

## SECOND READING - CONTINUED FROM 1/27/26

ORDINANCE NO. O-2026-3\_\_

### **AN ORDINANCE AMENDING CHAPTER 4.38 OF THE ADMINISTRATIVE CODE OF THE COUNTY OF ALAMEDA RELATED TO GREEN BUILDING PRACTICES FOR CERTAIN COUNTY PROJECTS**

**WHEREAS**, the County of Alameda Construction Debris Management and Green Building Practices ordinance was adopted by this Board on April 29, 2003 (File #17843, Item #11) which required construction and demolition debris management and green building practices; and

**WHEREAS**, since that time this Board of Supervisors has adopted the Alameda County Climate Action Plan for Government Services and Operations (May 4, 2010, File #26114, Item #11), the Alameda County (Unincorporated Areas) Community Climate Action Plan (February 4, 2014, File #29180, Item #9), and the Alameda County Climate Action Plan for Government Services and Operations Through 2026 (May 9, 2023, File #31021, Item #49) which all seek to continue to improve the environmental sustainability of the County as well as reduce the County's greenhouse gas emissions; and

**WHEREAS**, the Alameda County Climate Action Plan for Government Services and Operations Through 2026 ("government operations Climate Action Plan") sets a goal to achieve carbon neutrality by 2045, develop more resilient services and support more resilient neighborhoods, and meet the State of California mandates related to electrifying buildings and transportation; and

**WHEREAS**, the existing Construction Debris Management and Green Building Practices ordinance was not designed to meet the current sustainability goals as adopted in the government operations Climate Action Plan; and

**WHEREAS**, it is in the County's best interest to revise the existing ordinance to proactively align with and anticipate future advancements in green building regulations and standards in order to ensure compliance with State and Federal laws and mandates, minimize long-term capital and operational costs, and support the County's sustainability and resilience objectives;

**NOW, THEREFORE**, the Board of Supervisors of the County of Alameda ordains as follows:

#### **SECTION I**

Existing Chapter 4.38 of Title 4 of the Alameda County Administrative Code is repealed in its entirety and replaced with the following:

#### **GREEN BUILDING DESIGN, CONSTRUCTION, AND OPERATION**

##### **Section 4.38.010 Findings.**

The Board of Supervisors of the County of Alameda hereby finds and declares that:

A. Alameda County has shown climate leadership by establishing a carbon neutrality target in its adoption in 2023 of the Climate Action Plan for Government Services and Operations through 2026 (R-2023-209, File #53124, Item #49) (“government operations Climate Action Plan”). The government operations Climate Action Plan contains targets that are aligned with the State of California which, through its California Global Warming Solutions Act of 2006, created a comprehensive, multi-year program to reduce greenhouse gas emissions in California, and published a 2022 Scoping Plan which describes the policy strategies that will drastically reduce its dependence on fossil fuels and get to carbon neutrality by 2045 or earlier as directed by Governor Brown in Executive Order B-55-18, 2018.

B. Analysis shows that the County’s climate footprint from the construction, maintenance and operations of municipal government buildings and facilities are significant. The 2019 Greenhouse Gas Emissions Inventory identified that building and facilities account for approximately 31% of the total emissions measured in the operational Climate Action Plan, and the 2019 Addendum to the Analysis of Sustainability Impacts of Alameda County Supply Chain Expenditures identified that construction and maintenance expenditures result in approximately 25% of embodied emissions that occur in the County’s supply chain.

C. Incorporating green building and sustainable development practices into the design, construction and operation of County capital projects can significantly reduce greenhouse gas emissions, pollution, and the consumption of natural resources and energy while lowering operational costs, enhancing long-term asset value, and optimizing building performance.

D. Eliminating building equipment that burns fossil fuels in favor of those that are powered by clean energy will allow the County to increase its use of renewable energy resources which can be produced onsite or purchased from local energy utility providers, improving local air quality.

E. Additional electric vehicle charging infrastructure is needed to support California’s goal as set forth in the Advanced Clean Cars II regulations which establishes a statewide program to eliminate the sale of gasoline-powered cars by 2035 and to support the rapid adoption of electric vehicles in the Bay Area.

F. To ensure the continuity of essential public services and fiscal responsibility, the County’s buildings and infrastructure must be designed, constructed, and maintained to withstand, recover from, and adapt to the increasing impacts of climate hazards, including but not limited to wildfires, poor air quality, flooding, sea level rise, and extreme heat events, which can negatively affect County real estate and also affect employees’ ability to deliver services to residents.

