



SEATTLE CITY COUNCIL

Legislative Summary

CB 118630

Record No.: CB 118630

Type: Ordinance (Ord)

Status: Passed

Version: 1

125000

In Control: City Clerk

File Created: 10/09/2015

Final Action: 03/10/2016

Title: AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: rebecca.baker@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	02/02/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text:	The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk					
	Notes:						
1	City Clerk	02/02/2016	sent for review	Council President's Office			
	Action Text:	The Council Bill (CB) was sent for review. to the Council President's Office					
	Notes:						
1	Council President's Office	02/04/2016	sent for review	Sustainability and Transportation Committee			

Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee
Notes:

1 Council President's Office 02/18/2016 sent for review Energy and Environment Committee

Action Text: The Council Bill (CB) was sent for review. to the Energy and Environment Committee
Notes:

1 Full Council 02/22/2016 referred Energy and Environment Committee

1 Energy and Environment Committee 02/25/2016 pass Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).

Notes:

In Favor: 3 Chair Sawant, Vice Chair Juarez, O'Brien

Opposed: 0

1 Full Council 02/29/2016 passed Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1 City Clerk 03/03/2016 submitted for Mayor's signature Mayor

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor

Notes:

1 Mayor 03/10/2016 Signed

Action Text: The Council Bill (CB) was Signed.

Notes:

1 Mayor 03/10/2016 returned City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk

Notes:

1 City Clerk 03/10/2016 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE
ORDINANCE 125000
COUNCIL BILL 118630

AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

WHEREAS, The City of Seattle (City) has a goal to become a carbon neutral city by 2050 and adopted a strategy for achieving this goal through Resolution 31447, adopting the 2013 Seattle Climate Action Plan; and

WHEREAS, the 2013 Seattle Climate Action Plan includes an action to make information from the energy benchmarking reports publicly accessible; and

WHEREAS, cities with full transparency of energy benchmarking reports and additional regulations have attained higher rates of energy use reduction; and

WHEREAS, as part of its 2013 Seattle Climate Action Plan, the City set a 2050 goal for reducing emissions from all commercial and residential buildings from 2008 levels by 45 percent and 63 percent, respectively; and

WHEREAS, emissions tracking from 2008 to 2012 through a citywide greenhouse gas inventory shows the City is not currently on track in per-year energy reductions to meet these targets; and

WHEREAS, RCW 19.27A.170 requires disclosure of nonpublic nonresidential benchmarking data and ratings for buildings greater than 10,000 square feet to a prospective buyer, lessee, or lender for the most recent continuously occupied 12-month period; and

WHEREAS, the City will publicly post annual building energy benchmarking reports and, where available, an energy performance rating; and

WHEREAS, it is appropriate to make technical and procedural corrections to Chapter 22.920;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.920.060 of the Seattle Municipal Code, last amended by Ordinance 123993, is amended as follows:

22.920.060 Maintaining energy utility records

Utilities providing energy service to a nonresidential or multi-family benchmark building shall maintain energy consumption data for each building for at least the most-recent ~~((twelve))~~ 24 months in a format capable of being uploaded to the United States Environmental Protection Agency's Energy Star Portfolio Manager.

On and after June 1, 2010, upon written or secure electronic authorization by an authorized representative of the building owner, the utility providing energy service to the building shall upload the utility consumption data for the accounts specified by an authorized representative of the building owner to the United States Environmental Protection Agency's Energy Star Portfolio Manager, in a form that does not disclose personally-identifying information. Utility companies have 30 days from receipt of such written or secure electronic authorization to upload information to Energy Star Portfolio Manager.

Section 2. Section 22.920.125 of the Seattle Municipal Code, enacted by Ordinance 123993, is amended as follows:

22.920.125 Response to Notice of Violations

A. A person must respond to a notice of violation in one of the following ways:

rule to make individual building energy benchmarking reports and, where available, an energy performance rating publicly available.

