

Beyond Requirements: HOW TO COMPLY

Comprehensive Guide

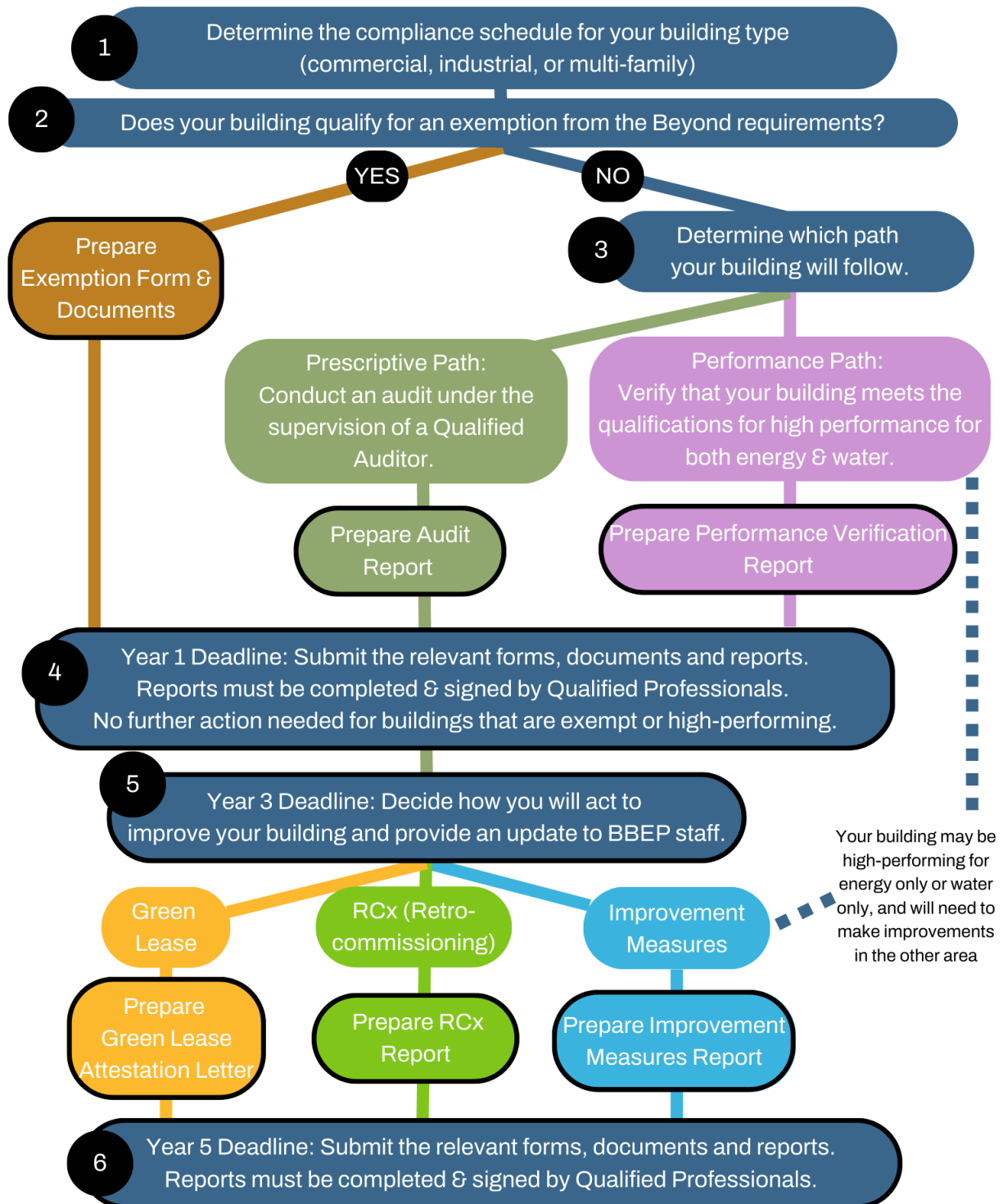


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BEYOND FLOWCHART



The Beyond requirements begin again at the end of the 5 year cycle.

1. YEAR ONE REQUIREMENTS GUIDELINES

1.1. Determine the compliance schedule for your building type.

The Beyond requirements begin in 2023 for Commercial buildings, and 2024 for Industrial and Multi-Family buildings. [Look up your building type here](#). These requirements operate on a five-year cycle, and are separate from the [regular benchmarking reporting](#) that is due every year. By the end of the five-year cycle, all Beyond requirements must be complete.

