



Environmental Services

# Beyond Benchmarking Frequently Asked Questions: Troubleshooting Tips for Meeting Beyond Benchmarking Requirements of the San José Building Performance Ordinance

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# General

## **1. What is Beyond Benchmarking?**

Starting in 2023, owners of buildings covered by the [Building Performance Ordinance](#) will be required to demonstrate either:

- The building meets satisfactory building energy and/or water efficiency OR
- Take improvement actions.

“Satisfactory efficiency” means that a building has met specific standards set in the Ordinance that show above average or improved efficiency. Subsequent sections of this document provide specific information on the standards. If a building meets these standards, the owner may submit a Performance Verification Report. If a building is not able to meet these standards, the owner will need to perform an energy audit, retuning, or targeted efficiency upgrade to improve performance.

This part of the Ordinance will roll out over a 5-year period in annual cohorts, with building performance or improvement actions required every 5 years thereafter. The first cohort’s deadline is May 1, 2023 and will include buildings over 50,000 square feet with assessor parcel numbers ending in either 0 or 1. Other cohorts will comply on May 1 in subsequent years based on their ending APN numbers. Owners will be notified by mail at least six months prior to their building’s Beyond Benchmarking compliance due date.

More information on these requirements and the compliance schedule can be found in the [Ordinance Municipal Code](#) and the Beyond Benchmarking Compliance Guide, available on our website.

## **2. What do I need to do to complete Beyond Benchmarking requirements?**

To fulfill Beyond Benchmarking requirements, your building will be required to complete one of the following two pathways, for both water AND energy:

- Performance Pathway: If your building meets key performance standards assessed through benchmarking data for 2 of the 3 years preceding its Beyond Benchmarking deadline, all you will need to do is fill out a Performance Verification Report and have your data verified by a third-party service provider. Examples of key performance standards are:
  - Having an ENERGY STAR score or US EPA Water score of 75 or greater
  - Showing an ENERGY STAR Score or US EPA Water score improvement of 15 points or greater from its score during the baseline year
  - Showing a 15% or more decrease in the building’s Site Energy Use Intensity (EUI) or Water Use Intensity (WUI) from the baseline year

- **Improvement Pathway:** If your building does NOT meet key performance standards, it will need to comply with the "Improvement Pathway." These buildings will need to complete one of the following:
  - An Audit, with the energy audit being equivalent to an ASHRAE Level II Audit;
  - Retrocommissioning, AKA Re-Commissioning; or
  - Adopting Efficiency Improvement Measures

You will need to complete one of the above pathways for both water and energy. For example, if your building meets key energy performance standards but NOT key water performance standards, you may complete the performance pathway for energy but will need to complete the improvement pathway for water.

More information on the above can be found throughout this document, in our Beyond Benchmarking Guidance Guide (available on the Beyond Benchmarking webpage), and in the [Ordinance](#).

### **3. According to my Scorecard, I do not need to complete additional steps to comply with Beyond Benchmarking. Is my Scorecard sufficient for my property's compliance with the Ordinance?**

Scorecards do not substitute Beyond Benchmarking requirements, they only give you a picture of how efficient your building is, based on your annual benchmarking report submissions. If you believe your building qualifies for the "Performance Pathway" due to the information provided on the building's Scorecard, you will need to fill out a Performance Verification Report and have your data verified for completeness and accuracy by a qualified service provider.

### **4. How will this Ordinance affect my building operations?**

Completing the Improvement Pathway will either improve your building's efficiency or show you opportunities for efficiency improvements. Choosing to take advantage of these opportunities, one can expect to see an improvement in building energy or water performance in turn reducing energy or water costs to the building owner and/or tenants<sup>1</sup>.

Owners that complete the Performance Pathway may not see any changes to their building operations.

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<sup>1</sup> City of Atlanta. FAQs. Atlanta, GA: Atlanta Building Efficiency. FAQs – Atlanta Building Efficiency (atlantabuildingbenchmarking.com)

## 5. What are the long-term benefits of the Ordinance?

The Ordinance can benefit the community in several ways, including but not limited to:

- Reduced energy and water costs for building owners and tenants
- Increased bottom line of covered properties
- Improved tenant comfort
- Improved indoor air quality and overall public health
- Increased energy and water conservation, which has become even more critical with the increasing severity of both drought and wildfire seasons
- Reduced greenhouse gas (GHG) emissions
- Increased demand for jobs in sustainability and efficiency, spurring market transformation

## 6. I can't find my building on the Covered Buildings List, does this mean I don't have to complete Beyond Benchmarking?