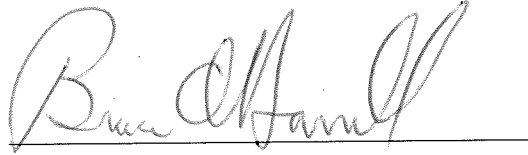
Section 5. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 6. In order to pay for necessary costs and expenses incurred or to be incurred, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of making the 2016 budget, appropriations for the following items in the 2016 budget are increased from the funds shown, as follows:

Item	Fund	Department	Budget Control Level	Amount
6.1	General Subfund (00100)	Office of Sustainability and Environment	Office of Sustainability and Environment (X1000)	\$ 95,000
Total				\$ 95,000

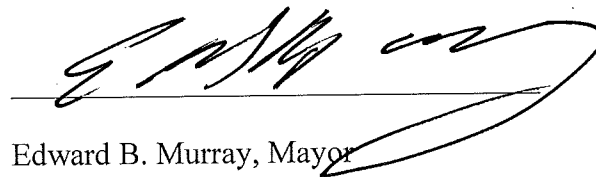
Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of February, 2016, and signed by me in open session in authentication of its passage this 29th day of February, 2016.



President _____ of the City Council

Approved by me this 10 day of March, 2016.



Edward B. Murray, Mayor

Filed by me this 10th day of MARCH, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Office of Sustainability & Env't	Sandra Mallory / 5-0731	Aaron Blumenthal / 3-2656

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

Summary and background of the Legislation: This ordinance would update the Energy Benchmarking and Disclosure requirements to allow the City to annually publish building energy benchmarking reports and where available, an energy performance rating beginning in 2016. In addition, minor clean up revisions to the code language are included.

This legislation will encourage market competition and consumer choice by making annual building energy performance data transparent. Currently, more than a dozen jurisdictions around the United States make building energy performance data publicly available, leaving the Seattle real estate market at a competitive disadvantage. Transparency of building energy performance data will create a long-term market demand for energy efficient buildings, protecting tenant interests, and reward high-performers.

The City will publish reported building performance data visually via an interactive website to allow energy benchmarking information to be considered and understood in context and encourage energy efficiency action in underperforming buildings. To effectively drive market transformation, a system is needed to quickly convey key performance metrics in a way that's useful for building owners and managers, tenants, investors, and policy-makers. Options utilized by other cities for how to present the information include searchable and sortable data tables, maps with embedded building data, charts and graphs of aggregate data, individual building profiles with pictures, and (almost) live energy use tracking. Stakeholders have requested a user-friendly, visual way to compare data between buildings and sectors. To implement this legislation, the City will adapt existing web based applications used by other municipalities to minimize the initial financial investment and ongoing maintenance costs yet achieve the desired data transparency and energy reduction goals.

2. CAPITAL IMPROVEMENT PROGRAM

_____ **This legislation creates, funds, or amends a CIP Project.**

3. SUMMARY OF FINANCIAL IMPLICATIONS

X This legislation has direct financial implications.

Budget program(s) affected:				
Estimated \$ Appropriation change:	General Fund \$		Other \$	
	2016	2017	2016	2017
	\$95,000	\$20,000	\$0	\$0
Estimated \$ Revenue change:	Revenue to General Fund		Revenue to Other Funds	
	2016	2017	2016	2017
	\$0	\$0	\$0	\$0
Positions affected:	No. of Positions		Total FTE Change	
	2016	2017	2016	2017
	0	0	0	0
Other departments affected:				

3.a. Appropriations

X This legislation adds, changes, or deletes appropriations.

Fund Name and number	Dept	Budget Control Level Name/##	2016 Appropriation Change	2017 Estimated Appropriation Change
General Fund 00100	OSE	OSE	\$95,000	\$20,000
TOTAL			\$95,000	\$20,000

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

Council and stakeholders have requested benchmarking data be publicly displayed in context with accessible data filtering and basic analysis features similar to the Philadelphia visualization tool¹. Seattle's benchmarking program has also established an annual performance profile reporting process that delivers customized information back to office and multifamily building owners and managers. These scorecards provide a snap shot of how their building is doing over time, how it compares to their peers, what savings potential exists and how to connect to available resources to help them improve the efficiency of their facility. Seattle is proposing to expand to additional building types and integrate these profiles into a web based visualization tool similar to the Metered NYC² prototype. Based on industry research of existing tool adaptation cost estimates as well as the benchmarking program's past expenditures to create the benchmarking dashboard and scorecards, to accomplish this goal, the following changes to 2016

¹<http://visualization.phillybuildingbenchmarking.com/#/>

²<http://metered.nyc/>

Appropriations include \$95,000 for expenses related to scoping, creating, and hosting an interactive website to visually display collected energy performance data.

