



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed Finally

**File created:** 3/27/2020      **In control:** Committee on Land Use and Economic Development

**On agenda:** 3/31/2020      **Final action:** 6/1/2020

**Enactment date:** 6/1/2020      **Enactment #:** 16

**Effective date:** 6/2/2020

**Title:** Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Nine - Zoning, Chapter 915 -Environmental Performance Standards, subsection 915.06, Sustainable Development for Publicly Financed Buildings, by deleting certain language and adding a new subsection 915.08 titled "Sustainable Development for City Owned Facilities" (Public Hearing held 5/20/2020)

**Sponsors:**

**Indexes:** PGH. CODE ORDINANCES TITLE 09 - ZONING

**Code sections:**

**Attachments:** 1. Summary 2020-0248, 2. 2020-0248 Cover ltr planning-commission-reportZone Code Change for sustainable development for city owned facilities, 3. 2020-0248 PC minutes 2-11-20, 4. 2020-0248 planning-commission-reportZone Code Change for sustainable development for city owned facilities

Date	Ver.	Action By	Action	Result
6/2/2020	1	Mayor	Signed by the Mayor	
6/1/2020	1	City Council	Passed Finally	Pass
5/27/2020	1	Standing Committee	Affirmatively Recommended	Pass
5/20/2020	1	Committee on Hearings	Public Hearing Held	
4/8/2020	1	Standing Committee	Held for Cablecast Public Hearing	Pass
3/31/2020	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Nine - Zoning, Chapter 915 - Environmental Performance Standards, subsection 915.06, Sustainable Development for Publicly Financed Buildings, by deleting certain language and adding a new subsection 915.08 titled "Sustainable Development for City Owned Facilities"  
*(Public Hearing held 5/20/2020)*

**The Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** Title Nine - Zoning, Chapter 915 - Environmental Performance Standards, subsection 915.06, Sustainable Development for Publicly Financed Buildings are hereby amended and supplemented as follows:

**915.06 - Sustainable Development for Publicly Financed Buildings**

**915.06.A Purpose**

The City of Pittsburgh is committed to building and supporting sustainable developments, to yield cost savings to the city taxpayers through reduced operating costs, to provide healthy and productive work environments for

all residents and employees, and to contribute to the city's goals of protecting, conserving, and enhancing the region's environmental resources. Additionally, the city shall help to set a community standard of sustainable building.

### 915.06.B Applicability

1) The following development requirements apply to any new construction or renovation project that receives Tax Increment Financing (TIF). ~~all new construction on City-owned property of ten thousand (10,000) gross square feet or greater or if the total project cost exceeds two million dollars (\$2,000,000.00), and renovations of City-owned property where the total project cost exceeds two million dollars (\$2,000,000.00).~~

2) ~~Any new construction or renovation project that receives Tax Increment Financing (TIF).~~

### 915.06.C Definitions

**Construction Costs:** shall mean the project's total hard and soft costs.

**LEED Certified Building:** shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) Program of the United States Green Building Council, that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.

**Hard Construction Costs:** shall mean all costs with respect to the construction or rehabilitation of the property/project, including, without limitation, demolition, excavation, proffers, and all other required on- and off-site work, furniture, fixtures and equipment, and all general conditions and general contractor or construction management fees and profit associated with such costs, if any. Soft Costs shall not be included in Hard Costs.

**Soft Construction Costs:** shall mean all architectural, engineering, consulting, accounting, legal and surveying costs, appraisals and inspections (unless related to the financing of the project), costs of licenses and permits, permit expenditures, tests and inspections, cost of bond or insurance premiums, real and personal property taxes, utilities, and title insurance costs, plus any leasing or brokerage fees. Soft Costs shall also include site acquisition costs and financing costs and all development fees. Hard Costs shall not be included in Soft Costs.

### 915.06.D Sustainable Development Requirements

All projects receiving Tax Increment Financing ~~and all new construction on City-owned property of 10,000 gross square feet or greater or if the total project cost exceeds two million dollars, and renovations of City-owned property where the total project cost exceeds two million dollars~~ must receive a LEED Silver rating level.

