gallon per
16 minute shower heads; and

17 (C) Negotiate a set price for the installation of the shower heads with the Department of
18 Public Works;

19 (D) Distribute information on the price for installation, and lists of approved shower heads
20 and contract vendors to all heads of City departments responsible for purchases and/or installations at
21 City- owned Facilities or City Leaseholds and to the Purchasing Department.

22 (5) Should the Director determine that shower heads that are more water efficient than
23 those specified in the foregoing sections exist, the Director may, in consultation with the San Francisco
24 Public Utilities Commission, establish a list of other water-efficient shower heads that City
25 departments may use pursuant to Section 703(b).

1 (d) Energy Conservation.

2 (1) These requirements (or California Code of Regulations Title 24, Part 6, or subsequent
3 State standards, whichever are more stringent) shall apply in all cases except those in which a City
4 department is not responsible for maintenance of light fixtures or exit signs.

5 (2) City departments shall be responsible for the cost of compliance and for ensuring that
6 all applicable contract documents for the replacement and installation of light fixtures and exit signs
7 contain the following requirements:

8 (A) Exit Signs. At the time of installation or replacement of broken or non-functional exit
9 signs, all exit signs shall be replaced with light-emitting diode (L.E.D.)-type signs. Edge-lit compact
10 fluorescent signs may be used as replacements for existing edge-lit incandescent exit signs.

11 (B) Fluorescent Fixtures. At the time of installation or replacement of broken or non-
12 functional fluorescent fixtures equipped with T10 or T12 lamps, all fixtures shall be equipped with
13 electronic ballasts and T8 or more efficient lamps unless this replacement will create lighting levels at
14 the work surface that are below the standards established by the Illuminating Engineering Society.

15 (C) Exterior Light Fixtures. At the time of installation or replacement of broken or non-
16 functional exterior light fixtures, a photocell or automatic timer shall be installed to prevent lights from
17 operating during daylight hours. The existing switching capability shall be maintained. Upon written
18 request by a City department the Director may grant an exemption from the requirement of this
19 subsection where lighting is necessary during daylight hours.

20 (D) Fluorescent Fixture Ballasts. At the time of installation or replacement of the ballasts in
21 fluorescent fixtures equipped with T10 or T12 lamps, all replacement ballasts shall be electronic and
22 compatible with only T8 or more efficient lamps unless such replacement will create light levels at the
23 work surface that are below the standards established by the Illuminating Engineering Society.

24 (E) Other technologies. Should the Director determine that light fixtures or exit signs that
25 are more energy-efficient than those specified in the foregoing sections exist, the Director may, in

1 consultation with the San Francisco Public Utilities Commission, establish a list of other energy-
2 efficient light fixtures and exit signs that City departments may use pursuant to Section 703(b).

3 (e) Fluorescent Lamp Recycling. Commencing 90 days after the effective date of this
4 Chapter, all fluorescent lamps discarded by City departments shall be recycled. The Director shall
5 establish a program for collecting and recycling discarded fluorescent lamps.

6 (f) Indoor Air Quality.

7 (1) This requirement applies to the following City departments: City departments
8 undertaking or authorizing others to undertake Construction Projects with a total projected cost of
9 \$90,000 or more in City-owned Facilities; City departments undertaking or authorizing others to
10 undertake Construction Projects with a total projected cost of \$90,000 or more in Existing City
11 Leaseholds; City departments under- taking or authorizing others to undertake Construction Projects
12 with a total projected cost of \$90,000 or more in New City Leaseholds; City departments occupying an
13 Existing City Leasehold (if the City is responsible for managing the Existing City Leasehold); City
14 departments executing agreements for New City Leaseholds or occupying New City Leaseholds (if the
15 City is responsible for managing the New City Leasehold); and City departments occupying City-owned
16 facilities (if the City department is responsible for managing the City-owned facility.)

17 (2) Maintenance. Within 90 days of the effective date of this Chapter, the Department shall
18 provide informational guidelines for the development of indoor air quality maintenance plans to all
19 City departments identified above. The guidelines shall include, at a minimum, guidance and
20 recommendations on the following:

21 (A) A schedule and procedures for thorough cleaning of finishes, furniture and fixtures in
22 order to remove and reduce the growth of organisms hazardous to human health at the time of delivery
23 and regularly after installation.

24 (B) A schedule and procedures for inspecting and maintaining mechanical systems,
25 including heating, ventilation and air conditioning systems (hereinafter "HVAC" systems).

1 (C) A schedule and procedures for inspecting for mold and/or mildew contamination in
2 porous building materials, fixtures and furnishing, including provisions for the complete removal and
3 replacement of such materials where it is determined by inspection that the materials have become
4 contaminated by mold and/or mildew.

