



## **Request Base Building Exemption**

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### **REQUEST A BASE BUILDING EXEMPTION**

#### **INTRODUCTION**

These instructions will guide you through the process of requesting an exemption for a building or tenant space(s) that are not included in Base Building Systems as defined in Los Angeles Municipal Code (LAMC) Section 91.9704.

The allowance for buildings/tenant spaces to receive a Base Building exemption was introduced after the current A/RCx online system was created, so there is no online application for customers to file for and EBEWE staff to review these types of requests.

LADBS will develop an enhancement to its A/RCx online system to accommodate certain types of exemptions that were not previously included in the system such as Base Building Systems. So, until that enhancement has been made, we will review these types of “offline” requests using email. Customers will submit requests and LADBS will provide a decision (approved or denied) using email. We have created an internal log and directories to track these requests and save documentation submitted by customers and internal research materials.

If the whole building is granted a Base Building System Exemption for Energy and Water it will have a Status of “Exempt-CY” for the compliance year on our compliance lists/reports.

Please note that you will need to contact us at least 60 days prior (but no earlier than 90 days) to the next A/RCx Compliance due date to request another exemption if you feel that the building should still be exempt. Refer to Table 91.9708.2. Schedule for Audits and Retro-Commissioning Report Compliance or Exemption in the Los Angeles Municipal Code to determine the next A/RCx Compliance Due date for your building. You will need to provide updated documentation.

#### **BEFORE YOU BEGIN NOTES**

- ✓ **Registration of the building is required before beginning this process.** Payment is not required prior to beginning this process, but payment is required before the building will be considered in full compliance with the A/RCx requirements of the EBEWE program. *However, fees will not be due if you are requesting a Base Building Exemption other than a Base Building Exemption-Tenant Space (see definition on Page 2) and LADBS approves the request. If LADBS denies the request or the request is for a Base Building Exemption-Tenant Space and the building contains common areas and other non-exempt spaces, fees must be paid.*
- ✓ Full compliance with the A/RCx requirements of Division 97 of the LAMC requires that the building be registered, fees owed are paid, and that an Exemption for both Energy and Water have been approved by LADBS or the building/required portion of the building has undergone Energy and Water A/RCx.



## **Request Base Building Exemption**

### **DEFINITIONS**

For purposes of navigating these instructions, the following definitions will apply – definitions excerpted from the LAMC will be so identified.

#### **BASE BUILDING SYSTEMS (BBS) – Excerpted from LAMC Section 91.9704. DEFINITIONS:**

*BASE BUILDING SYSTEMS. The systems and subsystems of a building that use or distribute energy and/or water and/or impact the energy and/or water consumption, including the building envelope; the heating ventilating and air conditioning (HVAC) systems; air conveying systems; electrical and lighting systems; domestic hot water systems; water distribution systems; plumbing fixtures and other water-using equipment; and landscape irrigation systems and water features. **Base building systems shall not include:***

1. *Systems or subsystems owned by a tenant or for which a tenant bears full maintenance responsibility, that are within the tenant's leased space and exclusively serve such leased space, and for which the tenant pays all the energy and water bills according to usage and demand as measured by a meter or sub-meter.*
2. *Systems or subsystems owned by a residential unit owner that exclusively serve the residential unit of that owner.*
3. *Systems or subsystems that operate industrial applications such as manufacturing.*

#### **BBS EXEMPTION REQUEST TYPES:**

A BBS Exemption can be approved for 1 of the 3 Request Types listed below if all of the Conditions for Approval listed under Exemption Category 1 or 2, as applicable, are met:

1. Energy **AND** Water A/RCx
2. Energy A/RCx **ONLY**
3. Water A/RCx **ONLY**

#### **BBS EXEMPTION CATEGORIES:**

**NOTE:** The colors used in the diagrams in the next page mean the following:

**Blue** areas do not have to do A/RCx; **Green** areas (e.g., common areas) are required to do A/RCx.

#### **1. Base Building Exemption - Whole Building or Tenant Space (91.9704.1)**

##### **CLARIFICATION OF CONDITIONS FOR APPROVAL:**

*A tenant space or an entire building fully-leased (**regardless of what the building is being used for** (e.g., Office, Warehouse, Restaurant, Retail Store, Industrial/Manufacturing, etc.) by a single lessee is exempt from the A/RCx requirements as specified in Division 97 of the LAMC, if **ALL 3 conditions listed below are present:***