G. The U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED™) Rating System, has been a market leader for over 20 years in defining leadership in green building design and construction and the County has successfully achieved a LEED rating for twelve (12) capital construction projects since 2007, with half of those exceeding the County’s LEED Silver minimum standard by achieving a Gold rating or higher.

H. It is in the County’s best interest to proactively align with and anticipate future advancements in green building regulations and standards in order to ensure compliance with State and Federal laws and mandates, minimize long-term capital costs, and support the County’s

sustainability and resilience objectives, all while stimulating the advancement of innovative energy technologies, creating green jobs, and supporting a sustainable local economy.

I. It is in the public interest to address the appropriateness of mandating green building requirements for private projects separately from such requirements for County Projects. The California Building Standards Code sets stringent green building standards in Title 24, Part 11, commonly referred to as CALGreen, that apply to permitted residential and nonresidential projects. Accordingly, unless and until the Board of Supervisors determines otherwise, the provisions of this Chapter shall not apply to private sector development, including, but not limited to, joint ventures between the County and a private developer; special use facilities, such as stadiums and fairgrounds; the County's Surplus Property Authority projects; privately developed roads, bridges, and streetlights; and private sector commercial, industrial, and residential construction, demolition, and renovation activities.

#### **Section 4.38.020 Definitions.**

A. "Alternative Water Source" means nonpotable water from sources other than public utilities, on-site surface sources, and subsurface natural freshwater sources. Examples include graywater, on-site reclaimed water, collected rainwater, captured condensate, and rejected water from reverse osmosis systems.

B. "Building" means any Structure used or intended for supporting or sheltering any use or occupancy as defined in the California Building Code.

C. "CALGreen" means the California Green Building Standards Code, Title 24, Part 11. CALGreen is California's green building code, part of the state's building standards (Title 24), that sets mandatory and voluntary requirements for sustainable building practices. Tier 1 and 2 refer to voluntary tiers of additional requirements under CALGreen.

D. "Commissioning" means the process of verifying and documenting that a building and all of its systems and assemblies are planned, designed, installed, tested, operated, and maintained to meet the owner's project requirements.

E. "Compliance Official" means the person who is authorized and responsible for implementing this Chapter for any given project. The Director of the General Services Agency, or his/her designee, shall be the Compliance Official for all County Projects, except Traditional Public Works Projects.

F. "Construction" means the building of any Building or Structure or any portion thereof.

G. "County Project" or "Project" means any work of Construction, Renovation, or demolition conducted on County-owned property, which is managed by County personnel from design through construction, excluding Traditional Public Works Projects. "County Project" or "Project" shall also include any Buildings constructed for the County's use under a build to suit program or project.

H. "Critical Energy Demand" means those systems (lighting, heating, pumps, etc.) and appliances (computers, lamps, refrigerators, etc.) either the building operator and/or relevant

regulations deem essential for operations during a power outage.

I. “Essential Public Facilities” means facilities deemed by the Compliance Official to be necessary for immediate emergency response, public safety, and basic societal functions including but not limited to hospitals, emergency operations centers, Sheriff’s Office or Fire Department dispatch or stations, emergency shelters, resilience hubs, or other facilities that require continuous operation during emergencies.

J. “Estimated Cost of Construction” means the total projected cost of completing a proposed project.

K. “Feasibility Analysis” means a process of evaluating the viability of a proposed project or solution by assessing technical, legal, and regulatory requirements of the project in order to determine whether a project is worth pursuing by identifying potential challenges and benefits, ensuring that resources are effectively allocated, and facilitating informed decision-making.

L. “General Services Agency” or “GSA” means the General Services Agency of Alameda County.

M. “Green Building Practices” means a whole systems approach to the design, construction, and operation of Buildings and Structures that helps mitigate the environmental, economic, and social impacts of Construction, demolition, and Renovation. Green Building Practices such as those described in the LEED Rating System, recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive environment.

N. “LEED Rating System™” or “LEED™” means the most recent version of the Leadership in Energy and Environmental Design (LEED) Building Design and Construction Green Building Rating System, or other related LEED Rating System, approved by the U.S. Green Building Council.

O. “Mission-Critical Operation” means any activity, system, or equipment whose failure can result in the failure of an organization’s operations.

P. “Pavement Reconstruction” means the replacement of the entire existing pavement structure by the placement of the equivalent or increased pavement structure.

Q. “Renovation” means any change, addition, or modification to an existing Building or Structure, including, but not limited to, tenant improvements.

R. “Return on Investment” or “ROI” means the ratio determined by dividing the net profit (or loss) from an investment by its cost.

