

O-2022-7

AN ORDINANCE

AMENDING TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE BY REPEALING THE EXISTING ARTICLE 13, ENTITLED "ENHANCED DEVELOPMENT MENU", AND REPLACING IT WITH A NEW ARTICLE 13, ENTITLED "SUSTAINABLE DEVELOPMENT STANDARDS"

WHEREAS, the Enhanced Development Menu (EDM) as set forth in Title 17, Article 13 of the Lakewood Municipal Code, i.e., the Lakewood Zoning Ordinance, was adopted in May 2019 as a tool to ensure new development supports Lakewood's Comprehensive Plan and Sustainability Plan goals;

WHEREAS, in March 2021, the City's Sustainability division staff presented to the City Council a discussion of the Lakewood Advisory Commission's renewable energy mitigation program proposed to the City Council a month earlier;

WHEREAS, since that time, Sustainability staff have reviewed best practices in sustainable development and collaborated with other city staff and community representatives to develop specific standards and language to create a holistic sustainable development program incorporating updates to the EDM, a Greenhouse Gas Mitigation Program, and Construction and Demolition waste recycling supplemental standards;

WHEREAS, based on existing development trends, Sustainability staff estimate that the proposed standards will result in the avoidance of approximately 7,000 metric tons of CO₂-equivalent emissions within the first year after implementation, which will increase exponentially thereafter;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. FINDINGS.

- A. The City Council hereby finds and determines, based on the best available data, that the emission of greenhouse gases has contributed, and continues to contribute, to the global climate change crisis which is resulting in threats to Lakewood's economic, environmental and community well-being from local and regional climate change impacts including prolonged drought, elevated wildfire

risk, air pollution, more extreme heat, species stress, widespread insect infestation, increased risk of infectious and vector-borne diseases, more frequent and severe flooding, more severe ground-level ozone pollution causing respiratory damage and loss of life, and diminished quality of life.

- B. The City Council further finds and determines that significant generators of greenhouse gases include, but are not necessarily limited to, building energy use, vehicular tail-pipe emissions, and the production and landfilling of materials.
- C. The City Council also finds and determines that aggressively reducing greenhouse gas emissions and other efforts to control climate change will provide benefits to the community such as cleaner air and water; improved health; increased local employment; cost savings for households, businesses and the county; and the creation of a stronger and more resilient community.

SECTION 2. REPEAL OF TITLE 17, ARTICLE 13, ENHANCED DEVELOPMENT STANDARDS.

The City Council hereby amends Title 17 of the Lakewood Municipal Code, pertaining to the City of Lakewood Zoning Ordinance, by repealing the existing Article 13 entitled "Enhanced Development Standards".

SECTION 3. ADOPTING A REVISED TITLE 17, ARTICLE 13, SUSTAINABLE DEVELOPMENT.

The City Council hereby amends Title 17 of the Lakewood Municipal Code, pertaining to the City of Lakewood Zoning Ordinance, to adopt a revised Article 13 entitled "Sustainable Development," which shall read in its entirety as follows:

ARTICLE 13: Sustainable Development¹⁻¹

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ARTICLE 1: SUSTAINABLE DEVELOPMENT

17.13.1: General

17.13.1.1: Purpose and Intent

This Article establishes standards for sustainable development in the City of Lakewood. The purpose of these standards is to ensure that development implements the goals articulated in the community's adopted plans for resilient and efficient development that is adaptable to infrastructure changes in the face of climate change, minimizes its impact on limited resources, contributes to communitywide greenhouse gas emissions targets, and becomes a positive asset within the community.

17.13.1.2: Authority

Unless otherwise specifically designated, the Director shall have the authority to determine whether a project has met the standards and requirements set forth in this article. Where an applicant seeks to demonstrate compliance with the provisions of this article in a manner not explicitly prescribed herein (such as through an open option, emissions modeling, or similar), the Director may request independent verification of compliance by a consultant of the City's choosing, whose services to complete shall be paid by the applicant. Development proposals under this Article 13 may be referred to the Planning Commission at the Director's discretion.

The Director shall publish the Article 13 Technical Manual, which is a guide containing the quantitative values and methods used in Article 13. Values will be periodically updated administratively upon approval by the Director as new data becomes available, except for those values explicitly set by City Council in this Article.

17.13.1.3: Definitions

Notwithstanding the definitions contained elsewhere in this Zoning Ordinance, the following terms, as used in this Article, shall have the meanings ascribed thereto:

Affordable Housing means a dwelling unit which is available for rent or home ownership on terms that would be affordable to households earning eighty (80) percent or less of the median income for rental units or one hundred twenty percent (120) of the area median income for for-sale units, as adjusted for family size, for residents paying less than thirty (30) percent of their gross income for housing (including rent or mortgage and utilities) through recorded deed restriction for a minimum period of fifteen (15) years.

Deconstruction means the process of methodically disassembling a building or structure in the reverse order from how it was built for the purpose of reusing materials on site, donating materials to a non-profit organization, or recycling waste materials at appropriate recycling facilities. Deconstruction can refer to completely removing a structure, or partially removing a portion of a structure or interior or exterior finishes.

Emissions Reduction Factor means the value applied to residential and non-residential emissions from the City's latest greenhouse gas inventory to reduce annual citywide greenhouse gas emissions needed to meet the City's science-based climate target pledged as part of the United Nations Cities Race to Zero program, or future climate commitments as adopted by City Council. The current climate commitment and Emissions Reduction Factor are published in the Article 13 Technical Manual.

