# CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

## Agenda

## Council Sustainability Committee

**Monday, March 9, 2026** **5:00 PM** **Hybrid/Conference Room 2A**

NOTICE: The Council Sustainability Committee will hold a hybrid meeting in Conference Room 2A and virtually via Zoom

The PUBLIC COMMENT section provides an opportunity to address the Committee on items not listed on the agenda. The Committee welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Committee is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Committee meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive and disruptive to a meeting and will not be tolerated.

HOW TO SUBMIT PUBLIC COMMENT

Send an email to erik.pearson@hayward-ca.gov by 1:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Council Sustainability Committee and City staff, and Published in the City's Meeting and Agenda Center under Documents Received After Published Agenda.

HOW TO OBSERVE THE MEETING
1. Attend in person in Conference Room 2A in Hayward City Hall
2. Please click the link below to join the webinar from a PC, Mac, iPad, iPhone or Android Device

Please click the link below to join the webinar:
https://hayward.zoom.us/j/85107979218?pwd=Y6n5P5jXH68i3ve367y9rVUbgRf4f5.1
Webinar ID: 851 0797 9218
Password: 9=@rC42y

Or join by phone:
US: +1 669 900 6833 or +1 646 931 3860
Webinar ID: 851 0797 9218
Password: 76973321
International numbers available: https://hayward.zoom.us/u/kd4Ec1ayDe

**ROLL CALL**

**PUBLIC COMMENTS:**

**APPROVAL OF MINUTES**

**1.** MIN 26-026 Approval of Minutes of the Council Sustainability Committee (CSC) Meeting Held on November 10, 2025.

**Attachments:** Attachment I Meeting Minutes from November 10, 2025

**REPORTS/ACTION ITEMS**

**2.** ACT 26-010 Building Performance Standard Model Ordinance

**Attachments:** Attachment I Staff Report
Attachment II Case Studies of BPS Retrofits
Attachment III CalBPS PLC Model Ordinance Draft #1 Overview

**3.** ACT 26-009 Proposed Updates to Requirements for Trash Enclosures and Recycling of Construction and Demolition Debris

**Attachments:** Attachment I Staff Report

**4.** RPT 26-022 Compliance with Stormwater Trash Reduction Requirements - Information and Discussion

**Attachments:** Attachment I Staff Report

**5.** RPT 26-012 Urban Water Use Objective Annual Report Overview

**Attachments:** Attachment I Staff Report

**FUTURE AGENDA ITEMS**

**6.** ACT 26-008 Proposed Agenda Planning Calendar: Review and Comment

**Attachments:** Attachment I Staff Report

**COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS**

**ADJOURNMENT**

**File #:** MIN 26-026

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Approval of Minutes of the Council Sustainability Committee (CSC) Meeting Held on November 10, 2025.

**RECOMMENDATION**

That the CSC reviews and approved the November 10, 2025 CSC meeting minutes.

**ATTACHMENTS**

Attachment I November 10, 2025 CSC Meeting Minutes

CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING
Hybrid Meeting
November 10, 2025
5:00 p.m.
**MEETING MINUTES**

**CALL TO ORDER:** Meeting called to order at 5:00 p.m. by Council Member Francisco Zermeño.

**ROLL CALL:**

*Committee Members:*
- Dan Goldstein, City Council Member
- Julie Roche, City Council Member
- Francisco Zermeño, City Council Member/CSC Chair

*Staff:*
- Alex Ameri, Director of Public Works
- Linda Ko, Senior Secretary (Meeting Recorder)
- Jeff Krump, Solid Waste Program Manager
- Erik Pearson, Environmental Services Manager

*Other:*
- Kelly Abreu, Public Comment Speaker
- Mimi Dean, Public Comment Speaker
- Alan Fishman, Public Comment Speaker
- Virginia Harrington, Waste Management of Alameda County (WMAC), Public Sector Manager
- Alejandro Jasso, Public Comment Speaker
- Thomas Omolo, Hayward Area Recreation and Park District (H.A.R.D.), Management Analyst
- Jason Toro, Tri-CED Community Recycling, CEO
- Anita Wah, Public Comment Speaker

**PUBLIC COMMENTS**

Anita Wah advocated for more open space and urged the Council Sustainability Committee to vote to keep the former Skywest property as open space.

