

## ARTICLE 21

### GREEN BUILDING REQUIREMENTS FOR MUNICIPAL BUILDINGS

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## ARTICLE 21

### GREEN BUILDING REQUIREMENTS FOR MUNICIPAL BUILDINGS

SEC. 10- 21.100 TITLE. This Article shall be known and may be cited as the Municipal Buildings Green Building Ordinance of the City of Hayward.

SEC. 10-21.110 DEFINITIONS. For the purposes of this Article, certain terms are defined as follows:

- a. “Applicant” means any individual, firm, Limited Liability Company, association, partnership, political subdivision, government agency, industry, public or private corporation or any other entity that applies to the City of Hayward for permit(s) to construct a Project subject to the provisions of this Article.
- b. “City Project” means any new construction or renovation of a building owned or occupied by the City or the Redevelopment Agency of the City.
- c. “Covered Project” means all new building or Renovation projects that equal or exceed 20,000 square feet in area or \$5 million in construction costs adjusted annually to the Building Cost Index published in the Engineering News-Record Magazine, and are either owned or occupied by the City or the Redevelopment Agency of the City or developed as a Public/Private Partnership.
- d. “LEED <sup>TM</sup>” and “LEED <sup>TM</sup> Checklist” mean the Leadership in Energy and Environmental Design rating system, certification methodology, and checklist used by the United States Green Building Council (USGBC). City staff shall maintain the most recent version of the LEED <sup>TM</sup> Rating system at all times.
- e. “LEED Accredited Professional” means an individual who has passed the LEED <sup>TM</sup> accreditation exam administered by the US Green Building Council.
- f. “Minor City Project” shall mean all new building or Renovation projects that are less than 20,000 square feet in area or \$5 million in adjusted construction costs and are either owned or occupied by the City or the Redevelopment Agency of the City or developed as a Public/Private Partnership.
- g. “Public-Private Partnership” means any project built on City-owned or Redevelopment Agency-owned land, funded by the City or Redevelopment Agency, of Hayward, or built under a Disposition and Development Agreement with the Redevelopment Agency, and financially assisted by the Agency or the City in a total amount of \$2,500,000 or greater in cash, land subsidies or improvements value.
- h. “Renovation” means any change, addition or modification to an existing building or structure including, but not limited to, tenant improvements.

SEC. 10- 21.120 APPLICATION AND EXEMPTIONS.

The provisions of this Article apply to all Covered Projects and Minor City Projects submitted for plan check review after November 1, 2008, with the following exemptions:

- a. Buildings that have been designated as “Historical” pursuant to the California Historical Building Code, Title 24 Part 8.
- b. Permits issued only for foundation repair, re-roofing, repair of fire damage, work required by termite reports, or other items of building or structural maintenance.
- c. Exemptions or partial exemptions may be granted by the City Manager for other projects where it can be demonstrated that complete compliance is not possible because of unusual building circumstances
- d. Exemptions or partial exemptions may be granted by the City Council/Agency Board for “Public/Private Partnerships” where it can be demonstrated that compliance with this Article is not financially feasible by either the private-sector developer, the City or the Redevelopment Agency, and that the proposed building will provide an over-riding benefit to the community.

SEC. 10-21.130 STANDARD FOR COMPLIANCE.

- a. All Covered Projects shall meet a minimum LEED<sup>™</sup> Silver rating and be so certified by the US Green Building Council. All Covered Projects shall also have a LEED-Accredited Professional as a principal member of the design team from the beginning of the project. The LEED<sup>™</sup> rating option to be used shall be chosen by the LEED-Accredited professional as the one most appropriate for the project.
- b. The proponents of Minor City Projects are required to complete and submit the LEED<sup>™</sup> checklist as a way of documenting the green building practices incorporated into the projects, and measures identified in the checklists shall be incorporated into the design and construction of the projects, to be verified by City staff. Projects using the LEED checklist shall earn a minimum of 20 points.
- c. The Director of Public Works Department or his or her designee shall regularly review the project specifications used in bidding traditional Public Works Projects to include the best green building/environmental practices applicable.

SEC. 10-21.140 PROMULGATION OF IMPLEMENTING REGULATIONS. The City Manager shall promulgate and rules and regulations necessary or appropriate to achieve compliance with the requirements of this Article. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected City departments.

SEC. 10-21.150 ANNUAL REVIEW. The City Council shall review this Article annually to determine whether it needs to be updated because of new legislation enacted by the State or new standards developed by applicable organizations, such as StopWaste.org, Build It Green, and the US Green Building Council (LEED: Leadership in Energy and Environmental Design). The Building Official shall annually report to the City Manager regarding the number and types of projects built pursuant to this Article.