

FISCAL NOTE FOR NON-CAPITAL PROJECTS

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Legislation Title:

An Ordinance relating to land use and zoning, amending Sections 23.40.060, 23.41.012 and 23.90.018 to revise the Living Building and Seattle Deep Green Pilot program.

Summary of the Legislation:

On June 6, 2013, the City Council passed Resolution 31400, directing DPD to establish a technical advisory group (TAG) to advise the City on sustainable building practices; develop recommendations to revise the Living Building Program; and develop recommendations to revise the Seattle Deep Green Program by December 31, 2014. The resolution was adopted due to concerns about allowable departures.

This legislation will focus the pilot program on the Living Building option. In summary, the legislation would:

- eliminate the existing Seattle Deep Green option (to allow the City and the Living Building and Deep Green TAG time to fully evaluate and develop a new pilot program for Deep Green);
- revise the minimum standards of the program related to energy use to align with the new Seattle Energy Code;
- require an independent report to verify compliance;
- modify or remove some available departures; and
- increase the maximum penalty for projects failing to demonstrate full compliance with the standards from five percent (5%) to ten percent (10%) of construction costs.

Meanwhile, DPD will work with the TAG through 2014 to develop recommendations to revise or replace the Seattle Deep Green pilot program, including reviewing departures available in that pilot.

Background:

The Living Building and Seattle Deep Green Pilot Program was adopted by the City Council in December 2009, and amended in 2012, to facilitate the development of buildings that would either meet the Living Building Challenge or suitable alternative minimum standards. The program was developed to provide flexibility for projects seeking Living Building Challenge certification. The Living Building Challenge is a green building rating system created by the International Living Future Institute to recognize buildings meeting the highest level of sustainability. Version 2.1 of the Living Building Challenge requires buildings to meet 20 imperatives (i.e., requirements or prerequisites) within seven performance areas or petals: site,

water, energy, health, materials, equity, and beauty. In general, the imperatives require buildings to be built on non-environmentally sensitive sites, use recycled materials, generate as much or more electricity as they use through sustainable sources, capture as much rainwater as they use, treat wastewater on site, and meet a number of standards for other elements.

The current pilot program allows for up to 12 projects to participate and sunsets in 2015; this proposal does not modify that timeframe. This proposal continues to allow some flexibility in applying land use standards for projects qualifying for the Living Building Pilot Program, while ensuring that participating projects fit within the context of neighborhoods.

This legislation does not have any financial implications.

(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

This legislation has financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) **What is the financial cost of not implementing the legislation?**
None.

c) **Does this legislation affect any departments besides the originating department?**
No.

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

No alternatives have been identified, as the development of Living Buildings is dependent upon participation in a pilot program to study these buildings and appropriate Land Use Code provisions.

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

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

f) **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.

g) 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.

h) Other Issues: None

List attachments to the fiscal note below: None