1.2. Does your building [qualify for an exemption](#) from some or all of the Beyond requirements?

See 1.21 to find out. If yes, use [this form](#) to request an exemption and submit the relevant documentation by the Year 1 deadline.

1.21. Qualifying for an exemption

Buildings qualify for a [full exemption](#) if any of the following conditions are met.

- The building is scheduled for demolition. Must provide a demolition permit or schedule for demolition.
- The building is intended for sale within the scheduled compliance deadline and the property owner has conducted a real estate appraisal within the last calendar year. Must provide a copy of the appraisal summary report.
- The building was recently constructed within the last five (5) years of the scheduled compliance deadline. Must provide certificate of occupancy or temporary certificate of occupancy.
- The building was recently constructed or recently underwent significant renovations, and has been newly occupied for less than half of the calendar year required to be audited. Must provide certificate of occupancy or temporary certificate of occupancy.

Buildings qualify for a partial exemption if any of the following conditions are met. Only an asset score full is required regardless of building size; no water audit is required, and no improvement measures or retro-commissioning are necessary.

- Fifty percent (50%) or more of the gross floor area was not occupied for more than half of the calendar year directly prior to the start of the Beyond requirements cycle.
- The building did not receive energy or water services for more than half of the calendar year directly prior to the start of the Beyond requirements cycle.

1.3. Determine what pathway your building will follow for BOTH water and energy: Performance or Prescriptive.

1.31. Performance Pathway

In order to be on the Performance Pathway, a qualified professional must verify that your building meets [energy and/or water standards](#). In order to qualify as high-performing, buildings must meet energy & water standards as specified in the Performance Path (§15.77.070).

1.311. Energy Standards

Must satisfy one or more energy standards, from either the energy efficiency category or the distributed energy resource category.

Energy Efficiency:

- (i) The building has the latest version of the [Leadership in Energy and Environmental Design \(LEED™\) existing buildings operations and maintenance certification](#); OR
- (ii) A qualified auditor or retro-commissioning professional has certified that one of the following standards has been met for at least three (3) of the five (5) calendar years preceding the building's compliance due date:
 - (1) The building has received an ENERGY STAR® score of eighty (80) or greater;

- (2) The building has improved its ENERGY STAR® score by twenty (20) points or more relative to its performance during the baseline year;
- (3) The building has a weather normalized site energy use intensity (EUI) as calculated by the benchmarking tool that is twenty-five percent (25%) below the calculated mean for that property type;
- (4) The building has reduced its weather normalized site energy use intensity (EUI) by at least twenty percent (20%) relative to its performance during the baseline year.

Distributed Energy Resource:

- (i) **Solar Photovoltaic.** An on-site solar photovoltaic system has been installed in accordance with the California Building Standards Code (California Code of Regulations, Title 24) in effect at the time of installation and currently operational. Capacity of the system must 1) be a minimum of 5 kW, or 2) offset at least twenty percent (20%) of the building's annual electricity consumption, whichever is greater.
- (ii) **Stationary Electric Storage.** An on-site stationary battery electric storage system (BESS) has been installed in accordance with the California Building Standards Code (California Code of Regulations, Title 24) in effect at the time of installation and currently operational.
- (iii) **Grid-interactive Efficient Building (GEB).** The building currently has the ability to interact with the distribution system operator's grid to optimize its energy consumption and/or dispatch. GEBs are energy efficient buildings with smart technologies characterized by the active use of distributed energy resources to optimize energy use for grid services, occupant needs and preferences, and cost reductions in a continuous and integrated way.
- (iv) **Decarbonized Building.** The building is highly energy-efficient and produces onsite or procures carbon-free renewable energy in an amount sufficient to offset the annual carbon emissions associated with operations.

1.312. Water Standards

Must satisfy one or more water standards.

