

<b>SDCI</b>	<b><i>DRAFT</i> Director's Rule</b> <b>2016</b>
-------------	--

<b>Applicant:</b>  City of Seattle Seattle Department of Construction & Inspections	<b>Page:</b>  1 of 3	<b>Supersedes:</b>  
	<b>Publication:</b>  _____	<b>Effective:</b>  _____
<b>Subject:</b>  Green building standards: requirements, compliance and documentation.	<b>Code and Section Reference:</b>  SMC 23.58D.002, 23.58D.004 and 23.84A.014 "G"	
	<b>Type of Rule:</b>  Code Interpretation and Procedural Rule	
	<b>Ordinance Authority:</b>  	
<b>Index:</b>  Land Use Code/Technical Standards and Procedural Requirements	<b>Approved</b>  <hr style="width: 100%;"/> <b>Nathan Torgelson, Director</b>	<b>Date</b>  

**Purpose**

The purpose of this rule is to:

- A. Establish the requirements for development to meet the green building standard, or a substantially equivalent standard.
- B. Establish procedures for documenting an owner's commitment that a proposed development will meet a green building standard.
- C. Establish procedures for determining whether the development, once constructed complies with an owner's commitment that the development will meet a green building standard.

## **A. Requirements for the green building standard, or a substantially equivalent standard**

The green building standard applies to a development that meets all of the imperatives in the International Living Future Institute's (ILFI) full Living Building Challenge™ (LBC) certification, version 3.0; or all of the following:

1. Attain at least three of the seven performance areas, or "petals," (Place, Water, Energy, Health and Happiness, Materials, Equity, and Beauty) of the ILFI's Petal certification program. At a minimum the criteria for at least one of the following petals must be met: Energy, Water, or Materials;
2. Total building energy use shall be 75 percent or less of the energy use targets established in the Seattle Energy Code's Target Performance Path, Section C402.1.5; and
3. No potable water shall be used for nonpotable uses.

Alternatively, the green building standard applies to a development that meets the standards for one of the following:

1. A gold certificate either for LEED for New Construction v4 or for LEED for Homes v4, according to the criteria in the U.S. Green Building Council's LEED Green Building Rating System;
2. A 4-Star rating either for BuiltGreen Multi-Family New Construction Version 2009 or BuiltGreen Single-Family/Townhome New Construction Version 2014, at the election of the applicant, according to the criteria in the Master Builders Association of King and Snohomish Counties Rating System;
3. A Passive House certificate, according to the criteria in the Passive House Institute US's (PHIUS) 2014 rater checklist;
4. A Net Zero Energy certification according to the criteria in the ILFI's LBC, version 3.0;
5. Meets the standards for the Evergreen Sustainable Development Standard (ESDS) version 2.2 according to the State of Washington Department of Commerce Rating System; or
6. A substantially equivalent standard, as approved by the Director. The owner must submit a written request and documentation demonstrating to the Director how the proposed standard is equivalent to the standards for one or more of the certification programs listed above.

## **B. Procedures for documenting an owner's commitment that a proposed development will meet the green building standard**

At the time an owner submits an application for a Master Use Permit (MUP), the owner and/or applicant must submit:

1. A written and signed statement identifying which of the standards identified in section A above will be used to meet the green building standard. The statement must also acknowledge the requirement to submit documentation demonstrating compliance as required by SMC 23.58D.004.
2. Documentation that the owner has registered the development project with an independent third party who will certify that the required standards have been met. This may be achieved through a letter, email or registration confirmation from one of the independent third party organizations identified in section C below.

### **C. Process to demonstrate compliance**

To demonstrate compliance, the owner must submit a report to the Director from one of the independent third party organizations identified below:

1. For projects using the Living Building Challenge program, the report will be produced by the ILFI.
2. For projects using the LEED program, the report will be produced by the Green Building Certification Institute.
3. For projects using the BuiltGreen Program the report will be produced by the Master Builders Association of King and Snohomish Counties.
4. For projects using the Passive House program, the report will be produced by the PHIUS.
5. 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.

If the Director approves a commitment to achieve a substantially equivalent standard, the report must be produced according to terms approved by the Director. The owner must submit a written request for this compliance method at the time of MUP submittal. This request must include documentation demonstrating to the Director how the proposed standard or method is equivalent to the standards required for compliance with the green building standard under one of the programs as listed in Section A. The request must also identify who will serve as the independent third party verifier for this standard or method and include documentation that the verifier has provided similar certification previously.

Following submittal of the report produced by the independent third party the Department of Planning and Development or another City agency with regulatory authority and expertise in green building practices shall make a final determination as to whether an applicant has demonstrated that a new structure has met the required green building performance standard, as required by SMC 23.58D.004.