If your building meets the compliance criteria as established in the Ordinance, then you will need to complete Beyond Benchmarking requirements. If you don't see your address on the list, look for your APN. Occasionally, buildings are mistakenly left off our list of covered buildings, but more often, they are listed under a different, neighboring address to the one the owner recognizes. This happens because a covered building is typically listed according to the primary address associated with the property's APN per [Santa Clara County Tax Assessor Real Property records](#), and a property with a suite of addresses may be captured under a single covered building listing. **However, you are responsible for meeting the deadlines even if you do not receive a City notice or cannot find your building listed.** If you believe your building should be covered but cannot find your building's address or APN, please send an email to [benchmarking@sanjoseca.gov](mailto:benchmarking@sanjoseca.gov) with the following information:

- Building address (or addresses, if under multiple addresses)
- Current mailing address
- Assessor Parcel Number
- Building square footage
- Building use (e.g., industrial, multi-family, self-storage, etc.; if multiple uses, please indicate what the most prevalent use types are)
- Meter configuration (Does the building share water, electricity, or natural gas meters with other buildings?)

## **7. How do I find my building's gross floor area (GFA)?**

The City obtains this data from the Santa Clara County (the County) Assessor's Office. GFAs are not made publicly available in the County, but you may locate your building's GFA through floor plans, some permit documents & other real estate records. Building owners can also request hard copies of official records at the County courthouse.

If you have questions about the GFA that the City has on file for your property, please contact us at [benchmarking@sanjoseca.gov](mailto:benchmarking@sanjoseca.gov).

## **8. The GFA that the Santa Clara County Assessor's Office has on file for my building is incorrect. How do I go about getting it corrected?**

If you believe GFA that the City has on file is incorrect, you will need to contact the County Tax Assessor's Office directly. Santa Clara County Assessor record updates can only be made with the County Assessor's Office by the property owner.

- Number: (408) 299-5500
- Email: Fill out a contact form [here](#).

## **9. If I am completing Beyond Benchmarking requirements this year, do I still have to report my building's energy and water use?**

Yes. All buildings subject to the Ordinance will still have to comply annually by reporting energy and water use. Beyond Benchmarking is separate and does not affect benchmarking compliance timelines or requirements.

## **10. Why is Beyond Benchmarking required every 5 years?**

While audits, Retrocommissioning and efficiency improvement measures usually generate energy/water and cost savings, savings can taper off over time as building systems are adjusted or additional maintenance is required. Also, as efficiency standards change over time, building performance will need to follow. Requiring compliance with Beyond Benchmarking every 5 years will ensure that buildings continue to run optimally and are staying on top of new efficiency standards.

## 11. Do other cities have similar regulations?

Yes, many other cities including New York, San Francisco, Los Angeles and more have existing building energy/water efficiency legislation. See a list of [Building Performance Policies](#) developed by IMT for additional information on other cities with similar policies.

## Performance Pathway

### 12. What is the Performance Pathway?

The Performance Pathway applies to properties that have established either above average efficiency or have demonstrated increased efficiency from the baseline year. If your building can show that it meets at least one key performance standard for 2 of the 3 years that precede its Beyond Benchmarking deadline, all you will need to do is fill out a Performance Verification Report and have your data verified by a third-party service provider.

Key Energy Performance Standards include:

- Having an ENERGY STAR score of 75 or greater
- Showing an ENERGY STAR Score improvement of 15 points or greater from the building's score during the baseline year
- Having a Site Energy Use Intensity (EUI) that is twenty-five percent (25%) below the calculated mean for that property type
- Showing a 15% or more decrease in the building's Site EUI from the baseline year

Key Water Performance Standards include:

- Having a Water Use Intensity (WUI) that is twenty-five percent (25%) below the locally calculated mean for that property type
- Showing a 15% or more decrease in the building's WUI from the baseline year
- (Multifamily only) Having a US EPA Water Score of 75 or greater
- (Multifamily only) Showing a US EPA Water Score improvement of 15 points or greater compared to the building's score during the baseline year

Please note: if your building is only able to meet key performance standards for one of the two, you will need to complete the Improvement Pathway for the unmet standard.

Your building can also meet both utilities' standards if it is new and has been occupied for less than five (5) years from its first compliance due date, based on its Temporary Certificate of Occupancy or Certificate of Occupancy.

### 13. Who can verify my data and sign off on my Performance Verification Report?

If you are completing the Performance Pathway, you will need to hire a licensed professional to verify that your building meets Ordinance-established efficiency criteria, and that your benchmarking data is both accurate and complete. The licensed professional must have the following qualifications at the time that the verification is provided:

- The individual's regular duties do not occur at the property;
- Possesses 2 or more years of relevant experience, specifically in verifying building benchmarking data;
- Eligible to work in San José and holds a valid [San José Business License or Permit](#); and
- Possesses one of the following certifications:
  - A California Licensed Professional Engineer (PE) or Architect
  - A Qualified Auditor
  - A Qualified Retrocommissioning Professional

For more information on who can verify your data for a Performance Verification Report, you may review Step 4 of our Beyond Benchmarking Guidance Document (available on the Beyond Benchmarking webpage) or the [Ordinance](#).

