SAN JOSE, BERKELEY & BRISBANE, CA · BAY AREA

San Jose, Berkeley & Brisbane Laws

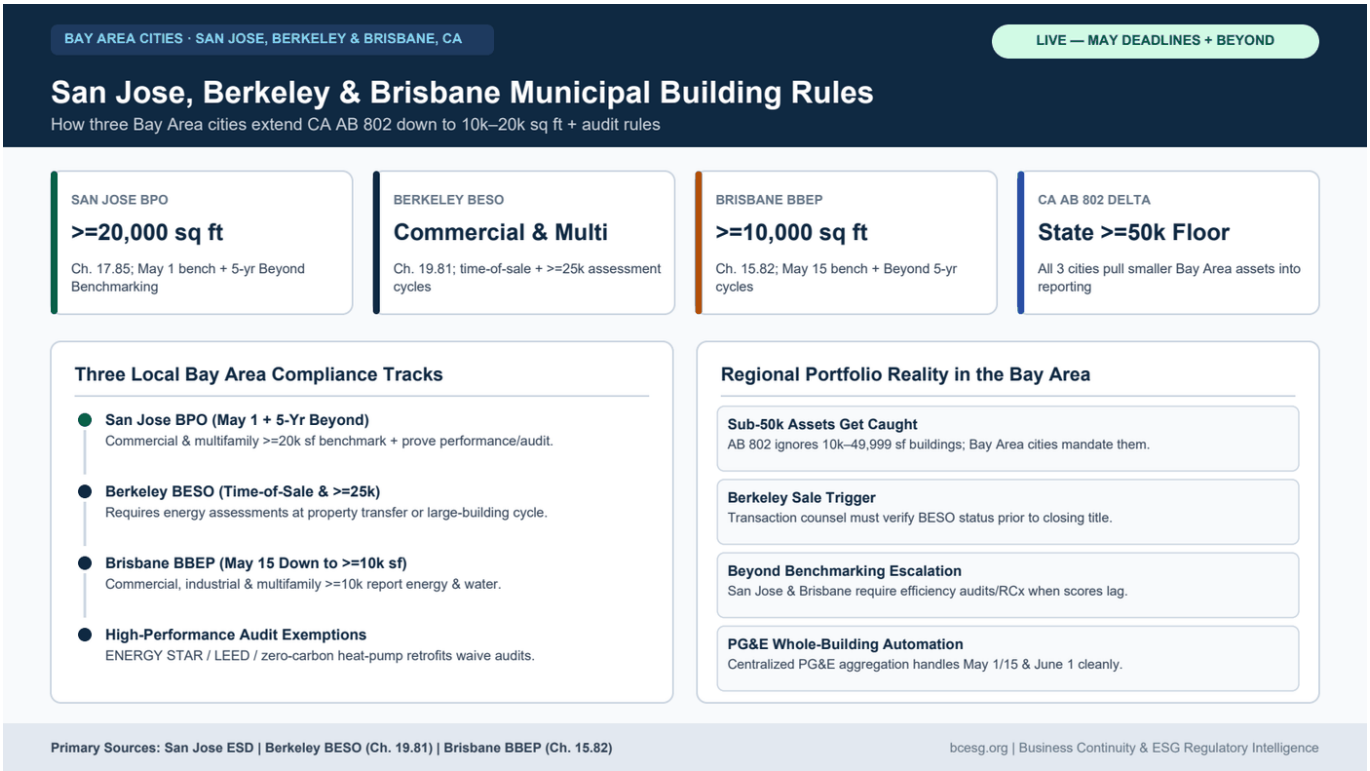
Sub-50k Bay Area benchmarking, time-of-sale triggers & Beyond Benchmarking cycles

1. Statutory Scope, Thresholds & Key Dates

City & Citation	Threshold	Annual / Trigger Timing	Beyond Benchmarking Requirement
San Jose BPO (Ch. 17.85)	Commercial & multifamily >=20k sf	Annual May 1 (Energy & water)	5-yr audit, RCx, or efficiency upgrade
Berkeley BESO (Ch. 19.81)	Comm, multi & 1–4 units (>=25k cycle)	Time-of-Sale + cyclical schedule	Registered BESO energy assessment & decarb path
Brisbane BBEP (Ch. 15.82)	Comm, ind & multifamily >=10k sf	Annual May 15 (Energy & water)	5-yr Beyond Benchmarking audit or ESTAR path

2. Operational Requirements & Enforcement

- **Closes Sub-50k State Gap:** Brisbane (>=10k sf), San Jose (>=20k sf), and Berkeley (>=25k & time-of-sale) govern assets invisible under CA AB 802.
- **Transaction Trap in Berkeley:** Ch. 19.81 BESO energy assessments trigger directly upon property transfer or cyclical schedules.
- **Audits Required Past Benchmarking:** San Jose and Brisbane mandate 5-year Beyond Benchmarking audits/RCx unless exempt via high performance.



SAN JOSE, BERKELEY & BRISBANE, CA · BAY AREA · PAGE 2 CHECKLIST

Silicon Valley & East Bay Compliance Execution Checklist

Step-by-step workflow from utility data verification through filing & compliance proof

Step	Owner / Team	Auditable Deliverable
1. Portfolio Map Below 50k	Asset Management	Identify all 10k–49,999 sq ft parcels in San Jose, Berkeley & Brisbane.
2. May 1 / May 15 Sync	Property Ops	Upload PG&E whole-building data ahead of San Jose (May 1) & Brisbane (May 15).
3. Escrow & 5-Yr Diligence	Legal / Engineering	Verify Berkeley time-of-sale BESO status and San Jose/Brisbane 5-yr exemptions.

Key Questions & Edge-Case Rules

- **Do small commercial buildings under 50,000 sq ft have compliance duties in San Jose or Brisbane?** Yes. San Jose BPO starts at 20,000 sq ft and Brisbane BBEP starts at 10,000 sq ft (including industrial and multifamily properties), well below California AB 802's 50,000 sq ft state floor.
- **What triggers Berkeley's BESO ordinance for commercial and residential owners?** Under Berkeley Municipal Code Ch. 19.81, BESO triggers both on scheduled large-building cycles (>=25,000 sq ft) and at point of property sale/transfer across covered residential and commercial real estate.

Primary Sources & Statutory Citations

- City of San Jose ESD — Energy and Water Building Performance Ordinance (BPO)
- City of Berkeley — Building Emissions Saving Ordinance (BESO Ch. 19.81)
- City of Brisbane — Building Efficiency Program (BBEP Ch. 15.82)

Canonical Guide: https://bcesg.org/san-jose-bpo-berkeley-beso-brisbane-bbep-bay-area-guide/

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