

David Oberender 1/10

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: MARVA LEWIS

Dept.'s Legislative Liaison: Garfield Peart

Contact Number: 404-865-8532

Originating Department: Renew Atlanta

Committee(s) of Purview: Finance/Executive

Chief of Staff Deadline: October 26, 2018

Anticipated Committee Meeting Date(s): November 13-14, 2018

Anticipated Full Council Date: November 19, 2018

Legislative Counsel's Signature: Cal E. Utie

Commissioner's Signature: [Signature]

Chief Financial Officer: [Signature] DO

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE

BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 75, SUSTAINABLE DEVELOPMENT DESIGN STANDARDS, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PERMIT THIRD-PARTY CERTIFYING SYSTEMS FOR SUSTAINABLE DEVELOPMENT DESIGN OF BUILDINGS THAT ARE CONSIDERED EQUIVALENT TO LEED™ TO SATISFY THE CITY'S EXISTING REQUIREMENTS FOR LEED™ CERTIFICATION IN CHAPTER 75; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (see Part 2-B-#6 when applicable)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 10-26-18 VM  
(date)

Reviewed by: \_\_\_\_\_  
(date)

Submitted to Council: \_\_\_\_\_ (date)

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Finance/Executive

**Caption:**

**AN ORDINANCE**

**BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 75, SUSTAINABLE DEVELOPMENT DESIGN STANDARDS, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PERMIT THIRD-PARTY CERTIFYING SYSTEMS FOR SUSTAINABLE DEVELOPMENT DESIGN OF BUILDINGS THAT ARE CONSIDERED EQUIVALENT TO LEED™ TO SATISFY THE CITY'S EXISTING REQUIREMENTS FOR LEED™ CERTIFICATION IN CHAPTER 75; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** November 19, 2018

**Legislation Title:** Amending Chapter 75, Sustainable Development Standards to permit third-party certifying systems

**Requesting Dept.:** Renew Atlanta

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

To authorize an amendment to Chapter 75, Sustainable Development Design Standards to permit third-party certifying systems that are considered to be equivalent to LEED™.

**2. Please provide background information regarding this legislation.**

Chapter 75 of the City of Atlanta Code of Ordinances speaks to Sustainable Development Design Standards. This legislation will allow a third-party certifying system to satisfy the City's existing requirements for LEED™ certification.

**3. If Applicable/Known:**

**(a) Contract Type:**

**(b) Source Selection:** N/A

**(c) Bids/Proposals Due:** N/A

**(d) Invitations Issued:** N/A

**(e) Number of Bids/Proposals Received:** N/A

**(f) Bidders/Proponents:** N/A

(g) **Background:** Chapter 75 of the City of Atlanta Code of Ordinances speaks to Sustainable Development Design Standards. This legislation will allow a third-party certifying system to satisfy the City's existing requirements for LEED™ certification.

(h) **Term of Contract:** N/A

4. **Fund Account Center:** N/A

5. **Source of Funds:** N/A

6. **FISCAL IMPACT**

Cost will be covered by the Department's current year budget

Budget neutral – no monetary impact

Cost not anticipated in the Department's current year budget –  
see account string in legislation

Or

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Note

7. **Method of Cost Recovery:** N/A

8. **Approvals:**

**DOF:**

**DOL:**

**This Legislative Request Form Was Prepared By: Deepti Pattni  
Contact Number: 404-780-8432**

**AN ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 75, SUSTAINABLE DEVELOPMENT DESIGN STANDARDS, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PERMIT THIRD-PARTY CERTIFYING SYSTEMS FOR SUSTAINABLE DEVELOPMENT DESIGN OF BUILDINGS THAT ARE CONSIDERED EQUIVALENT TO LEED™ TO SATISFY THE CITY'S EXISTING REQUIREMENTS FOR LEED™ CERTIFICATION IN CHAPTER 75; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 75, Sustainable Development Design Standards, of the City of Atlanta Code of Ordinances sets out the requirements and procedures for the design and maintenance of City-owned buildings; and

**WHEREAS**, the Sustainable Development Design Standards require all City-owned facilities and buildings over 5,000 gross square feet of occupied space to achieve LEED™ Silver Certification; and

**WHEREAS**, the Sustainable Design Standards require facilities that are required to be audited and comply with retrocommissioning requirements per Part 8, Chapter 2, Article J of the City's Land Development Code, Part III of the City of Atlanta Code of Ordinances, to obtain LEED™ Existing Buildings: Operation & Maintenance Certification; and

**WHEREAS**, LEED™ is a third-party certifying system designed for rating new and existing commercial, institutional, and multi-family residential buildings; and

**WHEREAS**, alternative third-party certifying systems for sustainable development design of buildings exist that are equivalent to LEED™ and achieve sustainable design outcomes that align with the City of Atlanta's ("City") commitment to sustainable building; and

**WHEREAS**, it is desirable to authorize the use of alternative third-party certifying systems for sustainable development design of City-owned facilities when appropriate; and

**WHEREAS**, it is in the best interests of the City to revise Chapter 75, Sustainable Development Design Standards, of the City of Atlanta Code of Ordinances to permit third-party certifying systems for sustainable development design of buildings that are considered equivalent to LEED™ to satisfy the City's existing requirements for LEED™ Silver Certification and LEED™ Existing Buildings: Operation & Maintenance Certification.

