OSE

Director's Rule
~~2017~~2026-01

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1. PURPOSE AND BACKGROUND

Pursuant to Seattle Municipal Code (SMC) Chapter 22.920, Energy Use Benchmarking, all covered buildings in the City of Seattle that meet specified size and use thresholds must fulfill certain energy and greenhouse gas emissions benchmarking, disclosure, and reporting requirements annually. The purpose of this Director's Rule is to clarify the requirements of ~~SMC~~Chapter 22.920 SMC and the process for building owners, property managers, utilities, and other affected parties who are expected to benchmark ~~energy performance and report it to the City of Seattle. Beginning in 2016, the City will annually publish individual building energy performance information for the prior calendar year.~~ building energy and greenhouse gas emissions performance data and report it to the City of Seattle. Separate but related, the Building Emissions Performance Standard (BEPS) law (Chapter 22.925 SMC) requires that benchmarking data be verified with results reported every five years according to the compliance schedule listed in SMC 22.925.060. The verified benchmarking data is used to confirm the accuracy of required metrics for BEPS compliance, including the building's greenhouse gas intensity (GHGI) and greenhouse gas intensity target (GHGIT).

By making information about the energy and greenhouse gas emissions performance of buildings ~~more readily~~publicly accessible, this ~~legislation will allow~~policy enables the market to drive continuous improvements in ~~the~~building energy ~~performance of buildings within the~~ efficiency and greenhouse gas emissions reductions across the city. ~~The policy defined~~requirements established in ~~SMC~~Chapter 22.920 ~~will do~~SMC support this goal in the following ways:

- **Benchmarking** – ~~building~~Building owners ~~will be able to a) easily monitor~~track the annual energy use and greenhouse gas emissions performance of their buildings, ~~and b) if desired, gain market differentiation by applying for an ENERGY STAR® score.~~enabling informed management decisions and ongoing performance improvement. Building owners will use benchmarking data to establish a building's required compliance metrics under the Building Emissions Performance Standard law (Chapter 22.925 SMC).

- **Disclosure** – ~~parties involved in the purchase, lease or financing of a building or space within a building will be able to a)~~Prospective tenants, buyers, and lenders can compare the performance ~~between~~of similar properties~~,~~ and ~~b)~~ use ~~this~~that information to guide their ~~decision~~decisions.

- ~~Reporting – staff within the~~**Performance Analysis** – The City of Seattle ~~will be able to a)~~may monitor changes in energy use and greenhouse gas emissions across the ~~entire~~city's portfolio of ~~larger~~large buildings ~~in the city, b),~~ identify ~~needs and~~ opportunities for future policies and incentive programs, and ~~c)~~ develop ~~data~~analyses on typical energy loads ~~for different~~and emissions profiles by building ~~sizes~~size and use ~~types~~type.

- **Transparency** – The City of Seattle ~~will~~ annually ~~publish~~publishes a ~~subset~~set of ~~the~~ reported building energy ~~performance~~and greenhouse gas emissions data ~~of individual buildings via~~on a public

-facing website to allow, providing broad market access to benchmarking data. information while adhering to the City's privacy requirements.

In 2006,According to the 2024 Seattle was one of the first cities in the nation to adopt a Climate Action Plan (CAP). In 2013, the Seattle Office of Sustainability Greenhouse Gas Inventory (seattle.gov/environment/climate-change/climate-planning-and Environment (OSE) updated the Climate Action Plan[1] as a first step in pursuing a goal of carbon neutrality by 2050. The updated CAP focuses on the sectors where City action is most needed and will have the greatest impact: road transportation, building energy, and waste.

Buildings data/greenhouse-gas-emissions-inventory), buildings account for 3241% of Seattle's core emissions.[2] The Greenhouse gas emissions pollute our air, accelerate climate change, harm people's health and the environment, and disproportionately impact communities of color and people with lower incomes. The annual benchmarking policy supports Seattle's goals to reduce energy use and greenhouse gas emissions from existing buildings. Annual benchmarking, reporting and disclosing of building of building energy performance aredata is foundational elements of creating more market value for energy efficient buildingsbuilding operations, and is therefore critical to meeting Seattle's broader energy and greenhouse gas emissions reduction goals.

Based on recommendations from the 2008 Green Building Task Force, Seattle Ordinance 123226 was enacted as Sectionchapter 22.920 of the Seattle Municipal Code (SMC): Energy Use Benchmarking in 2010. Ordinance 123993 amended SMCChapter 22.920 SMC in 2012 to adjust the reporting threshold requirement to greater than 20,000 square feet for both non-residentialnonresidential and multifamily buildings and modify the enforcement process. In 2016, Ordinance 125000 amended SMCChapter 22.920 SMC, directing OSE to make building energy benchmarking reports and energy performance ratings available to the public. In 2023, Ordinance 126959 amended Chapter 22.920 SMC to align with the June 1 Washington state annual benchmarking deadline, streamline the enforcement process, and align the use of revenue from penalties with SMC 22.925.140. Seattle's current benchmarking and disclosure requirements expand upon the Statestate of Washington code requirements enacted in 2009, under RCW 19.27A.190. 170 and subsequently in 2019 and 2022 under RCW 19.27A.210.

2. DEFINITIONS

In addition to the definitions listed in SMC 22.920.020, the following definitions apply to this Rule:

Section 22.920.020 of the Seattle Municipal Code (SMC) defines several terms in this section. Those definitions, *shown in italics*, are established by law. This section is intended to clarify those definitions where applicable, consistent with the code definition. Definitions not included in SMC 22.920.020 that

[1] *2013 Seattle Climate Action Plan:* www.seattle.gov/Documents/Departments/OSE/2013_CAP_20130612.pdf
[2] *2014 Seattle Community Greenhouse Gas Emissions Inventory:* www.seattle.gov/Documents/Departments/OSE/Climate%20Docs/2014GHG%20inventorySept2016.pdf
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are added as part of this rule are noted with an asterisk (*). Terms defined in this section are underlined throughout this Director's Rule.

Aggregated ~~Utility Data –~~ total utility data* – Total whole-building energy usage data for a specified period as provided by a utility company for a given energy source type. See ~~Virtual Meter~~virtual meter.

Building ~~Owner –~~ an & Energy Portal* – OSE's central, online platform for reviewing compliance status, completing annual submissions, and accessing support resources for Energy Benchmarking and the Building Emissions Performance Standard.

Building Emissions Performance Standard or BEPS* – A Seattle law (Chapter 22.925 SMC) that requires existing nonresidential and multifamily buildings greater than 20,000 gross square feet to gradually reduce greenhouse gas emissions to net-zero by 2050.

Building owner – *An individual or entity possessing a fee interest in a nonresidential or multifamily benchmarking building. Where a condominium is subject to this chapter~~, "Building Owner~~ 22.920, "building owner" means the ~~Owners' Association.~~owners' association. In a condominium where the powers of an ~~Owners' Association~~owners' association are exercised by or delegated to a master association, as defined in RCW 64.34.276, "~~Building Owner~~building owner" means the master association.*

~~**Data Center –** A room or rooms~~**Building portfolio*** – For the purposes of the Building Emissions Performance Standard (BEPS) law, two or more covered buildings on one or more lots, all owned by the same public, private, or nonprofit entity. Building portfolios may include district campuses and/or connected buildings. For the purposes of this definition, a building management company does not constitute an owner.

Campus* – A general term for two or more co-located buildings that typically function together for a similar purpose, such as a college, hospital, or multifamily residential complex. A campus is owned and operated by the same entity, or by multiple entities under a shared agreement. In ENERGY STAR® Portfolio Manager®, a campus is a configuration of multiple "child" buildings associated with a single "parent" building and benchmarked together as a group.

Carbon Dioxide Equivalent (CO2e)* – The metric used ~~primarily to house~~to compute the combined emissions from carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O) on the basis of their global warming potential.

Certificate of occupancy – *The certificate issued by the building official after final inspection, allowing the building to be occupied.* In Seattle, they are issued by the Seattle Department of Construction & Inspections (SDCI).

Condominium – *Real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions as defined in RCW 64.34.020.*

Connected buildings* – Two or more covered buildings owned by the same building owner that are situated on the same or adjacent parcels and have shared mechanical or metering equipment such as energy meters, building controls, heating, or ventilation or share a thermal envelope because they are physically connected. Where more than one owner shares mechanical or metering equipment under a joint agreement, one owner shall be deemed the building owner for the purpose of complying with Chapter 22.925 SMC. Connected buildings may include non-covered buildings equal to or less than 20,000 square feet.

Covered building* – A nonresidential building or multifamily building as defined in this definitions section and detailed in section 3 of this Rule.

Data center* – A building or part of a building used to meet the needs of high-density computing equipment, such as server racks, used for data storage and processing. These facilities often require dedicated, uninterruptible power supplies and cooling systems. Data centers are used for sophisticated computing and server functions; they are not server closets or computer training areas.

~~**Energy** – means electricity, natural gas, steam, fuel oil or other product sold for consumption in a building, or energy generated on-site, for purposes of providing heating, cooling, ventilation, lighting, water heating, or for powering or fueling other end-uses in the building or related facilities. Energy does not include fuel oil used by any emergency backup generators for buildings covered under this ordinance.~~

~~**Energy Use Intensity**~~**Data year*** – The calendar year, typically January 1 through December 31, which corresponds to the 12 months of energy data required to be submitted for energy benchmarking.

Director – *The Director of the Office of Sustainability and Environment or the Director's designee and includes any person or agency or representative of such person or agency to whom authority is delegated under this chapter 22.920 SMC*.

District campus* – For the purposes of the Building Emissions Performance Standard (BEPS) law, two or more covered buildings on the same or adjacent parcels owned by the same building owner that is served by a campus district heating, cooling, water reuse, and/or power system. Where more than one owner is part of a district campus under a joint agreement, one owner shall be deemed the building owner for the purpose of complying with Chapter 22.925 SMC.

Dwelling unit – *A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation* .

Energy* – Electricity, including electricity delivered through the electric grid and electricity generated at the building premises using solar, wind, or other resources; natural gas; combined heat and power; district thermal energy; propane; fuel oil; wood; coal; or other fuels or thermal sources used to meet the energy loads of a building.

Energy benchmarking – *The assessment of a building's energy use, greenhouse gas emissions, and efficiency*. A building's energy and greenhouse gas emissions performance data are typically tracked and reported for each 12-month data year and allow for comparisons against itself and similar buildings. Annual reporting under Seattle's Energy Benchmarking law is required under Chapter 22.920 SMC.

Energy performance rating – *The score provided by the ENERGY STAR Portfolio Manager program indicating the relative energy efficiency performance of a building as compared to similar buildings nationwide.*

ENERGY STAR Portfolio Manager or ESPM – *The tool developed by the United States Environmental Protection Agency to track and assess the relative energy performance of similar buildings nationwide.* Account holders can track energy, water, waste, and greenhouse gas emissions performance data for their buildings over time. ENERGY STAR and ENERGY STAR Portfolio Manager are registered trademarks of the U.S. government.