Alan Fishman also supported keeping the former Skywest property as open space and restoring it by planting more trees and plants.

Mimi Dean spoke on the importance of trees and the benefits they provide. She stated that she was not in favor of cutting down trees at the former Skywest property.

1. **Approval of Minutes of the Council Sustainability Committee Meeting held on September 8, 2025**

The item was moved by Council Member Zermeño, seconded by Council Member Roche, and approved unanimously.

## 2. Preliminary Plan for Compost Hub at the Hayward Community Garden

Jeff Krump, Solid Waste Program Manager, presented a report on the development of the proposed compost hub.

### Public Comments

Mimi Dean stated her support for the compost hub project and emphasized the importance of composting.

Alan Fishman expressed his enthusiasm for the project and stated that it was a wonderful opportunity to educate students about composting.

### Committee Comments

Council Member Roche supported the idea of adding fencing to the compost hub to deter the location from becoming a public dumping ground. She also agreed that the hub should be staffed but had concerns about staffing due to the hiring freeze.

Council Member Goldstein stated that he liked the concept drawings but voiced concerns about staffing expenditures and suggested a trial compost hub. He also suggested using the funds for other projects if the City needed to meet the spending requirement.

Council Member Zermeño thanked staff for contacting StopWaste regarding the compost hub. He stated his agreement with other Committee members regarding the staff funding concerns.

## 3. Parks and Open Space in Hayward

Erik Pearson, Environmental Services Manager, and Thomas Omolo, H.A.R.D. Management Analyst, presented a report on Hayward's current available parkland per capita and future efforts and plans.

### Public Comments

Mimi Dean suggested presenting the data through census tracts as opposed to showing data for the whole city.

Anita Wah inquired about the development of a trail through Parcel Group 8.

Alan Fishman asked where La Vista Park was located.

Kelly Abreu stated that the new La Vista Park would benefit only new residents who would purchase homes near the area.

Alejandro Jasso commented the importance of looking at the amount of land that was dedicated to parking and to balance that amount with the portion of land dedicated to parks. He encouraged moving forward with projects related to developing more parks and trails.

### Committee Comments

Council Member Goldstein expressed his excitement for the La Vista Park and stated he anticipated an economic boost in the nearby area, since the park would be accessible to everyone.

Council Member Roche suggested reaching out to schools to re-open their public spaces. She also stated that the La Vista Park would be the only outdoor play space for the communities with housing in the hills because the developments were approved without parks because the City Council at the time had contemplated the La Vista Park being at the location.

Council Member Zermeño expressed his enthusiasm of being more green with parks and more open space.

**4. Update on Implementation of Solid Waste and Recycling Franchise Agreement and Update on Evaluation by CalRecycle of Hayward's Compliance with SB 1383 – Review and Comment**

Mr. Krump provided an update on the implementation of the Solid Waste and Recycling Franchise Agreement between Hayward and Waste Management of Alameda County (WMAC) as well as an update on CalRecycle's evaluation of Hayward's compliance with SB 1383.

**Public Comments**

Kelly Abreu questioned the importance of recycling and the business practices of waste companies.

Jason Toro announced that Tri-CED was a week out from reopening their Material Recovery Facility (MRF) after a lot of retrofitting for automation. He also stated that Tri-CED is a non-profit organization that focuses on second chances and sustainability. Mr. Toro noted that Tri-CED provides formerly incarcerated people, about 70% of staff, with life changing opportunities and also that Tri-CED had just started their youth workforce development program.

