



# Local Government Policy Examples: Expedited Permitting

## SUMMARY

### **Best Practices Guide: Certification Program-Local Government Partnerships**

BetterBuiltNW researched opportunities to accelerate adoption of energy efficiency in the Northwest's new homes sector. Research efforts led to the development of a [Best Practices Guide: Certification Program-Local Government Partnerships](#) (Guide), which examines the role of partnerships between local government and green building programs and the use of incentives as tools to stimulate green building and energy efficiency.

There is a large and diverse number of home certification programs available in the marketplace, and programs often deliver their offerings in close collaboration with other entities such as local governments, utilities, non-profits, and private sector companies. BetterBuiltNW examined 104 US local governments and their partnerships with a range of certification programs. In total, the partnerships incorporated more than 190 incentive options to promote energy efficient practices.

### **Expedited Permitting Overview**

Local governments have had success stimulating green building and energy efficiency by offering expedited review and permitting processes for developers and projects which incorporate green building practices. Depending on the jurisdiction, permitting can be a lengthy process (e.g., up to 6 months), so reducing the duration of this process provides developers and builders with significant cost savings.

### **Challenges involved in this incentive structure include the following:**

- Having to restructure existing permitting processes
- Providing building permitting officials the needed training and education to verify green building requirements in projects.

Significant green building growth has been the result for programs in some jurisdictions where projects receive permits about many months earlier than comparable projects not using the expedited permitting process.

The following sections display municipal code language that cites developed for expedited permitting policies:

[Aventura, FL](#)  
[Big Bear Lake, CA](#)  
[Gainesville, FL](#)  
[Los Angeles, CA](#)  
[Northbrook, IL](#)  
[Seattle, WA](#)

## AVENTURA, FL

The City of Aventura in Florida has a Green Building Program that includes expedited site plan review and/or expedited building permit review for those buildings that attain a LEED or equivalent certification.

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 2009-18 (Code of Ordinances city of Aventura, FL, Chapter 14, Article VI)	<a href="https://library.municode.com/fl/aventura/codes/code_of_ordinances?nodet=PTIICOOR_CH14BUBURE_ARTVIGRBUPR">https://library.municode.com/fl/aventura/codes/code_of_ordinances?nodet=PTIICOOR_CH14BUBURE_ARTVIGRBUPR</a>

### Municipal Code:

#### ARTICLE VI. - GREEN BUILDING PROGRAM

##### Sec. 14-110. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or as may be amended from time to time.

*Building* means any structure having a roof supported by columns or walls and used or built for the shelter or enclosure of persons or property and includes the word structure and includes any part thereof.

*City* means the City of Aventura.

*Construction* means any project associated with the creation, development, or erection of any building eligible for the program.

*Current* means the standard in place at the time a program participant submits a project application form with the jurisdiction.

*Florida-Friendly plantings* means trees and plants that conserve water and protect the environment by using drought tolerant landscaping according to design standards and any amendments thereto developed pursuant to F.S. § 373.228.

*Green building* means a building whose design, construction and operation promotes the preservation of resources and environmentally sensitive construction practices, systems and materials. In making the determination of whether a structure is a green building, the City shall rely on the review, evaluation and registration, certificate and/or verification of the design by the U.S. Green Building Council, or other recognized green building rating system approved by resolution of the City Commission, subject to the requirements of this article.

*Green Building Certification Institute (GBCI)* means the organization which administers and provides third party project certification for commercial and institutional buildings and tenant spaces under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems.

*Green building program* means the program outlined in this article for obtaining incentives for green buildings and developments.

*Green development* means the use of sustainable building and development planning methods utilized in a way that result in minimum impact on natural resources, energy consumption, use of water, use of raw materials and waste generation, thereby affording inhabitants a potentially higher quality of life.

*LEED®* means Leadership in Energy and Environmental Design (LEED®) Green Building Rating System developed by the U.S. Green Building Council, or other recognized green building rating system approved by resolution of the City Commission.

*Participant* means private property owners.

*Program* means the City's green building program.

*Program certification* means the final designation awarded to a program participant by the GBCI for satisfying all requirements associated with the program for a particular project.

*Program participant* means any person or entity seeking program certification for a particular project.

*Project* means any construction associated with the creation, development, or erection of any building eligible for the program.

*Project application form* means the form submitted to the jurisdiction indicating that a program participant is interested in participating in the program for a particular project.

*Structure* means anything constructed or installed, the use of which requires a location on a parcel of land. Among other things, it includes roads, driveways, walkways, paths, fences, patios, decks, swimming pools, tennis courts, poles, pipelines, transmission lines, tracks, signs, sheds, docks and other accessory construction.

*Sub-program* means any area of construction covered by the program.

*Substantial renovation* means a renovation at a cost exceeding 50 percent of the value of the building as determined by the City's Building Official.

*Sustainable construction* means the process of environmentally sensitive, resource efficient site selection, preparation, design, construction, and operation of buildings.

Any word not defined herein shall be construed as provided in section 31-21 of the City Code, or in the Florida Building Code, if provided therein, and if in conflict, the most restrictive shall apply.

(Ord. No. 2009-18, § 2, 10-6-09)

**Sec. 14-111. - Purpose and intent.**

The purpose of this article is to establish and promote goals, programs and procedures that will help the City become a more sustainable community. This program shall define and establish environmental goals and standards for a LEED certification-based green building program with incentives and bonuses. This program will promote economic and environmental health in the City through sustainable and environmentally friendly design and construction.

(Ord. No. 2009-18, § 2, 10-6-09)

**Sec. 14-112. - Administration and implementation of the program.**

The program shall be administered by City Manager or designee, who shall be responsible for:

- (a) Marketing the program to the community by any reasonably effective means, including but not limited to press releases, television advertising or advertising in electronic or print mailers;
- (b) Developing any appropriate or necessary application procedures, including but not limited to, the program application form and developer agreement form;
- (c) Writing policies and procedures for staff implementation of the program;
- (d) Providing and implementing an incentive award as herein provided to any program participant who has committed to and/or successfully satisfied the requirements of the program; and

- (e) Resolving disputes that may arise from implementation of the program.

(Ord. No. 2009-18, § 2, 10-6-09)

**Sec. 14-113. - Green building program applicability.**

This program shall be voluntary for all private buildings involving new construction or substantial renovation.

(Ord. No. 2009-18, § 2, 10-6-09)

**Sec. 14-114. - Green building standards.**

In addition to the Florida Building Code minimum standards, the program shall be administered using the then current standards developed by the U.S. Green Building Council (USGBC). These standards shall apply to each subprogram as follows:

- (a) *New buildings*: The program participant shall satisfy all of the requirements associated with the then current USGBC LEED®; 2009 for New Construction, or the most current version, or other derived USGBC LEED®; rating system as applicable to the project type (e.g. LEED®; for Core and Shell, LEED®; for Schools, LEED®; for Health Care) program; and
- (b) *Renovation of existing buildings*: The program participant shall satisfy all of the requirements of the then current LEED®; certification for existing buildings: Operations and maintenance, or other LEED®; rating system as may be applicable based on the scope of work performed as part of the renovations.

If there is a conflict between the USGBC standards and the Florida Building Code (FBC) or Florida Fire Prevention Code (FFPC), the FBC and FFPC take precedence.

