

# BOULDER BUILDING PERFORMANCE - 2016 EXEMPTION REQUEST

PLEASE COMPLETE THE FOLLOWING FORM AND CHECK THE EXEMPTION YOU ARE APPLYING FOR AND THE REASON. PLEASE PROVIDE THE REQUIRED DOCUMENTATION TO SUPPORT YOUR APPLICATION.

BUILDING OWNER (OR REPRESENTATIVE) NAME: \_\_\_\_\_

BUILDING ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

BOULDER ENERGY REPORTING ID (found on your notification letter and the [Affected Building List](#)): \_\_\_\_\_

## EXEMPTION REQUEST

I am requesting an exemption from:

- All requirements, for the following reason:**
  - Building is unconditioned and unlit:** Example: unconditioned, unlit warehouse space or airplane hangar. *Please provide the following:*
    - A narrative describing the use of this space and a description of what, if anything, consumes energy; and
    - A copy of an electric and natural gas utility bill within the last three months showing the energy consumption of the facility.
  - Building has less than 12 months of data:** The building is new construction that has been occupied less than 12 months. *Please provide the following:*
    - Certificate of occupancy.
  - Building is under financial hardship.** *Please provide the following:*
    - Proof the building is the subject of a qualified tax lien sale or public auction due to property tax arrearages;
    - Proof the building is controlled by a court appointed receiver; or
    - Proof the building has been acquired by a deed in lieu of foreclosure.
  
- Efficiency requirement only, for the following reason:**
  - Building received ENERGY STAR Certification** by achieving an ENERGY STAR score of 75 or higher within three (3) years of the efficiency requirement deadline.<sup>1</sup> *Please provide the following:*
    - A copy of the ENERGY STAR Certification.
  - Building received the certification for LEED Existing Buildings: Operation & Maintenance (EBOM)** or has renewed its LEED EBOM certification within the 5-year required timeframe. *Please provide the following:*
    - Copy of LEED EBOM Certification with clear issue date.
  - The building has demonstrated a pattern** of significant and consistent improvements in energy efficiency or greenhouse gas (GHG) emissions. *Please provide the following:*

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<sup>1</sup> The exemption will be valid as long as the ENERGY STAR score of the building is in the certified range (minimum of 75), as submitted through the rating and reporting requirement, with an actual re-certification required every 10 years. o If the building's score falls below the certified range (below 75), the owner will be required to get a free Level I energy assessment through the city's Partners for a Clean Environment (PACE) Program to help diagnose the cause of the increased energy use. The owner will then have one more rating and reporting cycle to improve their ENERGY STAR score above 75 – if they fail to do so, the exemption will no longer be valid and the owner will have to comply with all future efficiency requirements.

- ENERGY STAR Portfolio Manager (ESPM) output or other verified tracking system showing energy consumption and/or GHG emissions for the past 5 years; and
- A narrative and documentation of initiatives, activities, etc. used to achieve the reductions.<sup>2</sup> The narrative should include following:
  - An explanation of why this building cannot meet this exemption through ENERGY STAR or LEED EBOM certification;
  - If this building is ineligible to receive an ENERGY STAR score, provide alternate justification that this building’s energy performance is better than at least 75 percent of similar buildings nationwide;
  - A description of the upgrades that have been made and when they were made; and
  - The percent reduction in overall energy use (calculated either based on annual energy utility costs, or annual kBtu energy consumption) that was achieved from the upgrades.

**Energy Assessment requirement only, for the following reason:**

- Building has conducted an equivalent energy assessment** (ASHRAE Level I or II depending on square footage) within 10 years of the first deadline for energy assessments, and implemented the cost-effective actions that were recommended. According to the [City Manager Rules](#), cost-effective is defined as having a payback period of five years or less. *Please provide the following:*
  - Assessment report or signed documentation from assessor with date of assessment and list of recommended measures, included estimated capital costs and payback times (including rebates and incentives); and
  - An itemized invoice/receipt or signed documentation from contractor identifying installed measures, OR Schedule a free onsite walkthrough with a PACE Business Sustainability Advisor (303-786-7223 or [info@PACEpartners.com](mailto:info@PACEpartners.com)) to verify installation of these measures.

**The public disclosure requirement, for the following reason:**

- Building information includes trade secrets, privileged or confidential commercial information.**<sup>3</sup> (Inefficient energy usage alone will not be considered confidential commercial information). *Please provide the following:*
  - A statement that includes the manner in which public disclosure would cause substantial hard to the owner’s competitive position.

*I attest that the exemption I have selected above is true and accurate to the best of my knowledge and I have provided the requested supporting documentation.*

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

<sup>2</sup> If a building owner is considering applying for this exemption, note that the owner will likely be asked to submit proof of payment for the upgrades implemented.

<sup>3</sup> If this exemption request is approved and a Colorado Open Record Act (CORA) request is made, the city will deny the CORA request based on this exemption. However, if this denial is challenged, the building owner must defend the exemption, not the city.

Mail or email this completed form and all supporting documentation to:

Boulder Building Performance Program  
City of Boulder  
1101 Arapahoe Ave., PO Box 791  
Boulder, CO 80306-0791  
Email: [RankinK@bouldercolorado.gov](mailto:RankinK@bouldercolorado.gov)

Questions? Contact Kimberlee Rankin at the City of Boulder [RankinK@bouldercolorado.gov](mailto:RankinK@bouldercolorado.gov) or 303-441-4227.

FOR CITY USE ONLY

Exemption Request:

- Accepted
- Denied

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Employee Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_