Renewable Energy Systems and Design means on-site systems and/or design features that reduce a building's operational energy use from natural gas and grid electricity through the use of renewable energy sources. Examples include solar thermal, geothermal, biomass systems, and passive solar design. For the purposes of section 17.13.2: Enhanced Development Menu, on-site solar photovoltaic and wind energy installations are excluded from this definition.

Required Materials means all materials required to be donated, reused, or recycled as set forth in the Construction and Demolition Recycling Standards in Title 14 of the Lakewood Municipal Code (LMC), as adopted and amended from time to time.

17.13.2: Enhanced Development Menu

17.13.2.1: Purpose and Intent

The Enhanced Development Menu (EDM) is intended to promote development that supports the community goals identified in the Lakewood Comprehensive Plan and Sustainability Plan while minimizing negative impacts on and providing direct benefits to adjacent properties and neighborhoods, helping the community as a whole realize benefits from new development.

17.13.2.2: Applicability

- A. The EDM shall be applied to all development projects with cumulative gross floor area of 2,500 square feet or greater for all proposed buildings and parking structures (not including single-level open parking lots) on the site, including new residential subdivisions and alterations to existing sites requiring Major Site Plan review.
1. New construction must achieve 1 point per 1,000 square feet of gross floor area, rounded to the nearest 1,000 square feet, with a minimum of 10 points and a maximum of 150 points, as shown in Table 17.13.1: EDM Applicability.
 2. Existing development undergoing site modifications that require Major Site Plan review shall achieve 1 point per 1,000 square feet of new or modified floor area, rounded to the nearest 1,000 square feet, with a maximum of 150 points, as shown in Table 17.13.1: EDM Applicability.

Table 17.13.1: EDM Applicability

Project Cumulative Gross Floor Area (rounded to nearest 1,000 sf)	Required Points
< 2,500 sf	N/A (0 points)
2,500 sf – 10,000 sf	10 points
11,000 sf – 150,000sf	11 – 150 points (1 point per 1,000 sf)
Over 150,000 sf	150 points <i>and</i> select one option set forth in section 17.13.2.3

B. Exceptions.

1. Construction of individual single-family detached and duplex residential units is not subject to the EDM. This exception shall not be interpreted to extend to residential subdivisions requiring Major Site Plan review.
2. The gross floor area of any proposed Affordable Housing, as defined in this article, may be subtracted from the project cumulative gross floor area for the purpose of determining required points. For example, a multi-family residential building that includes 20% affordable units can reduce the total gross floor area by the square footage of those units when determining how many EDM points are required.
3. Proposed projects which include existing designated historic landmarks on the local, state, or national registers and which receive approval of the proposed project from the Lakewood Historic Preservation Commission may reduce the number of required EDM points by 50%.

C. Fee-in-Lieu. Projects required to earn more than 50 points may choose to pay a fee-in-lieu of compliance for any number of those points exceeding 50 at the rate established by City Council resolution and updated as needed but not more frequently than annually.

1. Fees-in-lieu shall be due to the City upon approval of the Major Site Plan.
2. Fees-in-lieu shall be used to support sustainable built environment projects as part of the Climate Protection & Sustainability Program as described in section 17.13.6.
3. Projects that earn more than the minimum number of points required for such project shall not receive a refund, rebate or any other form of compensation.

17.13.2.3: Prerequisites for Developments over 150,000 square feet

A. Development projects over 150,000 square feet in proposed gross floor area must obtain 150 points pursuant to section 17.13.2.2, *and* shall select from the following menu items (described in detail in Table 17.13.2: Enhanced Development Menu):

1. Green Building Certification (EDM Item 1);

OR

2. Earn a minimum of 40 points – 20 points from each category – from the menu items identified in 2.a. and 2.b. below. The remaining required points may be earned from these or any other item(s) in Table 17.13.2.

a. Environmental Impacts (min. 20 points):

i. Renewable Energy (EDM Items 3, 4, and 5); or

ii. Electrification (EDM Item 6);

AND

b. Social Impacts (min. 20 points):

i. Enhanced Streetscapes (EDM Item 23); or

ii. Social Connection Amenities (EDM Item 24);

OR

3. Additional Fee-in-Lieu for Prerequisite Items. For any points not earned through the prerequisite items above, a fee-in-lieu of compliance shall be applied for up to 40 points at the rate of 1.5 times the per-point value for the size of the development.

a. For example, if a project proposes to earn 20 points from Environmental Impacts and 0 points from Social Impacts, the fee-in-lieu due for the 20 missing prerequisite points is 1.5 times the regular fee-in-lieu rate per point.

b. Up to 40 prerequisite points may be earned via fee-in-lieu. This section does not change any other fee-in-lieu requirements in section 17.13.2(D): Fee-In-Lieu.

17.13.2.4: Menu

Refer to Table 17.13.2: Enhanced Development Menu. All proposed points are subject to review for alignment with existing City plans and site-specific availability. Detailed documentation and methodology requirements can be found in the EDM Applicant Resource Guide, as may be amended from time to time upon approval of the Planning Director. For existing developments undergoing additions, renovations, or other improvements which require Major Site Plan review, selected EDM items may be located where practical on the site not limited to the area of disturbance, upon approval of the City.