## Improvement Pathway

### 14. What is the Improvement Pathway?

If a building does not meet the performance standards set forth in the Performance Pathway, then an Owner must meet the requirements of the Improvement Pathway by completing one of three actions:

1. Conducting an Audit;
2. Performing Retrocommissioning; or
3. Adopting Efficiency Improvement Measures.

A report must be submitted to the City with any documentation supporting the completion of one of the above actions. If a building is unable to meet standards for both water and energy, it will need to complete the Improvement Pathway for each. More information on this pathway can be found in our Beyond Benchmarking Guidance Document.

## 15. How can I find someone to do an audit, RCx, an efficiency upgrade, or verify my benchmarking data?

Service providers hired to complete any projects for Beyond Benchmarking compliance must meet a set of minimum requirements. We have created a list of professionals that are qualified to perform work for Beyond Benchmarking compliance. Any professional you hire that is not on the list must be able to provide documentation showing that they meet our list of minimum qualifications.

Please review Step 4 of our Beyond Benchmarking Guidance Document (available on the Beyond Benchmarking webpage) for more information on minimum qualifications and how to find a provider.

## 16. How can our company be added to your list of Qualified Auditors and Retrocommissioning Professionals?

A request for information (RFI) for Qualified Auditors and Retrocommissioning Professionals was released in April 2022 and closed in June 2022. If you missed the deadline to reply to the RFI and would like to be added to our list, you may email us at [benchmarking@sanjoseca.gov](mailto:benchmarking@sanjoseca.gov). You may review the minimum requirements in our Beyond Benchmarking Guidance Document (available on the Beyond Benchmarking webpage).

## 17. Do I need to have my Audit/RCx/Efficiency Upgrade completed by my Beyond Benchmarking compliance deadline?

No, but at a minimum the action must be planned, and a service provider selected, by the building's Beyond Benchmarking deadline. You may also use any actions that have been implemented at the building within the five years preceding the deadline.

- If the action has not been completed by the deadline, you must submit documentation showing that the project has been contracted for. The action must then be completed at the building prior to its next Beyond Benchmarking compliance deadline, which will fall 5 years after the first deadline.
- If documentation is submitted showing that an action is planned but has not been completed by the deadline, the compliance status for the building will be marked as **Pending – Project Underway**. It will not be marked into compliance until the action has been completed and an Improvement Pathway form has been submitted to the City.
- Note that any uncompleted action(s) may not be used to fulfill a future Beyond Benchmarking compliance deadline, should the building require future improvement action(s).



## 18. What is an Efficiency Improvement Measure?

An Efficiency Improvement Measure is any action that is implemented to reduce the amount of energy or water used to perform a function. There are many different types of efficiency improvement measures, such as switching out less efficient appliances for more efficient models or implementing a demand response program to encourage a reduction in energy use through behavior change.

A full list of approved Efficiency Improvement Measures and the Efficiency Improvement Measures Report requirements can be found in Section [17.85.420C](#) (Improvement Pathway 3: Efficiency Improvement Measures) of the Ordinance. For more information, you may also review our Beyond Benchmarking Guidance Document.

## Audits

### 19. What is an Audit?

An Audit is a complete analysis of a building's energy and/or water infrastructure and efficiency as well as the measures that the building owner can take to make the building more efficient. It provides the specific information necessary for building owners and managers to make informed decisions about capital improvements.

A qualified professional will analyze your historical energy/water use data, perform a walk-through of your facility, and complete a report on their analyses. Audit reports include recommended energy/water efficiency improvement measures (EEMs) to improve a building's energy/water efficiency, as well as the projected energy/water and monetary savings associated with each EEM.

### 20. What are the Water Audit Requirements?

Water audits of the Base Building Systems should, at a minimum, include:

- Potable water distribution systems;
- Landscape irrigation systems;
- Water reuse systems; and
- Water features

### 21. What is an Audit Report?

An audit report is produced after a qualified professional has completed an audit at a building. The report summarizes the findings from the audit and outlines the recommended

energy/water efficiency improvement measures (EEMs) to improve a building's energy/water efficiency. It also includes the projected energy/water and monetary savings associated with each EEM.

Per the Ordinance, the "Audit Report" means the final document produced by a Qualified Auditor including but not limited to:

- The summary audit report;
- Functional performance testing reports;
- An assessment of how the major energy and water consuming equipment and systems used within tenant spaces impact the energy and water consumption of the Base Building Systems based on a representative sample of spaces as determined by the City of San José; and
- Narratives, photographs and any additional explanatory information as required to describe the results of the Audit.

