

WORKING DRAFT – UPDATED MAY 05, 2021

San Francisco Environment Code, Chapter 7: Municipal Green Building Requirements

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Editor's Note:

The title of this chapter (formerly "Resource Efficiency Requirements") was changed upon the incorporation of the extensive amendments made to the chapter by Ord. 204-11, at the discretion of the codifier and upon consultation with the office of the City Attorney.

SEC. 700. FINDINGS.

The Board of Supervisors finds and declares that:

- 1.
- 2.
- 3.
- 4.
- 5.

SEC. 701. DEFINITIONS.

The following terms shall have the meanings set forth below.

"All-Electric" shall have the same meaning as "All-Electric Building or Project" as defined in the San Francisco Green Building Code, as amended from time to time.

"Battery Storage Ready" means...

"Building" means any structure with a roof and walls used for support or shelter of a use or occupancy, other than that which primarily provides for the collection, storage, treatment, delivery, distribution, and/or transmission of water, wastewater, and/or power utilities.

"City Department" means any agency of the City and County of San Francisco. Any other local, state, or federal agency doing business in San Francisco is not a City Department, such as the San Francisco Unified School District, the San Francisco Community College District, the Office of Community Investment and Infrastructure, or the San Francisco Housing Authority.

"City Leasehold" means a Building or portion thereof owned by others where a City Department is a tenant.

"City-Owned Property" means any piece of land or real estate belonging to the City and County of San Francisco, including any portion thereof that is leased to a non-City entity.

"City Representative" means the employee of the City and County of San Francisco who oversees the process for a Municipal Construction Project and is responsible for ensuring that the Contractor complies with all aspects of the contract documents.

Commented [eb1]: NOTE TO MGBTF MEMBERS: TO READ THE REVISED DOCUMENT WITH COMMENTS, USE THE REVIEW SETTING "SIMPLE MARKUP". TO VIEW ALL THE TRACKED CHANGES, USE THE REVIEW SETTING "ALL MARKUP".

Commented [eb2]: Still needed? Update required for revised chapter title?

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"Commission" means the Commission on the Environment.

"Construction and Demolition Debris" or "C & D Debris" shall have the same meaning as "Construction and Demolition Debris" as defined in the Environment Code, Chapter 14, as amended from time to time.

Commented [BE(6)]: Confirm language in Ch 14 update – Debris or Discards?

"Contractor" means the company or Person to whom the City awards a binding agreement to deliver a Municipal Construction Project.

"Department" means the Department of the Environment.

"Design Phases" means the generally accepted stages of architectural design: conceptual design, schematic design, design development, and construction documents.

"Director" means the Director of the Department of the Environment or their designee.

"Embodied Carbon" shall have the same meaning as "Embodied Energy" as defined in California Code of Regulations, Title 24, Part 11, as amended from time to time.

Commented [eb8]: Finalize appropriate definition – ref T24 or Chapter 9 (update)?

"Green Business Certification Inc." or "GBCI" is the global certification body for the LEED green building program and other sustainability rating systems, as well as the administrator of related professional credentials. (www.gcbi.org)

"Indoor Air Quality" or "IAQ" means the characteristics of air within and around a Building, especially as it relates to the health and comfort of Building occupants, and as it is affected by gases (carbon dioxide, carbon monoxide, radon, formaldehyde, volatile organic compounds), particulates, and microbial contaminants (mold, bacteria).

"Leadership in Energy and Environmental Design" or "LEED®" is an internationally recognized and third-party verified green building rating system developed by the U.S. Green Building Council. (www.usgbc.org/leed)

"LEED Accredited Professional With Specialty" or "LEED AP With Specialty" means an employee of a City Department or a consultant retained by the City through a design or construction contract or other agreement, who has passed the LEED AP With Specialty accreditation exam issued by GBCI and maintained this credential by earning continuing education hours.

"LEED Online" means the web-based platform provided by the U.S. Green Building Council for LEED project registration, team collaboration, document management, project progress monitoring, and access to forms, reviewer comments, and certification credit language.