1. A qualified auditor or qualified retro-commissioning professional has certified at least one of the following:
 - The building has received a U.S. EPA water score of eighty (80).
 - The building has improved its U.S. EPA water score by twenty (20) points or more relative to its performance during the baseline year.
 - The building has a water use intensity (WUI) that is 25% below the calculated median for that property type as determined by the Department.
 - *See table below; note that not all property types are captured here. This is based of limited EPA data that is still pending final review.*

Portfolio Manager Property Type	Median WUI (gal/ft2)	Performance Path Threshold (25% below median WUI)
Fire Station	28.90	21.67
K-12 School	10.84	8.13
Hospital	55.71	41.78
Hotel	52.02	39
Office Buildings	14.48	10.86
Medical Offices	23.40	17.55
Retail Store	5.24	3.93
Non-Refrigerated Warehouse	3.43	2.57

- The building has reduced its water use intensity (WUI) by at least twenty percent (20%) relative to its performance during the baseline year.
 - *The baseline year should generally be the first year of benchmarking under the program, 2020. If the building was not benchmarked in 2020, we will accept 2021 as a baseline. If the building was benchmarked for 2019 and you would like to use that year, we can consider it, since 2020 was an atypical usage year for many.*

1.313. Performance verification

Energy: As an example, the [Energy Star data verification checklist](#) is an acceptable report format for energy performance verification (it is not necessary to fill out the "Indoor Environmental Quality" section).

Water: Have a professional auditor submit proof that 1) The building has received a U.S. EPA water score of eighty (80), OR the building has improved its U.S. EPA water score by twenty (20) points or more relative to its performance during the baseline year, OR the building has a water use intensity (WUI) that is 25% below the calculated median for that property type as determined by the Department.

1.32. Performance and Prescriptive Pathway

If the building qualifies as high-performing for energy, but not for water: Use the Pathway Determination form to 1) submit an energy performance verification report, and 2) declare your intent to follow the Prescriptive Pathway for water. **If the building qualifies as high-performing for water, but not for energy:** Use the Pathway Determination form to 1) submit a water performance verification report, and 2) declare your intent to follow the Prescriptive Pathway for energy.

1.33. Prescriptive Pathway

If your building does not meet any energy or water standards, your building will follow the Prescriptive Pathway and you must conduct audit(s) under the supervision of a qualified auditor.

1.331. Energy Auditing

Please submit this report by email to bbep@brisbaneca.org or submit via the [DOE Asset Score/Audit Template website](#).

Buildings over 40,000 square feet must conduct a minimum of an ASHRAE Level II audit (Level III audits are also acceptable).

Buildings between 10,000-39,999 square feet must conduct a minimum of an asset score full report (Level II/III audits are also acceptable).

1.332. Water Auditing

Please submit this report by email to bbep@brisbaneca.org. Water audits of base building systems shall be performed in accordance with industry standard practices and shall include, at a minimum: 1) Potable water distribution systems; 2) Landscape irrigation systems; 3) Water reuse systems; and 4) Water features. Please see this [water audit guidebook for commercial buildings](#) for an audit report format (pg. 15-48).

1.4. Submitting documentation

Submit the relevant documentation using the [Exemption Request form](#), the [Pathway Determination form](#) or email to bbep@brisbaneca.org. Extensions are available in limited cases and can be requested using the [Beyond Extension Request form](#). Submit all audit reports [HERE](#).

2. YEAR THREE REQUIREMENTS GUIDELINES

The Year 3 deadline for commercial buildings will be May 15, 2025. For all other building types, the Year 3 deadline is May 15, 2026.

2.1. Prescriptive Pathway

For buildings on the Prescriptive Pathway, **choose 1 of 3 options** (2.11, 2.12, 2.13) to act on the results of the audit and improve the building. Please complete [the Improvement Selection Form](#) and provide an update to program staff at bbep@brisbaneca.org to ensure your chosen option will meet the requirements and to avoid potential fines.

2.11. Improvement Measures

Adopt one energy-related measure and one water-related improvement measure [from this list](#); OR see 2.12 OR 2.13.

This list is actively managed by the City and is the most current list of prescriptive improvement measures that a building owner may pursue for compliance with the §15.77.080 Beyond Benchmarking Prescriptive Path. Qualified auditors may identify and propose measures not on this list for the city's evaluation of a building owner's compliance with the Beyond Requirements.

A building owner may comply with the requirements of Chapter 15.77 for any unmet standard by demonstrating two (2) of the following corresponding efficiency improvement measures - one energy-related measure and one water-related measure listed below - were completed and by submitting an Improvement Measures Report within the time set forth in Section 15.77.100.