Energy use intensity (EUI~~) – a~~)* – A measurement that ~~Normalizes~~normalizes a building's energy use relative to its size. A building's EUI is calculated by dividing the total energy consumed in one year by the ~~Gross Floor Area~~gross floor area of the building. EUI is reported as a value of thousand British thermal units per square foot per year (kBtu/sf/yr).

~~**Gross Floor Area (GFA) –** building floor area is the~~**Greenhouse gas or GHG*** – Carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Greenhouse gas emissions or GHG emissions* – Scope 1 direct emissions from stationary (non-transport) combustion of fossil fuels (e.g., boilers, furnaces, or domestic hot water) serving a building or buildings, and Scope 2 indirect emissions from the purchase of electricity, steam, hot water, or chilled water that are delivered through a grid or district thermal energy source, as defined by the United States Environmental Protection Agency, and are reported as CO_2e. "Greenhouse gas emissions" does not include fugitive emissions directly released into the atmosphere from various types of equipment and processes (e.g., refrigerants, industrial gases, fire suppression systems), as defined by the United States Environmental Protection Agency. "Greenhouse gas emissions" are calculated by multiplying energy usage by fuel-specific greenhouse gas emissions factors, which indicate the CO_2e emissions per unit of energy usage.

Greenhouse gas intensity or GHGI* – a measurement of a covered building's greenhouse gas emissions from its energy use relative to its size. A building's GHGI is the sum of each energy fuel source consumed in one year multiplied by the emissions factor of that fuel, divided by the gross floor area of the building. GHGI is measured as a value of kg CO_2e units per square foot per year (kg CO_2e/SF/yr).

Gross floor area or **GFA*** – The total number of square feet measured between the exterior surfaces of the enclosing fixed walls, including all supporting functions such as offices, lobbies, restrooms, equipment storage areas, mechanical rooms, break rooms, and elevator shafts~~, etc. Atriums should only include the base floor area that they occupy. The total~~. Gross ~~Floor Area should not include~~floor area excludes parking, outside bays ~~or~~, and docks. The gross floor area of indoor

atriums is the base floor area of the indoor portion of the atrium. Gross floor area includes both conditioned and unconditioned spaces.

~~**Gross Square Feet** – means a building's Gross Square Feet as provided by King County Assessor's property detail records.~~

~~**Normalize** – means to remove the impact of factors beyond the energy efficiency of the equipment and operations – such as building size, climate zone, actual weather history, hours of operation, occupancy levels, etc. – in order to fairly compare the energy performance of facilities and operations.~~

~~**Owners' Association** – the entity consisting exclusively of all the unit owners in a condominium, as defined under RCW 64.34.300.~~

~~**Seattle** **Initial occupancy date** - *The date that a certificate of occupancy was first issued for a building. If no certificate of occupancy was issued, the date any utility service was first billed for the building shall be the initial occupancy date.*

Multifamily building* – A building or portion of a building with greater than 20,000 square feet of gross floor area that is classified under the current Seattle Building Code as a Residential Group R-2 or R-3 occupancy. A building is considered multifamily if more than 50 percent of the building is residential use. This Rule will always use the Seattle Building Code that is currently in force. Under the 2021 Seattle Building occupancy classifications are covered in Chapter 3, Occupancy Classification and Use.

Natural gas* – A fossil fuel derived mixtures of hydrocarbon gases and vapors consisting principally of methane, whether in gaseous or liquid form, not including gas that meets the definition of renewable natural gas.

Nonresidential building* – A building or portion of a building with greater than 20,000 square feet of gross floor area, that is any classified occupancy under the Seattle Building Code other than a building classified as a Factory Industrial Group F-1 or F-2 or as Residential R-2 or R-3. A building is considered nonresidential if more than 50 percent of the building is nonresidential use. This Rule will always use the Seattle Building Code that is currently in force. Under the 2021 Seattle Building occupancy classifications are covered in Chapter 3, Occupancy Classification and Use.

Notice of violation or NOV – *Written notice issued to a building owner for failure to comply with the requirements of this chapter or for making any misrepresentation of any material fact in a document required to be prepared or disclosed by this chapter 22.920 SMC.*

OSE ~~Building Identification Number (~~* – Seattle Office of Sustainability and Environment.

OSE Building ID~~)~~ or OSE ID* – A unique building identification number assigned by OSE to each covered building to facilitate annual benchmarking submission and compliance tracking. OSE Building ID is also used for the Building Emissions Performance Standard.

Owners' association – *The entity consisting exclusively of all the unit owners in a condominium, as defined under RCW 64.34.300.* The association may be organized as a profit or nonprofit corporation.

Reporting year* – The calendar year in which a submission of benchmarking data is made.

Tenant – *A person occupying or holding possession of a building or premises pursuant to a rental agreement.*

Statement of Energy Performance ~~– The Statement of Energy Performance (SEP) is a~~* – A one-page report generated from an ENERGY STAR® Portfolio Manager® building record summarizing the energy consumption for a property for a specified timeframe.

Utility – ~~means an~~*An entity that distributes and sells natural gas, electric, or thermal energy services for buildings.* ~~-~~For the purposes of this Rule, the term utility applies to any of the three entities currently providing energy services within the City of Seattle: ~~-~~Seattle City Light, Puget Sound Energy, and ~~Enwave~~Centrio (formerly Enwave and Seattle Steam).

Virtual ~~Meter~~ meter* – ~~means a~~A meter created in ENERGY STAR Portfolio Manager that contains multiple energy meters associated with a building. A ~~Virtual Meter~~virtual meter is used to report aggregated energy data for a certain fuel source.

Weather~~-Normalized Energy Use~~ – normalized or WNx* – A method for modifying the ~~energy a~~measured building ~~would~~energy use in a specific weather year to the energy use under typical ~~annual~~ weather conditions~~, as calculated by U.S. EPA's ENERGY STAR Portfolio Manager for Energy Benchmarking~~.

~~4.~~3. BUILDINGS SUBJECT TO REQUIREMENTS

Unless described below as belonging to an exempt category, all buildings that have a gross floor area ~~of more~~greater than 20,000 square feet ~~excluding~~(GFA excludes all parking) and which are located entirely within the City of Seattle, are subject to the energy benchmarking, disclosure, and reporting requirements. These buildings are divided into ~~three~~two categories: ~~non-residential,~~ nonresidential and multifamily~~, and mixed use~~.

A. ~~Non-Residential~~ Nonresidential Buildings

~~For the purposes of this Rule, any~~Any building with over 20,000 ~~Gross Square Feet or more fallings~~square feet of gross floor area that is classified under the ~~authority of the~~current Seattle Building Code~~,~~ as an occupancy other than ~~Multifamily (as described below), Mixed Use, or those listed as exempt from these requirements~~Residential Group R or Factory Industrial Group F is considered ~~non-residential.~~ nonresidential. Some examples of the types of buildings ~~which~~that fall within this category include~~:~~

~~Buildings~~, but are not limited to, buildings used for the following:

- 1) The gathering of people for purposes such as civic, social or religious functions (e.g., theaters, restaurants, libraries, places of worship, stadiums)
- 2) ~~Buildings used for office~~Office, professional, or service type transactions (e.g., banks, laboratories, professional service offices)
- 3) ~~Buildings used for education~~Educational purposes (e.g., public or private schools ~~for K through 12th grade~~, day care facilities)
- 4) ~~Buildings~~Uses in which people are cared for or live in a supervised environment (e.g., convalescent facilities, hospitals, nursing homes, prisons, detention centers)
- 5) ~~Buildings for the~~The display and sale of merchandise (e.g., ~~-~~department stores, drug stores, markets, retail or wholesale stores)
- 6) ~~Buildings~~Uses containing sleeping units where the occupants are primarily transient in nature (e.g., ~~transient~~ hotels, ~~transient~~ motels~~, transient boarding houses~~)
- 7) ~~Buildings for~~The storage of materials (e.g., warehouses)

~~This list is intended to be illustrative only, and is not exhaustive.~~

~~C.~~B.Multifamily Buildings

~~For the purposes of this Rule, any~~Any building over 20,000 gross square feet that is classified under the current Seattle Building Code as a Residential Group R-2 or R-3 occupancy is considered ~~to be Multifamily. Per the Seattle Building Code,~~multifamily. A building is considered multifamily if more than 50 percent of the building is residential use. Group R-2 includes all residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature~~, including~~. Group R-3 includes residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, or I. Some examples of the types of buildings that fall within Group R-3 include, but are not limited to, buildings used for the following:

- 1) Apartment houses
- ~~Assisted living facilities licensed by the Department of Social and Health Services under Chapter 388-78A WAC~~
- ~~Boarding homes as licensed by Department of Social and Health Services under Chapter 388-78A WAC~~

2) Residential condominium buildings

- ~~Boarding houses (non-transient) with more than 16 occupants~~

- 3) Congregate living facilities (~~non-transient) with more than 16 occupants~~nontransient)
  - a) Boarding houses
  - b) Convents & monasteries
  - c) Dormitories
- ~~Fraternities and sororities~~

- 4) Hotels (non-transientand motels (nontransient)
- Live/work units
- Monasteries
- Motels (non-transient)
- Residential treatment facilities as licensed by Washington State Department of Health under Chapter 246-337 WAC
- Vacation timeshare properties

D. Mixed Use Buildings

For the purposes of this Rule, any building that contains some spaces categorized as Non-Residential and other spaces categorized as Multifamily is considered to be Mixed Use.

E.A.Exemptions

These occupancy classifications are established by the current Seattle Building Code and are relevant for determining if a covered building is considered nonresidential or multifamily. The Seattle Building Code occupancy classifications are distinct from the property types used in ENERGY STAR Portfolio Manager and from the building activity types established in the Building Emissions Performance Standard, Chapter 22.925 SMC.

C. Buildings Not Subject to Requirements

The following building types are exempt from all benchmarking, disclosure, and reporting requirements:

a) BuildingsSingle-family residential buildings: buildings subject to the Seattle Residential Code, which covers detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress, and their accessory structures.

a) Buildings classified under the current Seattle Building Code as Residential Group R-3. This includes all residential occupancies where the occupants are primarily permanent in nature unless the occupancy is classified under R-1, R-2 or I. Per the 2012 Seattle Building Code, Group R-3 includes:
  - Buildings that do not contain more than two dwelling units
  - Boarding houses (non-transient) with 16 or fewer occupants
  - Boarding houses (transient) with 10 or fewer occupants
  - Care facilities that provide accommodations for five or fewer persons receiving care
  - Congregate living facilities (non-transient) with 16 or fewer occupants
  - Congregate living facilities (transient) with 10 or fewer occupants

a) BuildingsManufacturing or industrial buildings: buildings used primarily for manufacturing or industrial purposes, as demonstrated by submitting one of the following:

a.b)A valid Certificate of Occupancy or construction permit documenting that at least 50% of the building is classified under the current Seattle Building Code as Factory Industrial Group F. This includes buildings used for assembling, disassembling, fabricating, finishing, manufacturing,

packaging, repair, or processing operations. Building owners shall demonstrate manufacturing or industrial occupancy by submitting one of the following:

- ~~OSE's benchmarking~~A valid certificate of occupancy or construction permit documenting that at least 50% of the building is classified under the current Seattle Building Code as Factory Industrial Group F.

