



# CALIFORNIA BUSINESS PROPERTIES ASSOCIATION

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**SUBJECT: 2016 Nonresidential Standards Pre-Rulemaking;  
Docket number: 14-BTSD-01**

## California Business Properties Association (CBPA) Comments to the 2016 Nonresidential Standards 45-Day Language

The California Business Properties Association (CBPA) is the designated legislative advocate for the International Council of Shopping Centers (ICSC), NAIOP of California, the Commercial Real Estate Developers Association (NAIOP), the Building Owners and Managers Association of California (BOMA), as well as others groups and individual companies. CBPA currently represents over 10,000 members, making it the largest consortium of commercial real estate professionals in California. Collectively CBPA members own and/or manage over a billion square feet of property in California.

CBPA offers the following comments regarding the 45-Day Language for the 2016 Nonresidential Building Energy Efficiency Standards in hopes of assisting the Commission adopt a code that will continue to increase energy efficiency in California that is also cost effective, technologically feasible, and relatively easy to implement.

The California Energy Commission's 2013 Building Energy Efficiency Standards (BEES) are historically the greatest increase in stringency (27%) since the beginning of the California energy code. The proposed 2016 Standards are following with increase in stringency from significant changes for control requirements. Large increases in energy code stringency require changes that are not proven construction practices. In general, CBPA has strong reservations to changes in construction and/or management practice that are not market proven, accepted in the building code, and vetted for their intended use by the building and inspection trades.

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First of all, we hope that the Commission is planning on providing more specific economic impact analysis on the changes being proposed. Existing statute requires agencies proposing changes to building standards for commercial buildings to include the estimated cost of compliance (2013 Statutes; Chapter 212) in both their Notice to the public as well as in the Initial Statement of Reasons. We believe that a cost-benefit analysis is essential in helping Commissioners make decisions and that can only be done when there is better information relating

CBPA's preliminary review of the proposed 2016 changes to the Standard could exceed \$50,000 per impacted building. Some of these proposals are simply not cost effective as currently written.

However, we believe there are modifications to the building code that can reduce this very high, unacceptable incremental cost. We implore the commission to adopt our suggested modifications as the rising cost of regulation is making commercial building cost prohibitive.

A primary goal of California Long-Term Energy Efficiency Strategic Plan is to reduce greenhouse gas through energy efficiency. The greatest opportunity to reduce energy consumption in commercial buildings is to improve the energy efficiency of existing commercial buildings. CBPA supports efforts to cost effectively improve energy efficiency in California's commercial buildings and emphasizes that the CEC should focus their efforts on reducing the already drastic cost impact of the 2013 Standards.

The following are CBPA's Technical Comments to the 45-Day Language for the 2016 Nonresidential Building Energy Efficiency Standards:

**Comment No. 1 - 120.2(f) Dampers for Air Supply and Exhaust Equipment**

The CEC staff proposed regulations to add requirements for dampers serving air supply and exhaust equipment. Dampers must now automatically close during unoccupied periods as well as during setback heating and cooling periods. The damper can remain open during pre-occupancy purge cycles or if the zone is enabled by an override signal from an occupancy sensor, automatic time switch control or a manually operated 4-hour time.

CBPA believes this will trigger the requirement of very expensive building automation systems where none were required. It may also require one when one is not in existence. This requirement may conflict with public health code for adequate ventilation and may lead to sick building syndrome. This damper requirement will be very expensive especially for smaller buildings. This is not cost effective.

**Comment No. 2 - 120.2(i) Direct Digital Controls (DDC)**

The added requirements for DDC are outlined in Table 120.2A must be capable of monitoring zone and system demand for fan pressure pump. CBPA agrees if properly installed and commissioned large HVAC systems may reduce energy and controlled more efficiently; however, large HVAC systems are already required to operate very efficiently and effectively.

Thus, the proposed regulations may, in reality, not be cost effective for the amount of energy savings in this building category.

Using the criteria of 10 brake horsepower as a metric may lead to misapplication of this requirement.

Does a 10 brake horse power system impact buildings as small as 10,000 square feet? Brake horse power is an incorrect metric for determining energy efficiency for DDC controls. We believe the cost of the controls for this could be in the neighborhood of \$30,000 to \$50,000 per building or alteration.

**Comment No. 3 - 120.6(f) Mandatory Requirements for Elevators**

The proposed regulation added new requirements for elevators in regards to the cab lighting and ventilation fan. These systems must now comply with lighting and fan efficacy requirements as well as automatic shut off controls. Elevator manufacturing standards for lighting and fans will need to be changed to meet the new requirements. New costly controls will be needed to turn the interior lighting and fans off when the elevators are not occupied. This could result in excessive cycling and premature wear of these equipment and components. In addition to the initial added cost this could lead to costly maintenance and servicing costs.