**NOW, THEREFORE THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1.** Chapter 75 (Sustainable Development Design Standards), Article II, Section 75-19 (Policy and Goals) of the Code of Ordinances of the City of Atlanta, Georgia, which currently

provides as follows:

**Sec. 75-19 Policy and Goals**

- (a) It is the policy of the City of Atlanta to finance, plan, design, construct, manage, renovate, maintain, and decommission its facilities and buildings using sustainable practices and means. This applies to new construction and renovations in which the total project square footage includes at least 5,000 gross square feet of occupied space.
- (b) The LEED™ rating system and Reference Guide shall be used as guidance for design and as a measuring tool to determine what constitutes sustainable building by national standards.
- (c) Facilities and buildings over 5,000 gross square feet of occupied space shall at a minimum incorporate sustainable design criterion as defined by this Article. Design and project management teams are required to achieve LEED™ Silver Certification.
- (d) At the time facilities are required to be audited and comply with retrocommissioning requirements per Part 8, Chapter 2, Article J of the City's Land Development Code, Part III of the City of Atlanta Code of Ordinances, facilities shall obtain LEED™ Existing Buildings: Operation & Maintenance or the most recent equivalent.

**Is hereby amended and modified as follows:**

**Sec. 75-19 Policy and Goals**

- (a) It is the policy of the City of Atlanta to finance, plan, design, construct, manage, renovate, maintain, and decommission its facilities and buildings using sustainable practices and means. This applies to new construction and renovations in which the total project square footage includes at least 5,000 gross square feet of occupied space.
- (b) The LEED™ rating system and Reference Guide or equivalent third-party certifying system shall be used as guidance for design and as a measuring tool to determine what constitutes sustainable building by national standards.
- (c) Facilities and buildings over 5,000 gross square feet of occupied space shall at a minimum incorporate sustainable design criterion as defined by this Article. Design and project management teams are required to achieve LEED™ Silver Certification or equivalent third-party certifying system for sustainable building design, as determined at the discretion of the Office of Buildings.
- (d) At the time facilities are required to be audited and comply with retrocommissioning requirements per Part 8, Chapter 2, Article J of the City's Land Development Code, Part III of the City of Atlanta Code of Ordinances, facilities shall obtain LEED™ Existing Buildings: Operation & Maintenance or equivalent third-party

certifying system for sustainable operations and maintenance of existing buildings, as determined at the discretion of the Office of Buildings.

**SECTION 2.** Chapter 75 (Sustainable Development Design Standards), Article II, Section 75-20 (Procedures and Responsibilities) of the Code of Ordinances of the City of Atlanta, Georgia, which currently provides as follows:

**Sec. 75-20 Procedures and Responsibilities**

- (a) The commissioners of all city departments or their designee(s) whose responsibilities include planning, designing, constructing or renovating city-owned, city-managed, and city-leased facilities are responsible for ensuring facilities and buildings comply with section 75-19.
- (b) The manager office of buildings or designee is responsible for coordinating city departments any educational and technical resources available that support and promote sustainable design and construction of city facilities.
- (c) The commissioners of all city departments or their designee(s) are responsible for completing LEED™ training.

**Is hereby amended and modified as follows:**

**Sec. 75-20 Procedures and Responsibilities**

- (a) The commissioners of all city departments or their designee(s) whose responsibilities include planning, designing, constructing or renovating city-owned, city-managed, and city-leased facilities are responsible for ensuring facilities and buildings comply with section 75-19.
- (b) The ~~manager~~ office of buildings or designee is responsible for coordinating city departments any educational and technical resources available that support and promote sustainable design and construction of city facilities.
- (c) The commissioners of all city departments or their designee(s) are responsible for completing LEED™ training.
- (d) The office of buildings is responsible for determining if a proposed third-party certifying system for sustainable building design or sustainable building operations and management qualifies as an equivalent to LEED™ Silver Certification for new construction and major renovation or LEED™ Existing Buildings: Operation & Maintenance.

**SECTION 3.** Chapter 75 (Sustainable Development Design Standards), Article II, Section 75-21 (Budgeting and Financing), of the Code of Ordinances of the City of Atlanta, Georgia, which

currently provides as follows:

**Sec. 75-21 Budgeting and Financing**

All capital construction which falls under this policy is required to budget LEED™ design standards in the conceptual development of a City funded facility and/or the CDP/CIP process through the Department of Planning. Budget planning and life cycle cost analysis to achieve LEED™ Silver Certification, or equivalent 3<sup>rd</sup>-party verified green building certification, and LEED™ Existing Buildings: Operations & Maintenance Certification, or equivalent 3<sup>rd</sup>-party verified green building certification for existing buildings operation and maintenance, is required.