~~j.~~• An OSE Energy Benchmarking exemption form, in which the ~~Building Owner~~building owner has verified that:

  - ~~▪~~i) Neither they nor OSE ~~staff~~ have been able to locate ~~a Certificate~~the certificate of ~~Occupancy~~occupancy for their building; and
  - ~~▪~~ii) Their building meets the definition of a Factory Industrial Group F building as classified in the current Seattle Building Code~~.~~

Please additionally note:

- If a building's use changes such that it is no longer primarily (at least 50%) used for manufacturing or industrial purposes, it shall meet all requirements of Chapter 22.920 SMC and this Rule.
- The Director may require submission of supporting documentation to confirm the existing building use meets the Factory Group F criteria, in the absence of an official certificate of occupancy.
- The Director may require periodic audits or renewals of manufacturing or industrial building benchmarking exemptions to determine ongoing eligibility.

c) Buildings that have been demolished or are actively being demolished: A building must have an active demolition permit, construction permit, or Master Use Permit issued by the Seattle Department of Construction and Inspections (SDCI).

d) Buildings owned by the U.S. federal government.

D. Exemptions

Covered buildings may obtain a temporary or permanent exemption for one or more reporting years under the following circumstances: .

a) A building that is fully vacant and unleased during the entirety of a data year may obtain a 1-year exemption.

b) A building that became fully vacant due to renovation may obtain a 1-year exemption for the data year in which the renovation began.

c) A building that is scheduled for demolition and has received a demolition permit may obtain a permanent exemption.

OSE publishes the comprehensive exemption process on its website. Building owners must complete the exemption process and receive approval for each reporting year in which the building owner seeks an exemption, unless the building owner has obtained a permanent exemption.

~~5.~~4. COMPLIANCE

A. Building Owner Responsibilities

The ~~Building Owner or legal ownership entity (LLC~~building owner at the date of the annual compliance deadline (June 1) is responsible for complying with ~~the ordinance~~chapter 22.920 SMC and communicating relevant compliance activities to tenants. The ~~Building Owner~~building owner may have an agent (~~for example~~e.g., a property manager), long-term tenant, vendor, or an employee (~~for example~~e.g., a building engineer) meet the ~~requirement, but~~requirements. However, in the event of failure to comply, the ~~Building Owner or LLC~~building owner will ultimately be responsible for any fines resulting ~~in~~from non-compliance. The building owner or their authorized agent must create and maintain accounts in ENERGY STAR Portfolio Manager and the Seattle Building & Energy Portal for their building(s).

B. Reporting Deadlines

~~Initial reporting deadlines were phased-in for non-residential and multifamily buildings based on size through 2013. Thereafter, SMC~~ Chapter 22.920 ~~mandates~~SMC specifies that all ~~non-residential~~nonresidential and multifamily buildings subject to these requirements must have benchmarking ~~results~~data for the previous calendar year entered into ENERGY STAR Portfolio Manager and ~~reported~~submitted to the City of Seattle by ~~April~~June 1 of ~~every~~each year.

1) **New Construction**

Newly constructed buildings must ~~have current benchmarking results entered into ENERGY STAR Portfolio Manager~~comply with Energy Benchmarking requirements by ~~April~~June 1 of the first year following a complete calendar year (i.e., January 1–December 31) of occupancy, as determined by the date the ~~Certificate~~certificate of ~~Occupancy~~occupancy is issued.

Example: ~~-~~A new building that is completed and receives its ~~Certificate~~certificate of ~~Occupancy~~occupancy on ~~June 20, 2016~~November 1, 2027 will ~~be occupied for the entire 2017~~have a full calendar year~~. Therefor it is subject to~~ of utility data in 2028. Therefore, that building has an initial compliance reporting deadline of ~~April~~June 1, ~~2018.~~

~~2) **Campuses**~~

~~As detailed in Section 7.A.2 of this Rule, "Where multiple buildings are served by a single utility meter, or served from a nearby central plant and not individually metered, it will be impossible to benchmark energy performance for the individual buildings. In these situations, all commonly served buildings should be grouped together and defined as a campus. Campus buildings must be benchmarked using ENERGY STAR Portfolio Manager~~2029.

C. Utility Response Time

Per SMC 22.920.060, ~~utility companies~~utilities may take up to 30 days to upload energy consumption data to ENERGY STAR Portfolio Manager after receipt of a written or secure electronic authorization

request. ~~To~~To ensure that ~~they~~building owners meet ~~the~~ required reporting deadlines, building owners should set up their building profiles in ENERGY STAR Portfolio Manager and contact their serving utilities with sufficient lead time to allow the utilities to process their data upload request.

D. Disclosure Requests

~~Building owners must provide an energy disclosure report in response to any valid request which is submitted on or after the initial benchmark reporting deadline for the building. See Compliance Process below for additional details.~~

~~3.1.~~ Building~~COMPLIANCE PROCESS~~

~~The requirements defined under the provisions of SMC 22.920 fall into three areas:~~

~~5. Benchmarking – building owners must set up records in ENERGY STAR Portfolio Manager which define their building's physical attributes, operating characteristics, and energy consumption levels~~

~~6.~~ ~~Disclosure – building~~ owners must download a Statement of Energy Performance from ENERGY STAR Portfolio Manager and provide ~~this to~~it within seven days in response to a request from: a current or prospective tenant, a potential buyer negotiating a purchase or sale agreement, or a potential lender~~, in response to~~ considering an ~~authorized request~~application for financing or refinancing of the building.

5. COMPLIANCE PROCESS

The key compliance requirements defined under the provisions of chapter 22.920 SMC are:

1) Benchmarking – building owners must submit data in ENERGY STAR Portfolio Manager which establish their building's physical attributes, operating characteristics, annual energy consumption, and greenhouse gas emissions
~~7.~~2) Reporting – building owners must authorize the City of Seattle to download and publish annual building performance reports, including aggregate energy consumption data for the previous calendar year

Please note that building owners are additionally required to complete verification of energy benchmarking data submissions, in accordance with the provisions of the Building Emissions Performance Standard law (Chapter 22.925 SMC) and section 11 of OSE Director's Rule 01-2025 or a superseding BEPS Rule, if applicable.

All actions listed in the Compliance Process section of this Director's Rule are the responsibility of a ~~**building's**~~building owner, or their authorized representative, unless otherwise stated. Any questions

regarding the process for complying with these requirements should be directed to the City of Seattle at ~~EnergyBenchmarking~~buildingenergy@seattle.gov.

~~E.~~A. Benchmarking Process

The following section provides basic guidance on the benchmarking process. ~~-~~More detailed directions, including a step-by-step How~~-~~To Guide, are available on the ~~benchmarking~~ Seattle Energy Benchmarking website~~,~~ at www.seattle.gov/~~EnergyBenchmarking.~~ energybenchmarking.

To benchmark a building within ENERGY STAR Portfolio Manager, three types of information must be entered: ~~-~~1) building profile information, 2) space use attributes, and 3) energy consumption data for all energy sources and energy meters that serve the building. The ~~Building Owner~~building owner is responsible for creating the building's record within ENERGY STAR Portfolio Manager and ~~inputting~~entering basic profile data, based upon the building address, physical characteristics, and distinct building space uses. These space uses must be updated annually to reflect the reporting building's current uses~~ in the reporting building. Utilities~~. A utility serving the building ~~are~~is responsible for uploading energy consumption data to the building record~~ created by the Building Owner~~, if the building owner has properly ~~requested and~~ enrolled in the utility's data exchange ~~services by the Building Owner; however, the Building Owner~~service. However, the building owner is responsible ~~to confirm accuracy and that the~~for confirming accurate data for each month of the data year has been successfully uploaded~~ annually.~~.

To annually report to the City of Seattle, the ~~Building Owner~~building owner or authorized agent must ~~share the building~~:

- Share their ENERGY STAR Portfolio Manager account, the parent building, all child buildings (if applicable), and all associated energy meters with the City of Seattle ~~Energy Benchmarking Reporting~~ENERGY STAR Portfolio Manager account using the designated ~~Seattle OSE Building Identification Number (Building ID). If owners are unsure of their Building ID, they should email energybenchmarking@seattle.gov or call 206-727-8484~~OSE Building ID.
- ~~Building Profile~~ Link their ENERGY STAR Portfolio Manager account to their Seattle Building & Energy Portal account.
- Use the Building & Energy Portal to track compliance status and manage annual data submissions to OSE.
- Resubmit a corrected benchmarking report through the Building & Energy Portal, in the event of an initial submission being flagged for possible errors.

1) Building Information

~~The benchmarking process~~OSE will typically ~~be initiated when~~provide notification at the ~~City~~beginning of ~~Seattle informs the Building Owner~~each calendar year informing building owners of their responsibility to ~~benchmark, disclose, and report energy consumption results.~~comply with the benchmarking law. The City of Seattle will attempt to send a notification letter to the owners of

covered buildings ~~subject to the benchmarking requirements,~~ and to the ~~Owners' Association~~owners' associations responsible for condominiums. The notification letter will include as much of the following information as possible: a name or description of the building, ~~date of construction,~~ the primary address for the building, contact information for the building owner(s), and ~~an estimate of~~ the building's total gross ~~square footage.~~ floor area of record based on publicly available data sources such as the King County Assessor, Seattle building permits, or OSE records from previous years. The notification letter will include compliance requirements and ~~instructions~~information on the steps that must be taken by the responsible party. The City of Seattle will rely on best available information and make a reasonable effort to contact owners of all buildings subject to the benchmarking requirements. However, failure to receive notification does not ~~absolve~~release a ~~Building Owner of~~building owner from their responsibility to comply with ~~the~~ benchmarking requirements.

Gross Floor Area

The ~~Building Owner~~ building owner must calculate the ~~Gross Floor Area~~ gross floor area and enter it into ENERGY STAR Portfolio Manager. ~~All space areas entered~~ The cumulative gross floor area of all individual non-parking property use types input into ENERGY STAR Portfolio Manager for a building must ~~add up to~~equal the building's ~~Gross Floor Area and~~ total self-reported gross floor area. The building owner shall follow the ENERGY STAR Portfolio Manager ~~rules for how to include parking space. Gross Floor Area~~guidance on reporting parking floor area, which is a distinct property use type and not a component of gross floor area. Gross floor area as calculated by the owner ~~under this provision are not related to~~may be distinct from the King County Assessor records that are generally used to determine whether a building ~~or buildings qualify~~qualifies as a covered ~~buildings~~building under SMC ~~Chapter~~ 22.920.010 - Applicability. The following resources for determining gross floor area totals are permissible:

- ~~Space~~King County Department of Assessments' record for "Building Gross Sq Ft", deducting any floor area identified as parking
- Report based on Building Owners and Managers Association International (BOMA) Floor Measurement Standard or International Property Measurement Standards (IPMS) that clearly shows GFA, accompanied with architectural drawings, plats, or site surveys as required by the BOMA or IPMS standards
- Current architectural drawings, completed by a Washington state registered architect or licensed contractor, which are dimensioned
- Survey documents with current building measurements completed by a Washington state licensed surveyor
- New or newly calibrated drawings documenting on-site measurements that clearly align with the ENERGY STAR Portfolio Manager definition of how to measure GFA

2) **Property Use ~~Attributes~~Details**

~~After~~As part of the ~~Building Owner has entered general~~ENERGY STAR Portfolio Manager building ~~profile information they~~setup process, building owners must ~~delineate~~identify what ~~portion~~portions of the ~~building~~building's floor area ~~falls~~fall under each of the different ~~use~~property types defined

within ENERGY STAR Portfolio Manager. They are also required to enter relevant ~~attributes~~use details for each space, such as the operating hours per week, percent of the floor area that is heated ~~/~~ or cooled, number of employees, etc. ~~The specific~~Use detail inputs vary by property type. A current list of all property types and associated use details is available on the ENERGY STAR Portfolio Manager website. Property types and associated use details are subject to periodic updates by the ENERGY STAR Portfolio Manager program.

