

BEFORE THE NEVADA GOVERNOR'S OFFICE OF ENERGY DIRECTOR
COMMENT / REPLY INFORMATION FORM

Rulemaking to adopt, amend, or repeal
regulations pertaining to Chapter 701A
of the Nevada Administrative Code related
to modifications and additions to NAC701A)
)
)
)
)
)

Please complete the following information and submit this form along with
your comments1:

Date of Filing: 12/4/2019

Method of Filing: via Email U.S. Postal Mail [] Fax []

Name of Person Commenting: Vicki L. Warden, President & CEO

Name of Organization (if applicable): GREEN BUILDING INITIATIVE

Address: 7805 SW. 40th #80010, Portland, OR 97219

Phone Number: 202-841-2999

Fax Number:

Email address: Vicki@thegbi.org & info@thegbi.org

Do you wish to be placed on the email service list for this matter to receive
any further notices? (Mark One)

Yes No []

Note: Submitted comments are part of the public record for the rulemaking
and may be posted on the web.1

Please refrain from making any changes to this form. Thank you.



December 4, 2016

Ms. Angela Dykema
Director
Governor’s Office of Energy
755 North Roop Street, Suite 202
Carson City, Nevada 89701

Re: Public Comments on Proposed Regulation of the Director of the Office of Energy LCB File No. R128-18 Subject: Green Buildings: Eligibility for Partial Abatement of Property Taxes

Dear Ms. Dykema:

I am pleased to submit these comments in the spirit of ensuring that the Nevada tax abatement program achieves its desired outcomes for its partial property tax abatement program. It has been our pleasure to help support property owners in the pursuit of Green Globes building certification, which drives reductions in energy and water consumption, while supporting health and wellness goals for occupants. Inclusion of Green Globes as a recognized building certification program for the Nevada tax abatement program has helped to encourage pursuit of energy consumption reduction measures and 86 Nevada buildings have achieved Green Globes certification since 2016 on properties from hospitality to multifamily, labs, retail, and mixed use.

To streamline our comments, we provided the following table that explains also the reason for our recommended changes to the published modifications.

Section #	Requested Amendment	Reason
Sec. 8. 3. (e)	“If an applicant is seeking to qualify for a partial tax abatement under the Green Globes rating system, the applicant must utilize a third-party assessor, assigned by the Green Building Initiative, to review and verify the information submitted by the applicant and approve the project for the purpose of obtaining a certification by the Green Building Initiative.”	Recommend striking this sentence. While we don’t object to the language as listed, a building cannot achieve certification without these things happening. There are no exceptions. This language while accurate is unnecessary and isn’t parallel with other references throughout the modifications because it doesn’t have similar language for GBCI LEED Reviewers, which are also assigned and responsible for reviewing and verifying submissions to obtain certification.
Sec. 8. 3. (e)	“The applicant must submit to the Director with the applicant’s registration application the initial Green Globes Assessor report for a certificate of eligibility submitted pursuant to	There are several concerns with this language. 1) There is no indication of what is required for LEED. We appreciate the parallel references used by NGOE and believe it will clarify this item for all

	<p>NAC 701A.240 a copy of the final report and findings of the assessor as the result of the assessment conducted pursuant to this subsection."</p> <p><u>"Pursuant to NAC 701A.240, for those building owners pursuing certification using LEED or Green Globes, the final report for existing buildings or preliminary and final reports for new construction must be submitted with the applicant's application for a certificate of eligibility."</u></p>	<p>by including a parallel reference for LEED.</p> <p>2) A Green Globes for New Construction certification results in a Stage I report of documentation and a Stage II report following post-construction site visit. This is different from a Green Globes EB certification, which has only one final report after a site visit.</p> <p>3) We appreciate NGOE's recognition that the Green Globes' process is unique as the only program to: a) use a specific third-party assessor, 2) conduct an on-site walk through to verify that planned modifications occurred, and 3) provide customized reports for every project and property that documents actual achievements as well as opportunities for ongoing improvements. We are pleased that the NGOE finds these reports useful for the purpose of verifying achievements.</p>
<p>Sec. 8. 4. (b)</p>	<p>(a) Qualifies for any level of certification under the LEED rating system or the Green Globes rating system.</p>	<p>We understand that you are attempting to aim the program toward inefficient buildings. However, this language if not effective toward that goal. We recommend eliminating it because it is unclear how a building owner determines that its building does not qualify "for any level of certification...." Each green building certification program has initial requirements for certification that if not pursued by a building owner would disqualify every project regardless of its state of efficiency.</p>

