

Living Building Pilot Program

DRAFT Proposal - September 2014

The Department of Planning and Development worked with the Living Building and Seattle Deep Green Technical Advisory Group over the last year to consider changes to the Living Building pilot program. The TAGs expertise and feedback was used to inform the DPD's decision-making and draft proposal, outlined in this document.

Proposal Summary

- Link pilot program directly to the Living Building Challenge™
 - » Allow Land Use Code incentives / bonuses as-of-right
 - » Allow Land Use Code flexibility as a Director's decision
 - » Facilitated review process across departments
 - » Allow extended performance period if there is a demonstrated need.
- Include additional steps, identified by the TAG, that the city or other agencies could take to promote the development of more living buildings.
- Add Passive House to existing incentive zoning program for extra FAR.

Benefits of this approach

- Provides more certainty to applicants in the review process.
- Simplifies program requirements to facilitate more streamlined review process.
- Developing standards that are distinct from existing 3rd party standards requires significant staff time and resources. Using standards established by a third party reduces the burden on policy makers and city staff.
- Third party standards use criteria that have been tested and that may already be familiar to the local building industry. It allows the city to encourage beyond-code development as demonstration projects that lays the ground work for raising the floor of code requirements.

Enrollment

In order to participate in the Living Building Pilot Program, projects must:

- seek full Living Building Certification - applicants must be registered with the International Living Future InstituteSM for LBC™ full certification prior to building permit issuance;
- use the Target Performance Path in the Seattle Energy Code;
- agree and commit to public disclosure of energy, water and storm-water performance - application will include details on how this information will be submitted to the city; and
- be located outside the shoreline jurisdiction.
- Enrollment will be limited to 12 qualifying projects.

Incentives and Flexibility

- The following **incentives** will be available to any project enrolled in the pilot program
 - » Increased floor-to-floor height (up to 10 feet in zones with height limits up to 45 feet; 20 feet in zones with height limits over 45)
 - » Floor area ratio limits, up to 15 percent above the otherwise applicable limit
 - » Residential density limits
 - » Quantity of parking
- **Flexibility / waivers** from the following standards may be granted by the Director if the applicant meets the criteria outlined below:
 - » Permitted, prohibited or conditional use provisions, for accessory uses that would directly address an imperative of the LBC
 - » Maximum size of use; and
 - » Structural building overhangs and minor architectural encroachments.
 - » Criteria:
 - * the waiver would result in a development that better meets the intent of adopted design guidelines; or
 - * would result in a development that better meets the goals of the Pilot Program and would not conflict with adopted design guidelines
- **Facilitated** inter-departmental review process.



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Compliance & Penalties

Each project must strive to meet the full LBC but penalties would only apply if the project does not achieve, at minimum, Living Building Challenge™ petal certification and the following:

- Energy: Actual EUI – 25% below targets set in the Seattle Energy Code or EUI established with code official
- Water: No potable water for non-potable uses
- Applicant must submit a report demonstrating compliance within two years after issuance of a final Certificate of Occupancy (outcome of the certification review by ILFI). The applicant may request an extension to this performance period. To receive an extension the applicant must outline the reason for the extension request, and demonstrate what alterations are needed to bring the project into compliance. This shall include retro-commissioning to identify and resolve problems that occurred during design and construction.
- Penalties: a maximum penalty of 10% and a minimum penalty of 1% of the permit construction value, based on the extent of compliance with the standards.

Living Building Technical Advisory Group

- Technical resource to the DPD staff in determining if flexibility to the LUC development standards are justified.
- Optional technical resource to pilot project teams.
- One TAG member will join the Design Review Board during the review process.
 - » Pilot projects will be used to test a modified design review process with additional collaboration and discussion between DRB and applicants.

Additional Recommendations (identified by TAG)

- City comes out as a leader – pursue Living Building Certification for city building.
- City considers working with the state to allow tax incentives or other financial incentives.
- Continue to work with SPU, SCL and King County to:
 - » Consider process for use of ROW for infrastructure that would support deep green development (i.e. allowing for utildoors).
 - » Allow hybrid vault/cisterns with seasonal valve – with clear approval process.
 - » Provide separate meters to ease tracking of different uses and building functions.
 - » Consider options to: license operations & maintenance providers; have city operate a smaller distributed system and establish framework for city managing ‘private’ systems.
 - » Address barriers to achieving net positive water systems that allow decentralized site- or district-level solutions.
 - » Creating program for pilot projects that reduces or exempts them from certain fees, such as sewer hookup; utility base rates; stormwater development fee.

Passive House

- Add Passive House to existing incentive zoning program for extra FAR or height in certain zones.

To qualify for the higher FAR limit in Table A for 23.45.510 in multi-family zones, projects must meet green building performance standards by earning a LEED Silver or a Built Green 4-star rating. This proposal will recognize Passive House as another option to access this incentive.