5 (D) A commitment to using cleaners and polishes with minimal effects on indoor air quality.

6 (3) Within 90 days of the development of guidelines pursuant to subsection (f)(2), all City
7 departments identified in Subsection (f)(1) shall develop and implement indoor air quality maintenance
8 plans.

9 (4) Pollutant Source Control.

10 (A) Reduction of Health Hazards from Microbial Contaminants. Commencing 90 days after
11 the effective date of this Chapter, all City departments undertaking or authorizing others to undertake
12 Construction Projects with a total projected cost of \$90,000 or more in City-owned Facilities, New City
13 Leaseholds, and Existing City Leaseholds shall include in their contracts for Construction Projects
14 provisions requiring:

15 (i) Prevention of Moisture Contamination. Building materials that are intended to be kept
16 dry before, during and following installation (e.g., fabrics, carpeting, drywall, ceiling tiles, and
17 insulation) shall be protected from moisture prior to, during, and after installation.

18 (ii) Removal of Building Materials Contaminated by Moisture. If, in the judgment of the
19 City project engineer, project architect or project manager any building material that is intended to be
20 kept dry before, during and after installation has become wet, such material shall be removed
21 immediately from the job site, disposed of in accordance with this Chapter, and replaced. It shall be
22 the responsibility of the relevant contractor or subcontractor to monitor the storage of such materials
23 to ensure that they remain dry and to remove and dispose of such materials if they become wet.

24 (iii) Determination by Independent Industrial Hygienist. On Construction Projects with a
25 total construction cost exceeding \$1,000,000, if any building material that is intended to be kept dry

1 becomes, in the judgment of the subcontractor or the City project engineer, contaminated by moisture,
2 the City's project manager shall obtain an assessment by an independent industrial hygienist to assess
3 the extent of contamination and supervise the containment and removal of moisture-contaminated
4 materials. Where the hygienist determines that moisture contamination has occurred, the contractor
5 responsible for causing or allowing the contamination to occur shall be responsible for the costs of the
6 hygienist's services and the costs for removal and replacement of the contaminated materials. Should
7 no moisture contamination be found, the City shall be responsible for the costs of the hygienist's
8 services.

9 (B) Elimination or Encapsulation of Fibrous Insulation Materials. The use of exposed
10 fibrous duct insulation material in Construction Projects shall be prohibited. If the design of a
11 Construction Project requires the use of fibrous insulation material, such material shall be
12 encapsulated to minimize mold and/or mildew growth and emissions of volatile organic compounds
13 into the habitable space.

14 (g) Storage of Recyclables.

15 (1) This requirement applies to the following City departments: City departments
16 undertaking or authorizing others to undertake Construction Projects at City-owned Facilities; City
17 departments undertaking or authorizing others to undertake Construction Projects in Existing City
18 Leaseholds; City departments undertaking or authorizing others to undertake Construction Projects in
19 New City Leaseholds; City departments executing agreements for New City Leaseholds or occupying
20 New City Leaseholds; and City departments occupying City-owned Facilities (but only if the City-
21 owned Facility was acquired at least 90 days after the effective date of the Ordinance.)

22 (2) All City departments identified above shall ensure that adequate, accessible, and
23 convenient recycling areas are provided within the City-owned Facility or leasehold, and that all
24 applicable contract documents contain this requirement. The minimum allowable recycling area shall
25 be not less than the space allocated for the storage of refuse.

1 (3) The requirement set forth in subsection (g)(2) of this Section to provide adequate
2 recycling areas shall apply to Construction Project(s) for which funds have been appropriated on or
3 after the effective date of this Chapter for:

4 (i) A single alteration which is subsequently performed that adds to or modifies 20 percent
5 or more of the existing floor area of the project; or

6 (ii) Multiple alterations which are conducted within a twelve-month period which
7 collectively add to or modify 20 percent or more of the existing floor area of the project.

8 (4) Any cost associated with recycling areas pursuant to this subsection shall be the
9 responsibility of the party or parties who are responsible for the cost of any alterations to
10 accommodate their occupancy.

11 SEC. 706. CONSTRUCTION AND DEMOLITION DEBRIS MANAGEMENT.

12 This requirement applies to all Construction Projects with a total projected cost of \$90,000 or
13 more at City-owned facilities and new and existing city leaseholds. All City departments shall ensure
14 that each Construction Project subject to this Chapter shall minimize construction and demolition
15 debris disposal in accordance with the following requirements:

16 (a) Construction and Demolition Debris Management Plan. The contract between the City
17 department and the contractor shall require the contractor responsible for demolition to:

18 (1) Conduct a site assessment to estimate the types of materials that will be generated by
19 demolition at the site that are anticipated to be feasible and practical for reuse and recycling, and

20 (2) Complete a plan as set forth in subparagraph (b) describing the procedures for disposal,
21 reuse or recycling.