Owners should use the following protocol for reporting multiple property types in ENERGY STAR Portfolio Manager:

- All building ~~information~~floor area that meets the GFA definition must be ~~input is~~included.
- Different property uses (e.g., office, retail, laboratory) in the building which are greater than 5,000 square feet must be reported as different ~~for each space use type. Required space uses are updated bi-annually by the EPA. Some space use attributes are required to be entered to complete a building profile and generate an ENERGY STAR score. Required attributed are identified in the ENERGY STAR Portfolio Manager tool by a "star" symbol next to the detail and may also be found on the U.S. EPA's website at www.energystar.gov/benchmark~~property types.

~~Spaces which do not fall under any of the predefined space types should be entered as an "Other" space type. These "Other" spaces can be further delineated by sub-types. If a facility is comprised entirely of spaces which do not fall under any of the predefined space types, the entire building should be entered as an "Other" space type.~~

- All restaurant spaces should be reported as a separate property type regardless of floor area
- Property uses less than 1,000 square feet should be combined with the largest property type (unless restaurant).
- Spaces equal to or greater than 1,000 square feet but less than 5,000 square feet may be reported as separate property uses or combined with the largest property type.
- It is preferred, but not required, that multiple spaces with the same property use are combined into one total floor area for that property type (e.g., add the floor area of each retail store into one combined retail square footage).

Default Data

Within ENERGY STAR Portfolio Manager, default values are available for a subset of ~~Property Use Details (where~~ property use details in order for the ~~Property Type can get~~ user to be able to generate an ENERGY STAR score ~~and that Use Detail is used in the score calculation). Default data is provided within Portfolio Manager to help owners get~~ for a ~~quick score,~~building when the exact values for ~~your Property Use Details~~property use attributes are not yet known. The use of default data is not considered accurate ~~data.~~and will not be accepted for annual Energy Benchmarking submissions. Building owners must enter the actual ~~property~~ values ~~to obtain an accurate score to meet the annual benchmarking and reporting requirements~~for use details.

3) **Energy Consumption Data**

Data Exchange Services (Automated Uploading)
All ~~energy~~ utility providers in the City of Seattle offer whole~~-~~building, aggregated data uploading to a building owner's ENERGY STAR Portfolio Manager account. When using utility provider data exchange services, it is the owner's responsibility to ensure that all meters associated with the building are being reported to the building's ENERGY STAR Portfolio Manager record and that data has been updated for the full ~~calendar reporting~~data year.

To enable automated uploading of energy consumption data to a building's ENERGY STAR Portfolio Manager ~~account~~record, the ~~Building Owner~~building owner or their agent must enroll in their utility provider's data exchange services. Each utility requires ~~authorization~~completion of a written or electronic enrollment form by the ~~Building Owner or their authorized representative, to enroll in~~ building owner or their agent to begin data exchange services~~ either via written authorization or via an electronic enrollment form.~~. Owners or their agents are responsible for working with their ~~building's~~ tenants to ~~get tenant~~obtain signatures on any release forms that may be required by a utility.

Depending on the authorization provided, data may be uploaded ~~by~~to individual meters~~,~~ or aggregated to one or more virtual meters. ~~Every~~Each building ~~will be~~is served by one or more utilities, and each utility provider maintains its own procedures for completing the process ~~to automatically upload energy consumption~~for automatic data ~~to~~uploads to ENERGY STAR Portfolio Manager. To assist in this process, OSE has developed a How to Comply Guide ~~has been developed by OSE~~ available at ~~www.seattle.gov/energybenchmarking~~www.seattle.gov/energybenchmarking that includes ~~step-by-step~~detailed instructions for each ~~Seattle~~ utility data exchange service enrollment process. Additionally, technical assistance is available by calling 206-727-8484 or emailing ~~energybenchmarking@seattle.gov.~~buildingenergy@seattle.gov. Owners or their agents may also work directly with their utility regarding data exchange services.

Seattle Utility Providers
Utilities are responsible for uploading monthly energy consumption data ~~for~~to all buildings for which they have been authorized as data exchange service providers. ~~Currently~~When buildings have successfully enrolled, each utility ~~is providing~~provides monthly ~~data updates although~~energy consumption entries. Please note that there ~~may be~~is typically a calendar delay ~~to allow for bi-monthly billing periods.~~attributable to the required conversion of irregular bill period entries into calendar month entries for ENERGY STAR Portfolio Manager (e.g., January 1-January 31). Each utility has established ~~their~~its own business process to link ENERGY STAR Portfolio Manager buildings to data exchange services, address ~~change~~changes in building ownership ~~or~~, and add new tenant meter accounts. The appropriate data release forms for each utility can be ~~downloaded~~accessed from the utility website at the corresponding ~~link~~links listed below. Links and contact information are current as of publication of this Director's Rule.

Seattle City Light:

Website: - www.seattle.gov/city-light/~~accounts/energyusage~~business-solutions/business-billing-and-account-information/building-energy-consumption-data
E-mail: - SCL_Portfolio_Manager@Seattle.gov
Phone: (206) 684-7557

Puget Sound Energy:

Website: - www.pse.com/~~accountsandservices/YourProperty/Pages/Automated-Benchmarking~~en/pages/property-management-services/EnergyCAP
E-mail: ~~mydata~~ EnergyCAP@pse.com
~~Phone: (425) 424-6486~~

~~Enwave (Formerly Seattle Steam):~~

CenTrio:

Website: ~~enwaveseattle~~ www.centrioenergy.com/~~energy-star-reporting~~our-districts/seattle/
Phone:- (206) 623-6366

Utilities must maintain all energy consumption data in a format compatible with ENERGY STAR Portfolio Manager for at least the previous 24 months, so that all data for the ~~previous calendar~~most recent data year can be uploaded at any time ~~during the current year~~, in response to a request from the building owner.

Utility companies shall release tenant energy use data to the building owner's ENERGY STAR Portfolio Manager account, and building owners shall use tenant energy use data released from the utility company accounts~~,~~ solely for the purpose of complying with ~~SMC~~Chapter 22.920 SMC.

Manual Data Entry
Building owners may manually input utility meter data for their building into ENERGY STAR Portfolio Manager ~~themselves~~, provided that they:

~~1.~~1) Confirm all utility meters serving the building have been identified.
~~2.~~2) Confirm that the energy data for all meters associated with the building has been accurately input into their ENERGY STAR Portfolio Manager ~~record~~account.

Data Standards
Whether uploaded by utilities or manually input by the building owner, the consumption data must be properly formatted to meet ENERGY STAR Portfolio Manager standards for generating an EUI or energy performance rating:

- Meter entries for all active meters serving the building must include monthly, ~~consecutive~~continuous usage data from January 1 through December 31 for the required ~~reporting~~data year~~, and must be properly associated with the building.~~. If a meter was not active

for the entire year, accurate "~~stop~~end" and "start" dates ~~should~~must be entered following ENERGY STAR Portfolio Manager rules.

- ~~Each meter~~Meters cannot have a gap between the end date of one meter ~~reading~~entry and the start date of the next.
- ~~Each meter~~Meters cannot have an overlap between the end date of one meter reading and the start date of the next. For example, if a meter reading for the month of January ends on January 31, the meter reading for February must start on February 1.
- Meter entries cannot cover a period greater than 65 days.
- All benchmarking reports must be based on data from the twelve consecutive months of the previous calendar year.

~~F.~~B. Disclosure Process

Upon request, building owners are required to provide an energy disclosure report in the form of a Statement of Energy Performance (SEP) for their building to:

- A current lessee~~;~~
- A prospective lessee negotiating a lease agreement or letter of intent~~;~~
- A prospective buyer negotiating a purchase and sale agreement~~;~~
- A prospective lender considering an application for financing or refinancing of the building~~.~~

If a disclosure report has been requested by ~~an~~one of the authorized ~~party~~parties listed above, the ~~Building Owner~~building owner or manager must disclose building energy data to them prior to the signing of any purchase and sale agreements or letters of intent between the parties, and no later than seven days after the disclosure request is submitted.

Lending institutions can request an energy disclosure report while processing any transaction involving the sale or lease of an entire building or of a separately owned portion of a building (e.g., a condominium unit). An energy disclosure report can also be requested in conjunction with financing of other activities, such as tenant improvements or a major renovation.

The energy disclosure report must be based on data for the twelve consecutive months of the previous calendar year. The energy disclosure report must be provided to the requesting party by the ~~Building Owner~~building owner or their representative, who will then have an opportunity to discuss the results of the report~~,~~ and share any additional information that is relevant to the building's performance. The City of Seattle will not provide energy disclosure reports~~.~~ on demand. However, the City of Seattle makes energy and greenhouse gas emissions performance data available via Seattle Open Data and the Seattle Energy Benchmarking Map (see Section D: Transparency).

The energy disclosure requirements are fulfilled by providing a copy of the Statement of Energy Performance ~~(for uses other than applying for the ENERGY STAR),~~ a one~~-~~ page summary of energy performance which can be created ~~through~~in ENERGY STAR Portfolio Manager. ~~Verification by a certified professional is necessary for a building to gain recognition as an ENERGY STAR score certified building, but is NOT a requirement of the benchmarking provisions of SMC 22.920.~~

~~Step-by-step instructions~~Instructions for generating a Statement of Energy Performance can be found at ~~www.seattle.gov/energybenchmarking~~www.seattle.gov/energybenchmarking.

In the event of a transaction involving the sale or rental of an individual condominium unit, the ~~condominium Owners' Association~~owners' association is responsible for providing the disclosure report needed to fulfill a request. The disclosure requirements will be satisfied by providing a report ~~of either~~for the entire building ~~or the complete condominium in which the individual condominium unit exists.~~..

~~G.~~C. Reporting Process

After the ~~Building Owner~~building owner has set up their building record within ENERGY STAR Portfolio Manager, they must select "City of Seattle Annual Reporting" as a service provider for the building~~,~~ and input the OSE Building ID provided by the City of Seattle. This will authorize ~~the City~~OSE to download the data needed to fulfill the building's annual reporting requirements. If the OSE Building ID is not entered correctly into the "Seattle OSE Building ID" field ~~the results will not be reported,~~, the building will remain disconnected from OSE's ENERGY STAR Portfolio Manager account and the ~~building will be deemed to be out of compliance~~Seattle Building & Energy Portal.