## 22. What is a Qualified Auditor?

A licensed professional that meets the following set of minimum requirements:

- Job duties do not regularly occur at the building being audited;
- 2 or more years of relevant Auditing experience;
- Eligible to work in San José and holds a valid [San José Business License or Permit](#);
- Possess one of the following certifications at the time that the Audit is performed:
  - An accredited certification that has been designated a "[Better Buildings Recognized Program](#)" by the U.S. Department of Energy ("DOE") meeting the criteria set forth in the Better Buildings Workforce Guidelines (BBWG) for Building Energy Auditors or Energy Managers
  - A Professional Engineer ([PE](#)) registered in the State of California
  - Certified Energy Auditor ([CEA](#)) or Certified Energy Manager ([CEM](#)), issued by the Association of Energy Engineers (AEE)
  - Certified Facilities Manager ([CFM](#)), issued by the International Facility Management Association (IFMA)
  - System Maintenance Administrator ([SMA](#)) or System Maintenance Technician ([SMT](#)), issued by Building Owners and Managers Institute (BOMI) International
  - High Performance Building Design Professional ([HBPD](#)) or Building Energy Assessment Professional ([BEAP](#)), issued by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE)
  - (Multifamily residential buildings only) a Multifamily Building Analyst ([MFBA](#)), issued by the Building Performance Institute (BPI)

## 23. What is ASHRAE?

The American Society of Heating, Refrigerating and Air-Conditioning Engineers ([ASHRAE](#)) is a global society advancing human well-being through sustainable technology for the built environment. The Society and its members focus on building systems, energy efficiency, indoor air quality and sustainability within the industry. Through research, standards writing, publishing and continuing education, ASHRAE shapes tomorrow's built environment today<sup>2</sup>.

ASHRAE has developed a set of standards for energy audits that are used by governments, companies and engineers. ASHRAE's 211-2018 Standard for Commercial Building Energy Audits establishes the minimum performance levels for energy audits<sup>3</sup>.

## 24. What is an ASHRAE Level II Audit?

Any audit conducted for compliance with the Ordinance must meet or exceed an ASHRAE Level II Audit.

Level II Audits identify no-cost and low-cost opportunities and provide efficiency improvement measure recommendations in line with your financial plans and potential capital-intensive energy savings opportunities, so you can start managing your energy use without a huge financial investment. Level II audits include an in-depth analysis of energy costs, energy usage and building characteristics and a more refined survey of how energy is used in your building<sup>4</sup>.

## 25. How much does an Audit cost?

The cost of your audit will largely depend on the level, size and facility type, and perhaps the experience of your auditor. A good auditor will discuss your needs to provide a cost and audit that meets your goals. In addition to the criteria outlined above, there may be fixed costs associated with service providers getting to the site, assessing the energy and water use of the building, and reporting out the basic systems and options.

If you meet their criteria, some utilities may offer free audits, but most Ordinance-compliant audits are going to cost money. Please check out our list of incentives and rebates for information on available programs.

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<sup>2</sup> ASHRAE. ASHRAE's Mission and Vision. Mission and Vision | [ashrae.org](#)

<sup>3</sup> City of Atlanta Mayor's Office of Resilience. Atlanta's Commercial Buildings Energy Efficiency Ordinance: A Guide to Energy Audits. Atlanta. A Guide to Energy Audits ([wordpress.com](#))

<sup>4</sup> U.S. Department of Energy. 2011. Building Technologies Program: A Guide to Energy Audits. Richland, WA: Pacific Northwest National Laboratory. PNNL-20956.pdf

## **26. Do I need to implement the recommendations proposed in the Audit report?**

Building owners are not required to implement the recommendations specified in the Audit report, although implementing some recommendations are highly encouraged. Recommended actions that come from Audit and RCx reports will help your building save energy and/or water use, in turn reducing your utility bills and making your space more comfortable.

Also consider that an audit alone will not raise your energy or water benchmarking scores; so, unless other improvement actions are taken at some point, your building may not qualify for the Performance Pathway in the future. You may, however, implement audit-recommended efficiency improvements or Rcx to meet future Beyond Benchmarking compliance dates if the recommendations are carried out within 5 years of a subsequent due date.

## Retrocommissioning

### **27. What is Retrocommissioning?**

Retrocommissioning (RCx) is a form of commissioning. Commissioning is the process of ensuring that a new building's systems are designed, installed, functionally tested, and capable of being operated and maintained according to the owner's operational needs. RCx is the same systematic process applied to existing buildings that have never been commissioned to ensure that their systems can be operated and maintained according to the owner's needs.