TABLE 17.13.2: ENHANCED DEVELOPMENT MENU

POINTS REQUIRED: 2,500 – 10,000 sf = 10 points; 11,000 – 150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
1	Green Building Certification	Achieve LEED or NGBS certification.	LEED: Provide documentation of a LEED AP on the project team, LEED registration, pre-certification process completion, and final LEED certificate. NGBS: Provide documentation of NGBS registration, preliminary design checklist, rough and final inspection reports, and final NGBS certificate.	75% - 100% of required points LEED Gold or Platinum, NGBS Gold or Emerald: 100% of required points LEED Silver, NGBS Silver: 75% of required points
2	Energy efficient outdoor lighting	Use outdoor lighting fixtures and bulbs that are ENERGY STAR or DLC certified and are IDA DarkSky certified.	Provide product specifications that include certification listings and identify compliant color temperature.	All outdoor lighting fixtures must be compliant to earn points.
3	Renewable electricity production* – on-site installation	Provide on-site renewable electricity (solar photovoltaic or wind) beyond Xcel Energy's Colorado Certified Renewable Percentage to reduce the projected electricity use of the project.	1) Demonstrate the projected electricity use of the site and calculate the percentage that will be offset by onsite renewable sources (minimum 10% required) 2) Provide documentation of ownership or a signed lease agreement for a period of at least 15 years and structured to survive a partial or full transfer of ownership of property.	20 points for 10% of electricity use offset by on-site renewable sources. Additional 1 point per additional 5% offset, up to 38 points maximum.

Energy & Building Systems

TABLE 17.13.2: ENHANCED DEVELOPMENT MENU

POINTS REQUIRED: 2,500 –10,000 sf = 10 points; 11,000 –150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
4	Renewable electricity production* – off-site subscription or community solar garden	Procure renewable electricity (solar photovoltaic or wind) from off-site sources for electricity use beyond Xcel Energy's Colorado Certified Renewable Percentage.	10 – 28	10 points for 10% of electricity use offset by off-site renewable sources. Additional 1 point per additional 5% offset, up to 28 points maximum.
5	On-site renewable energy systems and design*	Provide on-site renewable energy systems (not including solar or wind electricity production) that reduce energy use intensity (EUI). Examples of specific technologies may include solar thermal, geothermal, and passive solar design.	10 – 28	10 points for 10% EUI reduction through energy use offset by renewable energy systems. Additional 1 point per additional 5% offset, up to 28 points maximum. Points may be earned for either Item 5 or Item 6, but not both.
6	Building Electrification*	Use all electric space conditioning, water heating, and appliances to eliminate natural gas usage within the project.	50% of required points	Demonstrate on civil plan that no natural gas utility service will be provided to the site. Points may be earned for either Item 5 or Item 6, but not both.

Energy & Building Systems

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POINTS REQUIRED: 2,500 –10,000 sf = 10 points; 11,000 –150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
7	Hydro zones Select plants appropriate to the local climate and group them in hydrozones according to water need for efficient landscape irrigation.	On the landscape plan, indicate hydrozones, selected plants, specific water requirements for each zone (gallons per square foot per season), and typical irrigation schedule (routine irrigation every 2-4 days, limited irrigation only during periods of drought, etc.).	2	-
8	Water budgeting Provide landscape designs that meet or fall below Denver Water benchmark of 12 gallons per square foot of pervious area annually (GPSF).	Calculate the projected outdoor water use of the site using EPA WaterSense tool. Square footage of landscape areas dedicated to food production and sports fields are exempt.	2 – 6	2 points for not exceeding 12 GPSF. 1 additional point per GPSF reduction up to 6 points (8 GPSF)
9	Pollinator-friendly landscaping Use plant materials that provide food and habitat for pollinators such as bees, wasps, butterflies, and birds throughout the landscape plan. Use environmentally-sensitive and pollinator-friendly land management strategies whenever possible. Install interpretive signage to identify the pollinator habitat for the public.	Demonstrate pollinator-friendly landscape design on landscape plan. Native species should be used whenever possible. Indicate what source was used as a plant list. Include a note on the landscape plan describing pollinator-friendly maintenance practices to be implemented throughout the site, not only within pollinator garden areas. Provide detail of signage in site plan demonstrating compliance	2 – 10	2 points per 120 contiguous square feet of pollinator-friendly landscape design, up to a maximum of 10 points (600 square feet). Individual 120 sf pollinator gardens do not have to be contiguous with each other to earn points.

Water & Landscape

TABLE 17.13.2: ENHANCED DEVELOPMENT MENU

POINTS REQUIRED: 2,500 –10,000 sf = 10 points; 11,000 –150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
		with section 17.9.2.2: Exempt Signs.		
10	<p>Water Quality</p> <p>For projects not otherwise required to install stormwater drainage improvements, provide water quality capture volume in accordance with Mile High Flood District Urban Storm Drainage Criteria Manual Volume 3, utilizing site-appropriate best management practices to be approved by the City's Public Works Dept.</p>	<p>Identify on-site water quality features on site plan, landscape plan, and relevant engineering documents. Drainage design requires approval from the City's Public Works Dept.</p>	5	See EDM Item 28: Open Option
Water & Landscape				
11	<p>Recycling and composting enclosures</p>	<p>Designate space for recycling and composting collection (or other</p>	5	<p>On the site plan, indicate location and dimensions of dumpster enclosures for a</p>