1. *The tenant is fully responsible for maintenance of the energy and/or water equipment, including HVAC serving their individual space or building.*
2. *The equipment does not serve areas outside of the tenant space or building (e.g., corridors, lobbies, restrooms, retail space, other tenant spaces, accessory buildings, etc.).*
3. *The tenant pays the energy (e.g., electrical, lighting systems, and gas systems) and/or water bills as specified in Section 91.9704 of the LAMC.*



## Request Base Building Exemption

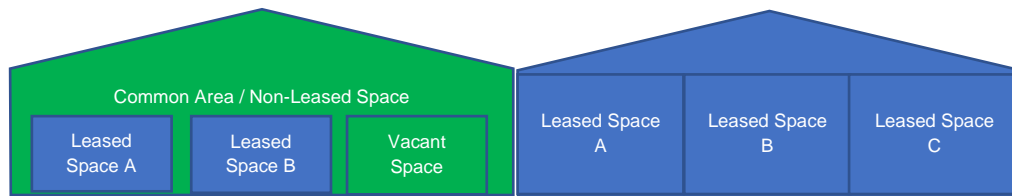
**A. Base Building Exemption - Whole Building**

A single tenant that leases an entire building and meets all of the requirements in LAMC Section 91.9704.1 and clarified above.



**B. Base Building Exemption - Tenant Space**

A tenant that leases a space within a building, but not the entire building and meets all of the requirements in LAMC Section 91.9704.1 and clarified above.

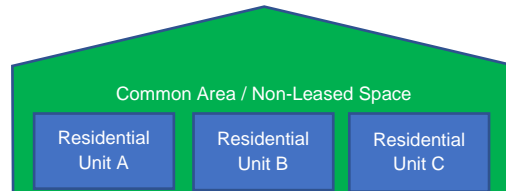


**2. Base Building Exemption - Residential (91.9704.2)**

**CLARIFICATION OF CONDITIONS FOR APPROVAL:**

A residential unit (e.g., condominium) is exempt from the A/RCx requirements as specified in Division 97 of the LAMC, if **ALL 4** of the conditions listed below are present:

1. Systems or subsystems are owned by the residential unit owner and the systems or subsystems exclusively serve the residential unit of that owner.
2. The unit owner is fully responsible for maintenance of the energy and/or water equipment, including HVAC serving their individual unit.
3. The equipment does not serve areas outside of the residential unit, including common areas (e.g., corridors, lobbies, restrooms, retail space, etc.), other residential units, accessory buildings, etc.
4. The tenant pays the energy (e.g., electrical, lighting systems, and gas systems) and/or water bills as specified in Section 91.9704 of the LAMC.



**Base Building - Industrial (91.9704.3)**

The third subitem under Base Buildings System definition is **not an exemption category\***, rather it is an A/RCx exemption for systems/subsystems defined as follows:

*Equipment that uses energy and/or water as part of the industrial process or operation, like manufacturing (etc.) are exempt from the A/RCx requirements. However, A/RCx for energy and water is required for HVAC, plumbing systems and for lighting systems serving the building.*

**\*A building being used for industrial operations can obtain a BBS Exemption if it falls under Exemption Category 1.A or 1.B, Tenant Space or Whole Building, 91.9704.1.**



## Request Base Building Exemption

### INSTRUCTIONS

To request an exemption related to Base Building Systems (BBS), send an email to [ladbs.arcx@lacity.org](mailto:ladbs.arcx@lacity.org) and include the following information:

- a. **Subject Line:** BBS Exemption-LADBS Building ID-Building Address. For example, “BBS Exemption-123456789101-1234 Somewhere Pl”
- b. **Body:**
  - 1) Describe which BBS Exemption Category and Request Type (see definitions on Page 2 and 3) you are requesting (e.g., Base Building Exemption-Whole Building from Energy and Water) and exactly how your building matches the criteria specified in Sections 91.9704.1 or 2 of the LAMC.
  - 2) Provide your name, title, and daytime contact phone number.
- c. **Required Attachments**