(Ord. No. 2009-18, § 2, 10-6-09)

**Sec. 14-115. - Incentives and bonuses; agreement and bond requirements.**

The program shall consist of incentives/bonuses (collectively referred to as "incentives" when the context requires) designed to encourage the use of the program and listed in this section. Incentives and bonuses shall be administered by the City Manager or designee on an incremental basis based on level of certification to be attained and subject to full documentary evidence being provided to the satisfaction of the City Manager or designee and in accordance with the criteria established by this article and the pertinent provisions of the Land Development Code.

- I. For those buildings that attain LEED®; certification or LEED®; Silver certification.
  - (i) Expedited site plan review, that is, site plan applications for green buildings shall be given priority review by the City;
  - (ii) Expedited building permit review, that is, building permit applications for green buildings shall be given priority review by the City;
  - (iii) Marketing incentives including program participation announcement on the site construction sign; a plaque not to exceed two square feet to be attached to the building designating the project under the program, subject to the review and approval of the city manager or designee; such plaque shall be treated as a governmental information sign exempt from permitting but subject to other regulations as provided in the City Code; the inclusion of program participants and their building information on the City's "Go Green" webpage; press releases; and eligibility for green building award in the City's annual "Go Green" awards program;

- (iv) Administrative variances to allow orientation of the building to take full advantage of available natural resources, such as yard setbacks, landscape buffers, driveways and/or architectural design standards needed to support the proposed design in the opinion of the City Manager or his designee.
- II. For those buildings that attain LEED®; Gold certification or Platinum certification.
- (i) All of the incentives in [subsection] I. above; and
  - (ii) Floor Area Ratio (FAR) bonus not to exceed an FAR of 2.0 for properties with a Business and Office Future Land Use Designation, using the conditional use approval standards in section 31-73 of the City Code rather than the variance approval standards in section 31-76 of the City Code.
  - (iii) Lot coverage bonus provided that a green roof and/or green rooftop amenities are provided and maintained for the common benefit of building occupants; and; that increased Florida-Friendly tree canopy and Florida-Friendly plantings designed to calm the heat island effect are located on site, all in an amount equal to the requested increased lot coverage, using the conditional use approval standards in section 31-73 of the City Code rather than the variance approval standards in section 31-76 of the City Code.
  - (iv) For projects located on the same site as an existing office building or buildings, which office building or buildings was/were constructed before October 6, 2009, as evidenced by a temporary certificate of occupancy or certificate of occupancy and does/do not meet LEED®; Gold or Platinum certification, the bonuses in (ii) and (iii) above shall be calculated based on the applicant's total site area, provided that the new construction that attains LEED®; Gold or Platinum certification is the same size or larger than the total square footage of the existing office building or buildings.

Prior to filing an application for award of incentives and/or bonuses, the program participant shall register their intent with the USGBC for LEED®; certification and obtain in writing a proposed checklist of certification points that may be attainable for the project. The program participant shall then be required to attend a pre-application meeting with the City Manager or designee for the purpose of a review of the proposed certification checklist and detail of proposed credits for certification. The checklist and certification details shall be confirmed through a written agreement between the property owner and the City, in the form prescribed by the City, and through a covenant recorded in the public records in form approved by the City Attorney, that the proposed manner of compliance with LEED®; certification as provided by the program guidelines, policies and procedures will be incorporated into the development and maintained in perpetuity. All checklist items will be shown and/or noted on the plans submitted for building permit approval, as a condition of permit issuance.

Prior to filing an application for award of incentives and/or bonuses for LEED®; Gold and Platinum buildings described in paragraph numbered II. of this section, in addition to the requirements of the preceding paragraph, the program participant shall provide a performance bond or other security in form approved by the City Manager and City Attorney as follows:

- (i) The bond or security shall be in an amount ranging from one percent to five percent of the value of proposed costs of construction as approved by the City's Building Official, or such greater amount as determined by the City Manager;
- (ii) The bond or security shall be submitted at the time of filing of any application for award of incentives and/or bonus;
- (iii) The bond or security shall be subject to call by the City 180 days from the issuance of the certificate of occupancy or certificate of completion, whichever first occurs, if LEED®; certification has not been achieved by that time. Reasonable extensions of

time, up to a maximum of one year from the issuance of the certificate of occupancy or certificate of completion whichever first occurs, may be granted by the City Manager or his designee for good cause.

If the program participant is awarded an incentive and/or bonus provided herein and fails to complete LEED® certification as committed within one year from the issuance of the certificate of occupancy or certificate of completion, whichever first occurs, then the City Manager or designee shall deem such bond or security forfeited to the City for any lawful governmental purpose identified by the City Commission; and

If the project receives LEED® certification at the level described in the agreement and covenant prior to the expiration of the 180-day period provided for above, or extensions of time granted by the City Manager or designee, and the bond has not been forfeited as provided above, then the bond or security may be released following submittal to the City of written proof of level of LEED® certification by the USGBC.

(Ord. No. 2009-18, § 2, 10-6-09; Ord. No. 2016-05, § 2, 4-5-16 )

**Sec. 14-116. - Certification.**

The project shall be subject to certification by the Green Building Certification Institute.

(Ord. No. 2009-18, § 2, 10-6-09)

**Sec. 14-117. - Education and training.**

- (a) The City shall post program information on its website for the purpose of educating potential or current program participants about the program.
- (b) The City shall encourage staff from the Building Division, Planning and Zoning Division of the Community Development Department and from the Public Works Division of the Community Services Department to attend green building training.

(Ord. No. 2009-18, § 2, 10-6-09)

**Sec. 14-118. - Program review.**

- (a) *Staff review.* The City shall provide for a review of the program to determine the need for changes in the program to increase [its] effectiveness.
- (b) *Frequency.* The program shall be subject to review one year after the effective date of this article and thereafter at a frequency of not more than once per year.
- (c) *Purpose.* The purpose of reviewing the program includes but is not limited to updating program standards, incentives and bonuses, recommending program or marketing changes, reviewing suggestions made by program participants, and reporting to the City Commission.

(Ord. No. 2009-18, § 2, 10-6-09)

## BIG BEAR LAKE, CA

The City of Big Bear Lake in California has a green building program that includes incentives for achieving a specified number of green building points, or for qualifying as a city LEED building. All applications for site plan approval, design review approval or conditional use permit for new single family residential and multifamily projects or major renovations must include a completed green features checklist. Applicants are encouraged, but not required, to incorporate green building features into their residential, commercial and industrial projects. Incentives include expedited building plan checks and inspections, as well as deferred development impact fees.

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 2009-394 (Big Bear Lake Municipal Code, Title 15, Chapter 15.39, Section 15.39.060)	<a href="https://library.municode.com/ca/big_bear_lake/codes/code_of_ordinances?nodetd=MUNICIPAL_CODE_TIT15BUCO_DIVIBURE_CH15.39GRBUPR">https://library.municode.com/ca/big_bear_lake/codes/code_of_ordinances?nodetd=MUNICIPAL_CODE_TIT15BUCO_DIVIBURE_CH15.39GRBUPR</a>

### Municipal Code:

#### Chapter 15.39 - GREEN BUILDING PROGRAM

##### Sections:

##### 15.39.010 - Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, or renovation project within the city jurisdiction.
- B. "Building" means any structure used or intended for supporting or sheltering any use or occupancy as defined in the California Building Code.
- C. "City" means the City of Big Bear Lake.
- D. "City-certified LEED building" means the achievement of the core points required to obtain a LEED "certified" green building rating.
- E. "Commercial and industrial building" shall mean any facility intended for non-residential use and whose operation will affect commerce, including factories, warehouses, office buildings and other such buildings in which employment may occur.
- F. "Conditioned space" means any area within a building or structure that is being heated or cooled by any equipment.
- G. "Construction" means the building of any facility or structure, additions, or alterations to any portion thereof including any tenant improvements to an existing facility or structure.
- H. "Covered projects" means all new residential, commercial and industrial buildings and major renovations to existing buildings within the city. Historic structures are exempt.
- I. "Green building" means a whole system approach to the design, construction, and operation of buildings that helps mitigate the environmental, economic, and social

impacts of the buildings. Green building practices 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 indoor environment.