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MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
	applicable waste stream based on the building use)	minimum of three waste streams (e.g., trash, recycling, compost). If applicable, indicate waste infrastructure internal to the building (e.g., trash and recycling chutes).		
12	Recycling and composting services*	Contract for recycling and composting collection (or other applicable waste stream based on the building use and management)	10	
13	Deconstruction	Use deconstruction instead of demolition services to remove existing structures, and donate or recycle a minimum of 50% of the materials.	3 - 12	3 points per 2,500 sf deconstructed, maximum 12 points. Points for EDM Item 16: Reclaimed/Recycled Materials may include documented deconstructed materials reused on-site.
Zero Waste				

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POINTS REQUIRED: 2,500 –10,000 sf = 10 points; 11,000 –150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
14	Urban heat island reduction	Use any combination of the following measures to reduce urban heat island effects for roof and hardscaped area: ENERGY STAR-compliant roofing; a "green" (vegetated) roof; reflective materials with minimum certified SRI (solar reflective index) of 29 for aged condition; open-grid pavement; or shade trees with a caliper size of 3" or greater.	5-20	5 points for 50% of hardscaped area covered by UHI reduction measures. Additional 3 points per additional 5% coverage, up to 20 points maximum
15	Low-Carbon Concrete	For all on-site exterior flatwork, use a concrete product with CO2e less than or equal to the "Achievable (Low)" category of the Carbon Leadership Forum Material Baselines Report, as amended.	5	Provide third-party verified Environmental Product Declaration (EPD) of the specific concrete mix proposed to be used.
Materials				
Structural uses of concrete products with CO2e less than or equal to the "Achievable (Low)" category of the Carbon Leadership Forum Material Baselines Report, as amended. See EDM Item 28: Open Option				

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MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
	Report, as amended, may be eligible for points under EDM Item 28: Open Option.			
16	Reclaimed/ recycled materials Incorporate a minimum of 10% reclaimed and/or recycled materials into the exterior facades, open space hardscape, or other areas as determined by the Director.	Provide third-party verified Environmental Product Declarations (EPD) indicating percent of recycled content, or written and photographic documentation of the source of reclaimed materials. Specific materials are subject to approval by the Planning Department and shall comply with any other applicable design standards.	5	-
Materials				
17	Adaptive Reuse Repurpose existing primary buildings for new uses rather than demolishing and constructing new buildings to help preserve the urban fabric of neighborhoods. Points may be earned for either: Full Building Reuse - all exterior walls are maintained as part of the proposed development, or:	Demonstrate on the site plan, landscape plan, and architectural elevations how existing building(s) will be incorporated into the design. Include a written narrative and photographs describing the approach to adaptive reuse of the existing building(s) as well as a letter of opinion from a structural engineer licensed in the state of Colorado regarding the suitability of each building for the proposed	10 – 15, +5 bonus	Full Building Reuse: 15 points Partial Building Reuse: 10 points for 50% of existing street-facing facade, additional 1 point for each additional 10% up to 15 points (100%). Bonus: 5 points for concurrent historic landmark designation by the Lakewood Historic

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MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
	<p>Partial Building Reuse - a minimum of 50% of the street-facing façade of the existing primary building structure is maintained as part of the street-facing façade of the proposed development.</p>	<p>reuse. Any reuse must meet the International Existing Building Code (IEBC), as adopted or amended in Title 14 of the LMC.</p>		<p>Preservation Commission, if eligible.</p>
<p>18 Multimodal transportation assessment – Residential</p>	<p>Identify available pedestrian, bicycle, and transit connections from the site to essential destinations in order to inform wayfinding, connectivity with the existing transportation network, and other infrastructure improvements.</p>	<p>Provide a plan sheet indicating multimodal routes to essential destinations within a 0.5-mile radius for suburban and urban contexts and a 0.2-mile radius for transit contexts, or to the nearest location if none exists within the stated radius. Essential destinations to be identified include: grocery stores, parks, schools, libraries, and transit stations/bus stops. Identify transit route and bike route numbers. Include narrative explaining how the project facilitates connections to these destinations and existing and planned multimodal infrastructure.</p>	2	-
Transportation				

TABLE 17.13.2: ENHANCED DEVELOPMENT MENU

POINTS REQUIRED: 2,500 – 10,000 sf = 10 points; 11,000 – 150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
19 Multimodal transportation assessment – Non-Residential	Identify available pedestrian, bicycle, and transit connections to the site in order to inform wayfinding, connectivity with the existing transportation network, and other infrastructure improvements.	Provide a plan sheet indicating multimodal routes to the site within a 0.5-mile radius for suburban and urban contexts and a 0.2-mile radius for transit contexts. Consider how people of all abilities would access the site as pedestrians, by bicycle, and by transit from the surrounding area, such as from transit stops, neighborhoods, and trails. Identify transit route and bike route numbers. Include narrative explaining how the project facilitates connections to and through the site.	2	-
20 Bike amenities	Provide bike amenities that are available to the community, such as fix-it stations with air pumps, bicycle vending machines, bicycle parking cover, e-bike charging station, designated space for dock less bike share parking, water bottle refill stations, custom bike racks in areas of the City	Indicate bike amenities on site plan and provide product specification sheets and a maintenance plan. Must provide a minimum of 2 amenities.	2 – 5	1 point per amenity, up to 5 points maximum. Must provide a minimum of 2 amenities.
Transportation				