"LEED Project Administrator" means the individual member of the design team who registers a Municipal Construction Project with GBCI, and subsequently administers the LEED documentation and certification process for the project. The LEED Project Administrator shall be a LEED AP With Specialty in good standing.

"LEED Scorecard" means a summary chart indicating all LEED prerequisites and credits being pursued and reasonably expected to be achieved for a Municipal Construction Project.

"Maintenance" means repair, replacement, or modernization of items as part of non-permitted single-trade scope of work (e.g., roofing, boiler, chiller, fire sprinkler, fire alarm, elevator), accessibility barrier removal, or non-permitted work (e.g., finish materials, furniture systems, hardware).

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"Major Renovation" means a Municipal Construction Project where interior finishes are removed and significant upgrades to structural and/or mechanical, electrical, and/or plumbing systems are proposed; and where the scope of work is extensive enough such that normal building operations cannot continue while the work is in progress and/or a new certificate of occupancy, or similar official indication that it is fit and ready for use, is required.

"Material Reduction and Recovery Plan" or "MRRP" shall have the same meaning as "Material Reduction and Recovery Plan" as defined in Environment Code, Chapter 14, as amended from time to time.

"Municipal Construction Project" means any planning, design, or construction activity performed by a City Department or on a city-owned property, including deconstruction; demolition; New Construction; Whole Building Major Renovation; Major Renovation; Tenant Improvement; or building addition or alteration.

"Natural Gas" shall have the same meaning as "Fuel Gas" as defined in the California Plumbing Code and Mechanical Code, as amended from time to time.

"New Construction" means a Municipal Construction Project that includes land disturbing activity from the ground up, with a new Building envelope and new structural, mechanical, electrical, and plumbing systems.

Commented [eb13]: Does this need to be broader to encompass non-Building projects?

"Person" means a natural person, a firm, joint stock company, business concern, association, partnership or corporation or, to the extent permitted by law, governmental entity, including the City and County of San Francisco and its departments, boards and commissions for projects within the nine counties surrounding the San Francisco Bay, and its or their successors or assigns.

"Small Project" means a Municipal Construction Project that is less than 10,000 gross square feet, or a Municipal Construction Project of any size with insufficient scope to meet all LEED prerequisites.

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"Tenant Improvement" means a Municipal Construction Project that involves the customized alterations to the interior of an occupiable Building to accommodate the needs of specific occupants, where interior finishes are removed and or mechanical, electrical, and/or plumbing systems are proposed, such that normal building operations cannot continue while the work is in progress and/or a new certificate of occupancy, or similar official indication that it is fit and ready for use, is required.

SEC. 702. ROLES AND RESPONSIBILITIES

(a) Municipal Green Building Task Force.

(1) **Establishment and Purpose.** The Board of Supervisors established the Municipal Green Building Task Force (the "Task Force") to oversee and assist in enhancing the environmental performance of Municipal Construction Projects pursuant to this Chapter. The Task Force shall assist the Director in providing green building advice, assistance, outreach, and education to City Departments. The Task Force shall advise the Department of the Environment on matters of policy related to this Chapter and may review Municipal Construction Projects subject to this Chapter during their design and construction to ensure that the responsible City Departments are complying with the Chapter's requirements. The Task Force shall hear waiver requests from City Departments and propose recommended actions to the Director (or to the Executive Director of the Port of San Francisco for projects located on property owned or managed by the Port of San Francisco). The Task Force shall facilitate interdepartmental communication and cooperation, and act as an educational forum to increase green building knowledge and share project-related successes and lessons learned.

