

### 7.1.3 ENVIRONMENTAL MITIGATION STANDARDS

#### 7.1.3.1 Purpose

Whereas resilience and adaptation are the response to threats posed by climate change, environmental mitigation represents the strategies that reduce greenhouse gas emissions and ecological degradation that is often associated with the built environment.

Sustainable building practices will promote the economic and environmental health of the city, and ensure that the city continues to become environmentally resilient to combat sea level rise and help curb climate change. This chapter is designed to achieve the following objectives:

- a. Increase energy efficiency in buildings;
- b. Encourage water and resource conservation;
- c. Reduce waste generated by construction projects;
- d. Reduce long-term building operating and maintenance costs;
- e. Improve indoor air quality and occupant health;
- f. Contribute to meeting state and local commitments to reduce greenhouse gas production and emissions; and
- g. Encourage sound urban planning principles.

#### 7.1.3.2 Green Building

Mandatory compliance with the requirements of this section shall be required for all applicants with building permit applications that meet the following criteria (hereinafter "eligible participants"):

- All new construction that proposes over 7,000 square feet of construction of a structure; or
- Ground floor additions (whether attached or detached) to existing structures that encompass over 10,000 square feet of additional floor area.
- Notwithstanding the foregoing, non-elderly and elderly low and moderate income and workforce housing developments shall be exempt from the requirements of this article. However, such developments are encouraged to incorporate green building elements that further the intent and purpose of section [7.1.3.1](#).

a. ***Original Green' Standards***

*Purpose.* The purpose of Original Green Standards is to promote design principles that do not rely upon advanced technology in order to deliver sustainability. These principles may include passive cooling techniques and design features that encourage cross-ventilation, the provision of higher ceilings to increase the comfort of building occupants, and other measures to reduce the reliance upon mechanical systems.

**b. USGBC or International Living Institute Based Standards**

*Purpose:* The city's intent is to establish a certification compliance schedule that incentivizes all qualifying projects to attain at a minimum LEED Gold certification, or similar green building program recognized in this chapter.

This section shall be administered using standards developed for and standards developed by the United States Green Building Council (USGBC) or the International Living Future Institute. All eligible participants who are certified as having satisfied all of the requirements of the green building certification agency, including, but not limited to, any monetary or certification requirements, are eligible for a partial or full refund of the sustainability fee identified in section 7.1.3.2.b.1.B., herein based upon the level of compliance with the regulations in this chapter.

**1. Sustainability Fee Program**

*Generally.* A sustainability fee will be assessed for all eligible participants. The calculation of the fee, provisions for refunding all or portions of the fee, its purpose, and eligible uses are detailed within this division.

**A. Sustainability fee calculation.**

- I. In order to obtain a certificate of occupancy (CO), or certificate of completion (CC), whichever comes first, the eligible participant must first post a sustainability fee payment bond or issue full payment of the sustainability fee to the city. The sustainability fee shall be valued at 5 percent (5%) of the total construction valuation of the building permit. However, the eligible participant may be entitled to a refund or partial refund, of the bond, or payment of the sustainability fee, based upon achieving the program certification levels in the compliance schedule below:

CERTIFICATION COMPLIANCE SCHEDULE	
Level of Certification Achieved	Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels
Failure to obtain Certification	0% refund of bond or payment of Sustainability fee
LEED Certified	50% refund of bond or payment of Sustainability fee
LEED Silver Certified	66% refund of bond or payment of Sustainability fee
LEED Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified	100% refund of bond or payment of Sustainability fee
LEED Platinum Certified or International Living Future Institute Living Building Challenge Certified	100% refund of bond or payment of Sustainability fee

If the proof of green building certification is provided prior to the obtaining a TCO, CO, or CC, the "sustainability fee" shall be in the full amount identified above, minus the refund for the level of green building certification achieved identified in the certification compliance schedule.

- II. The sustainability fee shall be valued upon the eligible participant's submittal at time of application for certificate of occupancy (CO), or certificate of completion (CC), whichever comes first, upon review by the planning department during zoning review of the certificate. The

sustainability fee bond or full payment shall be provided by participant prior to obtaining a certificate of occupancy (CO) or certificate of completion, whichever comes first.

- III. Refund of the sustainability fee or bond to the eligible participant may occur as provided for in subsection (a), above, provided the eligible participant complies with the certification compliance schedule within the timeframe identified in section 7.1.3.2.b.1.B.II.
- IV. The entirety of the sustainability fee shall be forfeited to the city based upon participant's failure achieve the applicable green building certification levels identified in section 7.1.3.2.b.1.A. within the timeframe identified in section 7.1.3.2.b.1.B.II.

*B. Review procedures.*

- I. Prior to obtaining a certificate of occupancy (CO) or certificate of completion (CC), whichever comes first, the qualifying projects shall post a bond with the city, or in the alternative, provide a payment to the city, in the amount of the "sustainability fee" identified in section 7.1.3.2.b.1.A.I.
- II. Within one year from the receipt of a certificate of occupancy (CO) or certificate of completion (CC), the owner shall submit proof of green building certification for the development from the green building certification agency.
  - (1). The bond or payment provided, or percentage thereof, shall be refunded to program participants that have achieved a level of green building certification identified in the certification compliance schedule in 7.1.3.2.b.1.
  - (2). The planning director may approve, upon the request of the eligible participant, a one-time one year extension, provided proof that the green building certification agency's review remains pending to determine final certification.
- III. Building permit applications for a green building project submitted or resubmitted for review shall be given priority review over projects that are not green building projects by the city's departments reviewing such applications.
- IV. All building inspections requested for green building projects shall be given priority over projects that are not green building projects.

*C. Deposit of funds; account.*

- I. The city has established a sustainability and resiliency fund. The revenue generated through the sustainability fee program shall be deposited in the sustainability and resiliency fund.
- II. Interest earned under the account shall be used solely for the purposes specified for funds of such account.
- III. Sustainability fees deposited and credited to the sustainability and resiliency fund account, and credited to the eligible participant, pursuant to section 7.1.3.2.b.1.B, shall be identified, within the city's sustainability and resiliency fund.
- IV. Appropriation of deposited funds in the sustainability and resiliency fund shall not be permitted until the applicable refund period, established in section 7.1.3.2.b.1.B.II, for those funds has lapsed.
- V. Should the eligible participant provide a bond, rather than pay the sustainability fee, then, the city shall safeguard the bond, to ensure compliance with this chapter. The city shall return the bond, or

make a claim for a portion of the bond, depending on the eligible participant's compliance with section 7.1.3.2.b.1.B.II and section 7.1.3.2.b.1.A.I.

D. Earned fees in the sustainability and resiliency fund shall be utilized to provide public improvements that increase the sustainability and resiliency of the city. Expenditures from these funds shall require prior city commission approval. Prior to any expenditure, the city manager shall provide a recommendation to the city commission.

E. Such improvements that increase the resiliency of the city may include:

- I. Environmental restoration projects;
- II. Environmental remediation projects;
- III. Environmental monitoring;
- IV. Green infrastructure;
- V. Enhanced stormwater quality and quantity improvements; and/or
- VI. Sustainability planning efforts.