



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Lori Mitchell

**SUBJECT:** See Below

**DATE:** August 25, 2025

Approved

Date:

8/28/2025

**COUNCIL DISTRICT:** Citywide

**SUBJECT: Administrative Update to the San José Energy and Water Building Performance Ordinance**

## **RECOMMENDATION**

Approve an ordinance amending Sections 17.85.120 and 17.85.200 of Chapter 17.85 of Title 17 of the San José Municipal Code to update the responsible agency for the City of San José Energy and Water Building Performance Ordinance from the Environmental Services Department to the Energy Department, as established under Section 2.04.4600 of the San José Municipal Code.

## **SUMMARY AND OUTCOME**

This action will update Sections 17.85.120 and 17.85.200 of Chapter 17.85 of Title 17 of the San José Municipal Code to reflect the organizational transition of the San José Energy and Water Building Performance Ordinance (BPO), along with associated staff and programs, from the Environmental Services Department to the Energy Department, effective July 1, 2025. This update ensures accuracy and alignment with the City of San José's departmental structure.

## **BACKGROUND**

The BPO, adopted by City Council in December 2018, mandates that "covered buildings" (commercial and multi-family buildings 20,000 square feet or larger) annually report energy and water usage through the Environmental Protection Agency's Energy Star Portfolio Manager®. Buildings must also meet specific performance metrics every five years or implement specific improvements if they fall short. Implementation of the BPO has been handled by Environmental Services Department staff.

## **ANALYSIS**

Effective July 1, 2025, staff, oversight, and implementation responsibilities of the BPO and Climate Smart San José programs transitioned from the Environmental Services Department to the Energy Department. The current San José Municipal Code Sections 17.85.120 and 17.85.200 list the Environmental Services Department as the responsible City of San José department for the BPO. This amendment is necessary to update the referenced department to the Energy Department as the enforcing City of San José department. The proposed update will align with the City of San José's departmental change.

### **Climate Smart San José Analysis**

The recommendation in this memorandum aligns with Climate Smart San José strategies by allowing the BPO to continue facilitating the efficient use of energy and water at covered buildings. This action aligns with the Climate Smart goals by reducing energy and water consumption, increasing the demand for renewable energy, and improving the energy and water efficiency of commercial buildings.

## **EVALUATION AND FOLLOW-UP**

No evaluation and follow-up necessary on this item.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the September 16, 2025 City Council meeting.

## **COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

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**CEQA**

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

Lori Mitchell

Director, Energy Department

For questions, please contact Julie Benabente, Deputy Director, Energy Department, at [Julie.Benabente@sanjoseca.gov](mailto:Julie.Benabente@sanjoseca.gov).