With a typical payback period of less than 3 years, RCx has shown to be one of the most cost-effective means of improving energy efficiency in commercial buildings.

### **28. What is a Retrocommissioning Report?**

A Retrocommissioning (RCx) report is produced after a professional has completed RCx at a building. Per the Ordinance, the "Retrocommissioning Report" is the report for any unmet standard that is prepared by a Qualified Retrocommissioning Professional and provided to the Owner of the building which includes, at a minimum, the following:

- Summary of the work performed and overall results;
- Energy or water end use breakdown;
- Functional performance testing reports; and
- Description of operational training.

### **29. What is a Qualified Retrocommissioning Professional?**

A licensed professional that meets the following set of minimum requirements:

- Job duties do not regularly occur at the building being re-commissioned
- 2 or more years of relevant Retrocommissioning experience
- Eligible to work in San José and holds a valid [San José Business License or Permit](#);
  - Possess one of the following certifications at the time that the Retrocommissioning is performed: An accredited certification that has been designated a "[Better Buildings Recognized Program](#)" by the Department of Energy meeting the criteria set forth in the Better Buildings Workforce Guidelines (BBWG) for Building Commissioning Professionals;
  - A Professional Engineer ([PE](#)) registered in the State of California;
  - Certified Commissioning Professional ([CCP](#)), issued by the Building Commissioning Association (BCA);
  - Certified Commissioning Authority ([CxA](#)) or Certified Commissioning Technician ([CxT](#)), issued by the AABC Commissioning Group (ACG);
  - Certified Building Commissioning Professional ([CBCP](#)), issued by the Association of Energy Engineers (AEE);
  - Retrocommissioning or Commissioning [Certified Professional](#), certified by the National Environmental Balancing Bureau (NEBB);
  - Building Commissioning Professional ([BCxP](#)), issued by American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE);
  - Accredited Commissioning Process Authority Professional ([CxAP](#)) approved by the University of Wisconsin
    - A Qualified Commissioning Process Provider ([QCxP](#)) certification is a prerequisite to earning a CxAP.

### 30. Is building retuning the same as Retrocommissioning?

While the two are similar and often used interchangeably, there are some differences. A tune-up (or retuning) refers to identifying energy-saving opportunities and optimizing building energy systems to achieve those savings (Gahagan 2021)<sup>5</sup>. Generally, tune-ups require little to no investment in capital improvements in building systems (e.g., purchasing new equipment); rather, they involve reprogramming, adjusting, and optimizing the systems already in place. Retrocommissioning (RCx) is a different but related process that targets, among other systems, the control and coordination of the building automation system. RCx can but does not necessarily lead to energy savings. Tune-ups and RCx do not achieve savings year after year unless performed periodically, so cities will generally require complying buildings to conduct tune-ups or RCx on a set schedule, such as every five years.

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<sup>5</sup> Gahagan, R. 2021. Implementing Energy Audit and Tune-Up Policies. Washington, DC: Institute for Market Transformation. [www.imt.org/wpcontent/uploads/2021/04/Implementing-Energy-Audit-and-Tune-UpPolicies\\_4.6.2021.pdf](http://www.imt.org/wpcontent/uploads/2021/04/Implementing-Energy-Audit-and-Tune-UpPolicies_4.6.2021.pdf)

## ENERGY STAR® Portfolio Manager®

### **31. What is the ENERGY STAR score?**

An ENERGY STAR Score (ES Score) is a value generated by the EPA's ENERGY STAR® Portfolio Manager® that scores a building's efficiency compared to other similar buildings in similar climate zones. Scores range from 1 and 100, with a score of 1 being the least efficient and a score of 100 being the most efficient. Buildings that receive a score of 75 or higher are eligible to complete the Performance Pathway for compliance with the Ordinance. Buildings with scores of 75 or above are also eligible to apply for ENERGY STAR Certification.

Please note that ES Scores are only available after all the required information has been entered, and that not all building types are eligible to receive a score.

More information about ES Scores and certification can be found on the [program's website](#).

### **32. What if my building doesn't have an ENERGY STAR score?**

Only some building types can receive an ENERGY STAR score, due to limitations in the national comparative dataset<sup>6</sup>. If this applies to your building, then you may use the following criteria to determine whether your building is eligible to complete the Performance Pathway:

- Your building holds a current Leadership in Energy and Environmental Design (LEED™) Existing Buildings Operations and Maintenance v4 Certification;
- Your building has a weather normalized Site Energy Use Intensity that is 25% below the calculated mean for that property type; or
- Your building has reduced its weather normalized Site Energy Use Intensity by at least 15% relative to its performance during the baseline year.
- Your building is new and has been occupied for less than five (5) years from its first compliance due date, based on its Temporary Certificate of Occupancy or Certificate of Occupancy;

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<sup>6</sup> City of Atlanta. FAQs. Atlanta, GA: Atlanta Building Efficiency. FAQs – Atlanta Building Efficiency (atlantabuildingbenchmarking.com)

## Exemptions and Extensions

### **33. Can I get an extension?**

It is possible to receive an extension of up to 180 days to complete Beyond Benchmarking requirements. The extension request form can be found on our [website](#).

