SEATTLE CITY COUNCIL
CENTRAL STAFF

September 9, 2024

M E M O R A N D U M

To: Land Use Committee
From: Yolanda Ho, Deputy Director
Subject: Council Bill 120832 –Seattle Construction Code Updates

On September 18, 2024, the Land Use Committee (Committee) will continue discussion of and possibly vote on Council Bill (CB) 120832 that would adopt new editions of Seattle's construction codes. The Committee received an initial briefing on the legislation from the Seattle Department of Construction and Inspections (SDCI) on August 7, 2024.

This memorandum provides (1) background of the legislation; (2) notable changes included in the construction codes updates; and (3) next steps.

Background

The construction codes consist of the following regulatory codes: (1) the Boiler and Pressure Vessel Code; (2) the Fire Code;[1] (3) the Building Code; (4) the Electrical Code; (5) the Energy Code; (6) the Existing Building Code; (7) the Fuel Gas Code; (8) the Mechanical Code; (9) the Plumbing Code; and (10) the Residential Code.

Generally, the construction codes provide minimum performance and accessibility standards for construction of new buildings, and maintenance and rehabilitation of existing buildings, to improve the life and safety conditions for building occupants. Seattle updates its construction codes approximately every three years, following the update cycle of the International Code Council (ICC) to its model codes and subsequent amendments to the model codes adopted by the Washington State Building Code Council (SBCC). Changes to the construction codes are informed by international, national, and state-level code development organizations.[2]

Both the State and the City typically adopt their construction code updates roughly a year after the ICC releases the new edition of its model codes. Prior to Council's consideration of legislation to update the City's construction codes, SDCI engages with myriad stakeholders and technical experts to consider potential Seattle-specific amendments to the codes. State law requires that the City adopt and enforce State codes and provides limited authority for the City to amend those codes.[3] Of the construction codes, the Seattle Energy Code usually requires the

[1] The 2021 Fire Code update is separate legislation that will be considered by the Public Safety Committee.
[2] The Seattle Boiler and Pressure Vessel Code is an exception to this. Seattle promulgates its own regulations for steam heating.
[3] See Section 19.27.060, Revised Code of Washington. The City does not have authority to amend all construction codes; for instance, State law does not allow the City to amend the provisions of the Energy Code that apply to residential development.

most outreach and engagement because of the City's longstanding commitment to increase building energy efficiency beyond the standards adopted by the State.[4]

SDCI evaluates the amendments and presents those it wishes to move forward with to the City's Construction Codes Advisory Board (CCAB). The CCAB reviews the proposed amendments and typically requires that SDCI make some revisions before taking a final vote to recommend that the City adopt the construction codes as amended.

Notable Changes

Below is a high-level description of select notable changes included in CB 120832. Other changes are described in Attachment B to the legislation's Summary and Fiscal Note. The construction codes updates are proposed to go into effect on November 15, 2024.

Energy Code

The City Council adopted the current 2018 Seattle Energy Code with the passage of Ordinance 126279 in February 2021. As has been the case in prior years, the SBCC adopted some of the City's amendments included in the 2018 Seattle Energy Code into the 2021 Washington State Energy Code, making those changes part of the baseline code across the state. Amendments to the 2018 Seattle Energy Code not incorporated into the 2021 Washington State Energy Code are included in the proposed 2021 Seattle Energy Code so that Seattle continues to build upon its progress towards achieving greater energy efficiency and reducing carbon emissions.

Guided by Seattle's Climate Action Plan and Resolution 30280 (identifying actions to accelerate Seattle's Green Building Program), Seattle's practice has been to adopt an amended version of the Washington State Energy Code that requires most multifamily residential buildings and all new commercial buildings to conform to standards higher than those required by the State. These regulations also apply to alterations or replacement of existing building components. The 2018 Seattle Energy Code was the first to largely prohibit the installation of gas equipment for water and space heating. These restrictions were incorporated into the 2021 Washington State Energy Code, making them applicable statewide.

Last year, SDCI proposed multiple amendments to the 2021 Seattle Energy Code that were reviewed and approved by the CCAB. However, due to concerns raised by some stakeholders about the potential financial impacts of the additional requirements, many of these amendments were ultimately not included in the code update. As a result, the 2021 Seattle Energy Code largely reflects the requirements of the 2021 Washington State Energy Code, with

[4] Resolution 30280, adopted by the Council in February 2001, directs SDCI to amend the Seattle Energy Code to "achieve energy savings up to 20 percent beyond the current American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and Illuminating Energy Society of North America (IESNA) energy efficiency requirements for nonresidential buildings: ASHRAE/IESNA Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings."

amendments to ensure that it maintains the 2018 Energy Code level of stringency. Changes of note include:

- Expanded applicability – the 2021 Washington State Energy Code changed the definition of residential buildings to exclude most low-rise multifamily buildings, so that the more stringent commercial code will apply to almost all residential buildings, except for low-rise buildings with units that are accessed from exterior walkways.
- Electric-ready commercial kitchens – this Seattle-specific amendment would require that commercial kitchens in new buildings have electrical capacity so that gas cooking appliances can be easily replaced by electric versions.
- Flexibility for equipment replacement – the 2018 Seattle Energy Code required that buildings install electric water and space heating systems when gas systems are being replaced, except for emergency replacements. The 2021 Seattle Energy Code would provide alternate compliance options to reduce the burden of this requirement:
    - Emergency replacements would continue to be exempt. Additional exemptions are provided for affordable housing, hospitals, nonprofits, and buildings that would require certain costly electrical service upgrades. Buildings would be allowed to retain 50 percent of their existing gas heating capacity.
    - All buildings applying for this flexibility would be required to submit a "future decarbonization plan" that includes cost estimates for future electrification.

Note that commercial or residential buildings over 20,000 square feet will be subject to the City's Building Emissions Performance Standard, which requires such buildings to gradually reduce their emissions to net zero by 2050 or earlier (depending on size and type).

Existing Building Code

Continuing progress towards establishing a seismic retrofit requirement for unreinforced masonry buildings (URMs) as described in Resolution 32033, with interim steps identified in Resolution 32111, the 2021 Seattle Existing Building Code includes a definition for URM, URM building, and Retrofitted URM Building. It also adds a new appendix that codifies the URM Technical Retrofit Standard, a new minimum standard that is lower cost and addresses priority structural deficiencies, including bracing parapets, strengthening connections between walls and floors, and preventing walls from falling outwards. This option is limited to buildings that meet specific criteria.

Building owners that voluntarily upgrade URM buildings to this standard prior to the City's adoption of a URM seismic retrofit requirement will not need to take additional measures to comply with the mandate. Exhibit 1 shows SDCI's key milestones for program development.

Exhibit 1. SDCI's key milestones towards developing the URM seismic retrofit mandate

Other Construction Codes

Other changes of note included in the construction codes update are highlighted below.

- Building Code: allows buildings constructed of mass timber to have the mass timber be fully exposed in ceilings, maximizing the material's aesthetic appeal.
- Residential Code: requires that one and two-family dwelling units have EV charging infrastructure so that a charging station can easily be installed.
- Mechanical Code: requires a higher level of air filtration for some occupancies to maintain air quality in a building during wildfire smoke events and establishes requirements for kitchen exhaust systems to improve indoor air quality during cooking.

Next Steps

If the Committee is votes to recommend passage of CB 120832 on September 18, the City Council could take final action on the legislation at its meeting on September 24, at the earliest.

cc: Ben Noble, Director