- J. "Green building incentives" means the incentives set forth in section 15.39.060 for achieving the specified number of green building points, or for qualifying as a city LEED building, as further specified in section 15.39.030.
- K. "GreenPoint rating system" means the most recent version of the New Homes GreenPoint Checklist or the Multifamily Residential GreenPoint Checklist adopted by "Build It Green," a public service nonprofit corporation and approved by city.
- L. "Green building points" means points achieved for incorporation of the green building measures set forth in the applicable GreenPoint rating system.
- M. "Historic structures" means any building or structure listed on or eligible for listing on a national, state, or local register or listing of historic resources.
- N. "LEED rating system" means the most recent version of the Leadership in Environmental Design (LEED) rating system for new construction of commercial structures, or other related LEED rating systems adopted by the U.S. Green Building Council, a non-profit corporation, and approved by city.
- O. "Major renovation" means any change, addition, remodel, or modification to an existing building that increases the square footage of the conditioned space by 50 percent or greater, or the removal of over 50 percent of the existing interior wall and/or ceiling coverings to relocate or modify the existing floor plan.
- P. "Multi-family" means project in which three or more structures attached or detached are simultaneously constructed on a single parcel of land.
- Q. "Qualified green building" means any covered project that meets the qualifications for green building incentives as set forth in section 15.39.030.
- R. "Residential" means any building or structure used for living, sleeping, eating, and cooking. For purposes of this section, residential does not include multi-family, assisted living facilities, senior housing or commercial facilities wherein rooms or suites of rooms that are rented for transient occupancy such as hotels, motels, inns, or similar accommodations.
- 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, as defined in the California Building Standards Code.

(Ord. No. 2009-394, § 1, 8-24-2009)

**15.39.020 - Green building checklist.**

- A. Submission of Green Building Checklist.
  - 1. All applications for site plan approval, design review approval or conditional use permit for new single family residential and multifamily projects or major renovations shall include a completed copy of the applicable GreenPoint rating system checklist. The application shall specify the number of green building points the applicant anticipates to achieve.
  - 2. All applications for site plan approval, design review approval or conditional use permit for new commercial and industrial buildings or major renovations shall include a completed copy of the applicable LEED rating system checklist. The application shall specify the number of LEED credits the applicant anticipates to achieve in each category.



3. Unless otherwise required by law, applicants are encouraged, but not required, to incorporate green building features into their residential, commercial and industrial projects. The purpose of the green building checklist requirement set forth in section 15.39.020 is to assist applicants in identifying opportunities to incorporate green building features into their projects.
- B. Exemptions. Applications for major renovations of residential historic structures are not required to submit a green building checklist. Applicants for such projects are encouraged to use their best efforts to incorporate as many green building components and features as feasible into their projects.
- C. Planning Division. The planning division shall include compliance with this section as a condition of approval on any covered project that requires a discretionary approval.

(Ord. No. 2009-394, § 1, 8-24-2009)

**15.39.030 - Qualification for green building incentives.**

- A. Qualified Green Buildings—Covered Projects.
  1. In order to qualify for green building incentives, new single family residential and multifamily projects and major renovations of such structures must be designed to meet a minimum of 50 green building points with a minimum of points in each of the following categories (Resources = 6, Energy = 30, Water = 9, and Indoor Air Quality/Health = 5).
  2. In order to qualify for green building incentives, new commercial and industrial buildings and major renovations of such structures shall be designed to comply with those green building components and features necessary to qualify as a city-certified LEED building.
  3. In order to qualify for green building incentives, all covered projects must achieve the required points or credits, as applicable, without counting points or credits for green building measures that are required under the then-current California Building Code or the California Green Building Standards Code.
- B. Voluntary Compliance. The provisions of sections 15.39.030 through 15.39.050 of this chapter are intended to be voluntary and are required solely for the purpose of qualifying for green building incentives.
- C. Projects Registered with USGBC or Build It Green. For projects that have been voluntarily registered with the USGBC for LEED certification or Build It Green for GreenPoint rated certification, the building division may reduce the scope of the verification process, and any applicable fees, as appropriate.

(Ord. No. 2009-394, § 1, 8-24-2009)

**15.39.040 - Submission of green building incentive program documentation.**

- A. Planning Division. In conjunction with the application for design review or any other planning approval, an applicant for a covered project that wishes to qualify for green building incentives shall submit a fully and properly completed city "green building verification" form to demonstrate that the covered project will meet the standards for green building incentives as identified in subsections 15.39.030 A.1. or A.2., as applicable.
- B. Building Division. For building permits, an applicant for a covered project that wishes to qualify for green building incentives shall submit a fully and properly completed city "green building verification" form with the first building permit plan set submitted. All building plans shall indicate in the general notes or individual detail drawings, where feasible, and, as applicable, the GreenPoint measures to be used to attain the applicable minimum points in each category.

(Ord. No. 2009-394, § 1, 8-24-2009)

**15.39.050 - Compliance with green building incentive program requirements.**

- A. Compliance Review.
1. The planning division may include compliance with this section as a condition of approval on any covered project that requires a discretionary approval.
  2. The building division shall review and approve plans submitted per section 15.39.030 to ensure compliance with the city "green building verification" form submitted by the applicant and to ensure compliance with all other applicable requirements of the green building incentive program.
  3. The building division inspection staff or other qualified professionals retained by the city may verify that the green building measures indicated in the approved "green building verification" form are being implemented at the foundation inspection, framing inspection, or other, as needed, inspections.
  4. Throughout each inspection stage, the applicant shall be required to provide evidence to the building division of compliance with the applicant's approved "green building verification" form.
- B. Compliance Documentation. Upon completion of the project and as part of the final approval for occupancy, achievement of the green building measures set forth in the applicant's "green building verification" form and all other applicable requirements of the green building incentive program shall be documented on a form approved by the building official.

(Ord. No. 2009-394, § 1, 8-24-2009)

**15.39.060 - Green building incentives.**

- A. Incentives for Qualified Green Buildings.
1. Building plan check shall be expedited by first review being completed within ten working days and all subsequent reviews being completed within five working days.
  2. Inspections priority shall be given for qualified green buildings when workload exceeds the ability for staff to inspect a project the next business day.
  3. Development impact fees will be automatically deferred to final building inspection.
  4. Green building projects that verify achievement of the measures required for a qualified green building will be publicly recognized by the city council and will receive a "green building" placard to be placed on the building.
  5. Builders receiving "green building" placards for qualified green buildings within the city shall be recognized on the city's web page and in other "green" related marketing and promotional materials.

(Ord. No. 2009-394, § 1, 8-24-2009)

**15.39.070 - Appeal.**

- A. Appeal To Building Code Appeals Board. Any interested person may appeal a decision of the building official regarding qualification for the green building incentive program by filing a notice of appeal together with the fee established by resolution of the council no later than ten days after the

rendering of the decision. Upon receipt of such an appeal, the building official will set the matter for hearing before the board at least 20 days after date of receipt.