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MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
	where a specific streetscape design package or adopted design guidelines are implemented, etc.			
21	Public EV charging infrastructure*	Install publicly available Electric Vehicle (EV) charging infrastructure and designated parking spaces.	5 – 30	All points below are per universal dual-port charger, and can be combined up to a maximum of 30 points. Chargers earning points in this item do not qualify for points under Item 22. Level 2 and DCFC <50KW: 5 points DCFC 50KW – 99KW: 10 points DCFC 100KW+: 15 points
22	Above-code EV charging infrastructure*	Install EV charging infrastructure for greater than the minimum number of EV parking spaces required in Article 8 of this Zoning Ordinance. These spaces are not required to be publicly available, and may be reserved for building residents, tenants, and employees.	5 – 30	Indicate designated EV spaces on the site plan and provide EV charging infrastructure product specification sheets. Minimum 2 additional installed spaces (1 universal dual port charger). 5 points per universal dual port charger, up to 30 points maximum (6 dual port chargers/12 parking spaces). Chargers earning points in this item do not qualify for points under Item 21.

Transportation

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MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
<p>23 Enhanced Streetscapes</p>	<p>Provide enhanced streetscape design in support of and consistent with citywide, neighborhood, or strategic plans within Growth Areas as identified in the Comprehensive Plan. At a minimum, enhanced design shall include a minimum of four (4) of the following elements: - Street trees in addition to any required elsewhere in this zoning code - Shrub/perennial beds within the tree lawn - Masonry seat walls - Pedestrian-scale lighting - Transit stop improvements - Pedestrian amenities such as trash receptacles, benches, etc. - Placemaking features as identified in specific area plans.</p>	<p>Streetscape design will be reviewed for consistency with applicable City plans, studies, and design guidelines. Provide a conceptual streetscape design as a detail site/landscape plan for each proposed enhanced frontage indicating the specific elements proposed. Include product specifications and a note within the site plan identifying the responsible party for ongoing maintenance. All enhanced streetscape elements shall be maintained by the property owner, unless other arrangements are made with the City at time of Site Plan approval. A revocable License Agreement with the City is required for any non-landscape elements located within the right-of-way.</p>	<p>5 – 40 +5 bonus</p>	<p>5 points for enhanced primary frontage up to 50 linear feet, plus 1 point per additional 10 linear feet of enhanced lot frontage, 40 points maximum (400 linear feet of frontage). Must install complete frontages, starting with the primary frontage, unless otherwise approved. Bonus 5 points for projects in areas of the City where a specific streetscape design package or adopted design guidelines are implemented.</p>

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POINTS REQUIRED: 2,500 – 10,000 sf = 10 points; 11,000 – 150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
<p>24 Social connection amenities</p>	<p>Provide amenities, in addition to other requirements, that support community interaction and are accessible by the general public.</p> <p>Small amenities (<\$5,000) may include little free libraries, community bulletin boards, picnic tables, permanent games such as corn hole, ping pong, or bocce, etc.</p> <p>Medium amenities (approx. \$5,000 - \$15,000) may include outdoor exercise equipment, shade structures, water bottle filling stations, musical instruments, game tables, dog parks, etc.</p> <p>Large amenities (approx. \$15,000+) may include community meeting room, outdoor classroom,</p>	<p>Indicate amenities on site plan and evidence that amenities are easily visible and accessible by the general public. Include product specifications and a note within the site plan identifying the responsible party for ongoing maintenance. All social connection amenities shall be maintained by the property owner, unless other arrangements are made with the City at time of Site Plan approval. A revocable License Agreement with the City is required for any amenities located within the right-of-way.</p> <p>Where a proposed amenity does not clearly fit within one of the suggested categories at left, the Planning Director shall determine the appropriate category (small, medium, or large) of the proposed amenity.</p>	<p>2 – 20</p>	<p>1 point per small amenity</p> <p>2 points per medium amenity</p> <p>5 points per large amenity</p> <p>Must earn a minimum of 2 points, up to a maximum of 20 points.</p> <p>Developments over 100,000 sf must earn a minimum of 5 points.</p>

TABLE 17.13.2: ENHANCED DEVELOPMENT MENU

POINTS REQUIRED: 2,500 – 10,000 sf = 10 points; 11,000 – 150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
	playground equipment, basketball or pickleball courts, etc.	Other public recreation amenities may also be considered under Item 28: Open Option in collaboration with Community Resources staff.		
25	Public art Consult with the City's Arts Programming Curator and Comprehensive Planning and Research staff to receive guidelines for the acquisition of public art or a template RFP/RFQ for public art on the site. Artwork acquisition and/or RFP/RFQ must be approved by the City before issuing.	Indicate art location(s), proposed medium, and proposed scale on site plan. The art must be permanent and viewable/accessible from public or semi-public areas. Include any product specifications and a note within the site plan identifying the responsible party for ongoing maintenance. All public art shall be maintained by the property owner, unless other arrangements are made with the City at time of Site Plan approval. A revocable License Agreement with the City is required for any art located within the right-of-way.	2 – 25 +3 bonus points within designated arts or creative districts +5 bonus points adjacent to the ArtLine (bonus points shall not be combined)	Points shall be awarded based on the art budget (inclusive of artist fees, materials, and installation) as shown below: \$5,000: 2 points \$10,000: 4 points \$15,000: 8 points \$25,000: 12 points \$50,000: 15 points \$100,000: 20 points \$150,000: 25 points Developments over 100,000 sf must earn a minimum of 8 points.
Community Cohesion & Public Health				