22 (b) Plan Requirements. The contract between the City department and the contractor shall
23 require that:

24 (1) After award of the contract and prior to commencement of the demolition, the City
25 project engineer shall meet with the contractor to develop a plan for managing construction and

1 demolition debris to enable the City and the contractor to develop a mutual understanding regarding
2 recycling and reuse.

3 (2) The contractor shall prepare and submit to the City project engineer a written
4 construction and demolition debris management plan. The construction and demolition debris
5 management plan shall include, but not be limited to, the following information:

6 (A) Contractor and project identification information;

7 (B) Procedures to be used for debris management;

8 (C) A listing of the materials to be reused, recycled, or landfilled;

9 (D) An estimate of the quantities to be reused, recycled, or landfilled; and

10 (E) The names and locations of reuse and recycling facilities or sites.

11 (3) The construction and demolition debris management plan is subject to the approval of
12 the City project engineer.

13 (c) Recycling of Construction and Demolition Debris. The contract between the City
14 department and the contractor shall require that:

15 (1) The contractor shall develop and implement procedures to reuse and recycle materials
16 to the greatest extent feasible based upon the contract, the construction and demolition debris
17 management plan, the estimated quantities of materials, and the availability of recycling facilities.

18 (2) The contractor shall develop and implement programs for on-site or off-site recycling of
19 source-separated materials, including asphalt, concrete, concrete block, and rocks; dirt and sand,
20 metals (ferrous and non-ferrous); wood; green materials (e.g., tree trimmings) and other materials as
21 appropriate, such as red clay brick, corrugated cardboard, and wall board; mixed debris; and
22 salvageable items. Prior to delivering materials, the contractor shall familiarize itself with the
23 specifications for acceptance of construction and demolition materials at recycling facilities.

1 (3) Approval of the contractor's construction and demolition debris management plan by the
2 City project engineer shall not relieve the contractor of the duty to comply with any other applicable
3 laws regulating control or disposal of solid waste or other pollutants.

4 (d) Summary of Diversion; Disposal. The contract between the City department and the
5 contractor shall require that:

6 (1) With each application for progress payment, the contractor shall submit a summary of
7 construction and demolition debris diversion and disposal, quantifying all materials generated at the
8 work site and disposed of in Class III Landfills, as defined in Title 27 CCR 20260, or diverted from
9 disposal through recycling. Failure to submit supporting documentation in the form of weight slips or
10 other similar proof shall render the application for progress payment incomplete and delay progress
11 payment.

12 (2) The contractor shall be responsible for transporting and disposing of materials that
13 cannot be delivered to a source-separated or mixed materials recycling facility to a transfer station or
14 disposal facility that can accept the materials in accordance with state law. No solid waste shall be
15 burned, buried or otherwise disposed of on the project site.

16 (e) Revenue. Revenues or other savings obtained from recycled or reused materials shall
17 accrue to the City department or the contractor as negotiated between them and embodied in the
18 contract.

19 SEC. 707. GREEN BUILDING DESIGN REQUIREMENTS FOR CONSTRUCTION
20 PROJECTS.

21 Except as otherwise provided by the City's Charter,

22 (a) As described in this Chapter, the Leadership in Energy and Environmental Design
23 ("LEED™") rating system shall be used to measure the environmental performance of the City's
24 municipal buildings. If there are substantive changes to the LEED™ rating system after the adoption
25 of this ordinance, the Director shall recommend appropriate amendments to the Board of Supervisors.

1 **(b) Effective Date.** *This section shall apply to Construction Projects for which an initial*
2 *budget has been prepared on or after 120 days after the effective date of this ordinance.*

3 **(c) Conceptual Design Assessment.** *In accordance with the Compliance Guide and this*
4 *Section, a City department proposing a Construction Project shall prepare a conceptual design*
5 *assessment. The assessment will classify the proposed Construction Project as less than 5,000 square*
6 *feet or 5,000 square feet or more.*

7 **(d) Projects less than 5,000 square feet.** *For Construction Projects with square footage less*
8 *than 5,000 square feet, the conceptual design assessment shall provide for the maximum LEED™*
9 *points practicable. The proposing City department shall submit the assessment to the Task Force for*
10 *informational and reporting purposes.*

11 **(e) Projects of 5,000 square feet or more.** *For Construction Projects with square footage*
12 *of 5,000 square feet or more the following applies:*