(2) **Membership.** The Task Force will consist of one member of the public appointed by the Mayor, and a

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representative with building design, construction, and/or finance experience from each of the following City Departments and divisions, or their successor agencies:

- (A) Department of the Environment;
- (B) Building Design and Construction Division within San Francisco Public Works;
- (C) Design and Engineering Division within San Francisco Public Works;
- (D) Landscape Architecture Division within San Francisco Public Works;
- (E) San Francisco Public Works Buildings - Project Management;
- (F) Power Enterprise within San Francisco Public Utilities Commission;
- (G) Water Enterprise within San Francisco Public Utilities Commission;
- (H) Wastewater Enterprise within San Francisco Public Utilities Commission;
- (I) Infrastructure within San Francisco Public Utilities Commission;
- (J) Capital and Planning Division within Recreation and Parks Department;
- (K) Capital Programs and Construction Division within San Francisco Municipal Transportation Agency;
- (L) Office of Resilience and Capital Planning within Office of City Administrator;
- (M) Department of Building Inspection;
- (N) Citywide Planning Division within Planning Department;
- (O) Port of San Francisco;
- (P) San Francisco International Airport;
- (Q) Facilities Division within San Francisco Public Library;
- (R) Fire Department;
- (S) Department of Public Health; and,
- (T) Real Estate Division within Office of the City Administrator.

(3) **Governance.** The Task Force shall adopt bylaws to govern its operations.

(b) **Department of the Environment.**

(1) **General Duties Under This Chapter.** The Department of the Environment shall:

- (A) Develop goals, strategies, and criteria for optimizing the design, construction, renovation, operation, reuse, and dismantling of Municipal Construction Projects and Buildings, and make related policy recommendations to the Board of Supervisors;
- (B) Develop and oversee trainings in green building practices for City staff to aid the implementation of policies adopted by the Board of Supervisors;
- (C) Chair the Task Force, and coordinate City Departments having responsibility for compliance with the requirements of this Chapter;
- (D) Provide technical oversight and assistance directly to Municipal Construction Project teams or through green building technical assistance contracts; and
- (E) Develop forms and materials necessary for compliance with this Chapter.

(2) **Guidance, Rules and Regulations.** After a public hearing, the Director may promulgate such guidance, forms, performance procedures, rules, and regulations as may be necessary or appropriate from time to time to implement the provisions of this Chapter. The Director is authorized to call upon the Task Force and other City Departments as necessary and appropriate to assist in developing such guidance, forms, performance procedures, rules, and regulations. Such guidance, forms, performance

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procedures, rules, and regulations may include adopting or modifying locally required measures for Municipal Construction Projects, as documented in Section 704.

(3) **Implementation Costs.** The Director shall determine the costs to implement the provisions of this Chapter and shall request that relevant City Departments provide work orders to the Department to cover the costs of implementing and maintaining the programs required by this Chapter.

(4) **Report to the Board of Supervisors.** No later than January 1, 2023, the Director, in consultation with the Task Force and affected City Departments and with input from members of the public who have asked to be informed by the Task Force or the Department, shall submit to the Board of Supervisors a report on the effects of this Chapter, including but not limited to City Departments' compliance, approved waiver requests, and an assessment of whether this Chapter is achieving its stated purpose.

(c) City Departments.

(1) **General Duties Under This Chapter.** Each City Department, board, and commission subject to this Chapter shall:

- (A) Administer its Municipal Construction Projects in accordance with this Chapter;
- (B) Cooperate with the Department, and supply in writing all information necessary for the Department to carry out its duties under this Chapter;
- (C) Assist the Director in providing advice, assistance, outreach, and education to other City Departments concerning municipal green building practices;
- (D) Provide project reports and presentations to the Task Force upon request;
- (E) Attend green building related trainings offered by the Department, as appropriate;
- (F) Provide LEED Online project access to the Department for each Municipal Construction Project registered for LEED-certification; and
- (E) Designate an employee to represent the interest of that City Department or division on the Task Force, if listed in Section 702(a)(2).

Commented [eb21]: Make more generic as access to online monitoring for third-party certification?

(2) **Technical Project Design Review.** The San Francisco Public Utilities Commission may provide energy- or water-related technical project design review assistance directly to City project teams or through technical assistance contracts.

Commented [eb22]: Does this still belong in Ch 7? Delete?