TABLE 17.13.2: ENHANCED DEVELOPMENT MENU

POINTS REQUIRED: 2,500 –10,000 sf = 10 points; 11,000 –150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
26	Adaptability / Universal Design Provide a minimum of 15% of housing units designed to accommodate people of all ages and ability levels in addition to the minimum number of accessible units required by law.	Provide floorplan of residential building(s) meeting the minimum number of required universal design features listed in the EDM Applicant Resource Guide.	5	
27	On-site food production Provide community-serving food plots for vegetable gardens and fruit trees to foster local food production.	On landscape plan, indicate location, size, and number of garden plots, fruit trees, etc. and provide evidence that garden plots are easily accessible, of appropriate slope, and contain appropriate soil for food production, adequate sunlight and an available water source (exempt from water budget). Provide food plots on site for a minimum of 10% of multifamily units (or commercial equivalent). Combined area of plots must equal a minimum of 20 sq. ft. each per unit.	15	
28	Open Option Provide enhanced amenities that are in addition to other code requirements and	Submit a proposal including a description, cost estimate, alignment with City goals and policies, points proposed and any	2 – 150	2-14 points may be approved by the Director, projects requesting 15 or more points must be
Other	Community & Health			

TABLE 17.13.2: ENHANCED DEVELOPMENT MENU

POINTS REQUIRED: 2,500 – 10,000 sf = 10 points; 11,000 – 150,000 sf = 1 point per 1,000 sf; >150,000 sf = 150 points & section 17.13.2.3 * Eligible Greenhouse Gas Mitigation Strategy under section 17.13.3: Greenhouse Gas Performance Standard

MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
	approved by the Director or Planning Commission	documentation necessary to substantiate the claimed benefits.		approved by Planning Commission

17.13.3: Greenhouse Gas Emissions Performance Standard

17.13.3.1: Purpose and Intent

The Greenhouse Gas Mitigation Program (GHGMP) is intended to ensure new development is aligned with the City's climate goals and targets to help the community do its part to meet climate commitments by preventing excess greenhouse gas emissions.

17.13.3.2: Applicability

- A. All new development, including new single-family residential construction, and all remodels, alterations, and additions requiring a Major Site Plan application, shall comply with the standards of this section. A fee-in-lieu of compliance will be available where full compliance is impractical or infeasible or where preferred by the applicant.
- B. Exceptions. These standards do not apply to remodels, alterations, and additions to existing single-family residential dwellings, including individually-owned detached, duplex, and attached/townhome units. This shall not be interpreted to exclude complete reconstruction (scrape and rebuild) from compliance with the Greenhouse Gas Mitigation Program.

17.13.3.3: Performance Standards

- A. Residential Uses. All new residential development shall demonstrate projected annual greenhouse gas emissions not to exceed the Performance Standard, which is the maximum permitted annual amount of greenhouse gas emissions, calculated using the following formula:

$$\text{Residential Performance Standard} = \text{Target Emissions Per Capita} \times \text{Projected Residents}$$

1. "Target Emissions per Capita" equals the sum of emissions from residential energy, residential waste, and transportation as reported in the City's most recent greenhouse gas inventory, divided by the City's population for the year of the inventory, and then multiplied by the reduction value needed to meet the City's climate commitments (Emissions Reduction Factor). Current commitments are published in the Article 13 Technical Manual and updated as needed in accordance with section 17.13.1.2.

$$\text{Target Emissions per Capita} = ((\text{Emissions from: Residential Energy} + \text{Residential Waste} + \text{Transportation}) / \text{Citywide Population}) \times \text{Emissions Reduction Factor}$$

2. "Projected Residents" is determined based on the average number of individuals per dwelling unit by number of units in a residential building as calculated from the most recent available Census Bureau data.

- B. **Non-Residential Uses.** All new non-residential development shall demonstrate projected annual greenhouse gas emissions not to exceed the Performance Standard, which is the maximum permitted annual greenhouse gas emissions, calculated using the following formula:

$$\text{Non-Residential Performance Standard} = \frac{\text{Target Emissions Per Square Foot} \times \text{Proposed Gross Floor Area}}{\text{Foot}}$$

“Target Emissions per Square Foot” equals the sum of emissions from non-residential energy and non-residential waste as reported in the City’s most recent greenhouse gas inventory, divided by the total citywide non-residential square footage of the year of the inventory as determined from Jefferson County Assessor’s data, and then multiplied by the percentage reduction needed to meet the City’s climate commitments (Emissions Reduction Factor).

$$\text{Target Emissions per Square Foot} = \frac{(\text{Emissions from Non-Residential Energy} + \text{Emissions from Non-Residential Waste}) / \text{Citywide Non-Residential Square Footage}}{\text{Emissions Reduction Factor}}$$

- C. **Mixed-Uses.** Developments with a mix of residential and non-residential uses shall demonstrate projected annual greenhouse gas emissions not to exceed the total Performance Standard calculated as shown in sections 17.13.3.3(A) and (B) for the respective square footages of the residential and non-residential portions of the building(s).