- B. Council Hearing on Appeal of Board Decision. Any interested person may appeal a decision of the building code appeals board regarding qualification for the green building incentive program to the city council by filing a notice of appeal together with the fee established by resolution of the council no later than ten days after the decision of the board. Upon receipt of such an appeal, the city clerk will set the matter for hearing before the council on the first open agenda of the council that is at least 15 days after the date of receipt.

(Ord. No. 2009-394, § 1, 8-24-2009)

## GAINESVILLE, FL

The City of Gainesville in Florida has a green building incentive program that includes “fast-track” permitting on building permits for homes that satisfy all of the requirements associated with the current Green Home Designation Standard of the Florida Green Building Coalition. The program also incents green building through reduced permitting fees, reduced building permit fees, and reduced development plan review fees. The program is voluntary for all non-city projects, but required for any city-owned civic or office construction projects (with some exceptions).

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 001835 (Gainesville, FL Code, Chapter 6, Sec. 1.5, Sec. 6-12)	<a href="https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BUBURE_ARTI.5GAGRBUPR">https://library.municode.com/fl/gainesville/codes/code_of_ordinances?nodeId=PTIICOOR_CH6BUBURE_ARTI.5GAGRBUPR</a>

### Municipal Code:

#### ARTICLE I.5. - GAINESVILLE GREEN BUILDING PROGRAM

##### Sec. 6-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*City* means the City of Gainesville, Florida.

*City commission* means the City Commission of the City of Gainesville, Florida.

*City-owned civic or office construction project* means city-owned buildings providing a public gathering place or office facilities.

*Construction* means any project associated with the creation, development, or erection of any building eligible for the program.

*FGBC* means the Florida Green Building Coalition.

*GHDS* means the Green Home Designation Standard of the Florida Green Building Coalition.

*Green building* means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials.

*Independent or independent of the city* means not employed by, or acting as agents of, the city.

*L.E.E.D. 2.0* means the Leadership in Energy and Environmental Design Rating System, Version 2.0, of the U.S. Green Building Council.

*Municipal* means owned by the city.

*Private* means property not owned by the city.

*Program* means the city green building program.

*Program certification* means the final designation awarded to a program participant for satisfying all requirements associated with the program for a particular project.

*Program participant* means any person or entity seeking program certification for a particular project.

*Project* means any construction associated with the creation, development, or erection of any building eligible for the program.

*Project application form* means the form submitted to the building inspection department indicating that a program participant is interested in participating in the program for a particular project.

*Sub-program* means any area of construction covered by the program.

*USGBC* means the U.S. Green Building Council.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-6. - Intent and purpose.**

The purpose of the program shall be to provide the city community with a certification-based "green building" program. It is expected that city owned civic or office construction projects will follow the program guidelines, upon review by the city commission. This program will be voluntary for all others. This program will promote sustainable and environmentally-friendly practices of construction and design.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-7. - Designation of responsibility for administration and implementation.**

The program shall be jointly administered by the building inspection department and city regional utilities, which shall be responsible for:

- (1) Funding the program through annual funds budgeted and appropriated by the city commission;
- (2) Marketing the program to the Gainesville community by any reasonably effective means, including but not limited to print advertising, press releases, television advertising, or advertising in monthly mailers;
- (3) Developing any appropriate or necessary application procedures, including but not limited to, the program application form;
- (4) Providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
- (5) Resolving disputes that may arise from implementing the program.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-8. - Program.**

- (a) For all non-city projects, the program shall be voluntary.
- (b) For any city-owned civic or office construction project, the city is expected to participate in the program unless the city commission determines that the cost (e.g., time, function, or funding) associated with participating in the program significantly outweighs the benefits of participating in the program to the city.
- (c) The city manager and the general manager for utilities or their designees shall develop policies and procedures to implement the green building program.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-9. - Scope.**

The program shall be administered on a per-unit basis. For the purpose of this section of the program, "per-unit" means each unit built, except that any multi-family dwelling or similarly clustered structure may count as one unit, as determined by the city manager or general manager for utilities or their designee(s).

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-10. - Coverage.**

The program shall be comprised of the following sub-programs:

- (1) New residential construction;
- (2) Residential retrofitting/remodeling;
- (3) New commercial/non-city construction, not including any expansions or remodeling; and
- (4) City-owned civic or office construction, not including any expansions or remodeling.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-11. - Standards.**

The program shall be administered using standards developed by the city for certification of retrofitting/remodeling of existing residential units and standards developed by 1) the Florida Green Building Coalition and 2) the U.S. Green Building Council for certification of all other building certifications. These standards shall apply to each sub-program as follows:

- (1) GHDS. For any program participant seeking program certification for new residential construction the program participant must satisfy all of the requirements associated with the current Green Home Designation Standard of the FGBC, including but not limited to, any monetary or certification requirements. For the purpose of this section of the program, "current" means at the time a program participant submits a project application form with the building inspection department. A set of standards developed by the city will be used for certification of residential retrofitting/remodeling.
- (2) L.E.E.D. 2.0. For any program participant seeking program certification for new commercial/non-city construction or new municipal civic or office construction, the program participant must satisfy all of the requirements associated with the L.E.E.D. 2.0, including but not limited to any monetary or certification requirements.
- (3) Review. For the purpose of this section of the program, a program participant shall be bound by the standard designated for a particular sub-program unless the program participant both requests to be certified under a more current version of a designated standard and the request is approved by the city department responsible for administering the particular program.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-12. - Incentives.**

The program shall consist of incentives designed to encourage the use of the program.

- (1) All sub-programs. For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/non-city construction, or new city owned civic or office construction, the city's general government shall provide the following incentives:
  - a. Fast-track permitting for building permits.
  - b. Reduced permitting fee, which shall equal 50 percent of the fee required for a non-program participant, subject to availability of funds; if program participant is building in a designated enterprise zone, then the reduced permitting fee shall be 50 percent off the usual permitting fee in the enterprise zone.

- c. For one and two-family residential projects, there shall be reduced building permit fee, which shall equal 75 percent of the fee required for a non-program participant.
  - d. For all projects other than one and two-family residential projects, there shall be a reduced development plan review fee, which shall equal 50 percent of the fee required for a non-program participant.
- (2) Sub-program of retrofitting/remodeling. Any program participant meeting program certification criteria for multi-family residential retrofitting/remodeling, shall be eligible for the following incentives provided by GRU.
- a. A cash renovation incentive, subject to availability of funds; and
  - b. A solar water heater incentive, subject to availability of funds and meeting other solar rebate program requirements.
- (3) Marketing for all sub-programs. For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/non-municipal construction, or new city owned civic or office construction projects, the city's general government shall provide the following marketing incentives, including but not limited to:
- a. The erection of building site signs designating a project under the program;
  - b. The inclusion of program participants on a city webpage dedicated to the program;
  - c. The creation of promotional packages such as a program logo for a program participant's advertisements or brochures;
  - d. Press releases; and
  - e. Information about available financial programs, including but not limited to, those associated with Fannie Mae/Freddie Mac.
- (4) Green building award. For the purpose of publicly recognizing outstanding commitment to "green building," the program shall provide for an award called the "green building award" to be awarded annually by the city's general government to one program participant in each sub-program.

(Ord. No. 001835, § 1, 10-14-02; Ord. No. 060378, § 1, 1-8-07)

**Sec. 6-13. - Certification.**

The program shall be subject to certification by a qualified third party who has been trained and certified as a green building rater. For the purpose of this section of the program, "third party" means any person or entity authorized by the FGBC or the USGBC to verify that a program participant has satisfied any or all of the requirements associated with the standard designated for a particular project.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-14. - Training.**

The building inspection department in conjunction with FGBC shall conduct at least one training workshop per year for the purpose of educating potential or current program participants about the program.