Virginia Harrington from WMAC expressed her appreciation of working with the City of Hayward and also with Tri-CED as their sub-contractor. She also stated that their goal was to divert materials from the landfill and to promote education on recycling to people.

**Committee Comments**

Council Member Roche suggested having different shapes on waste containers help people with sorting.

Council Member Goldstein stated that he was encouraged by the residential rate of compliance with only a 1% non-compliance rate, but he expressed his concern with the 40% non-compliance rate among commercial customers. Mr. Krump stated that the rate shown was a snapshot and that it varied. He stated that staff could show an average rate in the next presentation.

Council Member Zermeño thanked staff for the presentation and expressed his appreciation for the partnership of the City, StopWaste, WMAC and Tri-CED.

**FUTURE AGENDA ITEMS:**

## 5. Proposed 2026 Agenda Planning Calendar: Review and Comment

Erik Pearson, Environmental Services Manager, shared the proposed 2026 agenda planning calendar with the Committee.

### Public Comments

There were no public comments.

### Committee Comments

Council Member Roche stated that she would like to have a discussion or work session regarding data centers. Council Member Goldstein also supported this idea and also asked to include information on water and energy usage regarding data centers. Council Member Zermeño also agreed on a discussion regarding data centers and also thanked staff for the upcoming Tree Canopy Assessment item.

**COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS:**

Mr. Pearson announced that the electric vehicle (EV) charging requirements and Reach Code items would be discussed at the November 18th City Council meeting. He also shared a thank you note from Winton Middle School to WMAC for delivering compost to their gardening club.

**ADJOURNMENT:** 6:45 p.m.

| | | MEETINGS | | |
|---|---|---|---|---|
| Attendance | Present 11/10/25 Meeting | Present to Date This Year | Excused to Date This Year | Absent to Date This Year |
| Julie Roche | ✓ | 4 | 0 | 1 |
| Dan Goldstein | ✓ | 4 | 0 | 0 |
| Francisco Zermeño | ✓ | 5 | 0 | 0 |

**File #:** ACT 26-010

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Building Performance Standard Model Ordinance

**RECOMMENDATION**

That the Council Sustainability Committee (CSC) receives this report on Building Performance Standards (BPS) and provides direction and feedback to staff on further exploration of a local BPS ordinance.

**SUMMARY**

Building Performance Standards (BPS) require existing buildings to meet minimum targets for energy efficiency, water use, and/or greenhouse gas (GHG) emissions over time. Unlike traditional building codes that focus on new construction, BPS policies target existing buildings-particularly larger commercial and multifamily properties that account for a disproportionate share of energy use and emissions. Benchmarking and the exploration of Building Performance Standards are also identified as building electrification actions in Hayward's Climate Action Plan (CAP).

The State of California has already laid the groundwork for BPS through AB 802, which since 2016 has required buildings over 50,000 square feet to annually report on energy use using the EPA's ENERGY STAR Portfolio Manager. The reporting program is known as the Building Energy Benchmarking Program and is managed by the California Energy Commission. Building on the reporting requirements of AB 802, SB 48 (passed in 2023) directs the State to develop the framework and enforcement mechanisms for a statewide BPS that would include performance targets for buildings over 50,000 square feet. A draft strategy report is expected in early 2026.

To support local BPS programs that seek to go beyond the state requirements, the U.S. Green Building Council's *California Building Performance Standards Coalition* (CalBPS) has developed a model ordinance for buildings with 20,000 square feet or more. The model ordinance emphasizes benchmarking, public reporting, equity, phased compliance, and flexibility.

This staff report examines how a BPS ordinance could be implemented in Hayward and identifies key considerations for future policy development. Staff is seeking Committee Member feedback on two

options for next steps:

1) Continue to actively explore a Hayward-specific ordinance for buildings of 20,000 square feet or more, including engaging building owners and managers in the near term, or
2) Wait for the State's Building Energy Performance Strategy to be released and revisit local action in the fall of 2026.

