

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2023

COUNCIL BILL NO. 22-1653
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending Chapter 10 of the Denver Revised Municipal Code**
7 **concerning buildings and building regulations, to adopt the 2022 Denver**
8 **Building Code, Denver Fire Code, and Denver Green Code.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** That section 10-16 of the Denver Revised Municipal Code regarding the Denver
11 building and fire code is hereby amended by deleting the language stricken below and adding the
12 language underlined below to read and be read as follows:

13 **Sec. 10-16. – Denver Building code and Denver fire code adopted.**

14 The building and fire codes ~~International Building Code ("IBC"), International Energy~~
15 ~~Conservation Code ("IECC"), the International Fire Code ("IFC"), the International Fuel Gas Code~~
16 ~~("IFGC"), the International Mechanical Code ("IMC"), the International Plumbing Code ("IPC"), the~~
17 ~~International Existing Building Code, and the International Residential Code ("IRC"), all series 2018~~
18 ~~as published by the International Code Council, all errata to the above codes as published by the~~
19 ~~International Code Council and the amendments to the above codes and the administration of the~~
20 ~~Denver Building Code, as such amendments and administration of the Denver Building Code as filed~~
21 ~~July 7, 2021~~ December 21, 2022, in City Clerk File Number 20210059 20220130 are hereby adopted
22 ~~collectively~~ as the 2022 Denver Building Code and 2022 Denver Fire Code. The 2022 Denver
23 Building Code and 2022 Denver Fire Code will be maintained by the department of community
24 planning and development and will be available to the public.

25 **Section 2.** That Section 10-19 of the Denver Revised Municipal Code concerning the
26 Denver Green Code is hereby amended by deleting the language stricken below and adding the
27 language underlined below to read and be read as follows:

28 **Sec. 10-19. – Denver green code.**

29 The code ~~Denver Green Code~~, as filed ~~June 16, 2021~~ December 21, 2022 in City Clerk File
30 Number 20210056 20220131, is hereby adopted as the 2022 Denver Green Code ~~a voluntary design~~
31 ~~and construction code.~~ The 2022 Denver Green Code will be maintained by the department of
32 community planning and development and will be available to the public. ~~In order to encourage the~~
33 ~~use of the Denver Green Code on a voluntary basis, the building official is authorized to develop~~
34 ~~incentives through written policy. Such incentives may include, but are not limited to, expedited~~

1 ~~permit processing.~~

2 **Section 3.** That section 10-301(a) of the Denver Revised Municipal Code concerning
3 Green Buildings is hereby amended by deleting the language stricken below and adding the
4 language underlined below to read and be read as follows:

5 **Sec. 10-301 – Green building requirements for new buildings.**

6 (a) *In general.* Except as provided in subsection 10-301(c) below, an owner constructing a
7 building containing twenty-five thousand (25,000) square feet or greater of gross floor area who has
8 not submitted a formal site development plan application with payment of all applicable fees by 4:30
9 pm on November 2, 2018 must provide the following green building requirements:

10 (1) A cool roof; and

11 (2) One (1) of the following options:

12 a. Green space covering an area in one (1) of the following amounts, whichever is least:

13 1. Ten (10) percent of the gross floor area of the building;

14 2. Sixty (60) percent of the total roof area on the building; or

15 3. The available roof space on the building.

16 b. On-site solar panels covering an area anywhere on the building or zone lot equal to
17 seventy (70) percent of the total roof area or an area equal to an amount required to provide
18 one hundred (100) percent of estimated annual average electricity used at the building. Other
19 renewable energy devices may be used in place of on-site solar panels so long as the owner
20 provides evidence of similar generation capacity. Any net zero energy building complies with
21 this subsection 10-301(a)(2)b.

22 c. Off-site renewable energy purchase with the following requirements:

23 1. The off-site renewable energy purchase must be met through a minimum five
24 (5) year contract for a subscription, lease, or purchase of a share in a voluntary
25 renewable energy program offered by Xcel Energy or a community solar project for
26 which a dedicated renewable energy resource located in Public Service Company of
27 Colorado territory is built for that customer program, and which has dedicated customer
28 capacity or energy to fulfill that customer's subscription;

29 2. The term of purchase must be renewed a minimum of every five (5) years for
30 the life of the building; and

31 3. The off-site renewable energy purchase must cover the equivalent energy
32 production of either (i) the estimated one hundred (100) percent of electricity the
33 building will use, or (ii) the amount that would have been provided with required on-site
34 solar panels and demonstration of decreased energy consumption measured as

1 estimated energy cost savings of a minimum six (6) percent above requirements in the
2 applicable Denver Building Code and Denver Fire Code as measured according to the
3 selected Denver Energy Code performance based compliance path.

4 d. Demonstration of decreased energy consumption measured as estimated energy cost
5 savings of at least twelve (12) percent above requirements in the applicable Denver Building
6 Code and Denver Fire Code measured according to the selected Denver Energy Code
7 performance based compliance path.

8 e. Building certification of LEED Gold, Enterprise Green Communities, the National
9 Green Building Standard ICC/ASHRAE 700, or an equivalent certification approved by the
10 building official.

11 f. A combination of green space, and renewable energy device(s) with the following
12 required coverages:

13 1. Green space covering an area in one (1) of the following amounts, whichever is
14 least:

- 15 (i) Three (3) percent of the gross floor area of the building;
- 16 (ii) Eighteen (18) percent of the total roof area on the building; or
- 17 (iii) Thirty (30) percent of the available roof space on the building; and either
18 section 10-301(a)(2)f.2 or 3 below.

19 2. On-site solar panels located anywhere on the subject zone lot covering an area
20 in one of the following amounts, whichever is least:

- 21 (i) Seven (7) percent of the gross floor area of the building,
- 22 (ii) Forty-two (42) percent of the total roof area on the building; or
- 23 (iii) Seventy (70) percent of the available roof space on the building.

24 3. Renewable energy devices, other than solar panels, so long as the renewable
25 energy devices achieve equivalent total energy production to the required amount of
26 on-site solar panels in subsection 10-302(2)f.2 above; or

27 4. Alternative coverages of green space and on-site solar panels may be approved
28 by the building official so long as the combination covers an area in one (1) of the
29 following amounts, whichever is least:

- 30 (i) Ten (10) percent of the gross floor area of the building;
- 31 (ii) Sixty (60) percent of total roof area on the building; or
- 32 (iii) The available roof space on the building.

33 g. A combination of green space and off-site renewable energy purchase, with the
34 following requirements:

1 1. Green space covering an area in one (1) of the following amounts, whichever is
2 least:

- 3 (i) Three (3) percent of the gross floor area of the building;
- 4 (ii) Eighteen (18) percent, of total roof area on the building; or
- 5 (iii) Available roof space on the building.

6 2. The off-site renewable energy purchase must be met through a minimum five
7 (5) year contract for a subscription, lease, or purchase of a share in a voluntary
8 renewable energy program offered by Xcel Energy or a community solar project for
9 which a dedicated renewable energy resource located in Public Service Company of
10 Colorado territory is built for that customer program, and which has dedicated customer
11 capacity or energy to fulfill that customer's subscription. The term of purchase must be
12 renewed a minimum of every five (5) years after initial purchase.

13 3. The off-site renewable energy purchase must cover the amount that required
14 on-site solar panels would have provided and demonstration of decreased energy
15 consumption measured as estimated energy cost savings of a minimum two and a half
16 (2.5) percent above requirements in the Denver Building Code and Denver Fire Code
17 as measured according to the selected Denver Energy Code performance based
18 compliance path.

19 h. A combination of green space and decreased energy consumption with the following
20 requirements:

21 1. Green space covering an area in one (1) of the following amounts, whichever is
22 least:

- 23 (i) Three (3) percent of the gross floor area of the building;
- 24 (ii) Eighteen (18) percent of total roof area on the building; or
- 25 (iii) The available roof space on the building.

26 2. Demonstration of decreased energy consumption measured as estimated
27 energy cost savings of a minimum five (5) percent above requirements in the applicable
28 Denver Building Code and Denver Fire Code measured according to the selected
29 Denver Energy Code performance based compliance path ~~during plan review~~.

30 **Section 4.** That section 10-303(b) of the Denver Revised Municipal Code concerning
31 Green Buildings is hereby amended by deleting the language stricken below and adding the
32 language underlined below to read and be read as follows:

33 **Sec. 10-303 – Additions.**

34 (b) *Small additions.* Any owner proposing an addition of twenty-five (25,000) or more and less

1 than fifty thousand (50,000) square feet of gross floor area to a building shall provide a cool roof, as
2 applicable, and comply with any of the following:

- 3 (1) Any of the requirements of section 10-302(a)(2)a-c for that addition;
- 4 (2) The requirements of section 10-302(b) for that addition; or
- 5 (3) Estimated energy cost savings of at least four (4) percent above requirements in the
6 Denver Building Code and Denver Fire Code for that addition as measured according to the
7 selected Denver Energy Code performance based compliance path.

8 COMMITTEE APPROVAL DATE: December 20, 2022

9 MAYOR-COUNCIL DATE: December 27, 2022 by Consent

10 PASSED BY THE COUNCIL: _____

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

17 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: December 29, 2022

18 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
19 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
21 §3.2.6 of the Charter.

22 Kerry Tipper, Denver City Attorney

23 BY: Jonathan Griffin, Assistant City Attorney

DATE: Dec 28, 2022