(Ord. No. 001835, § 1, 10-14-02)

**Sec. 6-15. - Program review.**

- (a) Staff review. The building inspection department shall initiate a review of the program with the assistance of GRU as necessary to determine the need for changes in the program to increase its effectiveness.
- (b) Frequency. The program shall be subject to review one year after the effective date of this ordinance and thereafter at a frequency of no more than once per year.
- (c) Purpose. The purpose of reviewing the program includes but is not limited to updating program incentives, recommending program or marketing changes to the city, reviewing suggestions made by program participants, and annually awarding the green building award in accordance with section 6-12(d) of the program.

(Ord. No. 001835, § 1, 10-14-02)



## LOS ANGELES, CA

The City of Los Angeles in California has a green building incentive program that provides expedited processing from the Department of City Planning on projects that voluntarily commit to LEED Certification at the Silver Level or higher, for new non-residential, mixed use or residential buildings of 50,000 gross square feet or more of floor area.

Ordinance Name/Number	Ordinance Web Location
Ordinance No. 179820 (Los Angeles Municipal Code, Chapter 1, Article 6.1, Sec. 16.10, E1, a-c)	<a href="http://library.amlegal.com/nxt/gateway.dll/California/la/mc/municipalcode/chapterigeneralprovisionsandzonin/g/article61reviewofdevelopmentprojects?f=templates\$fn=default.htm\$3.0\$vid=amlegal:la_all_mc\$anc=JD_16.10">http://library.amlegal.com/nxt/gateway.dll/California/la/mc/municipalcode/chapterigeneralprovisionsandzonin/g/article61reviewofdevelopmentprojects?f=templates\$fn=default.htm\$3.0\$vid=amlegal:la_all_mc\$anc=JD_16.10</a>

### Municipal Code:

**SEC. 16.10. GREEN BUILDING PROGRAM.**  
(Added by Ord. No. 179,820, Eff. 5/29/08.)

A. **Establishment of Program and Purpose.** There is established a Green Building Program, which shall be administered by the Green Building Team pursuant to the provisions of Section 16.11 of this Code. The purpose of the Green Building Program is to reduce the use of natural resources, create healthier living environments and minimize the negative impacts of development on local, regional, and global ecosystems. The program consists of a Standard of Sustainability and Standard of Sustainable Excellence. The program addresses five key areas:

1. **Site:** location, site planning, landscaping, storm water management, construction and demolition recycling;
2. **Water Efficiency:** efficient fixtures, wastewater reuse, and efficient irrigation;
3. **Energy & Atmosphere:** energy efficiency, and clean/renewable energy;
4. **Materials & Resources:** materials reuse, efficient building systems, and use of recycled and rapidly renewable materials; and
5. **Indoor Environmental Quality:** improved indoor air quality, increased natural lighting, and improved thermal comfort/control.

B. **Building Permit Issuance.** No building permit shall be issued for the following categories of Projects unless the Project meets the intent of the criteria for certification pursuant to Subsections D. or E. of this section as determined by the Department of City Planning.

1. A new non-residential building or structure of 50,000 gross square feet or more of floor area; or
2. A new mixed use or residential building of 50,000 gross square feet or more of floor area in excess of six stories; or
3. A new mixed use or residential building of six or fewer stories consisting of at least 50 dwelling units in a building, which has at least 50,000 gross square feet of floor area, and in which at least 80 percent of the building's floor area is dedicated to residential uses; or
4. The alteration or rehabilitation of 50,000 gross square feet or more of floor area in an existing non-residential building for which construction costs exceed a valuation of 50 percent of the replacement cost of the existing building; or

5. The alteration of at least 50 dwelling units in an existing mixed use or residential building, which has at least 50,000 gross square feet of floor area, for which construction costs exceed a valuation of 50 percent of the replacement cost of the existing building.
- C. **Definitions.** For the purpose of this section, the following words and phrases are defined as follows:
1. **Historic Resource.** A building, structure or site that is any of the following: a City Historic- Cultural Monument; listed in or formally determined eligible for the National Register of Historic Places or California Register of Historical Resources; a Contributing Element to a Historic Preservation Overlay Zone (HPOZ); or identified in an adopted historic resources survey as eligible for designation.
  2. **LEED®.** Leadership in Energy and Environmental Design, a rating system put forth by the U.S. Green Building Council that is the nationally accepted benchmark for the design, construction and operation of high performance green buildings.
  3. **LEED®-AP.** A person who has been designated a LEED® Accredited Professional by the Green Building Certification Institute (GBCI).
  4. **LEED® Design Review.** The review of eligible credits by the USGBC using the project's 100 percent construction documents, which are sufficient for a complete plan check by the Department of Building and Safety. The USGBC will review and mark each credit including credits for "Innovation and Design" as either Credit Achievement Anticipated or Credit Denied.
  5. **Project.** The construction of, addition to, or alteration of any building or structure that requires a building permit and meets the criteria established in Subsection B. of this section.
  6. **USGBC.** The U.S. Green Building Council.
- D. **Standard of Sustainability.**
1. **Rating System.** The applicant shall demonstrate that the Project meets the intent of the criteria for certification at the LEED® certified level. The Project may be submitted for compliance in whichever LEED® rating system the applicant deems most suitable to the Project type: LEED®-NC (New Construction), EB (Existing Buildings), CI (Commercial Interiors), Core & Shell, or Homes. The Project shall use the version of the rating system in effect on the date that plans are submitted to the Department of Building and Safety and a fee is paid, unless the applicant has elected to register the Project with the USGBC, in which case the Project may use the rating system's version which was in effect at the time the Project registered. Formal certification by the USGBC is not required.
  2. **Procedures.** No building permit shall be issued for any Project subject to the provisions of this subsection unless the Project has been reviewed and the plans are stamped approved by the Director for LEED® compliance. The review shall be based on Guidelines established by the Director and revised as necessary. In order to obtain this approval, the applicant shall provide:
    - a. A LEED® checklist, including points allocated to the "Innovation and Design" category, which demonstrates that the Project meets the selected LEED® Rating System at the "Certified" level or higher;
    - b. A signed declaration from the LEED®- AP member of the Project team, stating that the plans and plan details have been reviewed, and that the Project meets the intent of the criteria for certification of the selected LEED® Rating System at the "Certified" level or higher;
    - c. A complete set of plans stamped and signed by a licensed architect or engineer that includes a copy of the preliminary checklist and signed declaration identified in Paragraphs a. and b. of this subdivision and identifies the measures being provided for LEED® compliance. Each plan sheet must also be signed by a LEED®-AP verifying that the plans are consistent with the submitted checklist; and
    - d. The fee set forth in Section 19.01 Y. A Project may be exempt from paying the fee if the following additional information is provided:
      - (1) Documentation that the Project has registered with the USGBC's LEED® program and that the required fees have been paid to USGBC; and
      - (2) Documentation that the Project has successfully completed the USGBC's LEED® Design Review process.
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3. **Termination.** The provisions of Subsections A., B., C. and D. shall be repealed and terminate on December 31, 2010.

**(Added by Ord. No. 181,479, Eff. 12/27/10.)**

E. **Standard of Sustainable Excellence.** Projects that voluntarily commit to LEED® Certification at the Silver Level or higher shall receive expedited processing from the Department of City Planning.