Other General Comments

Section #	Comment
<p>Sec. 2 Intent 2.</p>	<p>GBI recognizes that parking structures have large square footage with minimal conditioned spaces, however, LED lighting and demand-controlled ventilation (using CO monitors) offer significant energy saving investment opportunities. Note that:</p> <ul style="list-style-type: none"> • When an eligible building includes a significant parking area, that area is never used as part of the gross area for calculating EUI.

	<ul style="list-style-type: none"> For ENERGY STAR eligible building types parking area is included in the normalization automatically as long as gross area of parking is less than the gross area of the building. Green Globes and LEED are neutral to the effect of the parking on the abatement value and only seek to evaluate the parking structure in terms of its contribution to sustainability of the overall facility.
<p>Sec. 10. 3. (page 15)</p>	<p>The wording here is intended to say: one energy model = one abatement. However, it can be read that you are disallowing of campus level certification, which is inconsistent with technical guidance from the ENERGY STAR program.</p> <p>Suggest saying essentially: <u>“an application may only be submitted for individual buildings on a property that obtains an individual energy score. Multiple buildings using a campus-wide energy score may apply for one abatement per energy score only.”</u></p> <p>The intent could be modified to say only: <u>Eliminate the ability to obtain more than one abatement on a campus when only one energy model was used. Ensures that individual buildings on a campus are metered or otherwise required to demonstrate technically valid individual energy scores.”</u></p>
<p>Sec. 7. And Section 10. 1. (a) (2)</p>	<p>Our ratings are One Green Globes, Two Green Globes, Three Green Globes, and Four Green Globes. Green Globes (plural and capitalizing both words) is our registered trademark. <u>“Obtaining a rating of Two Green Globes or higher...”</u> would be our preferred modification.</p>
<p>Sec. 8. 3. (b)</p>	<p>We understand what the NGOE is trying to limit. However, if a building was certified years prior for instance using Green Globes for New Construction and after several years of operations determined that retrofitting could significantly improve energy conservation, the building owner is likely to use Green Globes for Existing Buildings to recertify and the abatement creates incentive to pursue those upgrades. We have seen numerous circumstances where a facility cannot afford an investment in photovoltaics, for instance, within its first cost construction budget but after 3-5 years determines that long-term savings can be achieved with such an investment. The abatement can help get owners to make that decision, which creates long-term energy savings. The Green Globes rating system that encourages recertification after three years and the Nevada tax abatement have similar goals and when used together create the recognition and return on investment needed to get owners to make these critical decisions to achieve long-term savings.</p> <p>Our hope is that NGOE doesn’t detract from the incentive to promote continuous improvement and retrofitting of all buildings regardless of the owners’ prior commitment to sustainability – every building should be improved over time.</p>
<p>Sec. 12</p>	<p>The Intent comment #1 states, “Update the points required under Green Globes to be consistent with the requirements for the same points under LEED.” It would be helpful if the NGOE could share the rationale used to correlate the Green Globes energy score to the LEED score in each of the seven tiers. We</p>

would like to review it, as our initial analysis indicates that the points distribution shown below would provide a closer alignment.

Current		GBI Proposed		Diff
28	36	28	37	-1
36	39	37	41	-2
39	51	41	54	-3
51	63	54	63	0
63	75	63	72	3
75	91	72	81	10
91	100	81	100	0

I will attend the public meeting on December 6 and I am happy to answer any questions or provide any additional information needed. You may contact me directly at (202) 841-2999 or at vicki@thegbi.org.

Thank you for considering these requests. We look forward to working with you.

Sincerely,

Vicki L. Worden
President & CEO