

<b>Applicant:</b>  City of Seattle Department of Construction & Inspections	<b>Page</b>  1 of 5	<b>Supersedes:</b>  NA
	<b>Publication:</b>	<b>Effective:</b>
<b>Subject:</b>  Green Building Standards	<b>Code and Section Reference:</b>  SMC 23.58D and 23.84A.014 "G"	
	<b>Type of Rule:</b>  Code Interpretation and Procedural Rule	
	<b>Ordinance Authority:</b>  SMC 3.06.040	
<b>Index:</b>  Land Use Code/Technical Standards and Procedural Requirements	<b>Approved</b>	<b>Date</b>
_____ Nathan Torgelson, Director, Seattle DCI		

**PURPOSE**

The purpose of this Rule is to:

- A. Establish the requirements for development to meet the green building standard, including demonstrating a substantially equivalent, where applicable.
- B. Establish the requirements for documenting an owner's commitment that a proposed development will meet a green building standard; and
- C. Establish the requirements for demonstrating compliance with a commitment that the development will meet a green building standard.

**AUTHORITY**

Seattle Municipal Code (SMC) subchapter 23.58D.

## **BACKGROUND**

Certain development is required by the Land Use Code to meet a green building standard, such as development that includes extra floor area. "Green building standard" is defined in the code as a performance based standard that is equivalent or superior to standards accepted in the building industry for high-level development strategies and practices that apply to a range of structure types, save resources, and promote renewable, clean energy.

Seattle is a national leader in energy conservation and has set ambitious targets for reducing building energy use in an effort to become a carbon neutral city by 2050. The green building standard is meant to improve energy conservation beyond the current energy code requirements in exchange for additional development capacity, such as floor area or height.

The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) publishes national standards for energy efficiency that are used by green rating organizations. However, these national standards are less ambitious than the Washington State Energy Code or the Seattle Energy Code. As a result, the green building standard used in the Land Use Code must result in a building that exceeds the local energy code.

## **RULE**

### **A. Requirements for the green building standard**

1. When development relies on compliance with the green building standard in the Land Use Code, Chapter 23.58D, the following building industry certification programs can be used to show compliance with the green building standard:
  - a. Leadership in Energy and Environmental Design (LEED), Gold Level in Building Design and Construction—New Construction or LEED for Homes Gold version 4;
  - b. Built Green 4 Star, Single Family New Construction Checklist 2014 (2-23-16) and Multifamily New Construction Checklist 2009;
  - c. Passive House, version 9 (2015) from the Passive House Institute (PHI) or Passive House Institute US (PHIUS + 2015);
  - d. International Living Futures Institute, Net Zero Energy Building Certification or Living Building Challenge version 3.1; and
  - e. Evergreen Sustainable Development Standard (ESDS), version 3.0.
2. The green building standard must result in energy improvements beyond code requirements by at least 15%.
3. Development proposed in any zone may use any of the industry standards listed above pursuant to the program requirements and subject to the following:
  - a. Built Green, PHIUS + 2015, and PHI may not be used for any building containing a non-residential use.
  - b. ESDS may not be used for any building not applying for funding from the Washington State Housing Trust Fund and/or the Seattle Office of Housing.
4. Demonstrating a Substantially Equivalent or Superior Standard

- a. *Commitment Letter*. A substantially equivalent standard may be approved by the Director if the applicant submits a written request, signed by the owner or financially responsible party. The request must include:
    - i. Documentation demonstrating to the Director how the proposed standard is equivalent to the standards of one or more of the building industry certification programs listed in this Rule; and
    - ii. Identification of an independent third party organization to evaluate compliance with the standard.
  - b. *Documentation Showing Equivalence*. Broad based programs, such as Built Green and LEED target a broad range of categories including energy, water, waste, materials, and indoor air quality. Programs such as PHIUS + 2015, PHI, and ILFI Net Zero, rely on meeting aggressive energy reduction targets that are near or exceed net zero energy. ESDS may not be used for comparison when evaluating equivalency. A substantially equivalent standard to these building industry certification programs must either:
    - i. Include an analysis addressing how the standard will result in an equivocal or superior impact reduction to the broad based programs. The analysis must include, at a minimum, an evaluation of the following:
      - a) Achievement of at least 15% less energy demand as compared to the applicable Seattle Energy Code;
      - b) Water conservation strategies;
      - c) Waste reduction strategies;
      - d) Use of materials that are less harmful to the environment and humans; and
      - e) Improvement of indoor air quality.
    - ii. Include an analysis that focuses on energy demand reduction that results in energy savings analogous to the PHIUS + 2015, PHI, or ILFI, net zero standards.
5. Costs to prepare the analysis will be the responsibility of the applicant and will be reviewed on a per project basis. SDCI will review such analysis at the applicable Land Use hourly rate.

**B. Documenting the commitment that a proposed development will meet the green building standard.**

1. Prior to issuance of a Master Use Permit (MUP), or a building permit if no MUP is required, the applicant shall include in the plans a written statement, signed by the owner, or financially responsible party, identifying which of the building industry certification programs is to be used to meet the green building standard and indicate that the project will result in energy improvements beyond code requirements by at least 15%. The statement shall also acknowledge the requirement to submit documentation demonstrating compliance as required by SMC 23.58D.004.
2. Prior to issuance of a building permit the applicant shall submit documentation that the owner or financially responsible party has registered the development project with one of the independent third party organizations identified in section A.1. who will certify that the required standards have been met.

**C. Demonstrating compliance.** To demonstrate compliance, the owner, or financially responsible party on file with SDCI, shall submit the following information to the Director as specified in the Land Use Code, or 180 days if not specified:

1. A report from one of the independent third party organizations identified below that corresponds to the commitment to meet the green building standard in the permit application:
  - a. For projects using the LEED program, the certification will be produced by the Green Building Certification Institute.
  - b. For projects using the Built Green Program the certification will be produced by the Master Builders Association of King and Snohomish Counties.
  - c. For projects using the Passive House program, the report will be produced by either PHIUS or PHI (Passive House).
  - d. For projects using the ESDS program, the report will be produced according to the process managed by the Housing Trust Fund Contract Manager for the State of Washington.
  - e. Other independent third party organization identified in the commitment letter of an applicant seeking approval of a substantial equivalent standard.
  
2. Documentation that the project results in energy improvements beyond code requirements by at least 15%. Depending on the building industry certification programs used to show compliance with the green building standard, this can be demonstrated in one or more of the following ways:
  - a. Provide an energy model that estimates a 15% reduction from code requirement;
  - b. Obtain a minimum number of LEED energy points that estimate a 15% reduction from code requirement;
  - c. Use a program metric that estimates a 15% energy reduction beyond code requirement; or
  - d. Use a program metric that compares directly to the 2015 Seattle Energy Code to show an estimated 15% reduction beyond code requirement.

## **Attachment**

### **SAMPLE Owner Commitment Letter for Plan Set**

DATE:

TO: SDCI Zoning Review

RE: Project Address  
SDCI Project Number

The proposed project, referenced above, will meet the green building standard by earning a (insert program rating and version). The project will result in energy improvements of at least 15% beyond the requirements of the Seattle Energy Code.

Additionally, I acknowledge the compliance requirements in 23.58D.004, and will submit documentation from the applicable third party organization to certify that the project has met the green performance standard.

Sincerely,

[Owner or financially responsible party on file with SDCI]

