



**City of Coral Gables
CITY COMMISSION MEETING
April 26, 2016**

ITEM TITLE:

Ordinance on Second Reading Reading. Zoning Code Text Amendment. An Ordinance of the City Commission of Coral Gables, Florida providing for text amendments to the City of Coral Gables Official Zoning Code, Article 5, "Development Standards," Division 13 "Miscellaneous Construction Requirements," creating Section 5-1302, "Sustainability Standards," establishing criteria for new building construction to achieve Leadership in Energy and Environmental Design ("LEED") certification or equivalent; providing posting of bond to ensure compliance with LEED certification or equivalent; providing for a repealer provision, severability clause, codification, and providing an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval of the Ordinance.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board at their 2.10.16 meeting recommended approval of an incentive-based version (vote: 5-0).

BRIEF HISTORY:

The Comprehensive Plan (CP) of the City of Coral Gables provides green goals and objectives towards becoming a sustainable and resilient community, which promotes the environmental and economic health of its residents, property owners, and visitors. The CP also establishes measurable steps to conserve energy and protect the quantity and quality of air, water, land and other natural resources. Specific guidance is provided in Green Policy GRN-1.3.3 which calls for the City to research and develop provisions within the City Zoning Code that will encourage development of buildings certified under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system or equivalent.

The Sustainability Master Plan (SMP) provides additional direction by creating a baseline for City operations, benchmarks performance against peer cities and identifies sustainability best practices which are evaluated in terms of impact and return on investment. Best Management Practice E8 relates to High Performance New Construction, Major Renovation and Operation & Maintenance Standards and recommends the use of performance standards based on the LEED system, which has flexible criteria that is verified by a third party. Through the approval of Resolution No. 2015-197, the City Commission reaffirmed its commitment to environmentally sustainable building practices by establishing a policy directive to incorporate LEED or equivalent building standards in both public and private sector projects. This proposed Zoning Code text amendment has been drafted in response to that policy directive.

As a result, the proposed ordinance requires that all new buildings owned by the city and buildings over 20,000 square feet not owned by the city to be LEED Silver or equivalent. This ordinance also requires LEED certification when requesting a right-of-way encroachment (except awnings and signs), abandonment and vacation review, mixed use site plan review, or planned area development review,

requiring review by the Planning and Zoning Board and approval by the City Commission.

Existing Green Building Ordinances in South Florida:

A survey of peer cities in South Florida identified a wide range of strategies for encouraging sustainable building development (Exhibit D). The attached matrix shows the requirements in effect in 18 cities and counties in the region. The Action Plans fall into four general categories:

- 1) Voluntary use of LEED or other rating system with incentives, recognition and rewards (e.g. Davie, Coral Springs, Wellington).
- 2) Adopt International Green Construction Code (IgCC) as an overlay on the Florida Building Code (e.g. Florida State-Owned Facilities, Boynton Beach).
- 3) Mandatory use of LEED or other rating system for all public buildings of a certain size to inspire private sector development (e.g. Pembroke Pines).
- 4) Mandatory use of LEED or other rating system for all public and private buildings of a certain size (e.g. Miami Beach, Hollywood, North Miami, Hallandale Beach).

In light of the CP, SMP and the Commission's directive for a measurable and verifiable green building standard, the goals and objectives established for Coral Gables green buildings follow strategy #4.

LEED Certified Buildings in Coral Gables:

The USGBC database identifies 56 buildings within the City which have achieved LEED certification from 2009 thru 2015. In general, these projects were certified on a voluntary basis with little recognition or reward. The only exception would be projects constructed on the University of Miami campus which has a mandatory requirement for LEED Silver designs for all new buildings.

Certification Process:

Sustainable building codes and rating systems are currently owned and maintained by independent third party organizations with green building experts on staff. To achieve compliance the designer of record submits an application, a fee and a checklist that indicates which green measures are incorporated in the design. Design phase submissions usually include final design drawings and specifications. Construction phase submissions include as-built drawings, shop drawings and commissioning documents. The construction phase review should be initiated within 18 months after the certificate of occupancy or completion is issued. After all review comments are resolved, the certifying organization awards a certificate for the level of performance achieved. (e.g. basic, silver, gold, platinum). The developer, owner or contractor shall forward a copy of the final certification document to the Development Services Department to demonstrate compliance with the Green Building Ordinance.

Cost of LEED Certification:

The cost of LEED certification has declined in recent years due to advances in energy efficient construction methods and materials, as well as smart building equipment and fixtures; and increases in sustainability training and the expertise of contract architects, engineers, and specialty consultants. Industry experts agree that over time, there will be no significant difference in average cost for green buildings as compared to non-green buildings. For now, the same sources believe that if LEED certification is pursued at the beginning of a project, owners can conservatively budget two (2%) percent of construction costs and \$150,000 in soft costs such as design and documentation through the Gold level of certification.

Green Building Bond:

The proposed Zoning Code text amendment provides for a Green Building Bond to be released after certification is achieved. The purpose of the Bond is to guarantee that the owner will follow through all the steps necessary to obtain certification in accordance with the City's sustainability goals. The value of the Bond is derived from the average cost of LEED certification as stated above but has been rounded up to three (3%) percent of the cost of construction. The time limit for achieving certification is 24 months or less, which should be sufficient to resolve comments and process the paperwork with the certifying authority following the Certificate of Completion of Occupancy, as appropriate. If the certification is not achieved within that time period, the Bond shall be forfeited and applied to other sustainable improvements in the City.

LEGISLATIVE ACTION:

Date:	Resolution/Ordinance No.	Comments
04.12.16	Ordinance	Approved Zoning Code text amendment (vote: 5-0) on first reading.

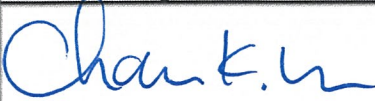
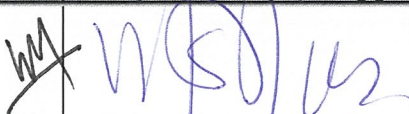

OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

Date	Board/Committee	Comments (if any)
11.04.15	Sustainability Advisory Board	Resolution 2015-1 endorses adoption of Green Building Ordinance
12.15.15	Chamber of Commerce S.E.E. Green Committee	Text Amendment presented and discussed with no objections
12.17.15	Board of Architects	Board was not in favor of a mandatory LEED requirement
2.10.16	Planning and Zoning Board	Recommended approval for a more incentive-based approach (vote: 5-0).

PUBLIC NOTIFICATION(S):

Date	Form of Notification
01.29.16	Planning and Zoning Board legal advertisement.
01.29.16	Planning and Zoning Board agenda posted at City Hall.
02.05.16	Planning and Zoning Board staff report and attachments posted on City web page.
04.08.16	City Commission meeting agenda posted on City web page (1 st reading).
04.15.16	City Commission legal advertisement of Ordinance heading.
04.22.16	City Commission meeting agenda posted on City web page (2nd reading).

APPROVED BY:

Asst. Department Director	City Attorney (If Applicable)	City Manager
		

EXHIBIT(S):

A. 4.26.16 Green Building Standards Ordinance 2nd Reading.