SEC. 703. APPLICABILITY

(a) **Applicability.** In addition to complying with this Chapter, a Municipal Construction Project is subject to the applicable building codes in effect at the time of permit application. A Municipal Construction Project located within the City and County of San Francisco shall comply with the requirements of the San Francisco Green Building Code, except that a Municipal Construction Project located on property owned or managed by the Port of San Francisco shall comply with the Port of San Francisco Green Building Standards Code, and a Municipal Construction Project located at the San Francisco International Airport shall comply with this Chapter and the California Building Standards Code (CCR Title 24). A Municipal Construction Project otherwise located outside the City and County of San Francisco shall comply with this Chapter and the local building code promulgated

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by the authority having jurisdiction.

(b) Exemptions. A Municipal Construction Project located on property owned or managed by the Port of San Francisco will not be subject to Section 704 of this Chapter.

SEC. 704. REQUIREMENTS.

(a) Third-Party Certification.

(1) **LEED®.** New Construction, Major Renovation, and Tenant Improvement project teams shall use LEED® to certify and/or select environmental attributes. Wherever specific LEED prerequisites or credits are cited in this Chapter, such references are to LEED version 4.1 ("v4.1"). The U.S. Green Building Council updates LEED from time to time; More recent versions may be used, provided the credits and points achieved are at least as stringent as LEED v4.1. The Director shall adopt by regulation the current applicable versions of LEED pursuant to Section 702(b)(2).

(A) Small Projects. LEED certification is not required and LEED credit documentation is not necessary for a Small Project. Instead, the sponsoring City Department, in consultation with a LEED AP With Specialty, shall prepare and submit a LEED Scorecard to the Department for informational and reporting purposes as follows:

- (i) At the conclusion of the conceptual design phase, indicating the maximum LEED credits that are practicable for the project. The sponsoring City Department shall integrate the environmental attributes of these LEED credits throughout the design and construction process.
- (ii) Upon receiving a temporary certificate of occupancy or similar indication that the project is substantively complete, indicating all LEED credits that would likely be achieved.

(B) Projects of 10,000 Gross Square Feet or More. The minimum requirement for a project of 10,000 gross square feet or more shall be LEED Gold®. In addition, the following applies:

- (i) **Conceptual Design Phase.** During the conceptual design phase, the sponsoring City Department shall assemble a project team, which shall include a LEED Project Administrator.
- (ii) **Schematic Design Phase.** During the schematic design phase, the LEED Project Administrator shall register the Municipal Construction Project with GBCI as a LEED registered project.
- (iii) **All Design Phases.** At the conclusion of each Design Phase, the LEED Project Administrator shall submit to the Department an updated LEED Scorecard for optional review by the Task Force. The Task Force may provide comment on the LEED Scorecard within 35 days of submittal. The LEED Scorecard shall indicate a LEED Gold rating or higher, incorporating all LEED credits referenced in Section 704 and other compatible locally required measures.
- (iv) **Project Closeout.** At the completion of construction, the LEED Project Administrator shall submit LEED documentation to GBCI for certification. Upon achieving certification, the LEED Project Administrator shall submit to the Department a copy of the LEED Gold or LEED Platinum certificate and the final LEED Scorecard for review by the Task Force.

(b) Energy Resilience

Commented [eb25]: Confirm with SF Port. Earlier version exempted all but MRRP and Virtual Warehouse. List instead: 704(a), 704(b), (704(c)(4), 704(d), and 704(e) ?

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(1) Each Municipal Construction Project is subject to compliance with the following locally required measures:

- (A) **Electric Service To City Departments And Facilities** (Administrative Code Section 99.3).
- (B) **Better Roofs Ordinance** (Planning Code Section 149 and San Francisco Green Building Code Chapter 5, Section 5.201.1.2).

Commented [eb28]: Include language similar to PUC's for 704e4 for references to projects outside CCSF?