### **34. Can I get an exemption?**

Exemptions can only be granted if a building is currently listed as covered by the Ordinance but should not be. The following reasons may qualify your building for an exemption from Beyond Benchmarking:

- Building has a gross floor area that is under 20,000 square feet
- Building is zoned as exclusively industrial

*Exemption for Water Only:* The Owner of a Residential Property that is less than fifty thousand (50,000) square feet is exempt from the Performance Improvement Pathway for water efficiency if the Property is not sub-metered for water use.

- The exemption will only apply to the Water Improvement Pathway, not the Energy Improvement Pathway as well. The exemption cannot be applied to past or future submittals.

A deferral may be granted in lieu of an exemption for special cases. The exemption request form can be found on our [website](#).

## Compliance

### **35. When is my building's compliance deadline?**

Each building has a different deadline for when they must either have requirements planned or fulfilled. The schedule was set based on 2 factors:

- Last digit of a building's assessor parcel number (APN)
  - If your building falls on multiple parcels, your building's compliance deadline will correlate with the primary APN we have on file. Check the covered building list on our [website](#) to find your building's APN.
  - If your campus is benchmarked using a Parent-Child Relationship, your Parent Property's APN will determine your place in the Compliance Schedule.
- Gross Building Floor Area (GFA) of the building

Notices will also be sent out each year to the group of buildings (cohort) that have the next compliance deadline. If you do not receive a notice and believe you should have or are unsure of when your building is required to comply by, please check the published compliance schedule on our [website](#). You can also find your building’s deadline by checking our general compliance schedule in the tables below:

**GENERAL BEYOND BENCHMARKING COMPLIANCE SCHEDULE:**

**PROPERTIES ≥ 50,000 SQUARE FEET**

Last digit of APN	First compliance due date	Subsequent compliance due dates
0	May 1, 2023	Every five years thereafter
1	May 1, 2023	Every five years thereafter
2	May 1, 2024	Every five years thereafter
3	May 1, 2024	Every five years thereafter
4	May 1, 2025	Every five years thereafter
5	May 1, 2025	Every five years thereafter
6	May 1, 2026	Every five years thereafter
7	May 1, 2026	Every five years thereafter
8	May 1, 2027	Every five years thereafter
9	May 1, 2027	Every five years thereafter

**PROPERTIES 20,000 SQUARE FEET - 49,999 SQUARE FEET**

Last digit of APN	First compliance due date	Subsequent compliance due dates
0	May 1, 2024	Every five years thereafter
1	May 1, 2024	Every five years thereafter
2	May 1, 2025	Every five years thereafter
3	May 1, 2025	Every five years thereafter
4	May 1, 2026	Every five years thereafter
5	May 1, 2026	Every five years thereafter
6	May 1, 2027	Every five years thereafter
7	May 1, 2027	Every five years thereafter
8	May 1, 2028	Every five years thereafter
9	May 1, 2028	Every five years thereafter



### **36. Can I comply before my building's compliance deadline?**

You may complete improvement actions up to five (5) years before your compliance deadline, provided those specific actions are not associated with a prior pending Beyond Benchmarking compliance deadline. You may also complete your building's performance verification report in the months prior to your compliance deadline, but the City will not accept form submissions until March of the deadline year- 2 months before your compliance deadline. All forms will be located online and will be made available by March 1, 2023.

### **37. Is there a penalty for non-compliance?**

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Ordinance. Violations will be subject to the remedies and enforcement measures authorized by the Ordinance.

- Covered buildings under 50,000 square feet may be fined \$25 for each day of noncompliance, up to \$2,500 per calendar year.
- Covered buildings 50,000 square feet and above may be fined \$50 for each day of noncompliance, up to \$5,000 per calendar year.

