

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending Sections 23.40.060 and 23.41.012 of the Seattle Municipal Code to provide additional design departures under the Demonstration Program for Living Building Design implemented by Section 23.40.060.

WHEREAS, the *Living Building Challenge* 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 its own energy with renewable resources, that captures and treats all of its water, and operates efficiently with maximum beauty; and

WHEREAS, the *Living Building Challenge* is attempting to raise the bar and define the most advanced measure of sustainability in the built environment, using a benchmark of what is currently possible and given the best knowledge available today. Projects that achieve this level of performance can claim to be among the 'greenest' anywhere, and will serve as role models to others that follow;

WHEREAS, creating Living Buildings requires a fundamentally different approach to building design, construction, and operations that may necessitate changes to current development codes;

WHEREAS, the City Council adopted Ordinance 123206 in December 2009 to establish the Living Building Pilot Program as part of the Land Use Code, to promote the goals of the *Living Building Challenge* and permit the development of up to 12 projects that meet the prerequisites of the *Living Building Challenge*; and

WHEREAS, allowing additional development standard flexibility recognizes the significant challenges to meeting such high standards, and has been identified as essential to encouraging more participation in the program, furthering the goals of the *Living Building Challenge*; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection E of Section 23.40.060 of the Seattle Municipal Code, which section was last amended by Ordinance 123392, is amended as follows:

23.40.060 Living Building Pilot Program

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E. Compliance with minimum standards.

1. Minimum standards. While the intent of the Living Building Pilot

Program is to encourage development of buildings that meet or exceed the goals of the Living Building Challenge, qualifying projects that are granted departures (~~shall~~)must meet either all of the prerequisites of the Living Building Challenge or at a minimum 60 percent of the prerequisites of the Living Building Challenge and all of the following alternative standards:

a. total building energy usage, subtracting energy generated on site, is 25 percent or less of the average energy usage for a comparable building not in the Living Building Program, based on the Energy Information Administration's 2003 Commercial Buildings Energy Use Survey, Energy Information Administration's 2005 Residential Energy Consumption Survey, or other baseline approved by the Director that would provide a comparable estimate;

b. total building water usage, subtracting harvested rainwater, is 25 percent or less of the average water usage for a comparable building not in the Living Building Program, based on Seattle Public Utility estimates or other baseline approved by the Director that would provide a comparable estimate; and

c. at least 50 percent of stormwater is captured and used on site.

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Section 23.41.012 of the Seattle Municipal Code, which section was last amended by Ordinance 123392, is amended as follows:

23.41.012 Development standard departures

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D. Departures for the Living Building Pilot Program.

1 1. Criteria for Departures. Departures from Land Use Code requirements for
2 projects participating in the Living Building Pilot Program pursuant to Section 23.40.060 may be
3 allowed if an applicant demonstrates that the departure would result in a development that better
4 meets the intent of adopted design guidelines or that the departure would result in a development
5 that better meets the goals of the Living Building Challenge and would not conflict with adopted
6 design guidelines. In making this recommendation, the Board shall consider the extent to which
7 the anticipated environmental performance of the building would be substantially compromised
8 without the departures.
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10 2. Scope of Departures. In addition to the departures allowed under
11 ~~((Section))~~ subsection 23.41.012.B, departures for projects participating in the Living Building
12 Pilot Program established under Section 23.40.060 may also be granted for the following:
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14 a. Permitted, prohibited or conditional use provisions, but only for
15 accessory uses that would directly address a prerequisite of the Living Building Challenge,
16 including but not limited to uses that could re-use existing waste streams or reduce the
17 transportation impacts of people or goods.

18 b. Residential density limits;

19 c. Downtown view corridor requirements;

20 d. Floor Area Ratio(~~(s)~~) limits, as follows:

21 1) ~~U((#))~~ up to 15 percent above the otherwise applicable limit;

22 2) In addition, up to all gross floor area for street level general
23 sales and services, eating and drinking establishments, or entertainment uses, when located in:
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25 i.) An IC zone with a height limit of 45 feet or less; and

26 ii.) An urban village or urban center.
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e. Maximum size of use;

f. Structure height, subject to the following:

1) Structure height up to 10 feet; or

2) Structure height up to 20 feet for development on sites in IC zones with height limits of 45 feet or less, if the sites are located in an Urban Village or Urban Center and if the project would not conflict with adopted Design Guidelines; (~~except only r~~)

3) Rooftop features may be allowed to extend (~~more than 10 feet above the otherwise applicable limit~~) above the structure height approved pursuant to this subsection 23.41.012.D.2.f;

g. Quantity of parking required, minimum and maximum parking limits, and minimum and maximum number of drive-in lanes;

h. Standards for storage of solid-waste containers;

i. The quantity of open space required for major office projects in Downtown zones in subsection 23.49.016.B;

j. Standards for the location of access to parking in Downtown zones;

k. Provisions of Chapter 23.53, Requirements for Streets, Alleys and Easements.

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Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this

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_____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

Monica Martinez Simmons, City Clerk

(Seal)