2.111. Energy Related Measures

Energy Efficiency Improvement Measures:

- (i) Building envelope measures including roof and wall insulation
- (ii) Building envelope air sealing and weatherization

- (iii) Building envelope upgrades including window, glazing and fenestration upgrades to improve the thermal performance of the building
- (iv) Installation of common area and exterior lighting fixtures in accordance with the California Building Standards Code (California Code of Regulations, Title 24) requirements in effect at the time of the compliance cycle;
- (v) Installation of domestic hot water heater in accordance with the California Building Standards Code (California Code of Regulations, Title 24) requirements in effect at the time of the compliance cycle;
- (vi) Replacement of all refrigerators on the Property to ENERGY STAR Certified models;
- (vii) Replacement of all gas stoves on the Property to electric induction stoves;
- (viii) Replacement of all gas water heaters on the Property to electric heat pump or tankless water heaters;
- (ix) Installation of a smart thermostat;
- (x) Installation of a solar thermal heating/cooling system;
- (xi) Installation of insulation on all hot water pipes in accessible Property locations; or
- (xii) Participation in a Department-approved Energy utility or community choice aggregation retrofit program (e.g. taken advantage of rebate or incentive programs for upgrades).
- (xiii) Installation of a cool roof. A cool roof has been installed in accordance with the Brisbane Green Building Code and the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time during the five-year compliance cycle being reported.
- (xiv) Additionally, building owners may request that the city review consider additional measures for compliance with the Beyond requirements. Measures from a Qualified Auditor may be proposed and sent to bbep@brisbaneca.org for consideration.

Distributed Energy Resource Improvement Measures:

- (i) Solar Photovoltaic. An on-site solar photovoltaic system has been installed in accordance with the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time during the five-year compliance cycle being reported.

- (ii) Stationary Electric Storage. An on-site stationary battery electric storage system (BESS) has been installed in accordance with the California Building Standards Code (California Code of Regulations, Title 24) in effect at any time during the five-year compliance cycle being reported.
- (iii) Grid-interactive Efficient Building (GEB). GEBs are energy efficient buildings with smart technologies characterized by the active use of distributed energy resources to optimize energy use for grid services, occupant needs and preferences, and cost reductions in a continuous and integrated way.
- (iv) Electric Vehicle (EV) Charging Infrastructure. Electric Vehicle Charging Infrastructure has been installed on the building site.
- (v) Decarbonized Building. A zero carbon building is defined as one that is highly energy-efficient and produces onsite, or procures, carbon-free renewable energy in an amount sufficient to offset the annual carbon emissions associated with operations. Through a combination of the above strategies, demonstrate through EPA Portfolio Manager that the building is decarbonized.
- (vi) Additionally, building owners may request that the city review consider additional measures for compliance with the Beyond requirements. Measures from a Qualified Auditor may be proposed and sent to bbep@brisbaneca.org for consideration.

2.112. Water Efficiency Improvement Measures

- (i) Installation of plumbing such that all systems on the Property are in compliance with the California Building Standards Code (California Code of Regulations, Title 24) requirements in effect at the time of the compliance cycle;
- (ii) Installation of outdoor landscaping and irrigation such that all systems on the Property are in compliance with Brisbane Municipal Code Chapter 15.70, Water Conservation in Landscaping in effect at the time of the compliance cycle;
- (iii) Installation of a greywater system in accordance with California Code of Regulations, Title 24, Sections 1502.6, 1502.10.3, or as amended;
- (iv) Installation of insulation on all hot water pipes in accessible Property locations; or
- (v) Participation in approved water utility retrofit program (e.g. taken advantage of rebate or incentive programs for upgrades).

- (vi) Additionally, building owners may request that the city review consider additional measures for compliance with the Beyond requirements. Measures from a Qualified Auditor may be proposed and sent to bbep@brisbaneca.org for consideration.

2.113. Improvement Measures Report Requirements

A report of the improvement measures implemented shall be submitted to the department and maintained by the property owner as required in Section 15.77.090. The report shall be submitted with sufficient supporting data including receipts or other proof of compliance and shall include, at a minimum, the following:

1. Descriptions of the measures including the date(s) that the improvement measures were implemented;
2. Identifying information on the person implementing the improvement measures;
3. Information on the base building systems and equipment; and
4. A list of all improvement measures that can reduce energy or water use and the cost of operating the building, and the costs of each measure.

2.12. Retro Commissioning

"Retro-commissioning" means a systematic process for optimizing existing systems relating to building performance through the identification and correction of deficiencies in such systems.

"Retro-commissioning measures" means work relating to retro-commissioning such as repairs, maintenance, adjustments, changes to controls or related software, or operational improvements that optimize a building's energy and/or water performance.