## Definitions

- **ASHRAE:** The American Society of Heating, Refrigerating and Air-Conditioning Engineers ([ASHRAE](#)) is a global society advancing human well-being through sustainable technology for the built environment. The Society and its members focus on building systems, energy efficiency, indoor air quality and sustainability within the industry. ASHRAE has developed a set of standards for energy audits that are used by governments, companies and engineers. Their 211-2018 Standard for Commercial Building Energy Audits establishes the minimum performance levels for energy audits.
- **Assessor Parcel Number (APN):** A unique number assigned to a real property by the tax assessor of the property's jurisdiction. The APN is a series of fourteen numbers/digits that are used as a file number to inventory or identify property. Your building's APN can be found on your valuation notice, tax bill, or deed. You can also search for your APN using Santa Clara County's [Survey Record Index tool](#).
- **Audit:** An Audit is a complete analysis of a building's energy and/or water efficiency as well as the measures that the building owner can take to make the building more efficient. It provides the specific information necessary for building owners and managers to make informed decisions about capital improvements.
- **Base Building Systems:** The HVAC, plumbing, and electrical systems, and other critical equipment at your facility.
- **Baseline Year:** A building's first year submitting a benchmarking report, the most recent Performance Verification Report or verification of improvement pathway (as applicable), whichever is later.
- **Benchmarking:** To input and submit the total energy and water consumed by a building for the previous calendar year and other descriptive information for the building as required by the benchmarking tool ENERGY STAR® Portfolio Manager®. Total energy and

water consumption cannot include separately metered uses that are not integral to building operations (example: electric vehicle charging infrastructure.)

- **Beyond Benchmarking:** A component of the Building Performance Ordinance. Starting in 2023, buildings covered by the Ordinance will be required to demonstrate either satisfactory building energy and/or water efficiency OR improvement standards. "Satisfactory efficiency" means that a building has met specific standards set in the Ordinance that show above average or improved efficiency. If a building can show that it meets these standards, the owner may submit a Performance Verification Report. If a building is not able to meet these standards, the owner will need to perform an energy audit, retuning, or targeted efficiency upgrade to improve performance. This part of the Ordinance will roll out over a 5-year period in annual cohorts, with building performance or improvement checks being required every 5 years after.
- **Beyond Benchmarking Action (Action):** A pathway and specific project selected by a building owner, completed at the building to achieve compliance with Beyond Benchmarking requirements. The list of actions includes Audit, Retrocommissioning, Efficiency Improvement Measure, and Performance Verification.
- **Beyond Benchmarking Compliance Schedule (Compliance Schedule):** The schedule set forth in the Ordinance that outlines the dates that buildings must comply with the first cycle of Beyond Benchmarking. The compliance schedule bases the deadlines on a building's APN and size. More information can be found in Step 1.
- **Compliance Deadline:** The date by which a building must fulfill Ordinance requirements. In this document, the compliance deadline refers to the date that a covered building is required to provide documentation of having already met or being actively in process of meeting Beyond Benchmarking requirements.
- **Covered Building (Building):** For the sake of this guide, "Building" means the building or property that is covered by the Ordinance under one San José Building ID and includes at least 20,000 sq ft of indoor space served by shared utility meter(s). You may refer to

the Ordinance’s definitions of a Covered Property, Nonresidential Building and Residential Building for more concrete [definitions](#) of a “Building.”

- **Efficiency Improvement Measure:** A project that is implemented at a building to reduce the amount of energy or water used to perform a function. Implementing efficiency improvement measures is one of the three actions that a building can pursue to complete the Improvement Pathway. See Step 6 and 7 for more information.
- **ENERGY STAR (ES) Score:** A value generated by the EPA’s ENERGY STAR® Portfolio Manager® that scores a building’s efficiency compared to other similar buildings in similar climate zones. Scores range from 1 to 100, with a score of 1 being the least efficient and a score of 100 being the most efficient. Buildings that receive a score of 75 or higher are eligible to complete the Performance Pathway for compliance with the Ordinance. Buildings with scores of 75 or above are also eligible to apply for [ENERGY STAR Certification](#).
- **Energy Use Intensity (EUI):** A measure of a building’s energy efficiency. The energy consumed per square foot of a building per year, as calculated by ENERGY STAR® Portfolio Manager® by dividing the total energy consumed (in kBtu) by the building in one year by the total gross floor area (in square feet) of the building. Also referred to as Site Energy Use Intensity.
  - **Weather Normalized Site EUI:** EUI that has been adjusted (or normalized) based on the building’s [climate zone](#). This allows a building to compare its true energy efficiency with buildings located in other climate zones and with different energy demands.
- **Gross Floor Area (GFA):** the total property square footage, as measured between the exterior walls of the building(s). This includes all areas inside the building(s), including supporting areas.
  - The City obtains this data from the Santa Clara County (the County) Assessor’s Office. GFAs are not made publicly available in the County, but you may locate

your building's GFA through floor plans, some permit documents & other real estate records. Building owners can also request hard copies of official records at the County courthouse.