Supply the attachments listed below that are related to the BBS Exemption Category you are seeking:

	<b>BBS Exemption Category</b>	<b>Section</b>	<b>Required Attachments</b>
1.a	Base Building Exemption - Whole Building	91.9704.1	<ul style="list-style-type: none"> <li>a) A completed EBEWE <a href="#">Base Building Exemption Lease Checklist</a></li> <li>b) A copy of the lease agreement and other official evidence (e.g. utility bills) that shows the tenant meets the relevant criteria.</li> </ul>
1.b	Base Building Exemption - Tenant Spaces	91.9704.1	<ul style="list-style-type: none"> <li>a) A completed EBEWE <a href="#">Base Building Exemption Lease Checklist for each lease for which you are seeking an exemption.</a></li> <li>b) A copy of each lease agreement and other official evidence (e.g. utility bills) that shows the tenant meets the relevant criteria.</li> <li>c) A building floor plan which clearly identifies <b>all</b> tenant spaces by name/number and common areas.</li> </ul> <p><b>Note:</b> The entire building <b>will not be considered in compliance</b> until a floor plan has been submitted, the EBEWE Team has evaluated it to determine if further action is needed on the part of the building owner, and any further action identified by the EBEWE Team has been completed by the owner.</p>
2	Base Building Exemption - Residential	91.9704.2	<ul style="list-style-type: none"> <li>a) A copy of the grant deed showing the condominium unit number and current owner.</li> <li>b) A copy of the Homeowner’s Association agreement that shows the systems or subsystems are owned by the residential unit owner and exclusively serve the residential unit of that owner.</li> <li>c) A copy of official evidence (e.g. utility bills) that shows the owner meets the relevant criteria.</li> </ul>

### NOTES:

- The Lease must cover the following dates: BBS Exemption Request date, Compliance Due Date and the 12-month period following the Compliance Due Date. Month-to-month leases will not be accepted.
- There is no request involved with **Base Building - Industrial (91.9704.3)**. The Licensed Professional will indicate in the A/RCx report that is given to the building owner, if applicable, which system/subsystems were not A/RCx because they serve Industrial/manufacturing processes and therefore, were exempt.



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### **REQUIREMENTS FOR COMMON AREAS AND NON-EXEMPT TENANT SPACES**

The following only applies to a building that requested a “Base Building Exemption-Tenant Space” or a “Base Building Exemption-Residential” because it is assumed that “Base Building Exemption-Whole Building” encompass the entire building:

The building owner must perform Audits & Retro-Commissioning or request an exemption for all common areas and other non-exempt tenant spaces. These areas will be submitted using LADBS’ current A/RCx system as if it were the entire building, except that the Energy and Water Audit and Retro-Commissioning reports will clearly identify the spaces being audited and retro-commissioned and reference the date of approval from LADBS that exempted the excluded spaces and/or common areas. Include a copy of LADBS’ approval response as an attachment to those reports.

### **EBEWE BASE BUILDING EXEMPTION REVIEW PROCESS OVERVIEW**

EBEWE staff will do a preliminary review of the customer’s email request and attachments to make sure they have been properly submitted. If required information/attachments are missing, the request will be rejected via email stating the reasons why the request was rejected. The request will not be logged in the EBEWE Base Building tracking log and assigned a request number until the request has been properly submitted.

If clarifications are needed during the review process, staff will contact the requestor via email. It is important that the requestor respond to the emails from EBEWE staff promptly.

Once EBEWE staff has reviewed all the information and materials submitted, they will render a decision (approved or denied), enter the decision in the tracking log and transmit it to the requestor via email.

### **NOTE REGARDING DECISIONS**

Decisions of approval and denial are subject to change if they were made in error either on the part of the building owner/agent or City staff; or are no longer permissible based on changes made to the Los Angeles Municipal Code (LAMC) or changes to policies or processes mandated by the Federal, State, or Local government.