A building will be ~~considered to be in compliance~~compliant with annual reporting requirements when:

- ~~•~~ The building's record in ENERGY STAR Portfolio Manager has been properly set up~~,~~ and is fully populated with accurate ~~Gross Floor Area;~~gross floor area.
- ~~•~~ Energy consumption data for the previous calendar year (i.e., the data year) includes all energy sources and meters serving the building, and has been entered correctly for the ~~entire calendar year (~~January 1 ~~through~~to December 31~~).~~ period.
- ~~•~~ An ~~EUI~~energy use intensity ending in December of the required year is available in ENERGY STAR Portfolio Manager.
- ~~•~~ All building profile and space use data is current and without the use of default data~~;~~.
- ~~• The Building Owner has authorized the City of Seattle to download data from the building's Portfolio Manager record; and~~
- ~~•~~ ~~The~~OSE Building ID has been correctly entered in the ENERGY STAR Portfolio Manager record.
- ~~In April of each~~ The building owner has successfully shared their ENERGY STAR Portfolio Manager account, building, and all associated meters with the City of Seattle ENERGY STAR Portfolio Manager account.
- The building owner has authorized the City of Seattle to download data from the building's ENERGY STAR Portfolio Manager record.
- The building owner has linked their ENERGY STAR Portfolio Manager data to the Seattle Building & Energy Portal.
- The building owner has submitted the Annual Benchmarking Form in the Seattle Building & Energy Portal and received confirmation of submission with no errors.

Building owners may monitor ongoing compliance status via the Seattle Building & Energy Portal.

Each year, ~~the City of Seattle~~OSE will download and store benchmarking data for all buildings ~~for which it has been authorized as a service provider.~~ that have successfully complied with annual reporting requirements. This data will be a subset of the information ~~about each building as contained in~~ reported in ENERGY STAR Portfolio Manager, including ~~fields such as~~ the following fields:

- ~~Report Date~~
- Data year
- OSE Building ~~Identification Numbers~~ID
- Building ~~Name~~name
- Building ~~Address~~address
- Year ~~Built~~built
- Number of ~~Buildings~~buildings
- ~~Property Type~~
- ~~Total~~ Primary property use type
- Gross ~~Floor Area~~floor area (square feet)
- ~~1st & 2nd and 3rd Largest Property Uses~~
- ~~Eligible for~~ All property use types
- ENERGY STAR ~~(yes/no?)~~score (if applicable)
- ~~ENERGY STAR Score (where available)~~
- ~~ENERGY STAR Certification Years~~
- ~~Normalized Total Annual Energy Consumption~~
- ~~Non~~Weather-normalized ~~Total Annual Energy Consumption~~
- ~~Normalized Site and Source EUI (total annual~~ energy consumption ~~per sf~~(kBtu)
- Non-normalized ~~Site~~energy consumption (kBtu)
- Weather-normalized site and source EUI (kBtu/SF/year)
- Non-normalized site and ~~Source~~source EUI (~~total annual energy consumption per sf~~kBtu/SF/year)
- National ~~Median Site~~median site EUI
- District ~~Steam Use~~steam use
- ~~Electricity Use (including generated from on~~Grid electricity use
- On-site renewable ~~systems)~~electricity generated
- Natural ~~Gas Use~~gas use
- All ~~Other Fuels~~other fuels used
- Total ~~GHG Emissions, GHG Emissions Intensity, Direct & Indirect GHG Emissions~~
- ~~Total Gross Floor Area~~gross floor area for ~~Each Space Use~~each property use type
- ~~Occupancy~~
- ~~Number of Bedrooms (MF)~~
- ~~Number of Bedroom Density (# per 1,000 sf)~~
- ~~Number of Floors~~
- Default data flags

~~When supported by ENERGY STAR Portfolio Manager,~~OSE may also download and store any covered building's monthly energy consumption data ~~separated by electric,~~for electricity, natural gas, and district steam ~~values shall be reported to the City of Seattle.~~

~~City of Seattle~~. OSE staff will use ~~the~~ annually reported data to monitor changes in energy use across the entire portfolio of buildings in ~~the city~~Seattle. This information will allow staff to identify market sectors with the greatest energy efficiency opportunities, ~~to~~ guide development of future policies and incentive programs, and develop ~~data on typical expected~~ energy ~~loads~~load profiles for different building ~~uses.~~ types.

~~H.~~D. Transparency

~~The Office of Sustainability and Environment will~~ OSE will annually publish a subset of the collected ~~building energy benchmarking~~ data and ~~where available, energy~~ performance ~~scores.~~metrics outlined above in the Reporting Process section. Aggregate and individual building energy and greenhouse gas emissions performance data will be made available to the public via the City of Seattle ~~open data~~Open Data portal, data.seattle.gov. ~~To allow market access to benchmarking data,~~ Seattle will annually ~~produce~~ publish energy and GHG emissions data on a public-facing website ~~to~~ ("Seattle Energy Benchmarking Map") that visually ~~map~~displays building ~~energy~~ performance ~~data, provide~~ metrics, provides data filters, ~~enable comparison features, and highlight individual building~~ enables comparisons, and highlights the performance~~. Data analysis results will be annually published to highlight changes in energy use, building sector performance trends and building performance quartile ranges~~ of different property types.

> ~~**Comments**~~
> ~~Building owners may annually submit contextual comments on their building's performance to share details that frame their building's performance history. Comments received by the annual April 1st deadline will be published alongside individual benchmarking data via the City's Open Data website. To submit comments, email energybenchmarking@seattle.gov and include the following:~~
>
> - ~~Building name~~
> - ~~Seattle Building ID~~
> - ~~Your name~~
> - ~~Your organization~~
> - ~~Your affiliation to the building (e.g. owner, property manager, etc.)~~
>
> ~~Owners may provide 2-3 sentences (maximum of 75 words) but must limit content to building performance related comments. OSE will review all comments and may recommend edits to conform to space limitations.~~

For buildings with compliant benchmarking submissions, OSE will publish greenhouse gas intensity (GHGI) metrics using Seattle-specific utility emissions factors in Open Data and the Seattle Energy

Benchmarking Map. GHGI is the metric by which building owners will determine if their buildings are on track to meet their Building Emissions Performance Standard (BEPS) GHGI targets. The Benchmarking Map will additionally provide estimated building-specific GHGI targets for all BEPS compliance intervals.

~~I.~~E. Existing ENERGY STAR® Portfolio Manager® Building Records

If a building was being voluntarily benchmarked in ENERGY STAR Portfolio Manager prior to the date of its initial Seattle reporting deadline as described in section 4.B, the ~~Building Owner~~building owner may continue to use the building's existing ENERGY STAR Portfolio Manager record rather than creating a new record, provided that all property attributes, use details, meters, and energy~~, building profile and other~~ data ~~in~~associated with the record ~~meets~~meet the standards described in this ~~Rule~~rule. This includes, but is not limited to:

- The description of the building, ~~and~~ its area, and other attributes, must be in agreement with the information provided by ~~the City of Seattle, and any~~OSE. Any corrections must be communicated to ~~the City of Seattle~~OSE at ~~EnergyBenchmarking@seattle.gov~~buildingenergy@seattle.gov or by ~~phoning~~calling 206-727-8484.
- The ~~Building Owner~~building owner must select and authorize "City of Seattle Annual Reporting" as a ~~service provider for the building,~~contact with data sharing permissions and enter the OSE Building ID provided by ~~the City of Seattle~~OSE.

If the ~~Building Owner~~building owner wishes to continue using an existing ENERGY STAR Portfolio Manager record but have energy consumption data entered automatically, they must ~~select each utility serving the building as a service provider within ENERGY STAR Portfolio Manager, and submit official authorization and upload requests, as needed~~enroll in automated data exchange services for each utility, as described in section 5.A.3 above.

~~7.~~6. CLARIFICATIONS

A. Defining a "Building"

Each covered building must be entered as a unique record within ENERGY STAR Portfolio Manager. In complex structures – which may have multiple owners, many different uses, and ~~portions~~sections built at different times ~~and of~~or with different materials – it is ~~necessary to standardize the definition of~~sometimes unclear what constitutes a single "building~~. In~~" for the purposes of benchmarking. However, in order to ~~derive~~calculate an accurate ~~and consistent~~ EUI and ~~energy performance rating~~GHGI for a particular covered building, all parties involved ~~with~~in the reporting process ~~– including the City of Seattle, the building's owner, and all utilities serving~~(e.g., OSE, the building ~~–~~owner, the utility providers) must share a common understanding of the ~~definition~~fundamental characteristics of ~~each~~the building~~, so that the~~. From the perspectives of all parties, the gross floor area of the building, the uses of

its constituent spaces, and the utility meters serving the building ~~are~~must ultimately be in ~~alignment.~~ agreement.

The City of Seattle will attempt to send a letter to each ~~Building Owner~~owner of a building subject to the ordinance, describing the City's initial understanding of the building's address and gross ~~square footage~~floor area based on best available data sources. ~~-~~For more complex structures, the City's interpretation may differ from the way the ~~Building Owner~~building owner prefers to benchmark and report the building. ~~-~~If the ~~Building Owner~~building owner disagrees with the City's definition of the building, they must contact ~~the City of Seattle~~OSE at ~~EnergyBenchmarking~~buildingenergy@seattle.gov to discuss possible corrections. ~~-~~Once the ~~Building Owner~~building owner and the City are in agreement, the ~~Building Owner~~building owner must use this ~~definition~~configuration consistently when setting up their ~~records~~building in ENERGY STAR Portfolio Manager, ~~and when~~ coordinating with utilities to identify which meters feed the building~~.~~, and completing annual benchmarking.

1) **Sub-~~Buildings~~Building Spaces**

ENERGY STAR Portfolio Manager is designed primarily to be used as a whole building reporting tool, and the ~~minimum~~ reporting requirements as defined in ~~SMC~~Chapter 22.920 SMC are for each complete building to report as a single entity within ENERGY STAR Portfolio Manager. ~~-~~However, ~~how a building is used has a strong bearing upon its expected energy consumption, and a meaningful comparison between~~there are situations where individual buildings ~~becomes more challenging~~are split into separately owned sections with ~~mixed use buildings that do not fall cleanly into one of Portfolio Manager's predefined categories. For example, it is difficult to compare the energy performance of two mixed use buildings,~~ independent building systems, for which combined reporting would be impractical and each ~~containing a residential condominium and~~owner would like to report separately. Buildings divided into multiple commercial ~~office~~condominiums are one such example. However, benchmarking a building as multiple distinct sub-buildings should be pursued only if benchmarking compliance as a single building would prove impractical and the building meets the criteria described below. Large retail tenants (i.e., for which GFA is greater than 20,000 square feet) that lease space~~, when the energy consumption data for each building is aggregated for the entire building. Separating the energy consumption values between the residential and~~ in commercial ~~portions of the buildings can produce results that are uniformly more useful for the Owners' Association, the commercial building owner, potential buyers, or renters attempting to evaluate the performance of the commercial or residential spaces, and City staff hoping to understand the typical energy performance of commercial or residential uses within buildings.~~ and mixed-use buildings may not benchmark independent of the whole building.