**ATTACHMENTS**

| | |
|---|---|
| Attachment I | Staff Report |
| Attachment II | Case Studies of BPS Retrofits |
| Attachment III | CalBPS PLC Model Ordinance Draft #1 Overview |

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Building Performance Standard Model Ordinance

## RECOMMENDATION

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## SUMMARY

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To support local BPS programs that seek to go beyond the state requirements, the U.S. Green Building Council's *California Building Performance Standards Coalition* (CalBPS) has developed a model ordinance for buildings with 20,000 square feet or more. The model ordinance emphasizes benchmarking, public reporting, equity, phased compliance, and flexibility.

[1] https://legiscan.com/CA/text/AB802/id/1250891
[2] https://legiscan.com/CA/text/SB48/id/2832294

This staff report examines how a BPS ordinance could be implemented in Hayward and identifies key considerations for future policy development. Staff is seeking Committee Member feedback on two options for next steps:

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2) Wait for the State's Building Energy Performance Strategy to be released and revisit local action in the fall of 2026.

**FISCAL IMPACT**

This item does not impact the General Fund or Measure C. If the City were to pursue a BPS ordinance, potential fiscal considerations would include staff time for program administration, benchmarking oversight, compliance tracking, and technical assistance, as well as costs associated with data management systems, outreach, and education for property owners. These expenses could be offset through cost-recovery fees or enterprise-style funding mechanisms, depending on program design, and would not impact the General Fund or Measure C.

Peer cities have shown that BPS and benchmarking programs can be implemented with limited or no ongoing reliance on the General Fund. For example, the City of San José funds one full-time equivalent (1.0 FTE) position and program software through an annual fee of approximately $150 per covered property, while the City of Berkeley supports its benchmarking and building electrification programs through a combination of processing fees and General Fund support, with approximately 0.5 FTE dedicated to benchmarking administration. Based on the estimated 919 buildings in Hayward that are 20,000 square feet and above, an annual fee in the range of $100 to $200 per building could support approximately 0.5 for BPS administration.

**BACKGROUND**

California has set ambitious climate goals, including achieving carbon neutrality by 2045, and reducing emissions from existing buildings is critical to meeting these targets. Buildings account for a significant share of statewide energy use and GHG emissions, largely due to ongoing reliance on fossil fuels for space and water heating. Addressing emissions from the existing building stock is therefore essential to advancing both climate and public health objectives.

Since 2016, AB 802 has required buildings larger than 50,000 square feet to report annual energy use to the California Energy Commission through a process known as energy benchmarking. Benchmarking is conducted using ENERGY STAR Portfolio Manager, a free online tool that allows building owners to track and compare their energy use against similar buildings, creating a data foundation for identifying efficiency opportunities and tracking progress over time.[3] Building on this framework, SB 48 directs the State to develop a strategy for a statewide BPS program for buildings over 50,000 square feet, with

[3] https://www.energy.ca.gov/programs-and-topics/programs/building-energy-benchmarking-program

a draft policy plan expected in early 2026 and finalization by July 1, 2026.[4] It is anticipated that a statewide BPS could be implemented beginning in 2030.

While the State's forthcoming BPS program will focus on larger commercial and multifamily buildings, many energy- and emissions-intensive buildings fall below the 50,000-square-foot threshold and would remain unregulated. As a result, cities across California are exploring local BPS ordinances to complement state action, address gaps in coverage, and apply lessons learned from other U.S. jurisdictions that have already implemented BPS programs.