1. **Procedures for Expedited Processing.** An applicant seeking to obtain expedited processing of discretionary entitlements from the Department of City Planning shall provide:
  - a. A signed declaration from the property owner, owner in escrow, or a legally authorized agent as well as the LEED®-AP;
  - b. Documentation that the Project has registered with the USGBC and that the required fees have been paid to USGBC;
  - c. The Project's preliminary LEED® checklist that demonstrates that the number of points that the project intends to pursue will make it eligible to obtain LEED® Silver Certification.
2. **Building Permit Issuance.** No building permit shall be issued for any Project that has received expedited services specified in Subdivision 1. above unless the project has been reviewed and the plans are stamped approved by the Director for LEED compliance. The review shall be based on Guidelines established by the Director and revised as necessary. In order to obtain this clearance, the applicant shall provide:
  - a. A LEED® checklist, including points allocated to the "Innovation and Design" category, from a USGBC LEED®-AP, which demonstrates that the Project meets the selected LEED® Rating System at the "Silver" level or higher;
  - b. A signed declaration from the LEED®-AP stating that the plans and plan details have been reviewed, and that the Project meets the intent of the criteria for certification of the selected LEED® Rating System at the "Silver" level or higher;
  - c. A complete set of plans stamped and signed by a licensed architect or engineer that includes a copy of the preliminary checklist and signed declaration identified in Paragraphs a. and b. of this subdivision and identifies the measures being provided for LEED® Silver or higher Certification. Each plan sheet must also be signed by a LEED®-AP verifying that the plans are consistent with the submitted checklist; and
  - d. The fee set forth in Section 19.01 Y. A Project may be exempt from paying the fee if documentation is provided that the Project has successfully completed the USGBC's LEED® Design Review process.
3. **Termination and Replacement.** The reference to the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) Certification at the Silver level or higher described in Subsection E. shall no longer apply to projects filed on or after January 1, 2011. Projects filed on or after January 1, 2011, must satisfy LA Green Building Code, as defined in Los Angeles Municipal Code Section 99.01.101.1, Tier 1 or higher in order to obtain expedited processing as described in Subsection 5.

**(Added by Ord. No. 181,479, Eff. 12/27/10.)**

F. **Exemptions.** The provisions of this section shall not apply to any of the following Projects:

1. A Historic Resource, if the Department of City Planning finds that full LEED® compliance would require alterations that conflict with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In those cases, a LEED®-AP shall assert in writing that the Project has incorporated all other reasonable measures to achieve LEED® compliance, while avoiding adverse impacts to the Historic Resource's character-defining features.
2. Any Project where plans were accepted by the Department of Building and Safety for plan check and the appropriate fee is paid prior to November 1, 2008, provided no changes were made to the Project that would increase the floor area by more than five percent. This exception shall no longer be valid if construction is not commenced within one year of the date of issuance of the permit.

3. Any entitlement application for a Project filed and deemed complete with the exception of CEQA review prior to November 1, 2008, provided no changes are made to the application that would increase the floor area by more than five percent.
4. Any residential or mixed use Project of six or fewer stories where plans were accepted by the Department of Building and Safety for plan check and the appropriate fee is paid prior to May 1, 2009, provided no changes were made to the Project which increase the floor area by more than five percent. This exception shall no longer be valid if construction is not commenced within one year of the date of issuance of the permit.
5. Any entitlement application for a residential or mixed use Project of six or fewer stories filed and deemed complete with the exception of CEQA review prior to May 1, 2009, provided no changes are made to the application that would increase the floor area by more than five percent.
6. Termination. The provisions of Section 16.10 shall be repealed and terminate on December 31, 2010.

**(Added by Ord. No. 181,479, Eff. 12/27/10.)**

**SEC. 16.11. GREEN BUILDING TEAM.**

**(Added by Ord. No. 179,820, Eff. 5/29/08.)**

The Green Building Team's mission is to encourage innovation, to remove obstacles to green building, and to facilitate the City's sustainable green building objectives.

**A. Composition.** The Green Building Team shall be composed of the following officers of the City or their duly authorized representatives:

- The Mayor's Office, as Chairperson;
- City Council President, as co-chairperson;
- Chairperson, Energy and Environment Committee of the City Council, as co-chairperson;
- Chairperson, Planning and Land Use Management Committee of the City Council, as co-chairperson;
- Chief Legislative Analyst;
- The Director of Planning;
- The City Engineer;
- The Superintendent of Building;
- The Chief Engineer of the Department of Fire;
- The Chief Executive Officer and General Manager of the Department of Water and Power;
- The General Manager of the Environmental Affairs Department;
- The General Manager of the Housing and Community Investment Department; **(Amended by**

**Ord. No. 182,718, Eff. 10/30/13.)**

- The Director of the Bureau of Sanitation of the Department of Public Works; and
- The Chief Executive Officer of the Community Redevelopment Agency of the City of Los Angeles.

Officers or their authorized representatives from additional departments shall participate as needed and may include:

- The City Attorney;
- The General Manager of the Department of Transportation;
- The Director of the Bureau of Street Services of the Department of Public Works;
- The Director of the Division of Urban Forestry of the Bureau of Street Services of the Department of Public Works;
- The General Manager of the Harbor; and
- The General Manager of the Los Angeles World Airport.

**B. Relationship with Other Agencies.** The Team shall invite representatives of the County of Los Angeles, the Metropolitan Transit Authority, Los Angeles Community Colleges, Los Angeles Unified School District, the Southern California Gas Company, and other agencies to participate as issues warrant.

C. **Responsibilities.**

1. **Meetings.** The Green Building Team shall hold regular public meetings on a monthly basis. The initial meeting shall be convened by the Chairperson. The posting of public notices, and the taking and reporting of minutes shall be the responsibility of the Chief Legislative Analyst.
2. **Reports.** The Team shall provide an annual report to the City Council as to the issues and innovations that have been brought to the Team's attention and shall further outline proposed steps to remediate any concerns and obstacles to green building development and/or innovations. The Team shall establish a process for identifying and tracking all LEED® certified developments in the City. Prior to April 22nd of each year, the Team shall issue a Green Building Report Card, which recognizes green building developments the Team determines to be of significance.
3. **Legislative Recommendations.** The Team shall review and suggest modifications to the City's Codes on an on-going basis, to promote green building construction, and to facilitate the City's sustainable green building objectives.
4. **Recommendations for Standard of Sustainability.** The Team shall review in alternate years, the thresholds and corresponding green building standard(s) by which projects are required to comply with the Standard of Sustainability. The Team shall recommend any necessary adjustments to the Department of City Planning for preparation of appropriate code amendment(s).
5. **Standard of Sustainable Excellence.** The Team shall review annually the incentives and their effectiveness in encouraging projects to pursue the Standard of Sustainable Excellence. The Team shall make recommendations to the appropriate board or commission should alternative incentives be advised.
6. **Staff Education.** The Team shall record the educational efforts achieved by each department on an annual basis and report this information to the City Council.
7. **Public Outreach.** The Team and, in particular, the Chairperson and Co-Chairpersons, shall be the City's public spokespersons in regards to any and all issues relative to private sector green building. The Team shall develop and maintain a public outreach program for, but not limited to, architects, engineers, developers, land use attorneys, contractors, builders, employers, and City residents.

- D. **Termination.** The provisions of Subsection F. shall be repealed and terminate on December 31, 2010. (Added by Ord. No. 181,479, Eff. 12/27/10.)

## NORTHBROOK, IL

The Village of Northbrook in Illinois has a voluntary Green Building Initiative Incentive Program that provides expedited permitting and review, as well as permit fee rebates, for LEED certified buildings.

