

GREEN BUILDING PROGRAM

Technical Update: 2017-07-11

Variance Application



GREEN BUILDING PROGRAM GUIDELINES

The Green Building Program (GBP) Guideline for Variance Application was developed by the Green Building Co-ordination Team (GBCT).

The guideline is intended to assist building owners, government organizations and project teams interpret and apply the green building program criteria.

The guideline supplements other resources and should not be considered the primary source of information on the subject. Information in the guideline is only intended to provide background, resource and guidance to support implementation of the Green Building Program criteria.

VARIANCE APPLICATION GUIDELINE

How to Complete the Variance for Commercial & Institutional Building Projects

There may be circumstances when the full scope of the Green Building Program (GBP) cannot be practically applied to a project. In those cases a Variance should be requested. The GBP form titled Variance for Commercial & Institutional Buildings must be submitted **prior to the start of design development** in order to be considered by the Green Building Coordination Team (GBCT). The GBCT reserves the right to deny variances that are requested past this point.

In order for a Variance to be reviewed by the GBCT, the following information must be provided for all requests:

1. Complete Green Building Program Form: *Variance for Commercial & Institutional Buildings*.
 - a. If requesting a Variance for Energy Efficient Design, refer to:
Section 1 How to Request a Variance for Energy Efficient Design, provided below.
 - b. If requesting a Variance for Environmental Impacts, refer to:
Section 2: How to Request a Variance for Environmental Impacts, provided below.
 - c. If requesting a Variance for Commissioning, refer to:
Section 3: How to Request a Variance for Commissioning, provided below.
2. Provide a clear and detailed explanation of why the GBP verification requirement cannot be satisfied.
3. Propose an alternative compliance path that meets the intent of the GBP verification requirement.

Section 1: How to Request a Variance for Energy Efficient Design

When preparing your variance request narrative, consider the following questions:

1. What is the the unique nature of the building that makes the energy target difficult to achieve? Include specific details relating to building envelope, mechanical or electrical requirements of building type that reduce potential for energy savings.
2. What basic energy saving strategies are included in the design? For example, how does the design meet all the Manitoba Energy Code for Buildings (MECB) and what has it done to go above and beyond the MECB.
3. Is the proposed energy target meeting the intent of the Green Building Program criteria and M.R. 38/2013? Provincially owned and funded buildings are required to achieve the GBP energy efficient target of 10% more efficient than the MECB in order to lower utility bills and reduce greenhouse gases throughout the building's service life. Designs that only comply with the MECB and do not provide additional energy savings do not meet the GBP criteria.

4. If the project is not able to achieve Power Smart Designation what is the alternate means identified to verify the proposed energy savings?

Please note that since energy efficiency verification is required by Manitoba Green Building Regulation M.R. 38/2013, any variance for energy efficiency that is not at least 10% better than the MECB will require exemption from the Minister responsible for the Manitoba Climate Change and Emissions Reductions Act. The request will be forwarded to the Minister by the GBCT and no response can be given regarding the variance until the Minister has ruled on the issue.

Section 2: How to Request a Variance for Environmental Impacts

For projects requesting a variance to LEED® Silver Certification, a detailed narrative is required outlining why certification is not possible. The narrative should identify clear reasons why LEED® is not appropriate. The following situations individually are not enough to qualify for a variance. However, if two or more situations are combined the project may have a valid case for not pursuing LEED® certification. Please identify in your narrative which of the following challenges the project faces and provide details as described:

- **Cost** –the project budget is less than \$4,000,000.
 - Provide a breakdown of costs for any fees that would be additional to achieve LEED® (registration, documentation, certification, etc.)
- **Size** – the project size is close to the 600 m2 threshold
 - Explain why the size limits LEED® credit achievement and specify which credits are unattainable.
- **Location** – the project is located in a rural area
 - Identify each credit that cannot be achieved and provide supporting rationale. Refer to Credit Interpretation Rulings from the CaGBC to ensure there has not been a precedent that overcomes this specific barrier.
- **Building type** –unique nature of building type
 - Identify each credit that cannot be achieved and provide supporting rationale.
- **Other** –the project is facing extraordinary circumstances that will impede successful LEED® certification. Note that a tight project timeline is **not considered to be an extraordinary circumstance**.
- **For All:** Provide a summary of the LEED® review (including a draft scorecard) which demonstrates how the project team reached the conclusion that variance would be required. The summary should be provided for all variance requests including those seeking variance to Green Globes® or alternate reporting systems.

In addition, provide the following:

If you propose to achieve LEED® Certified

Provide a detailed breakdown of the anticipated LEED® credits. For credits not being pursued, provide rationale to explain why particular credits are not achievable or appropriate for the project.

If you propose Green Globes® Certification

A case must be made clearly illustrating why Green Globes® is the more appropriate certification program for the project. Note that Green Globes® is **not an automatic equivalent** to LEED® certification and still requires variance approval. A preliminary Green Globes® Assessment is required with the submission indicating how the three globes will be achieved.