- If you have questions about the GFA that the City has on file for your property, please contact us at [benchmarking@sanjoseca.gov](mailto:benchmarking@sanjoseca.gov).
- If you believe GFA that the City has on file is incorrect, you will need to contact the County Tax Assessor's Office directly. Santa Clara County Assessor record updates can only be made with the County Assessor's Office by the property owner.
  - Number: (408) 299-5500
  - Email: Fill out a contact form [here](#).
- **Licensed Professional:** A service provider that holds a professional certification or designation, such as a Professional Engineer, and/or is licensed to perform certain projects.
- **Locally Calculated Mean:** The mean (average) of a specified set of data points, derived from buildings covered by San Jose's Building Performance Ordinance (BPO). For example: the locally calculated mean for water use intensity was computed from data obtained through BPO report submissions.
- **Multifamily:** A building designed for occupation by more than one family/household. For the purposes of this Ordinance, multifamily refers to residential buildings with five or more residential units.
- **Ordinance:** The City of San José Energy and Water Building Performance Ordinance, as established in the San José Municipal Code [Chapter 17.85](#).
- **Owner:** An individual or entity possessing title to a building; The board of directors, in the case of a cooperative apartment corporation; or an agent authorized to act on behalf of any of the above.

- **Parent-Child Relationship:** A method within ENERGY STAR® Portfolio Manager® of benchmarking a campus or multiple building IDs that accounts for shared meters and/or a campus dynamic.
- **Parent Property:** The primary property and its associated San José Building ID of a Parent-Child Relationship. The "parent" usually represents an entire campus or complex, and each "child" represents an individual building on the campus or tenant space in the complex.
- **Performance Verification Report:** A report that provides summary statistics on a building's energy and water use, including metrics that document the building's satisfactory energy and/or water use efficiency. The report also includes property use details, contact information and a section for a licensed professional to verify the data. A Performance Verification Report is required for compliance with the Performance Pathway of the Ordinance.
- **Qualified Auditor:** A professional qualified to perform a building energy audit for compliance with the Ordinance. See Step 4 for more information.
- **Qualified Retrocommissioning Professional:** A professional qualified to perform RCx to a building for compliance with the Ordinance. See Step 4 for more information.
- **Retrocommissioning (RCx):** A form of commissioning for existing buildings. Commissioning is the process of ensuring that a new building's systems are designed, installed, functionally tested, and capable of being operated and maintained according to the owner's operational needs. RCx is the same systematic process applied to existing buildings that have never been commissioned to ensure that their systems can be operated and maintained according to the owner's needs.
- **San José Building ID (Building ID):** A unique identifying number provided to every Covered Building that is used by City Staff for compliance tracking purposes; each has seven (7) digits in the following format: XXXX-X-XX (For example, 9999-0-00). All submitted exemption and extension forms, benchmarking and Beyond Benchmarking reports, and general Ordinance correspondence must be submitted with a San José

Building ID. A building's ID may be found on the Covered Buildings List on our [website](#) and will be posted on the Beyond Benchmarking Compliance Schedule.

- **Scorecard:** A document provided to the owner summarizing a building's energy and water performance for a given benchmarking year, based on the building's annual benchmarking report submission.
- **Service Provider:** A person that offers energy or water efficiency services.
- **Standard:** The standards set in the Ordinance for energy efficiency and a standard for water efficiency. The two utility types have separate standards from each other.
- **Title 24:** A collection of energy standards for California buildings, designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years by working with stakeholders in a public and transparent process.
- **Water Score:** US EPA Water Score means a number ranging from 1 to 100 assigned by the US EPA's ENERGY STAR® Portfolio Manager®, and available to existing multifamily properties with twenty (20) or more units, as a measurement of a whole Property's water use, normalized for that Property's characteristics, operations, and weather.
- **Water Use Intensity:** The water consumed per square foot of a building per year, as calculated by EPA's ENERGY STAR® Portfolio Manager® by dividing all water sources by the building's gross floor area, excluding parking and irrigated area.

## Additional Assistance

For questions regarding ENERGY STAR Portfolio Manager:

- Visit: [www.energystar.gov/portfoliomanager](http://www.energystar.gov/portfoliomanager)
- Search: [Portfolio Manager FAQ](#)
- Contact: [Portfolio Manager Helpdesk](#)

For questions regarding your energy data or PG&E benchmarking services:

- Visit: [www.pge.com/benchmarking](http://www.pge.com/benchmarking)
- Contact: [benchmarking@pge.com](mailto:benchmarking@pge.com)

For questions regarding your water data, contact your water provider. Contact information can be found on the BPO website.

For BPO and Beyond Benchmarking information, forms, and procedures:

- Visit: <http://sjenvironment.org/beyond-benchmarking>

For general BPO and Beyond Benchmarking questions:

- Email: [benchmarking@sanjoseca.gov](mailto:benchmarking@sanjoseca.gov)
- Call: 408-975-2540