Ordinance Name/Number	Ordinance Web Location
Ordinance 08-24 (Northbrook, IL Municipal Code, Chapter 6, Article XV, Section 6-233, Portion C)	<a href="https://library.municode.com/il/northbrook/codes/code_of_ordinances?nodeId=MUCO_CH6BUCORE_ART_XVGRBUIN">https://library.municode.com/il/northbrook/codes/code_of_ordinances?nodeId=MUCO_CH6BUCORE_ART_XVGRBUIN</a>

### Municipal Code:

#### ARTICLE XV. - GREEN BUILDING INITIATIVE

##### Sec. 6-230. - Purpose.

The village desires to establish a set of incentives to promote the use of environmentally friendly building techniques for both public and private sector construction projects and encourage sustainable development throughout the village.

(Ord. No. 08-24, § 2, 5-13-2008)

##### Sec. 6-231. - Definitions.

As used in this article, the following terms shall have the following meanings:

*Covered permits* means permits issued by the development and planning services department for new buildings, additions, demolitions, alterations and site work.

*Green Building Official* means the member of the village staff appointed by the village manager to oversee the administration of the Green Building Initiative.

*LEED* means the Leadership in Energy and Environmental Design Green Building Rating System, which is a USGBC-designed voluntary, consensus-based national rating system for developing high-performance, sustainable buildings.

*LEED accredited professional* means a person who has received the LEED accredited professional designation from either USGBC, the Green Building Certification Institute or another entity authorized by the USGBC to grant such designation.

*LEED rating system* means either the most current version of a LEED Green Building Rating System that has been adopted by the USGBC or a pilot LEED rating system accepting project applications, as determined at the time of commencement of building design (for projects described in subsection 6-232(a)) or application for the Green Building Initiative (for all other projects).

*LEED checklist* means a scorecard developed by USGBC to show the credits pursued and total points anticipated for a project under the selected LEED rating system.

*Project* means new construction or alteration undertaken on a building or structure by any person or entity.

*USGBC* means the United States Green Building Council, a private nonprofit organization.

(Ord. No. 08-24, § 2, 5-13-2008; Ord. No. 2015-22, § 2.A., 3-24-2015)

**Sec. 6-232. - Village projects.**

- (a) For each project involving construction of a new building for use and occupancy by village employees commenced after June 1, 2008, village staff shall seek the highest level of certification achievable under the most appropriate LEED rating system, as determined by the Green Building Official and village manager; provided that attaining such certification must be cost-effective and within the limits of available funding for the project.
- (b) If the scope, design, or type of a project described in subsection 6-232(a) limits the feasibility of attaining LEED certification, village staff shall incorporate cost-effective green building practices into the design and operational plans for the project to the extent practicable.

(Ord. No. 08-24, § 2, 5-13-2008)

**Sec. 6-233. - Incentive program.**

- (a) Voluntary program. Any person or entity required to obtain covered permits for a project may participate in the Green Building Initiative Incentive Program described in this section. Participation in the Green Building Initiative is entirely voluntary. Any person or entity not participating in the Green Building Initiative shall have the right to undertake a project in any manner otherwise authorized under the Northbrook Municipal Code.
- (b) Application.
  - (1) Fee. No fee shall be required in connection with an application for the Green Building Initiative Incentive Program.
  - (2) Contents. Any person or entity that desires to apply for the Green Building Initiative Incentive Program set forth in this section must submit to the village, on a form provided by the village, the following information:
    - a. Proof of registration of the project with the USGBC;
    - b. Identification of the specific LEED rating system to be applied to the project, as determined by the applicant;
    - c. A LEED checklist indicating the LEED credits the applicant intends for the project to achieve; and
    - d. The name and contact information of a member of the project team who is a LEED accredited professional.
  - (3) Partial applications. A person or entity may apply for the Green Building Initiative Incentive Program for only a portion of a project if the applicant intends to seek LEED certification for only a portion of the buildings included within the scope of its application for the covered permits. In such event, the Green Building Official shall determine which, if any, covered permits are eligible for expedited permitting and review pursuant to subsection 6-233(c) and a pro-rata portion of the covered permit fees eligible for rebate under subsection 6-233(d).
  - (4) Acknowledgment. Any person or entity who files an application for the Green Building Initiative Incentive Program shall be deemed to acknowledge and agree that:
    - a. Participation in the Green Building Initiative is entirely voluntary;
    - b. Any action, inaction, approval, or disapproval by USGBC does not constitute any deprivation of rights by the village;

- c. Any decision by the Green Building Official or village manager to expel an applicant from the Green Building Initiative Incentive Program pursuant to this section does not constitute a deprivation of such applicant's rights; and
  4. The applicant shall have no right to appeal or otherwise challenge a determination of the Green Building Official or village manager with respect to an application except as expressly set forth in this section.
  - (5) Timing.
    - a. An applicant seeking expedited permitting and review, as provided in subsection 6-233(c) must submit its application for enrollment into the Green Building Initiative simultaneously with its application for the covered permits.
    - b. An applicant seeking only permit fee rebates, as provided in subsection 6-233(d), may submit its application for enrollment into the Green Building Initiative at any time prior to obtaining a final certificate of occupancy from the department of development and planning services.
  - (6) Approval. The Green Building Official will review all applications. If the official determines that the application is complete, he will enroll the project in the Green Building Initiative and notify all affected departments.
  - (7) Subsequent documentation. An applicant with a project enrolled in the Green Building Initiative shall provide documentation to the Green Building Official relating to the status of the project's registration and application for LEED certification upon request. Documentation requested by the Green Building Official may include, without limitation, a copy of the project's LEED application (which may be in draft form) that includes LEED submittal templates and supporting documentation for all LEED prerequisites and credits proposed for the project. An applicant shall, if offered by the USGBC, submit its project for design phase review to determine the likelihood of receiving LEED certification. The applicant shall provide to the village copies of all materials prepared for and resulting from such review, including, but not limited to, comments and determinations provided by USGBC.
- (c) Expedited permitting and review.
  - (1) Prioritization. After receiving notice that a project has been enrolled in the Green Building Initiative, the department of development and planning services shall prioritize the enrolled project over all other projects not enrolled in the Green Building Initiative for permitting and review for the covered permits. Enrolled projects shall be processed in the order received.
  - (2) Noncompliant determinations. At any time prior to the issuance of the final certificate of occupancy for a project seeking expedited permitting and review, the Green Building Official may, in consultation with the village engineer and after discussion with the applicant, determine that the applicant has not incorporated into a project's design, engineering, or construction green building elements and requirements:
    - a. Identified in the applicant's Green Building Initiative application; or
    - b. Otherwise sufficient to qualify the project for certification under the selected LEED rating system.

Upon such determination, the Green Building Official shall issue a notice of noncompliance to the applicant and, subject to the appeal process described in subsection (c)(3), expel the project from the Green Building Initiative. If a project is expelled from the Green Building Initiative, the Green Building Official shall have the discretion, after consulting with the



director of the department of development and planning services, to revoke the priority status of any permit submitted by the applicant relating to the expelled project.

