

## DOCKETED

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*Comment Received From: Gregory Mahoney*

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## **Simplification of Nonresidential Lighting Alterations**

*Additional submitted attachment is included below.*

COMMUNITY DEVELOPMENT DEPARTMENT

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March 3, 2016

CALIFORNIA ENERGY COMMISSION  
Attention: Docket No. 16-BSTD-02  
Dockets Office  
1516 Ninth Street, MS-4  
Sacramento, CA 95814

Re: Simplification of Nonresidential Lighting Alterations.

For years CALBO, California ICC Chapters and code officials throughout the state have been seeking simplification of the Energy Code and a reduction in the documentation required to demonstrate compliance. The proposed nonresidential lighting changes achieve neither of these objectives and require a complicated and onerous path to compliance for nonresidential lighting alterations.

Local jurisdictions have been charged with AB32 compliance to reduce greenhouse gasses to 1990 levels by 2020. Compliance with AB32 can only be achieved by promoting energy efficiency upgrades to existing buildings. Creating obstacles to lighting retrofits has already been shown to deter building and business owners from making these necessary improvements.

The proponents of the lighting control requirements cite increases in efficiency such as 38% increase in overall building efficiency when all lighting controls are incorporated into a project. This position assumes that nonresidential lighting upgrades/alterations will be undertaken regardless of cost or complexity. The anecdotal data shows that this is a false assumption. 38% savings on a project that is not undertaken because of cost and complexity is zero savings.

The optimum scenario would be to eliminate obstacles to lighting efficiency in existing buildings and simply state a minimum efficiency threshold for lighting alterations in existing buildings in order to waive the lighting controls in question, specifically day-lighting, demand response and stepped dimming.

The 2001 California Building Code § 101.2 states that:

*“The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this code”.*

This language has since been removed from the Building Code because it represented a potential conflict with accessibility requirements. However, we could and should apply this concept to the development of code outside of accessibility requirements. There is a clear and unmistakable link between the support of additional control requirements and benefit to other “groups of persons”. The Energy Commission needs to consider this link and analyze the true purpose and spirit of the code.

Having a simple path to compliance is more productive than making the upgrades so complicated that owners do not perform the upgrade or they do not get a permit to perform the upgrade. This is a simple solution to a complicated problem, as an AHJ, I **cannot** support the nonresidential lighting alterations as drafted and I am in support of the simplified option stated below.

***Require a minimum efficiency for lighting alterations in existing buildings in order to waive the lighting controls. No formulas, qualifiers or verification of existing conditions. Include the additional lighting controls in CALGreen Tier 1 for nonresidential alterations. The contractors and designers would have the option of upselling the lighting controls to achieve the purported 38% increase in efficiency.***

Since the simplified path may no longer be an option at this time, then the next best approach is to treat lighting alterations the same way that we treat all alterations to existing buildings. Documenting existing conditions with a plan submittal is nothing out of the ordinary. When code officials receive tenant improvement plans that show existing and proposed construction we do not visit the site and verify that the existing construction matches what is on the plans. We also do not require a third party or approved individuals to verify existing conditions. We review the plans as submitted and approve them if they are in compliance. I do not see a need to spend time and resources to verify existing conditions if we are installing high efficiency lighting to replace inefficient lighting. Furthermore, I don't think that the existing luminaires in a B, M or A occupancy built in the last 40 years is that much of an unknown. In most cases we are probably looking at fluorescent fixtures. If we see something in plan review that we think is out of the ordinary we can question it like we always do. This does not need to be a failsafe process. We are talking about lighting upgrades not fire suppression or structural integrity.

In virtually every area of energy efficiency there is significant effort, including legislation, to remove barriers and obstacles to energy efficiency projects. We are seeing programs like "Sunshot" supporting PV at the Federal level, State legislation streamlining PV and EV permits and local commitments to energy efficiency programs. I fully understand and support the enhanced lighting controls in new buildings; however developing code that creates obstacles to energy efficiency improvements in existing buildings seems inconsistent with the Energy Commission's mission. Please consider simplification and revision of the proposed nonresidential lighting alteration requirements.

Sincerely

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