13 **(1) Conceptual Design Phase.** *During the conceptual design phase, the proposing City*
14 *department shall assemble a design team, which must include a LEED™ accredited professional. The*
15 *LEED™ accredited professional member of the design team must prepare and submit to the Task*
16 *Force for approval a conceptual design assessment. The conceptual design assessment must propose a*
17 *LEED™ Silver rating or higher. The Task Force shall review the conceptual design assessment within*
18 *35 days of submittal.*

19 **(2) Design Phase.** *During the design phase, the proposing City department must retain an*
20 *independent commissioning authority and provide the name of the commissioning authority to the Task*
21 *Force. The proposing City department shall register the Construction Project with the USGBC as a*
22 *LEED™ project.*

23 **(3) Construction Documents Phase.** *During the final construction documents phase, the*
24 *LEED™ accredited professional member of the design team shall prepare and submit to the Task*
25 *Force for approval a construction documents assessment that maintains a LEED™ Silver rating or*

1 higher. The Task Force shall review construction documents assessment within 35 calendar days of
2 submittal, except for large complex projects for which a schedule will be determined upon submission.

3 (4) Commissioning Process. The City department and the independent commissioning authority
4 for the project shall perform the Commissioning Process as described in the Compliance Guide.

5 (5) Project Construction. At the completion of construction, the City department shall submit
6 the LEED™ documentation to the USGBC for certification. Upon receiving the rating from the
7 USGBC, the City department shall submit it and the final LEED™ project checklist to the Task Force.

8 (f) Annual Report. No later than August 1 of each year, each City department with a
9 Construction Project subject to this Chapter shall submit a report to the Task Force in accordance with
10 the Compliance Guide.

11 SEC. 708 WAIVERS. Waivers from the requirements of this Chapter are available under the
12 following circumstances:

13 (a) Emergency. A City department may grant itself a waiver from any requirement
14 of this Chapter when it is necessary to respond to an emergency which endangers public health
15 or safety. In such case, the City department shall report to the Director on a form provided by
16 the Director regarding the emergency that prevented compliance with this Chapter within five
17 business days.

18 (b) Cost Prohibitive. A City department may request a waiver from the Director on
19 a form provided by the Director if compliance with this Chapter is cost prohibitive. The Task
20 Force shall provide the Director with a recommendation with respect to the waiver request.
21 The Director may grant a waiver upon a finding that the requesting department has:

22 (1) Demonstrated which specific requirements are cost prohibitive as weighed
23 against the potential economic, environmental and health benefits posed by a particular
24 requirement; and

1 (2) If applicable for Section 707, developed a reasonable plan to maximize the
2 number of LEED™ points attainable.

3 (c) Other. If, due to specific circumstances, compliance would defeat the intent of
4 this Chapter or create an unreasonable burden on the Construction Project or City
5 department, the City department may request a waiver from that requirement from the Director
6 on a form provided by the Director. The Task Force shall provide the Director with a
7 recommendation with respect to the waiver request. The Director may grant a waiver upon a
8 finding that the requesting Department has:

9 (1) Documented the circumstances and burdens at issue; and

10 (2) If applicable for Section 707, developed a reasonable plan to maximize the
11 number of LEED™ points attainable.

12 The Director shall respond to a request for a waiver within 35 days.

13 (d) The Director shall report to the Commission on the Environment regularly on
14 waivers requested, granted and denied.

15 SEC. 709 DUTIES OF CITY DEPARTMENTS.

16 (a) Each City department, board and commission subject to this Chapter shall cooperate with,
17 and provide in writing to the Department all information necessary for the Department to carry out its
18 duties under this Chapter.

19 (b) Each City department shall designate a contact person for Construction Projects and
20 green building communications.

21 (c) Appropriate City department personnel will attend Green Building related training
22 offered by the Department.

23 SEC. 710 REPORT TO THE BOARD OF SUPERVISORS. Within three years of the
24 effective date of this ordinance and every three years thereafter, the Director, in consultation
25 with the Task Force and affected City departments and with input from members of the public

1 who have asked to be informed by the Task Force or the Department, shall submit to the Board
2 of Supervisors a report on the effects of this Chapter, including but not limited to the following:

3 (1) A description on the environmental performance of Construction Projects under
4 the LEEDTM rating system and of the pilot projects;

5 (2) A report of City departments' compliance with this Chapter, including a report
6 on waivers;

7 (3) An assessment of whether this Chapter has achieved its stated goals; and

8 (4) Recommended changes, if any, to this Chapter.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 Rona H. Sandler
14 Deputy City Attorney