17.13.3.4: Projected Baseline Emissions

Applicants shall submit the City’s Greenhouse Gas Emissions Worksheet with development and/or building permit applications. This worksheet will determine the projected annual emissions (Baseline Projected Emissions) for the size and type of development assuming no mitigation efforts are made, based on the latest available data and methods published in the Article 13 Technical Manual and updated as needed in accordance with section 17.13.1.2.

- A. **Residential Uses.** Baseline Projected Emissions for each residential development shall be calculated for the residential energy, residential waste, and transportation sectors using the methods published in the Article 13 Technical Manual and updated as needed in accordance with section 17.13.1.2. Projected emissions from the transportation sector are reduced by 20% for residential developments within Transit context zone districts and for age-restricted communities.
- B. **Non-Residential Uses.** Baseline Projected Emissions for each non-residential development shall be calculated for the non-residential energy and non-residential waste sectors using the methods published in the Article 13 Technical Manual and updated as needed in accordance with section 17.13.1.2.

17.13.3.5: Compliance

- A. If the Baseline Projected Emissions calculated in section 17.13.3.4 is less than the Performance Standard established in section 17.13.3.3, then the proposed development is compliant, and no further action is needed for this section 17.13.3.
- B. If the Baseline Projected Emissions exceeds the Performance Standard, Final Projected Emissions must be calculated in accordance with the following formula:

$$\text{Final Projected Emissions} = \text{Baseline Projected Emissions} - \text{Mitigated Emissions}$$

OR

$$\text{Final Projected Emissions} = \text{Energy Model}$$

1. Compliance is achieved when the Final Projected Emissions meets the Performance Standard or when a fee-in-lieu is paid for the difference between the Final Projected Emissions and the Performance Standard. When an alternative method (such as a building energy model or HERS rating) is submitted to demonstrate Final Projected Emissions, such modeling shall conform to IECC or ASHRAE standards or similar as approved by the Director.
2. Mitigation Strategies. Implement approved emission reduction strategies identified in the Article 13 Technical Manual to reduce Baseline Projected Emissions such that the Final Projected Emissions meets the Performance Standard. Applicants submit their proposed mitigation strategies using the Greenhouse Gas Emissions Worksheet and identify such strategies on the applicable site plan and building permit documents. Identified mitigation strategies include:
 - a. EDM Items 3-4: Renewable Electricity Production (on-site installation or off-site subscription)
 - b. EDM Item 5: On-Site Renewable Energy Systems and Design (not including electricity production)
 - c. EDM Item 6: Building Electrification
 - d. EDM Item 12: Recycling and Composting Services
 - e. EDM Item 21: Public EV Charging Infrastructure
 - f. EDM Item 22: Above-code EV Charging Infrastructure (may be private spaces)

3. Fee-in-Lieu. Pay a fee-in-lieu of compliance for ten (10) cumulative years' worth of annual emissions exceeding the Performance Standard in accordance with the following formula:

$$\text{Fee-In-Lieu} = ((\text{Final Projected Emissions} - \text{Performance Standard}) \times 10 \text{ years}) \times \text{Social Cost of Carbon}$$

- a. An "Electrical Grid Discount Factor," which accounts for anticipated changes to the electrical grid mix, is applied only to the Final Projected Emissions from electricity. It is determined based on the most recent available Xcel Energy Community Report and Xcel Energy's most recently adopted carbon emissions reduction goals. The current Electrical Grid Discount Factor is published in the Article 13 Technical Manual and updated as needed in accordance with section 17.13.1.2.
 - b. The "Social Cost of Carbon" is the estimated value of economic damages resulting from one (1) ton of greenhouse gas emissions, including increased risk of infrastructure and property damage due to natural disasters, and impacts on human health, agricultural productivity, and ecosystem health. This value is determined based on state and federal guidance and published in the Article 13 Technical Manual and updated as needed in accordance with section 17.13.1.2.
 - c. Fees-in-lieu collected by the City shall be used solely to offset the cost to the City to provide the Climate Protection & Sustainability program, as described in section 17.13.6, which will fund programs and projects within the City to reduce the community's overall greenhouse gas emissions, adapt to changing climate conditions, and support related workforce and technology innovations.
4. Applicants may use a combination of Mitigation and Fee-in-Lieu by demonstrating mitigation strategies to reduce a development's projected emissions and paying a fee-in-lieu for emissions still exceeding the Performance Standard.

17.13.4: Construction & Demolition Waste Recycling

17.13.4.1: Purpose and Intent

The Construction & Demolition (C&D) Waste Recycling Supplemental Standards are intended to achieve reduction and/or recycling of debris generated by construction and demolition projects, thereby diverting debris from area landfills, reducing environmental impacts, and advancing Lakewood's waste diversion goals. Additionally, these standards support compliance with construction and demolition waste recycling requirements set forth in Title 14 of the Lakewood Municipal Code (LMC Title 14).

17.13.4.2: Applicability

The standards in this section 17.13.4 shall apply to any development project that must also comply with section 17.13.2 Enhanced Development Menu. Upon six (6) months written notice posted on the City's website, the Director may expand applicability of this section 17.13.4 to any project that is subject to the construction and demolition recycling standards set forth in LMC Title 14.