S. “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.

T. “Temperature Set Points” means a pre-established temperature level for a given space to ensure occupant comfort, efficient use of energy, and to responsibly manage the physical asset.

U. “Traditional Public Works Projects” means heavy construction projects, such as pump stations, flood control improvements, roads, bridges, as well as traffic lights, sidewalks, bike paths and associated infrastructure on County-owned and maintained property.

#### **Section 4.38.030 Building Energy System Design.**

A. All County Projects added to the Capital Improvement Plan by the Board of Supervisors after July 1, 2026 that affect fifty (50) percent or more of the total occupied square footage and where the building mechanical or electrical systems are being replaced shall be designed and constructed to eliminate the use of natural gas or fossil fuel energy. The energy systems shall target a minimum performance of at least ten (10) percent less energy use than required by California Code Title 24.

1. Backup emergency power systems are not considered part of the building energy systems for the purposes of this requirement.
2. The Compliance Official may waive this requirement on a case-by-case basis if they determine compliance with this Section is not feasible based upon at least one of the following:
  - a. Where the local utility is unable to supply adequate power.
  - b. Where the Feasibility Analysis demonstrates compliance is not feasible due to one or more of the criteria identified in Section 4.38.090 of this Chapter.

#### **Section 4.38.040 Renewable Energy Generation and Storage.**

A. All County Projects added to the Capital Improvement Plan by the Board of Supervisors after July 1, 2026 that affect fifty (50) percent or more of the total occupied square footage and where building mechanical or electrical systems are being replaced shall adhere to the following requirements:

1. Onsite renewable energy generation systems shall be designed and installed to offset a minimum of fifty (50) percent of the building’s projected annual electricity consumption.

- a. Where the installation of such systems results in a Return on Investment (ROI) of less than five (5) percent, the system size shall be modified to achieve an ROI of five (5) percent or greater over the useful life of the system. In such cases, the system shall be designed to offset the maximum feasible percentage of the building's annual electricity consumption within the constraints of the modification.
2. County Projects identified by the Compliance Official as Essential Public Facilities shall be designed to install onsite energy generation and storage systems capable of supplying one hundred (100) percent of the building's Critical Energy Demand for a minimum period of seventy-two (72) hours during grid outages or emergency situations.
    - a. The Compliance Official may waive this requirement on a case-by-case basis if a Feasibility Analysis demonstrates compliance is not feasible due to one or more criteria identified in Section 4.38.090 of this Chapter. In such cases, an alternative energy generation and storage plan must be submitted for review and approval by the Compliance Official.

**Section 4.38.050 Electric Vehicle (EV) Charging.**

- A. All County Projects added to the Capital Improvement Plan by the Board of Supervisors after July 1, 2026 that include installation of parking shall meet the Tier 2 requirements of Section A5.106.5.3 Electric Vehicle (EV) Charging of the California Green Building Standards Code, Title 24, Part 11 (CALGreen), most recent version.
  1. The Compliance Official may waive this requirement on a case-by-case basis if they have determined compliance with this Section is not feasible because the local utility is unable to supply adequate power or due to one or more criteria identified in Section 4.38.090 of this Chapter.
- B. County parking Pavement Reconstruction Projects shall make ready a number of parking spaces equivalent to the number EV Capable Spaces required in Section A5.106.5.3.3 Tier 2 of the California Green Building Standards Code, Title 24, Part 11 (CALGreen), most recent version. Make ready shall include the installation of raceways, conduit, and related systems to enable future installation of electrical systems for EV Service Equipment (EVSE) without need for trenching. Power supply modifications are not required unless modifications to the power supply are part of the Project scope.

**Section 4.38.060 Green Building Practices.**

- A. All County Projects with an Estimated Cost of Construction value over five million dollars shall meet a minimum LEED™ "Silver" rating under the LEED Rating System, or a

County Compliance Official-approved equivalent green building rating system appropriate to the building type and project scope.