Retro-commissioning activities must be conducted under the direct supervision of a qualified retro-commissioning professional, and performed in accordance with industry standard practices, including the latest version of ASHRAE Guideline 0.2 Commissioning Process for Existing Systems and Assemblies.

The retro-commissioning of base building systems must include, at a minimum, the following:

2.121. Energy Related Retro-commissioning

- (i) Heating, ventilation, air conditioning (HVAC) systems and controls;
- (ii) Indoor lighting systems and controls;
- (iii) Exterior lighting systems and controls;
- (iv) Water heating systems;
- (v) Renewable energy systems;
- (vi) Stationary electric battery storage systems;
- (vii) Electric vehicle charging equipment;
- (viii) Demand flexibility systems.

2.122. Water Related Retro-commissioning

- (i) Potable water distribution systems;
- (ii) Landscape irrigation systems;
- (iii) Water reuse systems;
- (iv) Water features.

2.123. Retro-commissioning Report Requirements

A report of the energy and water retro-commissioning, completed and signed by a qualified retro-commissioning professional, shall be maintained by the property owner as required in Section 15.77.090. The report shall include, at a minimum, the following:

1. The date(s) that the retro-commissioning was performed
2. Identifying information on the retro-commissioning provider;
3. Information on the base building systems and equipment;
4. All the retro-commissioning process activities undertaken and retro-commissioning measures completed;
5. Functional performance testing reports; and
6. Operational training conducted.

2.13. Green Lease

Adopt a lease or other rental agreement for the building that contains sustainability or environmental provisions specifically related to energy and water. Note that building owners can only take this action once. Learn more from the [Institute for Market Transformation's Green Lease Leaders resources](#), including case studies and lease templates/language.

2.2. Performance Pathway

Buildings on the performance pathway for BOTH energy and water have no requirements in Year 3 and will be compliant until the next Beyond cycle.

3. YEAR FIVE REQUIREMENTS GUIDELINES

The Year 5 deadline for commercial buildings will be May 15, 2027. For all other building types, the Year 3 deadline is May 15, 2028.

Submit the [Prescriptive Path Final Report](#) with relevant forms, documents, and reports.

- Improvement Measures Report; OR
- Retro-commissioning Report; OR
- Green Lease Attestation Letter: see our [Attestation Letter template](#), which includes details on the three required elements of your Green Lease.

4. RESOURCES

4.1. Exemptions and extensions

- [Check to see if your building is exempt](#)
 - [Identify your building type](#) to see if you must comply
- [Exemption form](#)
- [Extension request form](#)

4.2. Determine/declare your pathway

- [Pathway determination form](#)
- [Pathway flowchart](#)
- [Energy and water standards](#)
- [Become LEED certified](#) (and qualify for performance pathway)

4.3. Prescriptive Pathway

- YEAR 1: Submit audits [HERE](#)
 - [Water audit guidebook](#)
 - [Energy audit guide \(ASHRAE\)](#)
 - [Energy audit guide \(Asset score full report\)](#)
- YEAR 3: Pick ONE
 - [Improvement measures](#) (pick one)
 - [Retro-commissioning](#)
 - [Adopt a green lease](#)
- YEAR 5: Submit reports/documents from YEAR 3
 - [Green lease letter template](#)
- For more assistance, visit the [Comprehensive Beyond Guide](#).

4.4. Qualified professionals

- [San Jose's List of Qualified Service Providers](#)

- [ENERGY STAR's List of Licensed Professionals](#)
- [Brisbane's Certification Requirements for Qualified Professionals](#)

4.41. More information on qualified professionals:

[San Jose's List of Qualified Service Providers](#): These service providers are qualified to perform ASHRAE Level II energy audits and/or retro-commissioning for compliance with San Jose's Building Performance Ordinance. San Jose's requirements are substantially similar to Brisbane's, and we anticipate that many of these providers will be able to assist building owners/managers in Brisbane.** The City of Brisbane does not endorse any service provider on the list and does not assume any liability in connection with the use of San Jose's list of qualified service providers.

[ENERGY STAR's List of Licensed Professionals](#): A directory of professionals published by ENERGY STAR who have verified properties for ENERGY STAR certification and tenant recognition.

[Brisbane's Certification Requirements for Qualified Professionals](#): A list of accepted certifications for qualified auditors and retro-commissioning professionals, referenced from B.M.C. 15.77.040 U & V.