*Climate Action Plan* – In Hayward, buildings accounted for approximately 32% of total community-wide GHG emissions in 2023.[5] As in many California cities, achieving Hayward's CAP targets for 2030 and 2045 will require meaningful reductions in emissions from existing commercial and multifamily buildings. To address this challenge, the CAP includes Measure BE-3, which calls for decarbonizing existing buildings (eliminating the use of natural gas) through the implementation of several actions. The actions include:

- BE 3.4 – Conduct feasibility studies to identify commercial and multi-family building decarbonization barriers and develop a commercial and multi-family building decarbonization strategy with analysis supporting future adoption of a commercial and multi-family building decarbonization ordinance.
- BE 3.1 – Based on the results of the feasibility studies (BE- 3.4) adopt a decarbonization ordinance for existing commercial buildings by 2026…
- BE 3.2 – Based on the results of the feasibility studies (BE- 3.4) adopt a decarbonization ordinance for existing multi-family buildings by 2026…
- BE 3.3 – Adopt a Commercial Energy Performance Assessment and Disclosure Ordinance for commercial and multi-family buildings, which requires energy use disclosure consistent with State law (AB 1103 [now AB 802]) and the use of the ENERGY STAR Portfolio Manager benchmarking tool.

*Cities with BPS* – There are 13 U.S. cities implementing and enforcing a BPS for commercial and multi-family buildings, including four in California: Santa Monica, San Jose, West Hollywood, and Chula Vista (see Table 1). Additional jurisdictions—including San Francisco, Berkeley, and Los Angeles County—are actively developing BPS ordinances.[6]

[4] https://calmatters.digitaldemocracy.org/bills/ca_202320240sb48
[5] https://www.hayward-ca.gov/sites/default/files/documents/2025-03-18-GHG-Inventory-Council-Rpt.pdf
[6] https://public.tableau.com/app/profile/doebecp/viz/BuildingPerformanceStandards/BuildingPerformanceStandardsnonweb

**Table 1. Cities with BPS Requirements**

| City/County | Size Threshold for Covered Buildings | Year in Effect |
|---|---|---|
| Chula Vista[7] | ≥ 20,000 sq. ft. | 2022 |
| San Jose[8] (addresses energy & water) | ≥ 50,000 sq. ft. first phase<br>≥ 20,000 sq. ft. in later phases | 2023 |
| Santa Monica[9] | ≥ 50,000 sq. ft. first phase<br>≥ 20,000 sq. ft. in later phases | 2026 |
| West Hollywood[10] | ≥ 20,000 sq. ft. (residential condos exempt) | 2026 |

*Cities with Benchmarking* – There are seven cities in California that have a benchmarking program, with four in the Bay Area: Berkeley, Brisbane, San Francisco, and San Jose (see Table 2). Benchmarking requires building owners to annually report their energy and water use, typically through ENERGY STAR Portfolio Manager, allowing them to track performance over time and compare their buildings to similar properties.

**Table 2. Bay Area Cities with Benchmarking Requirements**

| City | Size Threshold for Covered Buildings | Year in Effect |
|---|---|---|
| Berkeley[11] | ≥ 15,000 sq. ft. | 2018 |
| Brisbane[12] | ≥ 10,000 sq. ft. | 2020 |
| San Francisco[13] | ≥ 10,000 sq. ft. | 2011 |
| San Jose[14] | ≥ 20,000 sq. ft. | 2019 |

*Previous CSC Meetings* – Staff has provided the CSC with a few updates on BPS over the past two years as part of ongoing discussions about reducing building-related GHG emissions. These presentations have explored funding opportunities, policy considerations, and how BPS could complement other local climate strategies. Staff presented reports to CSC at the following meetings:

- March 11, 2024 – Potential Grant Funding for Development of Performance Standards for Existing Buildings: Staff presented the opportunity for Hayward to be part of a DOE grant to develop and implement zero energy building codes led by the City and County of San Francisco.[15]
- March 10, 2025 – City of Richmond's Agreement with Chevron: Staff recommended that BPS would be an effective way to address large users of fossil gas.[16]

