

SUMMARY and FISCAL NOTE

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1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.58D to the Seattle Municipal Code (SMC); amending SMC Sections 23.40.060, 23.41.004, 23.41.012, 23.42.056, 23.45.510, 23.45.516, 23.48.021, 23.48.221, 23.48.230, 23.49.011, 23.49.023, 23.49.180, 23.50.033, 23.66.140, 23.84A.014, 23.88.010, and 23.90.018; and repealing SMC Sections 23.45.526 and 23.49.020; to revise the Living Building Pilot Program and reorganize, consolidate, and update standards when meeting the green building standard is a condition of a permit.

Summary and background of the Legislation: From August, 2013, through January, 2015, the former Department of Planning and Development (DPD), now known as Seattle Department of Construction and Inspections (SDCI), led a process to evaluate and propose revisions to the Living Building Pilot Program (“the Program”). This work responds to the City Council adopted Resolution 31400, adopted on June 6, 2013, which directed DPD to:

- 1) Establish a technical advisory group (TAG) to advise the City on sustainable building practices by August 30, 2013.
- 2) Develop recommendations to revise the Living Building Program by December 31, 2013 (amendments were adopted in July 2014, ORD 124535).
- 3) Develop recommendations to revise the Seattle Deep Green Program by December 31, 2014.

As a result of this work, SDCI is proposing changes to the land use code where there is a requirement to meet green building standards to accomplish the following:

- Consolidate into a new Land Use Code chapter requirements related to when a green building performance standard is a condition of a permit. This will make the requirements more consistent across zones and simplify the requirements into one section.
- Define green building standards and make the requirements standard across all zones.
- Include Passive House as an option to meet the green building performance standards required to access extra floor area and/or height in certain zones.

Informed by the work with the TAG, SDCI recommends the following changes to the Land Use Code:

- Project eligibility: Link the Program directly to the International Living Future Institute's (ILFI) Living Building Challenge (LBC), requiring all pilot projects to register and seek certification through the ILFI.
- Land use code modifications and departures: Allow Land Use Code modifications related to height and floor area as-of-right.

- Compliance and penalties: Reduce the maximum penalty to five (5) percent of a project's construction value.
- Green Building Requirements: Reorganize and consolidate requirements in a new Land Use Code chapter and update the green building standards required to participate in the incentive zoning program to be consistent in all zones (i.e. currently it varies between LEED Silver and LEED Gold).

3. SUMMARY OF FINANCIAL IMPLICATIONS

X This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**

No. While SDCI has noted that on average, more staff time is needed to review and inspect projects participating in the Pilot Program, the proposed changes would not increase staff time needed, and in some cases may decrease and simplify the review process as the requirements for determining compliance with water conservation will be more straightforward to verify.

b) **Is there financial cost or other impacts of not implementing the legislation?**

No

c) **Does this legislation affect any departments besides the originating department?**

No

d) **Is a public hearing required for this legislation?**

Yes. The City Council must hold a public hearing before the Planning, Land Use and Zoning (PLUZ) Committee.

e) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. Publication of notice of the Council public hearing will be made in The Daily Journal of Commerce and in the City's Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was also made in The Daily Journal of Commerce and in the City's Land Use Information Bulletin.

f) **Does this legislation affect a piece of property?**

The legislation is of general application for projects that are eligible for design review under Section 23.41.004 of the Land Use Code and located outside of the shoreline jurisdiction.

g) **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

This ordinance is updating an existing pilot program and no impact on vulnerable or historically disadvantaged communities is anticipated, nor are there any perceived RSJI implications.

- h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.**

This legislation does not involve a new initiative or programmatic expansion.

- i) Other Issues:** None.

List attachments below: None.