**Is hereby amended and modified as follows:**

**Sec. 75-21 Budgeting and Financing**

All capital construction which falls under this policy is required to budget LEED™ design standards in the conceptual development of a City funded facility and/or the CDP/CIP process through the Department of Planning. Budget planning and life cycle cost analysis to achieve LEED™ Silver Certification, or equivalent third-party certifying system for sustainable building design, and LEED™ Existing Buildings: Operations & Maintenance Certification, or equivalent third-party certifying system for sustainable operations and maintenance of existing buildings, is required.

**SECTION 4.** Chapter 75 (Sustainable Development Design Standards), Article II, 75-26 (Facility Design Prerequisites) of the Code of Ordinances of the City of Atlanta, Georgia, which currently provides as follows:

**Sec. 75-26 Facility Design Prerequisites**

All City departments and offices and their contractors responsible for financing, planning, designing, developing, constructing and managing City shall include the following prerequisites when designing a facility (as consistent with the USGBC LEED™ Rating Standards):

- (1) Compliance with Atlanta Code of Ordinances, Article II, Section 74-35, Erosion and Sedimentation Control.
- (2) Fundamental Building Systems Commissioning: Verify and ensure that fundamental building elements and systems are designed, installed, and calibrated to operate as projected.
- (3) Minimum Energy Performance: Establish minimum energy performance for buildings and respective systems of buildings. Energy and water efficiency of those buildings and respective systems is to be measured, managed, and optimized on an ongoing basis.
- (4) CFC Reduction in HVAC&R Equipment: Reduce ozone depletion.

- (5) Recycling: Implement a comprehensive recycling program that reduces waste generated by building occupants.
- (6) Minimum Indoor Air Quality: Establish minimum indoor air quality (IAQ) performance to prevent the development of indoor air quality problems in buildings.
- (7) Environmental Tobacco Smoke (ETS) Control: Prevent exposure of building occupants and systems to ETS.
- (8) Education: Educate appropriate City Personnel responsible for operations and maintenance of those systems throughout the building's lifecycle.

**Is hereby amended and modified as follows:**

**Sec. 75-26 Facility Design Prerequisites**

All City departments and offices and their contractors responsible for financing, planning, designing, developing, constructing and managing City shall include the following prerequisites when designing a facility (as consistent with the USGBC LEED™ Rating Standards or equivalent third-party certifying system):

- (1) Compliance with Atlanta Code of Ordinances, Article II, Section 74-35, Erosion and Sedimentation Control.
- (2) Fundamental Building Systems Commissioning: Verify and ensure that fundamental building elements and systems are designed, installed, and calibrated to operate as projected.
- (3) Minimum Energy Performance: Establish minimum energy performance for buildings and respective systems of buildings. Energy and water efficiency of those buildings and respective systems is to be measured, managed, and optimized on an ongoing basis.
- (4) CFC Reduction in HVAC&R Equipment: Reduce ozone depletion.
- (5) Recycling: Implement a comprehensive recycling program that reduces waste generated by building occupants.
- (6) Minimum Indoor Air Quality: Establish minimum indoor air quality (IAQ) performance to prevent the development of indoor air quality problems in buildings.
- (7) Environmental Tobacco Smoke (ETS) Control: Prevent exposure of building occupants and systems to ETS.
- (8) Education: Educate appropriate City Personnel responsible for operations and maintenance of those systems throughout the building's lifecycle.

**SECTION 5.** All ordinances in conflict with this ordinance are hereby waived to the extent of the conflict.



<p>(Do Not Write Above This Line)</p> <p><b>AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE</b></p> <p><b>AN ORDINANCE TO AMEND CHAPTER 75, SUSTAINABLE DEVELOPMENT STANDARDS, OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PERMIT THIRD-PARTY CERTIFYING SYSTEMS FOR SUSTAINABLE DEVELOPMENT DESIGN OF BUILDINGS THAT ARE CONSIDERED EQUIVALENT TO LEED™ TO SATISFY THE CITY'S EXISTING REQUIREMENTS FOR LEED™ CERTIFICATION IN CHAPTER 75; AND FOR OTHER PURPOSES.</b></p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Referred To _____</p>	<p>First Reading</p>	<p><b>FINAL COUNCIL ACTION</b></p> <p><input type="checkbox"/> 2<sup>nd</sup> <input type="checkbox"/> 1<sup>st</sup> &amp; 2<sup>nd</sup> <input type="checkbox"/> 3<sup>rd</sup></p> <p>Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote <input type="checkbox"/></p> <p>Readings <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote <input type="checkbox"/></p> <p><b>CERTIFIED</b></p>
<p><input type="checkbox"/> <b>CONSENT REFER</b></p> <p><input type="checkbox"/> <b>REGULAR REPORT REFER</b></p> <p><input type="checkbox"/> <b>ADVERTISE &amp; REFER</b></p> <p><input type="checkbox"/> <b>1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ &amp; REFER</b></p> <p><input type="checkbox"/> <b>PERSONAL PAPER REFER</b></p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p>Committee _____</p> <p>Date _____</p> <p>Chair _____</p> <p>Action _____</p> <p>Fav, Adv, Hold (see rev. side) _____</p> <p>Other _____</p> <p>Members _____</p> <p>Refer To _____</p>	<p><b>MAYOR'S ACTION</b></p>