

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

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.

WHEREAS, the City of Seattle has been a leader in encouraging sustainable building since it adopted a Sustainable Building Policy in February 2000, and the City has implemented other processes, regulations, and incentives to encourage the private market to follow the City's lead;

WHEREAS, the *Living Building Challenge*TM establishes goals for building owners, architects, design professionals, engineers, and contractors to build in a way that provides for a sustainable future through buildings informed by their ecoregion's characteristics, that generate all of their own energy with renewable resources, that capture and treat all of their water, and operate efficiently with maximum beauty; and

WHEREAS, the City Council adopted Ordinance 123206 in December 2009 and adopted Ordinance 123942 in July 2012 to establish and expand the Living Building Pilot Program and add a new category of building typology called Seattle Deep Green; and

WHEREAS, the City Council adopted Resolution 31400 in June 2013, requesting the Department of Planning and Development develop recommendations for improving the Living Building Pilot Program by December 31, 2013, and legislation implementing a new Seattle Deep Green Pilot Program no later than December 31, 2014; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The title and subsections B and E of Section 23.40.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, are amended as follows:

23.40.060 Living Building ((and Seattle Deep Green)) Pilot Program

* * *

B. Project qualification.

1 1. Eligible projects. Only projects that are eligible for design review under Section
2 23.41.004 and located outside of the shoreline jurisdiction may qualify for the Living Building
3 Pilot Program(~~(or the Seattle Deep Green Pilot Program)~~).

4 2. Enrollment period. The enrollment period for ~~((both))~~the Living Building Pilot
5 Program(~~(and the Seattle Deep Green Pilot Program)~~) expires on the earlier of December 31,
6 2015 or ~~((for each program as follows:~~

7 a. ~~The enrollment period for the Living Building Pilot Program shall expire~~
8 ~~))~~when applications for twelve projects have been submitted for a Master Use Permit. ~~((for the~~
9 ~~Living Building Pilot Program; and~~

10 b. ~~The enrollment period for the Seattle Deep Green Pilot Program shall~~
11 ~~expire when applications for three projects have been submitted for a Master Use Permit under~~
12 ~~the standards of subsection 23.40.060.E.1.a or b for the Living Building Pilot Program or the~~
13 ~~Seattle Deep Green Pilot Program.))~~

14 3. Application requirements. In order to qualify for the Living Building Pilot
15 Program, applicants ~~((must))~~shall submit a plan demonstrating how their project will meet each
16 of the ~~((prerequisites))~~imperatives of the Living Building Challenge, including an overall design
17 concept, proposed energy balance, proposed water balance, and descriptions of innovative
18 systems. In addition, an applicant shall include a description of how the project serves as a model
19 for testing code improvements to stimulate and encourage Living Buildings in the city.

20 C. Design review. All Living Building Pilot Program projects are subject to Design
21 Review and shall be reviewed in accordance with the Design Review Process provided in
22 Section 23.41.014

23 D. Height measurement technique. At the discretion of the applicant, the height of a
24 qualifying project shall be determined using either the definition of building height in Section
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1 502 of the Seattle Building Code or the method described in Chapter 23.86 of the Land Use
2 Code.

3 E. Compliance with minimum standards.

4 1. ~~((Minimum Standards for both the Living Building Pilot Program and the~~
5 ~~Seattle Deep Green Pilot Program.))~~Qualifying projects under ~~((both-))~~the Living Building Pilot
6 Program ~~((and the Seattle Deep Green Pilot Program))~~that are granted departures shall meet one
7 of the following:

8 a. Living Building Challenge. The intent of the Living Building Pilot
9 Program is to encourage development of buildings that meet or exceed the goals of the Living
10 Building Challenge. A qualifying project shall meet:

11 1) all of the Imperatives of the Living Building Challenge, version
12 2.1; or

13 2) at least three of the seven performance areas, or "petals," of the
14 Living Building Challenge, version 2.1 (Site, Water, Energy, Health, Materials, Equity, and
15 Beauty), including at least one of the following three petals: Energy, Water, or Materials, and all
16 of the following standards:

17 a) total building energy usage~~((, not including energy~~
18 ~~generated on-site,))~~ shall be ~~((25))~~ 75 percent or less of the ~~((average energy usage for a~~
19 ~~comparable building not in the Living Building Pilot Program))~~energy consumed by a "standard
20 reference design building," ~~((based on))~~as defined in the Seattle Energy Code in effect at the
21 time a complete building permit application is submitted;

22 b) total building water usage, not including harvested
23 rainwater, shall be 25 percent or less of the average water usage for a comparable building not in
24 the Living Building Pilot Program, based on Seattle Public Utility estimates or other baseline
25 approved by the Director that would provide a comparable estimate; and

1 c) at least 50 percent of stormwater shall be captured and
2 used on site.