(2) **Commissioning.** For each Municipal Construction Project subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the LEED credit Enhanced and Monitoring-Based Commissioning (Option 1).

(3) **Electrification.** Each New Construction or Major Renovation that includes HVAC system replacement shall be All-Electric, except as follows:

(A) Natural Gas or propane service and plumbing may be installed if necessary for processes or features separate from the operation of systems integral to Building functions, such as vehicle fueling and mechanic shop equipment.

(B) Existing equipment that uses Natural Gas and serves the project area, but is outside the scope of the project, may be retained. Projects which both (i) are served by existing equipment that use Natural Gas and are outside the scope of work, and (ii) include upgrade to electric service in the project scope of work, are encouraged to include sufficient electrical service capacity to, in the future, replace existing systems that use Natural Gas with All-Electric systems.

(C) Emergency backup electricity generation systems may use any combination of technologies permitted under applicable law, including combustion of fossil fuels. Zero-emissions emergency backup electricity systems are encouraged, such as onsite batteries that store electricity from onsite solar photovoltaics.

(4) **Fuel-Switching.** For each Major Renovation, Maintenance, alteration, or addition where gas-using equipment is removed, electric equipment must be installed. If electric service is upgraded, the electric service needs for new equipment and remaining gas-using equipment shall be sufficient for future electrification of remaining gas-using equipment and electric vehicle charging stations. An upgrade is not required if the new equipment is installed without a change to existing electric service.

(5) **Solar-Plus-Storage.**

(A) New Construction and Major Renovation that includes replacement of the Building's HVAC system of *Essential Facilities*, for which the initial appropriation request, either whole or partial, is submitted to the Board of Supervisors after Month XX, 202X, shall be Battery Storage Ready. If the initial appropriation request, either whole or partial, is submitted to the Board of Supervisors after Month XX, 202X, the project shall install battery storage sufficient to...

(B) For New Construction and Major Renovation that includes replacement of the Building's HVAC system of a Building that is not an *Essential Facility*, achieve:

- (i) Site zero net energy; or
- (ii) Design energy use intensity (EUI) that is 50 percent better than the national median site EUI; or
- (iii) 20% better than ASHRAE 90.1 2019 if the a Building is XXX,XXX gross square feet or

more, and/or has a ...plug load...

Commented [eb29]: Finalize requirement and draft language. Refer to GSA requirements as well as CEC GFO-20-305 solicitation manual minimum design requirements, etc.

(c) Responsible Production and Consumption.

(1) Building Material Management.

(A) Each Municipal Construction Project, regardless of size, located within the nine counties surrounding the San Francisco Bay must comply with the Construction and Demolition Debris Recovery Ordinance (27-06) and Environment Code Chapter 14.

(B) Each Municipal Construction Project shall demonstrate a minimum 75% recovery away from disposal, including materials source-separated for reuse or recycling.

(i) The Director may adjust the minimum recovery rate by regulation under Section 702(b)(2) based on the Director's assessment of infrastructure, markets, and materials available to support the new rate.

(C) For each Tenant Improvement subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the Interior Design + Construction – Commercial Interiors LEED credit Construction and Demolition Waste Management Option 2: Waste Prevention (1 point).

(D) The contract between the City Department and the Contractor shall require the Contractor responsible for construction and/or demolition debris management to:

(i) Conduct a site assessment to estimate the types of materials that will be generated during the project, including packaging or shipping materials.

(ii) Write and implement a Material Reduction and Recovery Plan (MRRP) in accordance with regulations promulgated under this Chapter to guide onsite material management procedures for waste prevention and material reuse and recycling.

(iii) Maintain a dedicated container for non-construction and demolition debris refuse as defined in the Refuse Collection and Disposal Ordinance.

Commented [eb33]: refine language – ZW review

(2) Material Recovery.

(A) City Departments shall ensure that all City-Owned Properties and City Leaseholds have adequate, accessible, and convenient areas for the collection, storage, and loading of 100% of recyclable, compostable, and refuse materials. Design and/or construction contract documents shall incorporate requirements of the Mandatory Recycling and Composting Ordinance and Environment Code Chapter 19, and ensure that the designed and designated areas are sufficient to accommodate containers consistent with both current methods and projected needs when zero waste goals are met, as well as allow for easy access by a collector's vehicle.

(B) City Departments are required to recycle used fluorescent and other mercury-containing lamps, batteries, and universal waste as defined by California Code of Regulations Section 66261.9.

(3) Material Reuse.

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(A) To the extent permitted by law, City Departments shall list in the Virtual Warehouse all surplus furniture, equipment, computers, and supplies purchased with City and County of San Francisco funds. Before buying any new furniture, equipment, or supplies, City Departments shall check the Virtual Warehouse for available items that meet their needs.

(4) Embodied Carbon.

(A) In accordance with regulations promulgated under this Chapter, each Municipal Construction Project of 10,000 gross square feet or more shall submit a total carbon balance strategies worksheet to the Department for informational and reporting purposes as follows:

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(i) At the conclusion of the schematic design phase, as an assessment of the maximum total carbon balance strategies that are practicable for the project. The sponsoring City Department shall prioritize the integration of these strategies throughout the design and construction process.

(ii) Upon receiving a temporary certificate of occupancy or similar indication that the project is substantively complete, explaining the total carbon balance strategies that have been successfully integrated into the design and/or construction process.

(B) For each New Construction or Major Renovation subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the LEED credit Building Life-Cycle Impact Reduction Option 2: Whole-Building Life-Cycle Assessment, Path 3. For each Tenant Improvement subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the LEED credit Interiors Life-Cycle Impact Reduction Option 1: Interior Furniture and Nonstructural Elements Reuse (X points) or Option 3: Building Interiors Life Cycle Assessment (X points).

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Commented [eb37]: confirm.

(C) For each Municipal Construction Project subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the LEED credit Environmental Product Declarations (1 point).

(d) Human and Environmental Health.

(1) **Indoor Air Quality.** For each Municipal Construction Project subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the following LEED credits:

- (A) Enhanced Indoor Air Quality Strategies (1 point);
- (B) Low-Emitting Materials (5 product categories);
- (C) Construction Indoor Air Quality Management Plan (1 point); and
- (D) LEED credit Indoor Air Quality Assessment Option 2: Air Testing (2 points).

(2) Toxics Reduction and Pollution Prevention.

(A) For each Municipal Construction Project subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the LEED credit Building Product Disclosure and Optimization - Material Ingredients (1 point) using reporting methodologies that inventory content of a product's homogeneous materials to at least 1,000 ppm.

(B) For all Municipal Construction Projects and for purchases made by or on behalf of City Departments for these projects, product categories including but not limited to furniture, countertops,

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door hardware, paints, ceilings, and flooring shall comply with regulations promulgated under this Chapter pertaining to the following attributes, subject to verification by the Department of the Environment:

- (i) Added flame retardant chemicals;
- (ii) Antimicrobial chemicals;
- (iii) Fluorinated chemicals;
- (iv) Volatile organic compounds (VOCs) content or emissions.
- (v) Polyvinyl chloride (PVC) content;
- (vi) Recycled content and recyclability;
- (vii) Sustainably grown and harvested wood; and
- (viii) Other environmental attributes, consistent with this Chapter.

(e) Water Conservation.

Each Municipal Construction Project is subject to compliance with the following locally required measures:

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- (1) **Construction Site Runoff Ordinance** (Public Works Code Sections 146-146.11).
- (2) **Stormwater Management Ordinance** (Public Works Code Sections 147-147.6).
- (3) **Indoor Water Use Reduction.** (Green Building Code, Section 5.103.1.2). For each Municipal Construction Project subject to a LEED certification requirement, the LEED Project Administrator shall submit documentation verifying that the project achieves the LEED credit Indoor Water Use Reduction (30% reduction minimum).
- (4) **Water Efficient Irrigation Ordinance** (Administrative Code, Chapter 63). A Municipal Construction Project located outside of the City and County of San Francisco may be subject to the SFPUC's Water Efficient Irrigation Rules and Regulations regarding new and rehabilitated landscapes if the project is not required by the local agency having jurisdiction to meet equivalent water efficiency irrigation and landscaping requirements.

SEC. 705. WAIVERS.

(a) Waivers for any requirement of this Chapter, except any requirement that is mandated by other local or state policy, are available under the following circumstances:

- (1) **Emergency.** When it is necessary to respond to an emergency that endangers public health or safety, a City Department may grant itself a waiver from any requirement of this Chapter. The City Department shall report within five business days to the Director, on a form provided by the Director, and explain the emergency that prevented compliance with the requirement(s) of this Chapter.
- (2) **Cost Prohibitive.** If the sponsoring City Department of a Municipal Construction Project determines that compliance with any requirement of this Chapter is cost prohibitive, that City Department may request a waiver on a form provided by the Director and submitted to the Task Force. The Task Force shall propose a recommended action to the Director (or the Executive Director of the Port of San Francisco for a project that is located on property owned or controlled by the Port of San Francisco), who may grant a waiver upon a finding that the Municipal Construction Project's team has:

(A) Ascertained the specific requirement(s) is cost prohibitive, as measured against the potential economic, environmental, societal, and health benefits posed by that requirement; and

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(B) Developed a reasonable plan to maximize the sustainability strategies for the Municipal Construction Project, and counterbalance the requirement that cannot be met to the extent that it is practicable.

(3) **Alternate Compliance.** The sponsoring City Department of a Municipal Construction Project may request a waiver from LEED Gold® if using an independently verified green building rating system or standard that is determined by the Task Force to be at least as stringent as LEED, or to be more appropriate for a specific project. Such waiver request shall document justification and details for alternate compliance on a form provided by the Director and submitted to the Task Force. The Task Force shall propose a recommended action to the Director (or the Executive Director of the Port of San Francisco for a project that is located on property owned or controlled by the Port of San Francisco), who may grant a waiver upon finding that the Municipal Construction Project's team has provided adequate justification.

(4) **Other.** If, due to specific circumstances, compliance with a requirement would defeat the intent of this Chapter or create an unreasonable burden on the Municipal Construction Project or sponsoring City Department, that City Department may request a waiver on a form provided by the Director. The Task Force shall propose a recommended action to the Director (or the Executive Director of the Port of San Francisco for a project that is located on property owned or controlled by the Port of San Francisco), who may grant a waiver upon a finding that the requesting City Department has:

(A) Documented the circumstances and burdens at issue; and

(B) Developed a reasonable plan to maximize the sustainability strategies for the Municipal Construction Project, and counterbalance the requirement that cannot be met to the extent that it is practicable.

(b) After the end of the 50% design development phase, the Director (or the Executive Director of the Port of San Francisco for a project that is located on property owned or controlled by the Port of San Francisco) will only accept a waiver request for consideration if the project design team can demonstrate extenuating circumstances, including but not limited to unforeseen site conditions or unavailability of a specified system or product.

(c) The Director shall respond to a waiver request within 35 days.

(d) The Director (or the Executive Director of the Port of San Francisco for a project that is located on property owned or managed by the Port of San Francisco) may not grant a waiver for the requirements of Sections 704(c)(1)(D) or 704(c)(2)(A). Granting a waiver for any requirement of this Chapter does not eliminate any requirement of other local or state codes.

(e) The Director, in consultation with the Task Force, shall report to the Commission on the Environment regularly on waivers requested, granted, and denied.

SEC. 706. PREEMPTION.

The City recognizes that in some circumstances state or federal law governs some of the matters addressed in this Chapter. Nothing in this Chapter shall be interpreted or applied by a court or an agency of City government so as to create any requirement, power, or duty in conflict with federal or state law or with a requirement of any government agency, including any agency of City government, implementing federal or state law.