



# City of Seattle

Edward B. Murray, Mayor

## Seattle Department of Construction and Inspections

Nathan Torgelson, Director

**Date:** September 9, 2016

**To:** Councilmember Rob Johnson, Chair  
Planning Land Use and Zoning (PLUZ) Committee

**From:** Ryan Moore, SDCI, Senior Planner

**Subject:** Council Bill 118783 – Living Building Pilot Program Update

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### **Background**

Council adopted the Living Building Pilot Program (Program) in December 2009. Council has substantively amended the legislation twice since then; first in 2012, and again in 2014. In June of 2016, City Council extended the program's expiration date to June 30, 2017.

The original program and subsequent amendments are intended to promote the development of buildings that achieve the highest known environmental standards for construction and performance. Over the life of the program this has included the International Living Futures Institute's (ILFI) Living Building Challenge (LBC) and alternatives, such as Seattle Deep Green (SDG).

City Council passed Resolution 31400 in 2013 that directed DPD (SDCI's predecessor) to:

- Establish a technical advisory group (TAG) to advise the City on sustainable building practices and provide recommendations for making the Program more attractive. The work of the TAG was completed at the end of 2014;
- Develop options to improve the Program. Phase I legislation (ORD 124535) eliminating the SDG option was adopted in July 2014; and
- Evaluate whether to revise or replace the program – the current proposal.

### **Proposal Summary**

Informed by the work with the TAG, the following updates to the Living Building Pilot program are proposed:

- Link the pilot program directly to the International Living Futures Institute's (ILFI) Living Building Challenge (LBC) certification program;
- Add predictability to Code incentives by allowing additional development capacity outright (rather than as a design review departure);
- Modify requirements so that penalties would only apply if the project does not achieve, at minimum, LBC Petal Recognition and specific energy and water requirements;



City of Seattle, Department of Planning and Development  
700 Fifth Avenue, Suite 2000  
P.O. Box 34019, Seattle, WA 98124-4019

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- Simplify the minimum water requirements to provide clearer direction to applicants and staff, and determine baselines for individual projects; and
- Lessen the “barrier-effect” of the penalty by reducing the maximum to five (5) percent of a project’s construction value (and monitor to determine if an increase is needed after more projects have participated).

Additionally, the following green building amendments are also included:

- Consolidate requirements, currently scattered in several chapters, related to when a green building performance standard is a condition of a permit;
- Change the green building standard required to participate in the incentive zoning program to LEED Gold in all zones (currently it varies between LEED Silver and LEED Gold).

Attachment A provides a chart comparing the existing Living Building legislation with proposed changes outlined above.

## Attachment A - Living Building Pilot Program Comparison

Topic	Existing	Proposed	Reason for Change
<p><b>Criteria</b></p>	<p>Project must meet:</p> <ol style="list-style-type: none"> <li>1) All LBC imperatives; or</li> <li>2) 3* of the 7 Performance Areas/"Petals" of LBC version 2.1:               <ul style="list-style-type: none"> <li>o Site,</li> <li>o Water</li> <li>o Energy</li> <li>o Health</li> <li>o Materials</li> <li>o Equity, and</li> <li>o Beauty</li> </ul> </li> </ol> <p><i>* Including at least one of these three petals: <b>Energy, Water, or Materials</b></i></p>	<p>No change. The TAG felt strongly that both options should be included in the program as both provide significant levels of investment and commitment. While a full Living Building would meet the requirements of option 2, the TAG indicated that encouraging the development of a Living Building should remain part of the program. Functionally, the two options achieve similar environmental benefits and outcomes.</p>	<p>NA</p>
<p><b>Energy</b></p>	<p>Total building energy usage shall be 75% or less of the energy consumed by a "standard reference design building" as defined in the Seattle Energy Code in effect at the time a complete building permit application is submitted.</p>	<p>Total building energy use shall be 75% or less of the energy use targets established in the 2012 Seattle Energy Code's Target Performance Path, Section 17 C402.1.5.</p>	<p>The TAG determined that the 2012 Energy Code provided a sufficient benchmark given its high bar for performance.</p>
<p><b>Water</b></p>	<p>Total building water usage, not including harvested rainwater, shall be 25% or less of the average water usage for a comparable building not in the Living Building Pilot Program, based on:</p> <ul style="list-style-type: none"> <li>• Seattle Public Utility estimates or</li> <li>• Other baseline approved by the Director that would provide a comparable estimate.</li> </ul>	<p>No potable water shall be used for nonpotable uses, subject to approval by Public Health- Seattle and King County.</p>	<p>The TAG recommended simplifying the requirement to allow designers and developers the ability to achieve the program's overall water conservation objectives without being prescriptive regarding the methods of doing so.</p>

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Topic	Existing	Proposed	Reason for Change
<b>Stormwater</b>	At least 50% of stormwater shall be captured and used on site.	No longer required as a result of change to water requirement.	<p>This requirement was eliminated as a result of the change to the water conservation requirement.</p> <p>This approach will eliminate unintended consequences arising from attempts to comply with conflicting regulatory requirements for on-site stormwater and reuse.</p>
<b>Code Incentive</b>	<p>Incentives achieved through design review departure approval.</p> <p>Height departure provisions:</p> <ol style="list-style-type: none"> <li>1) Additional 10' in zones with height limits of 45' or less, to allow increased floor-to-floor heights.</li> <li>2) Additional 20' in zones with height limits above 45', to allow increased floor-to-floor heights.</li> </ol>	<p>Incentives provided in exchange for meeting LBC or City Pilot requirements.</p> <ul style="list-style-type: none"> <li>• Floor Area bonus:               <ol style="list-style-type: none"> <li>1) 15% more floor area above the applicable FAR;</li> <li>2) In Downtown or SM zones, additional 15% floor area allowed for residential development.</li> </ol> </li> <li>• Height bonus               <ol style="list-style-type: none"> <li>1) Up to 10' in zones with height limits of 85' or less</li> <li>2) Height bonus up to 20' in zones with height limits greater than 85'.</li> </ol> </li> </ul>	<p>Providing incentive outright eliminates uncertainty associated with departure approval, reducing alternative design costs and allowing more emphasis on meeting LBC. The additional FAR/height has been the primary driver for interest in participating in the program in order to offset the additional cost associated with this level of green building. This was a key recommendation from the technical advisory group (TAG).</p>

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Topic	Existing	Proposed	Reason for Change
<b>Rationale for Departure Approval</b>	<p>Applicant demonstrates either:</p> <ol style="list-style-type: none"> <li>1) Departure will result in a development that better meets intent of design guidelines, or</li> <li>2) Departure will result in a development that better meets the goals of the Pilot and will not conflict with design guidelines.</li> </ol> <p>DRB considers the extent to which the anticipated environmental performance of the building would be substantially compromised without the departures. Design elements related to the façade and back-of-house operations have received departures as a result of structural difference between conventional and green building practices/construction methods.</p>	<p>No change</p>	<p>NA</p>
<b>Early Design Guidance</b>	<p>Register and engage with International Living Future Institute (ILFI)</p>	<p>No change</p>	<p>NA</p>

## Attachment A - Living Building Pilot Program Comparison

Topic	Existing	Proposed	Reason for Change
<b>Master Use Permit Application Requirements at Submittal</b>	<ul style="list-style-type: none"> <li>• Submit plan demonstrating how the project will meet each of the Living Building Challenge (LBC) imperatives, including:               <ul style="list-style-type: none"> <li>○ Overall design concept</li> <li>○ Proposed energy balance</li> <li>○ Proposed water balance, and</li> <li>○ Descriptions of innovative systems.</li> </ul> </li> <li>• Submit a description regarding how the project serves as a model for testing code improvements.</li> </ul>	<ul style="list-style-type: none"> <li>• Statement identifying which green building standard will be met.</li> <li>• Acknowledgement that the project will comply with City requirements.</li> <li>• Documentation that the owner has registered the development project with an independent third party verifier, such as International Living Futures Institute.</li> <li>• Submittal of a description regarding how the project serves as a model for testing code improvements.</li> </ul>	<p>It was determined that as a pilot program, a minimal amount of information is needed at this early stage in the permitting process.</p> <p>As building systems and conservation approaches are identified, additional data and documentation will be required to ensure that the proposed approaches will meet both the City's and ILFI's requirements as the design process moves toward MUP decision and building permit issuance. The format and level of detail required for this information will be dependent on engineering specifications in relation to land use and building code requirements.</p>
<b>Penalty</b>	Maximum of 10% of project construction value	Maximum of 5% of project construction value	<p>The initial amount of 10% was determined to be a barrier to development as this amount was considered too high of a financial risk in the event the project could not achieve the required certification. The TAG determined that 5% is sufficient motivation for applicants to fulfill their commitment to the program's requirements.</p>