

August 30, 2024

MEMORANDUM

To: Land Use Committee
From: Asha Venkataraman, Analyst
Subject: Council Bill 120833: Living Building Amendment

On September 4, 2024, the Land Use Committee will discuss [Council Bill \(CB\) 120833](#), legislation that would clarify the applicability of height bonus allowances for projects in the [Living Building Pilot Program \(LBPP\)](#). This memo will provide background, describe the legislation, and outline next steps.

Background

The [Living Building Challenge](#) is a rating system administered by the International Living Future Institute (ILFI) to recognize buildings that are constructed and designed to minimize carbon emissions and meet high levels of sustainability. To encourage projects to participate in the Living Building Challenge, the City adopted the LBPP, effective in 2010, in [SMC 23.40.060](#), which provides a variety of land use incentives for buildings that meet program standards. The LBPP is set to expire on December 31, 2030, or when a maximum of 20 projects have enrolled, whichever comes first. The Seattle Department of Construction and Inspections (SDCI) indicates that 15 projects have enrolled thus far, leaving room for five more projects to enroll.

A specific project (3036043-LU) located in the Downtown Urban Center in Belltown proposed to build 182 housing units in a Downtown Mixed Residential zone. Under [SMC 23.49.156.A.1](#), any structure in that zone over 145 feet high must have a minimum lot size of 19,000 square feet. SDCI issued a Master Use permit for the project that allowed the project to exceed the 145-foot height limitation even though the lot was smaller than 19,000 square feet; SDCI interpreted the code to allow such an allowance because of the project's participation in the LBPP. The Master Use permit and SDCI's interpretation of the code to allow height up to 175 feet was appealed, and the Hearing Examiner's decision limited the building's height to 145 feet.

SDCI issued a [Determination of Non-Significance](#) (DNS) under the State Environmental Protection Act (SEPA) for CB 120833 on July 8, 2024. An appeal of the DNS has been filed with the Hearing Examiner and is currently pending.

CB 120833

This legislation is intended to address the result of the Hearing Examiner's decision. CB 120833 would amend the Land Use Code to explicitly authorize building heights exceeding 145 feet in the Downtown Mixed Residential zones on lots smaller than 19,000 square feet for projects that are part of the LBPP.

Next Steps

The Land Use Committee will hold a public hearing on CB 120833 on September 18, 2024.

cc: Ben Noble, Director
Yolanda Ho, Deputy Director
Lish Whitson, Supervising Analyst