Additional Appropriations will be requested in the 2017-2018 Budget to host, maintain and update an interactive data visualization application. Anticipated on-going program costs of would cover the following items:

- a) \$20,000 beginning in 2017 for the following annual costs:
 - a. Website hosting fees: \$5,000- \$8,000 (depends on tool and method selected)
 - b. Technical support to maintain, improve and publish annual data updates: \$15,000

Periodic tool enhancements may warrant future budget requests to add metrics, display features and analysis results. Visualization of building energy performance data is enabled by the existing benchmarking program's budget to analyze collected benchmarking reports. Program staffing requirements are not anticipated to increase, as OSE will redirect existing staff resources to scope and maintain a data visualization tool. At this time, OSE does not anticipate the need for DoIT staff support to create or maintain a data visualization tool as this work would be performed through a vendor contract.

3.b. Revenues/Reimbursements

_____ This legislation adds, changes, or deletes revenues or reimbursements.

3.c. Positions

_____ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**

There are ongoing costs to host, maintain and enhance a data visualization tool, and these costs are noted above. Ongoing budget appropriations to perform ongoing maintenance and web visualization upgrades are anticipated to be \$10,000 per year.

- b) **Is there financial cost or other impacts of not implementing the legislation?**

This legislation helps implement the Climate Action Plan and contribute to meeting the City's carbon reduction goals. By not implementing this legislation, the City is anticipated to make less progress in achieving carbon and energy reduction goals. There are future financial costs to the City for not implementing the legislation.³

- c) **Does this legislation affect any departments besides the originating department?**

Yes, the Department of Information Technology (Seattle IT) may need to allocate staffing resources to support the maintenance of a data visualization tool.

³ https://www.whitehouse.gov/sites/default/files/docs/the_cost_of_delaying_action_to_stem_climate_change.pdf

d) Is a public hearing required for this legislation?

No.

e) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

f) Does this legislation affect a piece of property?

No.

g) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

No.

h) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

This legislation amends the existing energy benchmarking and disclosure requirement. No additional work will be required by building owners to comply. This legislation to make information from building energy benchmarking reports publicly accessible was identified in the 2013 Climate Action Plan as part of the City's strategy to achieving a goal of carbon neutrality by 2050.

i) Other Issues:

None.

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS,

335030

No.

CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

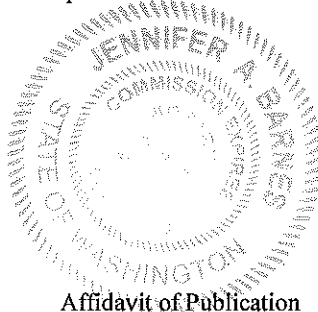
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

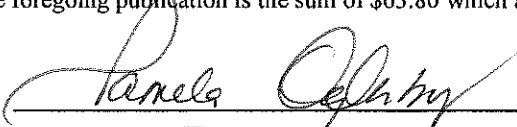
CT:124997-98,125000 TITLE

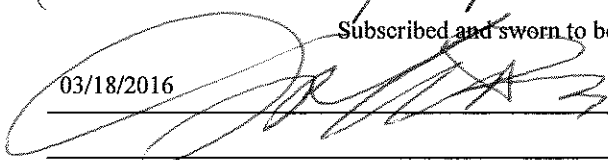
was published on

03/18/16

The amount of the fee charged for the foregoing publication is the sum of \$63.80 which amount has been paid in full.





Subscribed and sworn to before me on
03/18/2016


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on February 29, 2016, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 124997

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 124998

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the Joint Crafts Council; and ratifying and confirming certain prior acts.

Ordinance 125000

AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.126, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget: all by a 3/4 vote of the City Council.

Date of publication in the Seattle Daily Journal of Commerce, March 18, 2016.

3/18(335030)