If agreed to by all responsible parties, the ~~Building Owner or owners~~building owner(s) may elect to subdivide a single, primary building into multiple sub-buildings, each of which will be reported through its own unique record in ENERGY STAR Portfolio Manager. ~~To~~ Most of all, the building owner(s) must be able to accurately ~~assess what portion of~~assign the ~~total~~complete building energy consumption ~~can be attributed to each portion,~~between the individual sub-buildings ~~can only be defined by~~. Sub-buildings must meet the following criteria to benchmark independently:

- Size – Each sub-building must be greater than 20,000 square feet.
- ~~▪~~ Ownership – ~~each~~Each sub-building must be under common legal ownership~~,~~ or managed by a single ~~Owners' Association~~owners' association with reporting responsibility.
- Mechanical systems – ~~the~~The HVAC systems in each sub-building must be physically separate from the systems serving other portions of the building.
- ~~Sub-~~Utility metering – ~~the~~The utility service to each sub-building must be entirely separately metered ~~from~~, via utility meters or submeters.

- Between the independently benchmarked sub-buildings, all ~~other portions of the~~ building spaces — including common areas like parking — must be claimed and reported.

~~If a building is divided into multiple sub-buildings for benchmarking and reporting purposes, the total Gross Floor Area of the primary building will continue to be used to determine if the building is above the reporting threshold, and all sub-buildings constituting the primary building will be subject to the same benchmarking, disclosure, and reporting requirements as the primary building.~~

~~Multiple~~In the Building Emissions Performance Standard (BEPS) law (Chapter 22.925 SMC), the subject to requirements threshold is the same as benchmarking, but sub-buildings will report for BEPS according to the gross floor area of the combined sub-buildings, following the compliance schedule listed in SMC 22.925.060.

If any sub-building is less than 20,001 SF, the whole building must be set up as a campus within one ENERGY STAR Portfolio Manager account with each sub-building added as a child record and all meters rolling up to the parent record (i.e., campus). In that scenario, the parent record shall be used to report for Energy Benchmarking and BEPS. Individual owners may use ENERGY STAR Portfolio Manager's account sharing features to access and manage data for their buildings. No individual sub-buildings less than 20,001 SF are allowed to be reported separately.

2) **Connected Buildings with Shared Energy Systems**

To represent ~~a~~an individual building as a unique record within ENERGY STAR Portfolio Manager, the energy consumption for that building must be separately metered. Where multiple buildings are served by a single utility meter, ~~or~~share a thermal envelope, or are served from a nearby central plant and not individually metered, it will be impossible to benchmark energy performance for the individual buildings. In these situations, all commonly served buildings should be grouped together and ~~defined~~set up as a campus~~.~~ in ENERGY STAR Portfolio Manager, in alignment with connected buildings as defined in this Director's Rule and the Building Emissions Performance Standard (BEPS) law (Chapter 22.925 SMC).

~~Within~~ENERGY STAR Portfolio Manager~~,~~ defines a ~~"~~campus~~" is defined~~ as a collection of ~~facilities~~ two or more co-located buildings that function as a single property with a single shared primary function, which are ~~situated close together~~generally owned and ~~have~~operated by the same party. Campus buildings may or may not share energy ~~and/or water~~ meters ~~that are shared across multiple facilities. These buildings are typically served by a common~~, heating systems, or cooling ~~source~~systems.

Examples of campuses include higher education/universities, office parks, or retail strip malls. The campus feature within ENERGY STAR Portfolio Manager provides energy managers with a ~~central~~centralized view of all campus ~~facilities~~buildings and ~~a calculated combined~~an aggregate energy usage and EUI based on combined gross floor ~~space~~area. Energy usage for the campus ~~can be derived from~~includes both campus-level meters (~~used by~~supplying multiple ~~facilities~~buildings) and ~~separate sub-~~dedicated meters for individual ~~facilities~~buildings.

~~Campus facilities are not given an ENERGY STAR score (as of the date of this rule) and therefore cannot apply for ENERGY STAR certification. Therefore, if the Building Owner would like to seek an ENERGY STAR score or certification, sub-metering would need to be installed so that the buildings can be individually benchmarked.~~

~~Example: A university has 20 buildings, with a variety of uses – classrooms, residence halls, laboratories, and maintenance facilities. These are all served with hot and chilled water from a central plant, but the buildings are not individually metered. The number of buildings must be defined and benchmarked as part of a campus in Portfolio Manager.~~

~~Exceptions~~

~~4.~~ In a multi-building ~~environment~~property with a small number of adjacent buildings that share meters, all of similar age, use and construction, all buildings ~~can~~may be grouped together and defined as a single building record within ENERGY STAR Portfolio Manager, rather than as a campus. In the Property Details section, the user must note that the record represents multiple physical buildings and specify the number.

Example: An apartment complex has ~~five~~three buildings with ~~eight~~fifty units per building. The buildings are not individually metered. ~~However, all~~All three buildings were constructed at the same time, and share similar materials, mechanical/electrical systems and architectural features. The ~~five~~three buildings ~~can~~may be combined and benchmarked as a single ~~building~~property record in ENERGY STAR Portfolio Manager with ~~40~~150 residential units.

~~5. Hospitals, senior care facilities, and K-12 schools that are composed of multiple buildings are NOT considered campuses. Portfolio Manager includes the functionality to accommodate and benchmark multi-building configurations for these specific uses.~~

~~B. Threshold Determination~~

~~In a campus consisting exclusively of residential buildings, all buildings which are part of the campus must be benchmarked and included within the campus designation if the average square footage of the campus buildings is equal to 20,000 square feet or more. If the average square footage per building is less than 20,000 square feet, the buildings constituting the campus do not need to be benchmarked.~~

~~In a campus consisting of non-residential or mixed use buildings, or a mixture of non-residential, residential and mixed use buildings, all buildings which are considered to be part of the campus must be benchmarked and included within the campus designation if: 1) any of the buildings within the campus has an area of greater than 50,000 gross square feet; or 2) the average area of all of the buildings constituting the campus (total area / total number of buildings) is 20,000 Gross Square Feet or greater.~~

For the Building Emissions Performance Standard (BEPS) law (Chapter 22.925 SMC), ENERGY STAR Portfolio Manager accounts set up per this exception, which have a single building approved for a BEPS exemption, extension, or alternative compliance path, may be required to update the ENERGY STAR Portfolio Manager configuration to a campus setup to enable the building to use the BEPS exemption, extension, or alternative compliance path.

B. Threshold Determination for Campuses

A campus, as defined in this Director's Rule, is subject to benchmarking requirements if any of the individual buildings are greater than 20,000 square feet. If the combined gross floor area of all buildings on a campus exceeds 20,000 square feet, but none of the individual buildings exceed 20,000 square feet, the campus and all individual buildings are not subject to benchmarking requirements. Additional clarifications include:

- If individual buildings less than 20,001 square feet on a campus are not separately metered (i.e., they share campus energy meters), they must be included in the campus benchmarking record. In most cases, they must be added as child properties in ENERGY STAR Portfolio Manager and associated with the parent campus record.
- A building below 20,001 may be excluded from the campus record if all energy consumption for that building is separately tracked via utility meters or submeters.
- Campuses where all individual buildings have dedicated utility meters or submeters may benchmark each building as a standalone record in ENERGY STAR Portfolio Manager.

Although the King County Assessor's database generally defines one building per record, there are situations where multiple small buildings have been aggregated together and listed as a single record. This can create a record with a total gross square footage above the reporting threshold, even though none of the individual buildings constituting that record ~~exceeds~~exceed the threshold. In these situations, the ~~Building Owner~~building owner may submit signed, supporting documentation including the King County parcel ID numbers to inform ~~the City of Seattle~~**OSE** that they do not consider their building(s) to be subject to ~~the~~ benchmarking, disclosure, and reporting requirements.

C. Benchmarking Campuses

When benchmarking multiple buildings together as a campus, the building owner shall abide by the following principles:

1) Establish a campus relationship in ENERGY STAR Portfolio Manager between all "child" buildings present on the campus and the "parent" record representing the campus as a whole.

2) Ensure that all child buildings associated with the campus have complete and accurate building information and space use details. This information must then be aggregated and reported for the campus record.
3) Utility meters may be associated with child buildings if the meter-to-building associations are known. Alternatively, meters may be assigned to the campus record.
4) The building owner must associate all child building meters upward to the parent building unless the child building is independently metered via utility meter or submeter.
5) Both the parent building and any child buildings, as well as all active energy meters for the campus must be shared with the City of Seattle ENERGY STAR Portfolio Manager account. In the sharing process, the building owner must specify the OSE Building IDs for both parent and child buildings.
6) Once a campus has been established, avoid separating child buildings from campus records and reporting them as standalone properties. Separating child buildings from campus records makes performance tracking of campuses over time difficult by changing the gross floor area and property use details of the campus. The building owner may separate a child building from a district campus or connected building if necessary to use a BEPS exemption, extension, or alternative compliance path under the BEPS law. Please note that performance of individual child buildings may be tracked independently within ENERGY STAR Portfolio Manager if utility meters can be associated with specific buildings.
7) Building owners may choose to benchmark individual buildings on a physical campus as standalone buildings if they are completely served by dedicated energy meters.

Building owners are encouraged to seek further clarification regarding campus benchmarking requirements and configurations from published guidance on seattle.gov/energybenchmarking. When necessary, building owners may request further assistance from the OSE Buildings and Energy Help Desk via buildingenergy@seattle.gov. OSE may approve campus configurations on a case-by-case basis.

~~C.~~D. Reporting Responsibility

~~1) Multiple Owners~~

The owner of each building at the annual reporting deadline (~~April~~June 1) is responsible for benchmarking their building for the prior calendar year and ensuring that all energy ~~disclosure and reporting~~benchmarking requirements are fulfilled. In most cases, a single party owns the entire building and is responsible for benchmarking~~, disclosure and reporting for the complete building. However, in some situations portions of a single building may be separately owned by different parties. This may occur where multiple spaces which can be bought and sold individually are vertically stacked within a single structure, on a common real estate parcel. In these situations, the building owners may break the building into multiple sub-buildings, as described above, so that each Building Owner can take responsibility for reporting on their portion of the structure. This does NOT include the case of individual condominium units, which are treated separately below~~ the complete building. However, there are cases where the reporting responsibilities may shift between parties.

1) **Multiple Owners**

In situations like commercial condominium buildings, spaces within a single building may be separately owned by different parties. Provided that the building and all sub-buildings spaces meet the criteria described above in section 6.A.1, the multiple owners may elect to treat the sub-buildings as distinct properties for Energy Benchmarking. Each sub-building owner would agree to assume responsibility for benchmarking their separate portion of the structure. This scenario is distinct from the case of individual residential condominium units, which is described below.

Alternatively, if the ~~metering or mechanical system configuration~~building does not ~~allow the creation of sub-buildings, the~~meet the criteria described in section 6.A.1, the owners' association or the single owner controlling the largest portion of the building's total gross ~~square footage~~floor area will be treated by the City of Seattle as the primary owner. This entity will be responsible for creating a single ENERGY STAR Portfolio Manager record that covers the entire structure~~, and must collect data from the other portions of the building not under their ownership as needed to complete the Portfolio Manager record.~~.