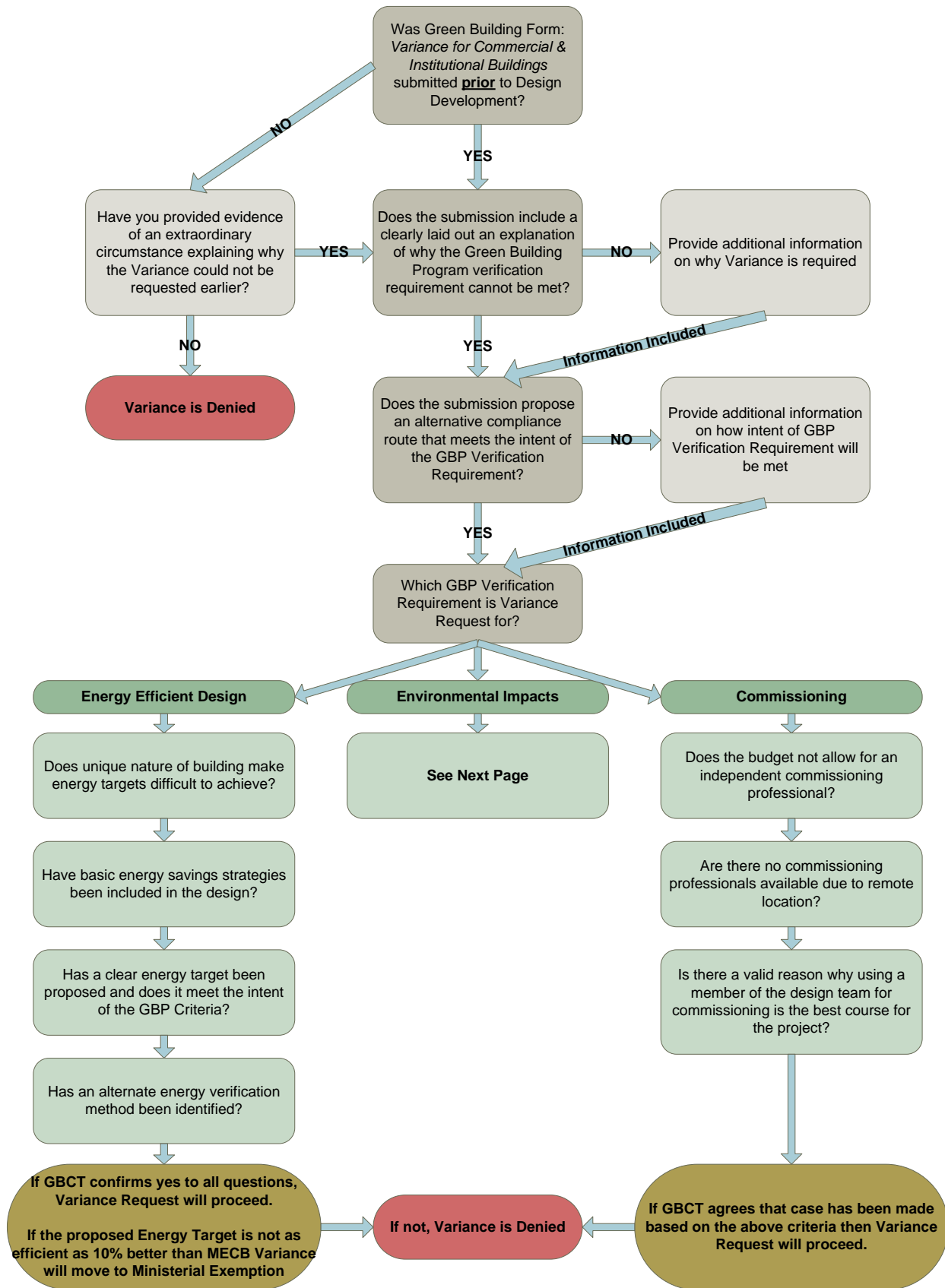
If you propose Green Building Reporting

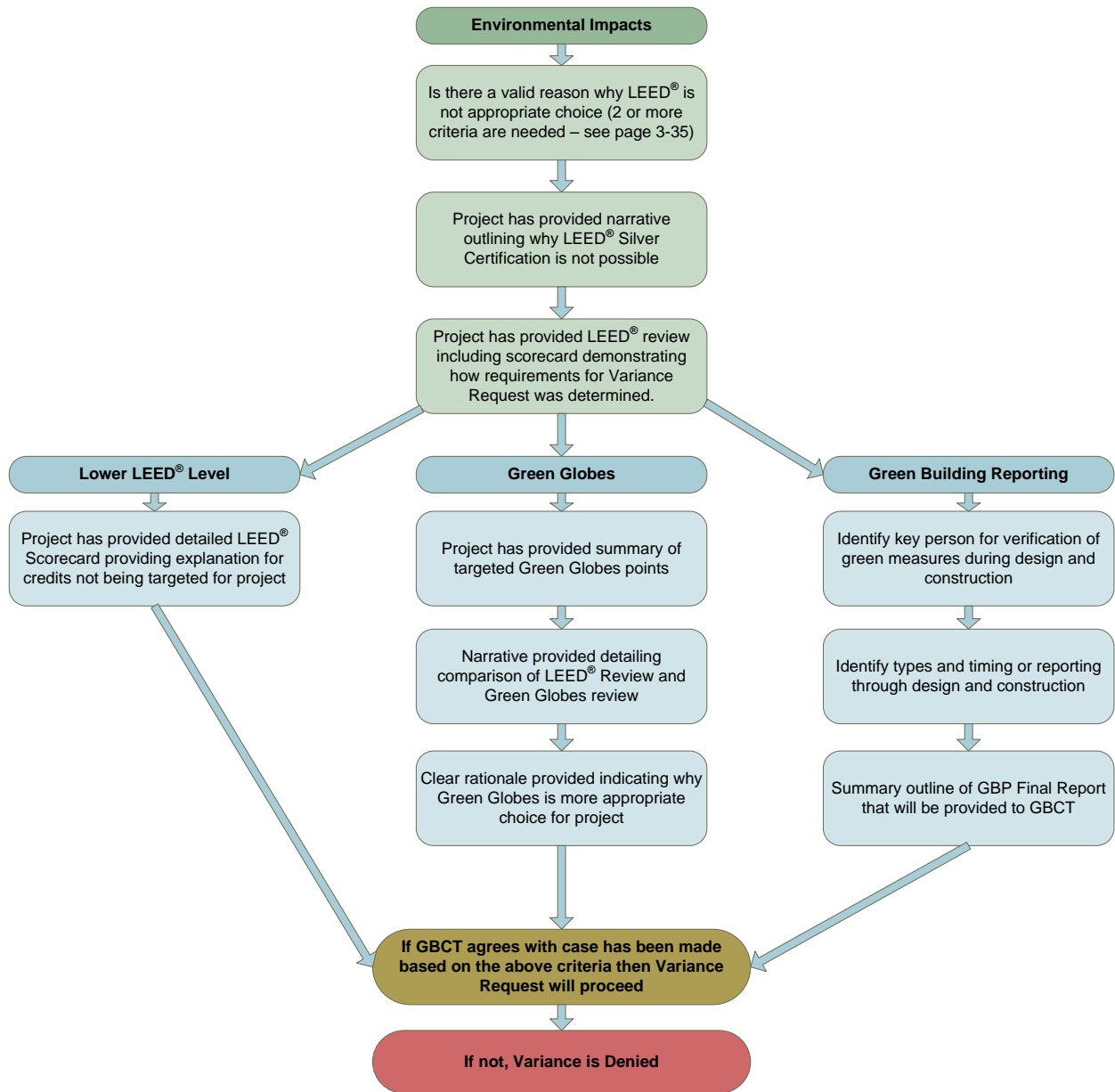
Provide a detailed outline illustrating the types and timing of reporting that will be provided in lieu of LEED® certification. Key information that should be included in narrative includes:

- Identification of a key person on the project team who will review all environmental measures during design and construction. This individual will be required to complete a declaration stating the information submitted to the GBCT is complete and meets the intent of the Green Building Program.
- Confirmation that all mandatory Green Building Program Criteria and any recommended criteria identified on GBP Form 1 will be incorporated into design and will be verified through Green Building Reporting.
- Procedures for verification of Green Building Program Criteria throughout design and construction. This should include timing of any review and inspections as well as describe what reporting is required at each stage and who it will be distributed to.
- Description of what will be included in the Final Green Building Report to be submitted to the GBCT.

Section 3: How to Request a Variance for Commissioning

Provide detailed explanation of why hiring an independent commissioning professional is not appropriate for the project. Identify the alternate commissioning professional and their qualifications. Detail the scope of work to be performed and ensure it satisfies the activities required by Guideline 3.5.





GBCT Response to Variance

The GBCT may request further information if your submission is deemed incomplete. If the requested information is not provided within 30 days the GBCT may deny the Variance request.

Once a complete Request for Variance is received from a project team, the GBCT will review the information and provide a response. If the proposed Variance is accepted the Director will sign the Variance Form and specify the reporting requirements for the project in a Variance Response Letter. If the Variance is not accepted the project can reapply for an alternate variance or move to full compliance. If a non-approved variance path is pursued, the project will be deemed to be non-compliant with the Green Building Program and your provincial funding authority will be notified.

Frequently Asked Questions:

1. What assistance can I request from the GBCT?

The GBCT is available by email, phone or in person to discuss project details, challenges, and variance options. We are also available to attend IDP sessions, site meetings, and site visits to support the project.

2. We are in schematic design and anticipate receiving provincial funding but it hasn't been confirmed yet, can we apply for a variance?

GBCT cannot provide a binding variance response on an unfunded project at this time, however if the project team wishes to provide the information required to request a variance GBCT will provide an interim **opinion** on whether the variance would be accepted. Once funding is confirmed, the GBP Variance Form would be required and the GBCT would review it along with the interim opinion. If the scope of the project is the same the variance ruling will be in line with the interim opinion. However, if the project has undergone significant changes of scope, design, budget, etc. the interim opinion is not valid and GBCT will conduct a new variance review and provide a response accordingly.