17.13.4.3: Comprehensive Waste Management Plan

Prior to issuance of a building or demolition permit, the applicant shall submit a comprehensive waste management plan, which shall contain, at a minimum, the following information:

- A. Designated employee to be the on-site construction waste recycling manager and point of contact for waste-related issues;
- B. Acknowledgment of all Required Materials to be donated, reused, or recycled as set forth in LMC Title 14, and the identification of the specific Required Materials that will be generated by the project.
- C. Collection and disposal strategy for all Required Materials and landfilled waste including:
 - 1. The method of collection
 - 2. Waste hauler(s)
 - 3. Disposal, recycling or reuse facilities
- D. Strategy for training and education of subcontractors and employees to support compliance
- E. Compliance tracking and reporting strategy

17.13.4.4: Performance Security Deposit

- A. The applicant shall post a performance security deposit prior to issuance of a building or demolition permit in accordance with the following:
 - 1. New construction, additions, and remodels: one dollar (\$1) per square foot of interior building space, with a maximum performance security deposit of \$100,000.
 - 2. Demolition projects: one dollar (\$1) per square foot for the area of disturbance as identified in the permit application, including any parking areas to be removed, with a maximum performance security deposit of \$100,000.

- B. The form of the performance security deposit shall be consistent with one of the forms of collateral identified in LMC section 14.13.080(A) and shall meet the requirements therein for such form.

17.13.4.5: Performance Security Deposit Refund and Forfeiture

Any project required to submit a comprehensive waste management plan or performance security deposit shall submit a final Compliance Report within sixty (60) days of issuance of a certificate of completion (for demolition projects) or the last certificate of occupancy (for construction projects).

- A. The Compliance Report shall contain documentation showing that the diversion requirements for the project have been met, including the following:
 - 1. Copy of the approved Comprehensive Waste Management Plan
 - 2. Individual weight tickets from the vendor or facility that received each Required Material clearly listing the type of material that was recycled and the actual volume or weight of that material. Receipts/weight tickets for landfill disposal are also required.
 - 3. Narrative and photographic documentation of the applicant's reuse/salvage activities not accounted for with receipts or weight tickets.
- B. Upon receipt of the completed Compliance Report, the City will have sixty (60) days to confirm that the diversion requirements have been met and will request release of the applicant's performance security deposit.
- C. The performance security deposit will be refunded according to the following schedule, based on how well the project met the diversion requirements identified in the comprehensive waste management plan and the completeness of the documentation provided in the compliance report:
 - 1. Full compliance and complete documentation: 100% refund
 - 2. Partial compliance: Refund prorated based on the percentage of Required Materials documented to have been recycled/reused in the Compliance Report as compared to the number of Required Materials identified in the comprehensive waste management plan. The City may also conduct on-site inspections to verify compliance and may pro-rate the refund based on the results of the inspection.
 - 3. Non-compliance or incomplete documentation: 0% refund
- D. If an applicant fails to submit a Compliance Report and final documentation within the required 60-day reporting period, the entire performance security deposit will be forfeited.

- E. Any fully or partially forfeited deposits shall be used to help defray the cost to the City of the Climate Protection & Sustainability Program as described in section 17.13.6 to promote waste diversion, material recovery and reuse, and related projects and programs.

17.13.5: Reserved for Benchmarking Program & Building Performance Standards

17.13.5.1: Reserved

17.13.6: Climate Protection & Sustainability Program and Fund

17.13.6.1: Purpose and Intent

The Climate Protection & Sustainability Program (Program) is intended to offset the impacts of development and climate change on the community. Using funds from the Climate Protection & Sustainability Fund herein established (Fund), the Program will engage in projects that reduce the community's overall greenhouse gas emissions and build a climate resilient community through a lens of environmental justice and equity for our most underserved populations and historically marginalized communities.

17.13.6.2: Program and Fund Established; Authorizations

- A. Climate Protection & Sustainability Program. The Program is hereby established for the purposes set forth above.
- B. The Climate Protection & Sustainability Fund is hereby established to retain and expend fees-in-lieu collected through the EDM and GHGMP, and to hold performance security deposits related to the C&D waste recycling supplemental standards and expend monies forfeited pursuant to sections 17.13.4.5(C) & (D).
 1. Fund monies shall be tracked separately by their source and, except as expressly provided herein, shall be expended solely on programs and projects within the following "Program Areas":
 - a. EDM fees-in-lieu: sustainable built environment
 - b. GHGMP fees-in-lieu: emissions reduction and adaptation
 - c. C&D deposits forfeited pursuant to sections 17.13.4.5(C) & (D): waste diversion, material recovery and reuse
 2. Fund monies from more than one source may be expended on programs or projects that span multiple Program Areas.
 3. Fund monies may also be used to support administration of the Program.

17.13.6.3: Administration

- A. Fund monies shall be appropriated annually through the City's budgeting process, solely to pay for programs and projects in accordance with section 17.13.6.
- B. The Program shall be administered by the Sustainability Planning Division, with approval by the Planning Director.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after final publication.

SECTION 5. SEVERABILITY. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular hybrid meeting of the Lakewood City Council on the 13th day of June, 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of June, 2022; set for public hearing on the 27th day of June, 2022, read, finally passed and adopted by the City Council on the 27th day of June, 2022 and, signed and approved by the Mayor on the 28th day of June, 2022.



Adam Paul, Mayor

ATTEST.

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney