

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	David VanSike	Christie Parker

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; amending subsection 23.49.156.A of the Seattle Municipal Code to clarify bonus allowances in the Living Building Pilot Program.

Summary and Background of the Legislation: This legislation amends the Land Use Code (Title 23) in subsection 23.49.156.A to clarify and improve the function of the Living Building Pilot Program. The legislation clarifies that projects in the pilot program can use height bonuses to exceed 145 feet in height regardless of lot size under SMC 23.49.156.A in the Downtown Mixed Residential zone.

The Living Building Pilot Program is intended to promote the public interest by encouraging the development of innovative “living” buildings that can reduce environmental impacts, test new technologies, and serve as a model for development throughout the region and country. The ordinance establishing the Living Building Pilot Program became effective in January 2010 and has been revised since. SMC 23.40.060.A establishes an end date of the Program, December 31, 2030, or a maximum of 20 enrollments, whichever comes first. To date, 15 projects have enrolled with only five opportunities remaining. The amendment would allow an important case study for a living building and provide needed housing in the Belltown Neighborhood.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

4. OTHER IMPLICATIONS

a. **Please describe how this legislation may affect any departments besides the originating department.** This legislation is not anticipated to affect any other department.

b. **Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.** While there is one known project that would benefit from the legislation, it would affect any property in the Downtown Mixed Residential zone that is less than 19,000 square feet and

that is enrolled in the Living Building Pilot Program. Since the Living Building Pilot Program has only five more available opportunities, the number of affected properties would not exceed five.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.** The proposed amendment was reviewed by SDCI staff and is not anticipated to impact vulnerable or disadvantaged communities.
- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.** Not applicable for this ordinance.
- iii. What is the Language Access Plan for any communications to the public?** SDCI would provide translation or other services, if requested.

d. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.** Since this legislation involves use of the Living Building Pilot Program, any new structures built under these provisions would have the likely effect of reducing carbon emissions over those built using conventional practices.
- ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.** Since this legislation involves the Living Building Pilot Program, it would help to increase Seattle's resiliency to climate change. The Living Building Pilot Program requires buildings to be built on non-environmentally sensitive sites, use recycled materials, generate as much or more energy as they use through sustainable sources, capture as much rainwater as they use, treat wastewater on site, and meet a number of other standards.

e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals? While the legislation is not a new initiative, it serves to clarify that the existing Living Building Pilot Program may utilize bonuses in code, which will further help the Program to meet its goals.

5. CHECKLIST

- Is a public hearing required?** Yes, The City Council must hold a public hearing, to be scheduled before the Land Use Committee.
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?** 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 (LUIB). Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was made in The Daily Journal of Commerce and in the Land Use Information Bulletin in July 2024.
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments: None.