3 b. RESERVED((~~Seattle Deep Green Pilot Program. Qualifying Seattle~~
4 ~~Deep Green Pilot Program projects that are granted departures shall meet a minimum of 60~~
5 ~~percent of the Imperatives of the Living Building Challenge, version 2.1, and all of the following~~
6 ~~alternative standards:~~

7 1) ~~total building energy usage, not including energy generated on~~
8 ~~site, shall be 25 percent or less of the average energy usage for a comparable building not in the~~
9 ~~Living Building or Seattle Deep Green Pilot Program, based on the Energy Information~~
10 ~~Administration's 2003 Commercial Buildings Energy Use Survey, Energy Information~~
11 ~~Administration's 2005 Residential Energy Consumption Survey, or other baseline approved by~~
12 ~~the Director that would provide a comparable estimate; and~~

13 2) ~~total building water usage, not including harvested rainwater, shall~~
14 ~~be 25 percent or less of the average water usage for a comparable building not in the Living~~
15 ~~Building or Seattle Deep Green Pilot Program, based on Seattle Public Utility estimates or other~~
16 ~~baseline approved by the Director that would provide a comparable estimate; and~~

17 3) ~~at least 50 percent of stormwater shall be captured and used on~~
18 ~~site)).~~

19 2. No later than two years after issuance of a final Certificate of Occupancy for
20 the project, or such later date as may be allowed by the Director for good cause, the owner shall
21 submit to the Director a report demonstrating how the project complies with the standards
22 contained in subsection((s)) 23.40.060.E.1.a(~~or E.1.b~~). Compliance must be demonstrated
23 through an independent report from a third party. The report must be produced by the
24 International Living Future Institute (ILFI) or another independent entity approved by the
25 Director.

1 3. If the Director determines that the report submitted (~~pursuant to subsection~~
2 ~~23.40.060.E.2~~) provides satisfactory evidence that the project has complied with the standards
3 contained in subsection 23.40.060.E.1.a(~~or E.1.b~~), the Director shall(~~, in consultation with the~~
4 ~~International Living Future Institute (ILFI) and subject to procedures and requirements~~
5 ~~established by Director's Rule,~~) send the owner a (~~letter of approval stating~~)written statement
6 that the project has complied with the (~~performance~~)standards of the Living Building Pilot
7 Program(~~or Seattle Deep Green Pilot Program~~). If the Director determines that the project does
8 not comply with the standards in subsection 23.40.060.E.1.a, the Director shall notify the owner
9 of the aspects in which the project does not comply. Nothing in the (~~letter of approval~~)written
10 statement or participation in the Living Building Pilot Program (~~or the Seattle Deep Green Pilot~~
11 ~~Program~~)shall constitute or imply certification of the project by ILFI as a Living Building
12 under the Living Building Challenge. Components of the project that are included in order to
13 comply with the minimum standards of (~~either~~)the Living Building Pilot Program (~~or the~~
14 ~~Seattle Deep Green Pilot Program~~)shall remain for the life of the project.

15 4. Within 90 days after the Director notifies the owner of the ways in which the
16 project does not comply, or such longer period as the Director may allow for good cause, the
17 owner may submit a supplemental report demonstrating that it has made alterations or
18 improvements such that the project now meets the standards in subsection 23.40.060.E.1.a(~~or~~
19 ~~E.1.b~~).

20 5. If the owner fails to submit a supplemental report within the time allowed
21 pursuant to Section 23.40.060.E.4, the Director shall determine that the project has failed to
22 demonstrate full compliance with the standards contained in Section 23.40.060.E.1.a(~~or E.1.b~~),
23 and the owner shall be subject to the penalty in Section 23.90.018.B.6.

24 Section 2. Subsection D of Section 23.41.012 of the Seattle Municipal Code, which
25 Section was last amended by Ordinance 116909, is amended as follows:

1 **23.41.012 Development standard departures**

2 * * *

3 D. Departures for the Living Building Pilot Program(~~or the Seattle Deep Green Pilot~~
4 ~~Program~~)).

5 1. Criteria for Departures. Departures from Land Use Code requirements for
6 projects participating in the Living Building Pilot Program(~~or the Seattle Deep Green Pilot~~
7 ~~Program~~)) pursuant to Section 23.40.060 may be allowed if an applicant demonstrates that the
8 departure would result in a development that better meets the intent of adopted design guidelines
9 or that the departure would result in a development that better meets the goals of (~~one of~~)the
10 Pilot Program(~~s~~) and would not conflict with adopted design guidelines. In making this
11 recommendation, the Board shall consider the extent to which the anticipated environmental
12 performance of the building would be substantially compromised without the departures.

13 2. Scope of Departures. In addition to the departures allowed under subsection
14 23.41.012.B, departures for projects participating in the Living Building Pilot Program (~~or the~~
15 ~~Seattle Deep Green Pilot Program~~) established under Section 23.40.060 may also be granted for
16 the following:

17 a. Permitted, prohibited or conditional use provisions, but only for
18 accessory uses that would directly address an Imperative of the Living Building Challenge,
19 version 2.1, including but not limited to uses that could re-use existing waste streams or reduce
20 the transportation impacts of people or goods.

21 b. Residential density limits;

22 (~~e. Downtown view corridor requirement~~)

23 c(~~d~~). Floor Area Ratios (~~limits, as follows:~~

24 ~~1) Up~~)up to 15 percent above the otherwise applicable limit;

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President _____ of the City Council

Approved by me this ____ day of _____, 2014.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