[7] https://www.chulavistaca.gov/home/showpublisheddocument/27700/638469742513630000
[8] https://www.sanjoseca.gov/your-government/departments-offices/energy/climate-smart-san-jose/energy-and-water-building-performance-ordinance/beyond-benchmarking
[9] https://santamonicacityca.iqm2.com/Citizens/Detail_LegiFile.aspx?MeetingID=1452&ID=6228
[10] https://weho.granicus.com/MetaViewer.php?meta_id=309850
[11] https://berkeleyca.gov/construction-development/green-building/building-emissions-saving-ordinance-beso
[12] https://www.brisbaneca.org/bbep
[13] https://www.sfenvironment.org/existing-buildings-energy-performance-ordinance
[14] https://www.sanjoseca.gov/your-government/departments-offices/energy/climate-smart-san-jose/energy-and-water-building-performance-ordinance
[15] https://hayward.legistar.com/LegislationDetail.aspx?ID=6569389&GUID=81BCA5CD-E26F-49F3-AD66-AED51B08A211&Options=&Search=
[16] https://hayward.legistar.com/LegislationDetail.aspx?ID=7254297&GUID=4734E28B-2790-4549-9E3E-6B0EDAF80F28&Options=&Search=

- September 8, 2025 – Reach Code for the 2025 Building Code: Staff mentioned that a Reach Code for existing commercial buildings would not be proposed because a BPS may be pursued.[17]

**DISCUSSION**

Staff has been involved in the U.S. Green Building Council (USGBC)'s CalBPS Peer Learning Collaborative where approximately 50 California jurisdictions share ideas and create alignment to accelerate and streamline the path to building decarbonization in California. The collaborative recently released a model BPS ordinance that incorporates technical experience from building professionals and jurisdictions across the country that have adopted BPS policies as well as the priorities of California jurisdictions involved in the collaborative. The CalBPS model ordinance provides a framework for establishing a BPS that improves the energy and emissions performance of existing buildings over time. At its core, the model ordinance requires covered buildings to meet performance targets based on energy use intensity or GHG emissions levels by specified future dates.

The model ordinance developed by USGBC has two parts or phases:

1. annual benchmarking requirements starting in year 1, and
2. performance targets that increase in stringency and are enforced every year after an initial benchmarking-only period.

The model ordinance includes the following categories: (1) covered buildings, (2) performance metrics, (3) targets and compliance cycles, (4) compliance pathways, (5) enforcement, and (6) exemptions.

1. Covered Buildings

The CEC's BPS program would address buildings over 50,000 square feet, so the CalBPS model ordinance focuses on buildings between 20,000 to 50,000 square feet. The CEC's program would cover 12.8% of Hayward's commercial and multifamily buildings. If the model BPS ordinance were adopted in Hayward, an additional 18% of Hayward's commercial and multifamily buildings would be covered. Together, these buildings account for approximately 69% of Hayward's total building-related emissions (see Table 2).

**Table 2. Hayward's Commercial and Multi-Family Buildings Exceeding 20,000 Sq. Ft.**

| Bldg Category (sq. ft.) | # of Bldgs | % of Total Bldgs | Total Sq. Ft. | % of Total Sq. Ft | % of Total Emissions |
|---|---|---|---|---|---|
| >100,000 | 237 | 7.9% | 34,300,000 | 44.7% | 32% |
| 50,000 - 100,000 | 146 | 4.9% | 11,000,000 | 14.3% | 17% |
| **Subtotal** | **383** | **12.8%** | **45,300,000** | **59%** | **49%** |
| 20,000 - 50,000 | 536 | 18% | 17,000,000 | 22% | 20% |
| **Total** | **919** | **30.8%** | **62,300,000** | **81%** | **69%** |

[17] https://hayward.legistar.com/LegislationDetail.aspx?ID=7648208&GUID=4FA3826C-061D-4A52-962C-F6CFC48B3508&Options=&Search=

The building types most affected by a combined state and local BPS framework would include multifamily residential buildings, warehouses, offices, and retail properties (see Table 3).[18]