- (3) Appeals of noncompliant determinations. An applicant may appeal to the village manager a noncompliant determination made by the Green Building Official pursuant to subsection (c)(2) by filing a written appeal with the village clerk within fifteen (15) days of such determination. The appeal shall state the alleged error or reason for the appeal, and include supporting documentation demonstrating the applicant's intent to comply with the requirements of this article. The village manager may request additional written or oral information from the applicant or Green Building Official in considering the appeal. Within thirty (30) days of the receipt of the appeal, the village manager shall issue a written determination:
  - a. Affirming the determination of noncompliance by the Green Building Official, in which case the expulsion shall remain in place;
  - b. Finding the applicant has made a good faith effort to pursue LEED certification but is unable to incorporate sufficient green building elements and requirements for causes outside of the reasonable control of the applicant, in which case the expulsion may be lifted and the project reenrolled in the Green Building Initiative; or
  - c. Reversing the determination of the Green Building Official, in which case the expulsion shall be lifted and the project shall be reenrolled in the Green Building Initiative.

The determination of the village manager shall be final.

- (d) Permit fee rebates. Projects enrolled in the Green Building Initiative shall be eligible for rebates of fees paid for the covered permits in the amounts set forth in this subsection (d). The rebates set forth in this section shall be paid to the applicant upon submission to the Green Building Official of proof of receiving the applicable level of LEED certification from USGBC and a determination by village staff that the project is otherwise in compliance with all other village codes and requirements. All requests for payment of permit rebates under this subsection (d) must be made no later than three (3) years after the village has issued a certificate of occupancy for the property.
  - (1) The first of each of the following projects to attain a LEED certified rating or higher shall receive a one hundred (100) percent refund of all covered permit fees:
    - a. Newly constructed commercial building;
    - b. Newly constructed institutional building;
    - c. Newly constructed residential building; and
    - d. Alteration of an existing building, regardless of the use of the property.The Green Building Official shall determine the classification of projects for purposes of this subsection (d)(1).
  - (2) Subsequent projects that are rated LEED Certified shall earn a ten (10) percent rebate for all covered permit fees.
  - (3) Subsequent projects that are rated LEED Silver shall earn a twenty (20) percent rebate for all covered permit fees.
  - (4) Subsequent projects that are rated LEED Gold shall earn a thirty (30) percent rebate for all covered permit fees.
  - (5) Subsequent projects that are rated LEED Platinum shall earn a forty (40) percent rebate for all covered permit fees.

- (6) For each project that achieves any of the following credits in the LEED for new construction rating system version 2.2 (or similar credits in another LEED rating system, as determined by the Green Building Official), the project shall receive an additional one (1) percent rebate in covered permit fees for each credit achieved:
  - a. Sustainable Sites Credit 6.1: Stormwater Design: Quantity Control;
  - b. Sustainable Sites Credit 6.2: Stormwater Design: Quality Control;
  - c. Water Efficiency Credit 1.1: Water Efficient Landscaping: Reduce by fifty (50) percent;
  - d. Water Efficiency Credit 2: Innovative Wastewater Technologies; and
  - e. Water Efficiency Credit 3.1: Water Use Reduction: Twenty (20) percent reduction.
- (e) Recognition. Each project enrolled in the Green Building Initiative shall receive the following forms of public recognition:
  - (1) Permission to include a statement of enrollment in the Green Building Initiative on construction signs and marketing materials for the enrolled project; and
  - (2) A featured mention of the project on a dedicated section of the village website and monthly newsletter promoting the Green Building Initiative;

Provided, however, that any project expelled from the Green Building Initiative shall lose the right to all forms of recognition set forth in this subsection 6-233(e) and shall promptly remove or discontinue the same.

(Ord. No. 08-24, § 2, 5-13-2008; Ord. No. 2015-22, §§ 2.A., B., 3-24-2015)

## SEATTLE, WA

The City of Seattle offers builders faster permitting as an incentive for certified green building developments. In contrast to other expedited permitting programs, Seattle’s Priority Green Expedited Permitting Program<sup>1</sup> was not created as a product of legislation or a municipal code change. Instead, the Seattle Department of Construction & Inspections designed the program based on the guidance of Mayor Nickel’s Green Building Task Force<sup>2</sup>.

In 2009, the City of Seattle established a Climate Action Plan to move towards a carbon-neutral community by 2050. In support of this goal, former Seattle Mayor Gregory Nickels and the task force explored new ways to incentivize green building projects. Seattle established the Priority Green Expedited Program in 2009, which offers faster construction permit processing to projects designed, constructed, and certified per: Built Green 4-Star standards or higher; Leadership in Energy and Environmental Design™ (LEED)® gold or platinum; Living Building Challenge™ (LBC), Petal or Net Zero Energy Building; or, Passive House Institute US +2015 (PHIUS). This partnership is highly attractive to developers and supports the City’s goal for buildings to be built 15% better than the minimum energy performance required by Seattle Residential Code (SRC). It also improves water conservation, indoor air quality, and recycling.

Ordinance Name/Number	Ordinance Web Location
Seattle Green Building Capital Initiative Summary Report	<a href="https://wayback.archive-it.org/3241/20131222015811/https://www.seattle.gov/environment/documents/GBCI_Policy_Report_Final.pdf">https://wayback.archive-it.org/3241/20131222015811/https://www.seattle.gov/environment/documents/GBCI_Policy_Report_Final.pdf</a>

### Municipal Language:

The Final Policy Report of the Green Building Task Force, titled the Seattle Green Building Capital Initiative Summary Report<sup>3</sup> - a product of the City of Seattle, the Office of the Mayor, the Office of Sustainability & Environment, and the Department of Planning & Development - captures the concept of an expedited permitting policy, which was ultimately developed into the Priority Green Expedited Permitting Program by Department of Planning & Development:

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#### **New Buildings Policy**

##### **Near-Term Recommendations**

The City will be implementing several new programs and policies to improve energy efficiency in new construction and major renovations. Some of these programs can be implemented quickly and easily, and will be enacted before the end of 2009, to incentivize greater technological innovation and encourage increased development of leading edge, high performance buildings. Others will be initiated in 2009, but will not be fully launched until 2010 or later.

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<sup>1</sup> <http://www.seattle.gov/dpd/permits/greenbuildingincentives/prioritygreenexpedited/default.htm>

<sup>2</sup> <https://wayback.archive-it.org/3241/20131221111159/https://www.seattle.gov/environment/GBTaskForce.htm>

<sup>3</sup> [https://wayback.archive-it.org/3241/20131222015811/https://www.seattle.gov/environment/documents/GBCI\\_Policy\\_Report\\_Final.pdf](https://wayback.archive-it.org/3241/20131222015811/https://www.seattle.gov/environment/documents/GBCI_Policy_Report_Final.pdf)

### **Priority Permitting**

The City is developing a new, expedited permitting program to provide guaranteed review and approval times for projects committed to achieving high levels of energy efficiency. This “Green Q,” which builds upon the existing Priority Green permitting program, will be launched by December 2009 and be available to both residential and commercial projects. It will be available only to projects that commit to achieving specific energy goals, but do not anticipate encountering significant code compliance issues. Our target is to achieve a 30% reduction in typical permit review times.

The requirements for participation in the program will be periodically reviewed and revised to insure that:

- Participation is sufficient to encourage a sufficient number of leading edge projects to demonstrate viability of high performance buildings in the market.
- Participation continues to target the highest levels of energy performance.
- Consideration is given to additional priorities (e.g., the Green Q program could also provide priority for projects supporting smart growth, by providing enhanced permitting for projects in targeted neighborhoods or land use zones).
- DPD's review capacity is not overwhelmed.

### **Enforcement**

Expedited permitting will provide a high degree of predictability, with known timeframes and consequences for failure to perform (e.g., assessing penalties if a project fails to achieve the required level of energy performance). Conversely, DPD may consider a permit fee rebate if the guaranteed review schedule is not achieved. DPD will conduct further analysis before the program is launched to determine the appropriate mechanism for addressing non-compliance.