2) **Long-Term Tenants**

Even though a building or a portion of a building may be leased to~~,~~ and operated by~~,~~ a tenant under a long-term lease agreement, the ~~Building Owner~~building owner retains ultimate responsibility for ~~insuring~~ensuring that the benchmarking, disclosure, and reporting requirements have been met. ~~Nothing in this Rule prevents the tenant from taking an active role in preparing the benchmarking information, and submitting it to the Building Owner or inputting it directly into ENERGY STAR Portfolio Manager. However, if~~If there are multiple spaces in a building~~,~~ leased to multiple tenants, the ~~Building Owner~~building owner must ~~insure~~ensure that all spaces have been accounted for and benchmarked~~; the~~. The ENERGY STAR Portfolio Manager record must reflect the total performance of the complete building.

In the case of long-term tenants occupying entire buildings subject to benchmarking requirements, the owner is responsible for compliance but may delegate the benchmarking process to the tenant.

3) **Land Lease**

In a land lease situation, where the ground beneath a structure has been leased to, rather than sold to the owner of a building, the owner of the building itself is responsible for fulfilling all energy benchmarking ~~disclosure and reporting~~ requirements. The landowner in a land lease situation has no obligations under this ~~Rule~~rule.

~~4) **Condominiums**~~

4) ~~**The Owners' Association**~~**Residential Condominium Buildings**

For residential condominium buildings, the owners' association (or master association, if applicable) is responsible for establishing a record in ENERGY STAR Portfolio Manager for the entire ~~condominium~~building, including common spaces and all individual condominium units~~, and~~

~~benchmarking, disclosing and reporting its aggregate performance.~~. The owners' association must annually complete Energy Benchmarking compliance for the building. Owners of individual condominium units must provide the association with any authorization or ~~billing/metering~~utility information needed to comply with these requirements. An ~~Owners' Association~~owners' association may ~~also wish to~~ consider amending their condominium's covenants, conditions, and restrictions (CC&Rs) to streamline the processes ~~whereby~~in which the association will compile complete energy records on behalf of the individual owners.

~~Any party engaged in purchasing or leasing an individual unit within the condominium has the right to request an energy disclosure report. Since all energy benchmarking and reporting will be done for the entire condominium, the Owners' Association is responsible for providing a report disclosing the aggregate energy performance of the complete condominium, rather than for the individual unit involved in the transaction.~~

~~Where an entire building consists of a single condominium, the Owner's Association is responsible for benchmarking the entire building.~~ It is possible that a complex ~~structure~~configuration will contain not only one or more residential or commercial condominiums, but also additional portions that are separately owned in fee simple. ~~In these situations, breaking the building into multiple sub-buildings is likely to be the only practical way to complete the benchmarking process. Where this is not possible, the City of Seattle will provide further guidance on a case-by-~~For complex condominium configurations, owners' associations are encouraged to seek further clarification regarding Energy Benchmarking from published guidance on seattle.gov/energybenchmarking. If necessary, they may request further assistance from the OSE Buildings and Energy Help Desk via buildingenergy@seattle.gov. OSE may approve benchmarking arrangements for complex condominium configurations on a case-by-case basis.

~~D.~~E. Measuring Building Area

~~Because the ENERGY STAR score is an indicator of the entire building's energy performance, all~~All interior space must be captured in ENERGY STAR Portfolio Manager. The total ~~Gross Floor Area~~gross floor area must be measured between the principal exterior surfaces of the enclosing fixed walls~~,~~ and should include all supporting functions such as offices, lobbies, ~~rest rooms~~restrooms, equipment storage areas, mechanical rooms, break rooms, elevator shafts, stairwells, basements, etc. Atriums or areas with high ceilings should only include the base floor area that they occupy. All enclosed spaces, whether conditioned or ~~non-conditioned~~unconditioned, must be included.

Exception for Parking: The self-reported total gross floor area for all properties must exclude the floor area used for parking even if it is conditioned or lit. ~~Parking~~However, parking must still be measured ~~as a separate space~~ and ~~must be entered per~~input into ENERGY STAR Portfolio Manager ~~rules and following section **1) Parking and Loading Areas**~~as a distinct space use under the circumstances described below. The total gross floor area should also ~~not include outside~~exclude exterior loading bays or docks.

Original specifications, design documents, and "as-built" drawings can be used to confirm certain physical characteristics. However, because the actual physical characteristics of the building can vary

significantly from these plans and records, any review of documentation must always be combined with a physical inspection of the building.

1) **Parking and Loading Areas**

~~To allow ENERGY STAR Portfolio Manager to properly assign lighting and ventilation allowances, the parking and loading floor area should be reported via three categories using the rules defined by Portfolio Manager:~~

- ~~Enclosed parking structures~~
- ~~Unenclosed parking with a roof~~
- ~~Open parking lots (no roof) – assumes that the space is lit, but does not require mechanical ventilation~~

If ~~the parking~~ lighting or ventilation systems associated with parking are ~~included in the utility service measured~~covered by the main building energy meter(s), the associated floor area ~~used for parking~~ must be reported within ENERGY STAR Portfolio Manager as a ~~separate~~distinct "Parking" use. The parking floor area must be reported using the rules defined by ENERGY STAR Portfolio Manager and via the three categories below:

- Completely enclosed or underground parking structures
- Partially enclosed parking structures (i.e., exposed to outdoor air)
- Open parking lots with lighting

When defining parking lot square footage, include only the spaces and lanes that vehicles actually drive on, excluding any surrounding landscaping that is lit by the parking lot's lighting. ~~Note:~~ If ~~the~~ENERGY STAR Portfolio Manager ~~report~~ is using an aggregate ~~"~~virtual meter~~"~~ from a utility data exchange service that includes the meter(s) used for the parking areas, the same method should be followed. ~~The~~ In all cases, the parking floor area must ~~also~~ be excluded from the ~~Property GFA~~total building gross floor area figure in ENERGY STAR Portfolio Manager's "Basic Information" section.

If the parking space is separately metered from the main facility with which it is associated, its floor area and the meter(s) serving the area should not be entered into ENERGY STAR Portfolio Manager. The parking floor area must also be excluded from the building ~~Gross Floor Area~~gross floor area, as noted above.

~~The area within parking lots~~Parking and ~~garages~~loading areas will be excluded when determining ~~the primary building type to which each building will be compared when Portfolio Manager determines its energy performance score.~~

~~Parking and loading areas can be excluded when determining~~ if a building's total gross ~~square footage is above~~floor area exceeds the 20,000 square footage threshold at which energy benchmarking, disclosure, and reporting requirements for ~~non-residential~~nonresidential and multifamily buildings take effect. However, if a building is determined to be subject to these requirements, then parking and loading must be considered when benchmarking and reporting.

2) **Vacant Space**

~~Depending on the reporting building type~~For buildings categorized as Office, Bank, Financial Office, Courthouse, or Medical Office, if vacant space averages at least 10% of the building's total ~~Gross Floor Area~~gross floor area over the ~~past~~ 12 ~~months~~-month data year, the vacant space must be input in ENERGY STAR Portfolio Manager as a separate ~~space.~~property use. ENERGY STAR Portfolio Manager ~~also dictates specific~~guidance specifies values which must be used for the weekly operating hours, workers on main shift, number of computers, and percent heated and percent cooled for a vacant space. Buildings of other property use types are exempt from this requirement.

If a building of any type is 100% ~~unoccupied and thus~~ vacant ~~with no energy use other than safety lighting and heating~~ for the ~~building is not required to annually benchmark and report. The Building Owner must submit an~~data year, the owner may request a 1-year exemption ~~request form to the City of Seattle and verify that the building is vacant.~~, as described in section 3.D above.

3) **Data ~~Center~~Centers**

Within ENERGY STAR Portfolio Manager, the ~~Data Center Property Use Type is~~data center property use type is intended for sophisticated computing and server functions which typically include:

- ~~high~~ High-density computing equipment (such as server racks used for data storage and processing)
- ~~dedicated~~Dedicated power and cooling systems
- ~~a~~A constant power load of 75 kW or more
- ~~uninterruptible~~Uninterruptible power supplies (UPS)
- ~~raised~~Raised floors

~~Data Centers may include traditional enterprise services, on-demand enterprise services, high performance computing, internet facilities, and/or hosting facilities. Often Data Centers are free-standing, mission-critical computing centers.~~

~~The Data Center property use type is **NOT** intended for:~~

- ~~server closets~~
- ~~computer training areas~~
- ~~telecom closets~~
- ~~print/copy rooms~~

Server rooms that do not meet the definition of ~~Data Center above~~data center, but have separate cooling systems and operating hours that differ from the rest of the building should be entered as a separate Office ~~Property Use. Enter the weekly operating hours (typically 168 hours), zero workers, and enter the count of computers and servers in the number of computers field. Both computers and servers should be counted only once (e.g. one server counts as 1 "Computer").~~

~~All other areas mentioned above (including server rooms without separate cooling systems) should be included in the total Gross Floor Area for the property's main Property Use (e.g., Office).~~property use in ENERGY STAR Portfolio Manager.

Building owners are encouraged to seek further clarification on benchmarking data centers from OSE's current published guidance on seattle.gov/energybenchmarking. If necessary, they may request further assistance from the OSE Buildings and Energy Help Desk via buildingenergy@seattle.gov.

~~E.~~F. Guidance on Energy Loads ~~to Include/Exclude~~

All ~~Energy~~energy loads served and metered by a utility, ~~and~~ which are relevant to the primary ~~uses~~functions and occupancies of the building, must be included in the building's ENERGY STAR Portfolio Manager record. This includes ~~readings~~entries for any meters that are paid by tenants or other parties, rather than the building owner. Also, any after-hours usage that is billed back to tenants must be included, regardless of who is paying for the energy.

Loads for common spaces, such as a parking structure that is functionally shared between two properties, must be fully assigned to the building which holds legal title for the space. If a single structure has been divided into sub-buildings, then parking and other common spaces ~~should~~must be apportioned between and reported with the most appropriate sub-buildings.

~~Loads which~~Electric loads that are unrelated to the primary ~~purpose~~purposes of the building, such as ~~an~~ electric vehicle charging ~~station~~stations, broadcast antennas, or on-site cell phone towers, may be excluded from energy benchmarking, disclosure, and reporting, provided that these loads are metered separately from all other building loads. If these loads are not separately metered, their electricity consumption may be submetered or approximated and then deducted from total building electricity consumption.

~~Buildings are required to report the amount of electricity that is generated on-site from solar or wind energy and used at the building. They must also report energy that they sell back to the utility via net metering. Solar and wind energy generated onsite cannot be subtracted from the total energy consumption of the building. Please note, SCL's virtual meters will not include energy consumption from on-site generated solar or wind energy.~~

1) **Electric Vehicle Charging**

Electric loads from electric vehicle (EV) charging stations should be excluded from ENERGY STAR Portfolio Manager energy benchmarking data to the extent possible based on how the EV stations are metered:

i. If the EV energy use is on its own utility meter, then exclude the charging station altogether and exclude the meter from energy benchmarking data reported to OSE.
ii. If the EV energy use is on the main meter, but it is submetered, then exclude it from the building energy use reported to OSE by entering an additional meter with negative entries.
iii. If the EV energy is on the main meter and not submetered (or can't be broken out from utility aggregate meter), then include this energy when benchmarking. ENERGY STAR Portfolio Manager can calculate an estimate for "Electric Vehicle Charging Station — Portfolio Manager-Estimated Site Energy" that will be reported to OSE.