**Table 3. Hayward Data by Building Type**

| Building Type | >100,000 sq. ft. | | 50,000 – 100,000 sq. ft. | | 20,000 – 50,000 sq. ft. | |
|---|---|---|---|---|---|---|
| | # of Bldgs. | Floor Area (in 1,000s) | # of Bldgs. | Floor Area (in 1,000s) | # of Bldgs. | Floor Area (in 1,000s) |
| Apartments | 57 | 9,730 | 35 | 2,770 | 119 | 3,820 |
| Hospital | 2 | 553.7 | 0 | 0 | 1 | 33 |
| Hotel | 1 | 110.9 | 1 | 66.4 | 12 | 364.5 |
| Office | 5 | 785.1 | 12 | 824.9 | 29 | 874.9 |
| Other | 14 | 2,460 | 50 | 3,770 | 109 | 3,550 |
| Outpatient | 1 | 237.5 | 1 | 79.7 | 5 | 133 |
| Restaurant | 0 | 0 | 0 | 0 | 0 | 0 |
| Retail | 6 | 1,470 | 11 | 840 | 31 | 1,010 |
| School | 0 | 0 | 0 | 0 | 0 | 0 |
| Strip Mall | 1 | 127 | 1 | 65.2 | 3 | 83.1 |
| Warehouse | 150 | 18,900 | 35 | 2,600 | 227 | 7,150 |

2. Performance Metrics

The CalBPS model ordinance establishes annual energy benchmarking as the foundation for setting and tracking building performance targets. Under the model ordinance, covered buildings between 20,000 and 50,000 square feet are required to report annual energy-use data through ENERGY STAR Portfolio Manager or a comparable no-cost platform. Benchmarking data enables jurisdictions and property owners to establish baselines, track progress over time, and support transparent, data-driven compliance. To ensure accuracy and data integrity, the model ordinance recommends periodic third-party verification—typically every five years—along with audit authority and recordkeeping requirements. Third-party verification would cost on average $1,500 and audits on average $3,500 to $5,700 with specific costs depending on the building's size and type. However, staff does not recommend requiring third-party verification in the benchmarking phase of BPS.

The ordinance uses two complementary performance metrics: Greenhouse Gas Emissions Intensity (GHGI) and Site Energy Use Intensity (Site EUI). GHGI measures annual GHG emissions per square foot and directly supports decarbonization and electrification goals, while Site EUI measures total energy consumption per square foot and promotes overall energy efficiency. Targets are differentiated by building type to account for varying operational characteristics and to focus attention on the most energy-intensive buildings.

A BPS could also include water as a metric, similar to City of San Jose's Beyond Benchmarking program. San Jose uses Water Use Intensity[19] and US EPA Water Score[20] for

[18] https://explorer.localenergycodes.com/jurisdiction/hayward-city/building-estimates?only_building_type=non-residental-buildings
[19] https://www.sanjoseca.gov/home/showpublisheddocument/126902/638997663849430000
[20] https://www.epa.gov/watersense/water-score-multifamily-housing

multi-family units as metrics. Water Use Intensity measures water consumed per square foot of a building per year and US EPA Water Score is a 1–100 rating generated by ENERGY STAR Portfolio Manager, comparing a building's water use to similar properties nationwide.

3. Targets and Compliance Cycles

The model ordinance includes a phased compliance structure that balances predictability for property owners with steady emissions reductions over time. An initial pre-performance period—typically the first five years after adoption—requires benchmarking and reporting but does not impose performance targets. The first phase allows owners to understand their buildings' energy and emissions profiles, plan upgrades, and align improvements with capital cycles. Jurisdictions may further phase requirements for certain building types or ownership structures to account for operational or financial constraints.

After the pre-performance period, interim performance targets are introduced at regular five-year milestones and enforced annually. Targets are established through rulemaking and are based on building type and normalization factors. Each building follows a trajectory-based approach, requiring incremental reductions from baseline performance toward a final target of net-zero emissions by 2050, or another year set by the jurisdiction. