

## ORDINANCE NO. 7,559–N.S.

## AMENDING SECTION 12.25.080 TO REFLECT CURRENT CLEAN ENERGY OPTIONS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 12.25.080 is amended to read as follows:

**12.25.080 Energy use**

- A. Facility may not be approved unless it includes all feasible (under the current Title 24, Part 6) cost-effective water and energy efficiency measures, including but not limited to natural daylighting, high efficiency lighting, networked lighting and mechanical controls, and natural cooling.
- B. Additionally, the following systems should be included as feasible: on-site renewable energy generation; energy storage batteries; water collection, filtration and reuse; and rainwater harvesting.
- C. The application for a Facility shall include a description of all energy and water systems, measures employed to maximize efficient resource use, and the following metrics, with supporting documentation:
1. Planned lighting power density (watts/sf)
  2. Planned lighting Energy Utilization Index (kBtu/sf/year)
  3. Planned total site Energy Utilization Index (kBtu/sf/year)
  4. Planned potable water consumption (gallons/sf/year)
- D. A Cultivation Business shall mitigate the carbon dioxide emissions caused by the generation of electrical energy delivered to its Facility by participating in East Bay Community Energy's EBCE) 100% renewable content option for electricity or equivalent. Until businesses have the option to purchase power through EBCE, the offset will be achieved through: purchase of renewable energy certificates certified by the Center for Resource Solutions.
- CE. If a Facility uses natural gas to generate electricity for consumption at the site, the Cultivation Business shall offset the carbon content of all electrical energy delivered to the Facility by participating in a program that is included in one of the Offset Project Registries approved by the California Air Resources Board and consists of a project or projects that are solely located in the United States and are either producing energy or reducing energy consumption.
- DF. For purposes of calculating carbon emissions, the carbon dioxide content of natural gas shall be 5.302 metric tons per 1,000 therms and the carbon dioxide content for electricity shall be the value, at the time of filing, from the most recent Power Content Label published by the California Energy Commission.

G. The Cultivation Business shall be responsible for demonstrating compliance on a calendar-year basis. Documentation shall include copies of energy and water bills, as well as an authorization to energy and water providers to disclose energy and water consumption at the Facility directly to the City. All parties that are responsible for energy and water bills shall also be responsible for providing such documentation and authorization.

H. The annual amount paid by a Cultivation Business to both mitigate carbon dioxide emissions caused by the generation of electrical energy to its Facility and to offset the carbon content of all electrical energy delivered to its Facility shall not exceed 10% of the Facility's annual energy bill. This fee shall be reconsidered after five years to determine whether it should be readjusted to reflect lower energy rates or higher costs of renewable energy certificates.

Section 2. Posting.

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 13, 2017, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.