2) **Communications Equipment**

Electric loads from communications equipment unrelated to the primary purpose of the building (broadcast antennas, on-site cell phone towers, etc.) should be excluded from ENERGY STAR Portfolio Manager energy benchmarking reported to OSE to the extent possible based on how it is metered:

i. If communications equipment is separately metered, then exclude the equipment altogether and exclude the meter from energy benchmarking data reported to OSE.
ii. If the communications equipment is on the main meter, but it is submetered, then exclude it from the building energy use reported to OSE by entering an additional meter with negative entries.
iii. If the communications equipment is on the main meter and not submetered (or can't be broken out from utility aggregate meter), then include this energy when benchmarking.

3) **On-site Renewable Electricity Generation**

Most Seattle utility customers with on-site solar photovoltaic (PV) systems installed on their property participate in Seattle City Light's net metering program. As a part of the program, Seattle City Light tracks electricity consumed from the grid and excess solar energy generation exported to the grid. The utility bills the customer bi-monthly for the net electricity consumed, meaning total energy consumed from the grid minus any credits for excess generation exported to the grid.

[1] Net electric consumption (kWh) = total kWh used – total PV kWh generated on-site

[2] Total PV kWh generated on-site = PV kWh consumed on-site + PV kWh exported to the grid

For all properties with PV systems enrolled in net metering, Seattle City Light tracks on-site generation exported to the grid, but not necessarily the generation consumed on-site. Where a production meter is present, Seattle City Light additionally tracks the total on-site generation. Those customers with production meters installed will see both figures on their utility bill and be able to calculate the amount of generation consumed on-site.

[3] PV kWh consumed on-site = Total PV kWh generated on-site – PV kWh exported to the grid

Solar customers may choose to track their solar generation via their utility bills or digital access to their production meters. **However, electricity consumption data for solar customers, transmitted via Seattle City Light's automated data exchange system in ENERGY STAR Portfolio Manager, will only reflect the net consumption.**

Energy use intensity (EUI), as defined by ENERGY STAR Portfolio Manager, is inclusive of all energy used on-site by a building. **Because most building owners with on-site solar do not readily have access to data for PV generation used on-site, they may use the net electricity consumption provided by Seattle City Light as representative of total consumption for the purposes of Energy Benchmarking compliance.** For the purposes of the BEPS law, electricity from on-site renewable generation is treated as zero-emission, and greenhouse gas intensity (GHGI) is therefore unaffected whether on-site solar consumption is included or not.

Electricity generation from on-site solar PV may be included in ENERGY STAR Portfolio Manager energy benchmarking data reported to OSE, based on whether data is readily available:

i) If on-site solar generation is monitored via a production meter and data is collected for both a) PV electricity used on-site and b) PV electricity exported to the grid, create an "Electric – Solar" meter in ENERGY STAR Portfolio Manager and report monthly entries for both fields.

ii) If solar generation data is not actively collected as described above, report only what electricity consumption data is supplied via Seattle City Light's automated data exchange.

Building owners may treat other on-site renewable electricity generation sources like wind turbines in the same manner as solar PV.

4) **Fuel Oil and Other Bulk Fuels**

Buildings are required to report any delivered fuel oil or other bulk fuels used for building operations other than that used for ~~back-up~~backup emergency services. Bulk shipments can be entered ~~as a bulk shipment~~ based on the actual delivery dates or as a monthly estimate. When creating a meter for fuels received in bulk you can select the "Enter as Delivery" option and the tool will assume that the bulk fuel was used in the month it was received ~~/entered~~.

~~F.~~G. Reporting ~~Tool~~Tools

All benchmarking ~~results~~data must be reported via the ~~U.S. EPA's~~ ENERGY STAR Portfolio Manager (www.energystar.gov/benchmark). The City of Seattle ~~has~~ determined that ENERGY STAR Portfolio Manager is the best tool that is readily available for benchmarking, disclosing, and reporting of building energy performance~~. Portfolio Manager has many~~, consistent with the following benefits ~~that led to its selection as the required reporting tool:~~:

- ~~•~~ Widespread use – ENERGY STAR Portfolio Manager ~~is~~has been the ~~de facto~~accepted standard in the United States for building energy benchmarking for more than 25 years, and it is supported by the U.S. ~~EPA and many trained professionals~~federal government.
- ~~•~~ Cost – ENERGY STAR Portfolio Manager is free for both users and jurisdictions.
- ~~•~~ Web based – ENERGY STAR Portfolio Manager does not require purchase or installation of any dedicated software.
- ~~•~~ ~~Security of data – all~~Data security – All data is stored on a secure server maintained by the ~~U.S. EPA~~federal government. Only authorized representatives can access the profile or energy consumption data associated with a building.

~~ENERGY STAR Portfolio Manager provides greater reporting functionality for some building types than for others, as some buildings do not currently qualify for an ENERGY STAR score. However, in the interest of maintaining consistency in both procedures and data standards, ENERGY STAR Portfolio Manager must be used for all building types.~~

~~SMC 22.920 requires benchmarking of EUI and "where available, an energy performance rating" for all buildings subject to the requirements. The U.S. EPA is continuing to expand the set of building types~~

~~which will receive an energy performance score; as this capability is enhanced, those buildings will be expected to begin reporting their ENERGY STAR score in addition to EUI values.~~

~~G. Eligibility for ENERGY STAR Score~~

~~All buildings which earn an energy performance score of 75 or greater are eligible to receive an ENERGY STAR certification. To ensure the quality of the label, the building's performance must be certified by a licensed Professional Engineer (PE) or Registered Architect (RA). Additionally, the certifying professional must validate that the space use data is correct and complete, that all energy meters have been correctly defined, that standards for ventilation, lighting and comfort within the building have been achieved, and that the score as a whole is based on reliable data.~~

~~More than 50% of the building's total Gross Floor Area (excluding parking areas) must be defined by one of the space types defined by ENERGY STAR Portfolio Manager as being eligible to receive an energy performance rating, such as "Office" or "Hotel." This determines the category of buildings – out of all buildings in the national stock – to which the property is being compared.~~

~~ENERGY STAR certification is a valuable indicator of a high-performance building, as achieving it requires dedication to energy efficiency as well as an understanding of the benchmarking and certification process. Although the City of Seattle encourages building owners to apply for ENERGY STAR certification, this is not a condition of the City's benchmarking, disclosure, and reporting requirements.~~

The Seattle Building & Energy Portal is a web-based tool that connects with ENERGY STAR Portfolio Manager to manage the processes of Energy Benchmarking and Building Emissions Performance Standard compliance. For Energy Benchmarking, building owners are required to establish an account in the Portal, link it to their ENERGY STAR Portfolio Manager account, and claim their building in the Portal. Building owners must then use the Portal to manage annual submissions and verify compliance status. The Portal has additional functionalities for the BEPS law.

H. Confidentiality

Under ~~Washington State Law (RCW Chapter 42.56, the~~Washington's Public Records Act~~)~~ ("PRA"), chapter 42.56 RCW, all records received or created by the City of Seattle are considered public records. Public records include annual energy ~~consumption~~benchmarking reports as required under ~~Seattle Municipal Code, SMC~~chapter 22.920 SMC.

The ~~Public Records Act (~~PRA~~)~~ requires that public records must be promptly disclosed by the City upon request unless the PRA or other statute specifically exempts records from disclosure.

If a ~~Building Owner~~building owner or ~~Tenant~~tenant believes any of the records they are submitting to the City in compliance with the requirements of ~~SMC~~chapter 22.~~930~~920 SMC are exempt from disclosure under the PRA, they can request that the City provide notice prior to disclosure so the ~~Building Owner~~building owner or ~~Tenant~~tenant has an opportunity to pursue court action to prevent disclosure. ~~To~~ To do so, the ~~Building Owner~~building owner or ~~Tenant~~tenant must very clearly and specifically identify the records and the exemption(s) that may apply. Only the specific records or

portions of records properly identified will be temporarily withheld for the purpose of providing notification. All other information submitted to the City will be considered fully disclosable upon request.

The City will not assert an exemption from disclosure on a ~~Building Owner~~building owner or ~~Tenant's~~tenant's behalf. If the City receives a public disclosure request for any records that a ~~Building Owner~~building owner or ~~Tenant~~tenant has properly and specifically identified, the City may notify them in writing of the request and temporarily postpone disclosure. While it is not a legal obligation, the City may allow up to ten business days after notification for the ~~Building Owner~~building owner or ~~Tenant~~tenant to obtain a court injunction to prevent the City from releasing the records (per RCW 42.56.540). If the ~~Building Owner~~building owner or ~~Tenant~~tenant fails to obtain a court order within the ten-day period, the City may release the information.

~~8.~~7. ENFORCEMENT

Per SMC 22.920.110, the ~~OSE~~ Director may issue a notice of violation ~~(~~("NOV~~)~~") to ~~Building Owner~~a building owner for non-compliance. A determination of non-compliance may be made for the following reasons:

1. ~~1.~~1) Failure to benchmark, update, or submit an annual Energy Benchmarking Report to the City of Seattle by ~~April 1st;~~ June 1
2. ~~2.~~ Submitting an Energy Benchmarking Report with inaccurate data~~;~~
3. ~~3.~~2) ~~Failure~~ and failing to ~~disclose to a current tenant or potential lender, buyer or tenant the most current energy benchmarking report via a Statement of Energy Performance (SEP).~~complete required corrections
4. ~~4. Failure to provide a building owner information necessary to comply with SMC 22.920.~~

Owner responses to the notice of violation and related procedures are outlined in SMC ~~subsections~~ 22.920.125 through 22.930.190. Penalties for failure to comply, per SMC 22.920.120 are as follows:

	~~Per Compliance Cycle~~
~~Non-residential~~**Nonresidential or Multifamily Building:**	~~1st~~ **Penalty ~~Assessed 90 Days After Due Date:~~per Compliance Cycle**
Greater than 50,000 ~~Gross~~ Square Feet ~~or greater~~ excluding parking	$4,000
20,001-50,000~~-49,999 Gross~~ Square Feet excluding parking	$2,000

Any penalties determined will be assessed 90 days after the due date. In addition to the fines ~~notes~~noted above, if the Director determines a ~~Building Owner~~ building owner has failed to disclose an energy benchmarking report~~, has submitted inaccurate data~~ per SMC 22.920.080, or a tenant has failed to provide information to a building owner as required under SMC 22.920.050, the Director may impose a ~~$150 fine for the first violation and a~~ $500 fine ~~for subsequent violations~~.

A. Enforcement Grace Periods

Per SMC 22.920.120, the ~~OSE~~ Director has the authority to establish grace periods for imposing fines, upon a finding that such a grace period will facilitate the submission of energy benchmarking reports. If enacted, grace periods will be applied consistently across all buildings within a building type and size group. Information about grace periods will be provided on the City's Energy Benchmarking website.

DRAFT