- B. If a Project added to the Capital Improvement Plan by the Board of Supervisors after July 1, 2026 has an Estimated Cost of Construction value over five million dollars but the Project scope does not qualify for certification under the LEED Rating System, or a County Compliance Official-approved equivalent, a Feasibility Analysis for the Project shall be conducted for the following priority green building actions where applicable to the project scope. The Project shall implement measures that demonstrate a Return on Investment (ROI) exceeding five (5) percent over the useful life of the system. Where more than three measures are applicable to the project scope, projects shall implement a minimum of three measures.
1. Transition from or the elimination of natural gas equipment in favor of electric-powered alternatives when equipment is being replaced.
  2. Installation of onsite renewable energy generation systems consistent with Section 4.38.040 [Renewable Energy Generation and Storage] of this Chapter.
  3. Reduction of potable water use for indoor and outdoor uses in a manner consistent with applicable LEED prerequisites and credits.
  4. Use of Alternative Water Sources for one or more of the following end-uses: irrigation, flush fixtures, makeup water systems, such as cooling towers or boilers, or other process water demand.
  5. Installation of cool roof materials for roof replacement Projects, consistent with CALGreen Code.
  6. Commissioning by a third-party agent of existing systems and assemblies directly servicing new equipment installed as part of the Project scope of work.

**Section 4.38.070 Procurement of Renewable Energy.**

Electricity procured to fulfill the balance of electricity needs for County building operations shall be from one hundred (100) percent renewable energy sources.

**Section 4.38.080 Building Set Points.**

- A. Temperature Set Points for all County-owned and operated facilities, and leased facilities where applicable, shall be established and maintained by the Compliance Official. Set points shall be determined to prioritize energy conservation and to extend the longevity of building equipment. Building Temperature Set Points shall comply with the temperature

ranges specified in the most current version of ASHRAE Standard 55. The ability to manage temperature will vary from building to building, or given space, and will have an acceptable variance range of plus or minus two degrees Fahrenheit.

- B. The Compliance Official will send notice to Departments with the approved Temperature Set Points by building type every five (5) years, or as needed to maintain alignment with regulatory requirements or reference standards.
- C. Exceptions:
  - 1. Facilities with Mission-Critical Operations or sensitive equipment that require deviation from standard temperature zones shall maintain set points necessary to ensure operational stability, as approved by the Compliance Official.
  - 2. During periods of extreme weather, temporary adjustments to Temperature Set Points may be authorized to ensure occupant safety and facility protection.

**Section 4.38.090      Waivers Authorized by the Compliance Official.**

- A. The Compliance Official shall have authority to grant waivers where they deem it in the best interest of the public or safety considerations. Compliance Official shall maintain a record of all waivers granted. Waivers shall be granted on a case-by-case basis provided that one of the following criteria below has been satisfactorily documented.
  - 1. Technical Infeasibility: If it is demonstrated that eliminating natural gas or fossil fuel systems or installing onsite renewable energy generation or storage is technically infeasible due to the specific conditions of the building or site, such as infrastructure limitations, geographical challenges, or equipment constraints.
  - 2. Historical or Landmark Buildings: Projects involving historic buildings or landmarks that are subject to preservation guidelines if the required Construction or Renovation would significantly alter the building's character or conflict with preservation standards.
  - 3. Availability of Technology: In cases where the technology needed to meet the performance standards is not readily available or proven for the specific building type or use case.
  - 4. Essential Public Facilities: If the building is identified by the Compliance Official as an Essential Public Facility and eliminating fossil fuels compromises the

reliability or resilience, or the ability of the facility to maintain continuous operation during emergencies.

**Section 4.38.100 Compliance.**

The Compliance Official shall have the responsibility to administer and monitor compliance with all sections set forth in this Chapter and with any rules or regulations promulgated thereunder, and may make recommendations to the Board of Supervisors concerning the granting of exemptions, in whole or in part, from the requirements of this Chapter above those permitted by section 4.38.090.

**Section 4.38.110 Unusual Circumstances Recognized by the Board of Supervisors.**

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

**SECTION II  
SEVERABILITY**

If any chapter, 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 Board of Supervisors hereby declares that it would have passed each chapter, section, subsection, subdivision, paragraph, sentence, clause, and phrase of this Ordinance irrespective of the fact that one or more chapters, 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 III  
EFFECTIVE DATE**

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the  
\_\_\_\_\_ 10th \_\_\_\_\_ day of \_\_\_\_\_ February \_\_\_\_\_, 2026, by the following  
called vote:

**AYES:** Supervisors Tam, Miley, Márquez, Fortunato Bas and President Haubert - 5

**NOES:** None - 0

**EXCUSED:** None - 0

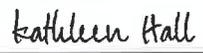
**ABSTAIN:** None - 0

  
\_\_\_\_\_  
President, Board of Supervisors

ATTEST:  
CLERK OF THE BOARD

By:   
\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DONNA R. ZIEGLER, COUNTY COUNSEL

By:   
\_\_\_\_\_  
Kathleen J. Hall, Deputy County Counsel

File: 31700  
Agenda No.: 26  
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