### 915.06.E Penalty

(1) Prior to the sale of any bonds associated with providing Tax Increment Financing (TIF), the Developer shall provide the City with satisfactory evidence of having completed the following steps in the process toward achieving LEED Silver certification:

- Registering the project with the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) certification under USGBC Combined Design and Construction Review
- Hiring a LEED Accredited Professional (AP) as part of the Project team
- Documentation that the Project Team has submitted all Design Phase credits for consideration to USGBC

(2) If the project does not attain LEED Silver certification within three (3) years of receiving its initial certificate of occupancy, then the developer shall be subject to a fine equal to one (1) percent of the construction costs. If the fine is not paid within thirty (30) days of the date it is imposed, then the City shall have the authority to revoke the certificate of occupancy for the building.

(3) All Penalties shall be deposited into the Green Building Trust Fund.

Section 2. Title Nine - Zoning, Chapter 915 - Environmental Performance Standards, are hereby supplemented as follows:

### **915.08. - Sustainable Development for City-Owned Facilities**

#### **915.08.A Purpose**

The City of Pittsburgh is committed to building and supporting sustainable developments, to yield cost savings to the City taxpayers through reduced operating costs, to provide healthy and productive work environments for all residents and employees, to contribute to the City's goals of protecting, conserving, and enhancing the region's environmental resources, and to deliver on the City's public dedication to upholding the Paris Climate Accord. Additionally, the City shall help to set a community standard of sustainable building.

#### **915.08.B Applicability**

Unless exempted by Section 915.08.D, all construction of new buildings on City-owned property and all Major Renovations of existing buildings on City-owned property must achieve net-zero energy ready building performance.

#### **915.08.C Definitions**

**Major Renovations:** shall mean any facility project intended to physically modify an existing building in a substantial way, including, but not limited to life safety upgrades, aesthetic upgrades, asbestos abatement, structural upgrades, major equipment replacement, or interior layout changes. In cases where a determination is needed regarding whether a facility project is a Major Renovation, the Zoning Administrator, the Director of City Planning, and the Director of the Department of Permits, Licenses, and Inspections together shall make a determination regarding whether a renovation project is a substantial improvement, taking into account a written recommendation from the Director of the Department of Public Works, whether the construction cost is fifty percent or more of the replacement value of the structure, and any other factors deemed relevant to the determination.

**Net-zero Energy Building:** shall mean a building designed and constructed to be highly efficient and to produce enough energy through renewable resources to offset its energy consumption on an annual basis. A net-zero energy building could also be defined as a net-zero energy ready building that includes on-site or local renewable energy. An onsite solar energy requirement will not be included in [Section] 915.08, but buildings shall be equipped with the necessary infrastructure to accept renewable energy generation technologies.

**Net-zero Energy Ready Building:** shall mean a building designed and constructed to be highly energy efficient. These buildings will achieve building performance that complies with the "Pittsburgh Net-Zero Energy Ready Standard," which is defined by the Department of Public Works and can only be updated with approval from the Department of Planning and City Council. These buildings will be designed and constructed with the necessary infrastructure to receive a solar photovoltaic system or other carbon neutral energy generation technologies in the future. Achieving net-zero energy ready will not require any form of building certification, but it will require proof of the building's energy performance over the first twelve (12) months of operation and occupancy, adjusted for annual weather variations.

#### **915.08.D Exemptions**

Section 915.06.B shall be complied with fully unless one or more of the exemptions listed below applies to the project and reason for the exemption(s) is clearly documented by the City:

- (1) Where a renovation is planned for a building that will be removed from the City's portfolio because it is reaching the end of its useful life or being transferred to a new owner within five (5) years.
- (2) Where a renovation occurs in response to an urgent life-safety matter that requires initiating immediate

action within three (3) months or less, with the goal to return the building to its normal operating state.

(3) Temporary facilities not intended for long-term occupancy, such as construction and office trailers, as well as non-habitable structures, including but not limited to, picnic pavilions, park shelters, dugouts, and small utility structures.

(4) In a life-safety emergency situation, such as a natural disaster, where the Director of the Department of Permits, Licenses, and Inspections determines that compliance with this section would impact the City's ability to respond to an emergency in a timely and safe manner.

((5) Where a Major Renovation is determined by the Zoning Administrator, the Director of City Planning, and the Director of the Department of Permits, Licenses, and Inspections to be consistent with the purpose of this section, but where full compliance would not be possible or significantly feasible.