**Comment No. 4 - 130.1(c)5 – Mandatory requirements where occupant sensing controls are required to shut OFF All Lighting.**

The CEC proposal adds mandatory requirements for partial-ON occupant sensor and vacancy sensor technologies. CBPA believes that the lack of suitable sensor controls at competitive pricing especially for the partial-ON occupant sensor makes shut OFF all lighting controls not cost effective.

Additionally we believe the revision lacks clarity. If a vacancy sensor is selected, which we believe may be the de-facto selection, the standard is met. However, the exemption is to allow a vacancy sensor which is what the code is requiring.

**Comment No. 5 - 130.5(a) – Mandatory requirements for Service Electrical Metering.**

Mandatory requirements for electrical usage recording equipment and how long the recorded data should be retained are new requirements. This measure adds cost to metering if utility “smart meter” is not installed. Service electrical metering is costly without directly impacting energy savings since there are no direct savings from monitoring data.

Disaggregation of loads is rare in existing building and adding monitoring equipment very difficult and very expensive. With the advent of SMART meters and the continue increase in installation we believe this should be a function of the public utilities and not the energy code regulating commercial building industry.

**Comment No. 6 - 140.4(n) – Prescriptive requirements for Mechanical System Shut-off.**

The CEC staff purpose new shut off control for space conditioning equipment serving zones with operable windows or doors.

This new requirement may have significant impact to smaller buildings with operable windows and doors. We are concerned with the practical application of this revision.

- How will this be enforced?
- Will proximity sensor, switches, etc. be required?
- Will a building controls system be required to collect the potentially numerous inputs monitoring the windows and doors and outputs to control all impacted HVAC equipment?
- Will a dead band be required to prevent unnecessary cycling especially when dealing with the application to doors being opened?

**Comment No. 7 - 141.0(b)2Q – Prescriptive requirements for Demand Responsive Controls and Equipment to building alterations.**

Requires Demand Response controls if alterations larger than 10,000 sq. ft.

We believe this will add significant cost the alterations over 10,000 sq. ft.

We are also concerned about the following code revisions and the effect these will have on the commercial real estate industry. Due to the lack of fully understanding these revisions and the time required to analyze the full impact we are summarizing them below. We are requesting your assistance and comments in fully grasping the potential impact these may have on our vast membership:

**Comment No. 8 - 110.3(c)7 - Add the requirements for isolations valves for instantaneous water heaters**

**Comment No. 9 - 120.2(k) - Add requirements for space conditioning systems equipped with DDC to the zone level to have optimum start/stop controls.**

**Comment No. 10 - 120.6(g) - Add requirements for escalators and moving walkways to reduce speed.**

**Comment No. 11 - 130.0(c)5 - State that incandescent screw-base sockets shall remain classified as incandescent regardless of the lamps installed in the sockets.**

**Comment No. 12 - 130.0(c)9 - No screw base adapters may be used to meet the lighting efficiency requirements.**

**Comment No. 13 - 130.2(c) - Lower the allowed wattage reduction during dimming from 80 percent to 90 percent for all installed outdoor lighting.**

**Comment No. 14 - Table 140.3-D - Clarity and decrease maximum U-factors for prescriptive envelope for relocatable public schools.**

**Comment No. 15 - 140.4(e)4B - Economizer assembly is to be tested at rated airflow and pressure for 60,000 actuations rather than after 60,000 actuations.**

**Comment No. 16 - 140.6(a)2H - Addition of daylighting dimming plus off control.**

**Comment No. 17- 140.6(a)2J - Addition of institutional tuning as a prescriptive measure.**

**Comment No. 18 - Table 140.6-A - Deletes the power adjustment factor (PAF) allowance for Partial-ON Occupant Sensing Control and Combined Manual Dimming plus Partial-ON Occupant Sensing Control.**

**Comment No. 19 - Table 140.6-A - Adds two new power adjustment factor (PAF) allowances; one for daylighting dimming plus off control and another for institutional tuning and both of these are prescriptive requirements. Power Distribution Systems.**

CBPA's comments are meant to be part of the constructive dialog in formulating the 2016 Nonresidential Standards. CBPA looks forward to working with staff to resolve outstanding issues and move towards a rapid adoption of the 2016 Standards.

Best regards,



Matthew Hargrove.

Senior Vice President of Government Affairs

cc: Commissioner Andrew McAllister, CEC  
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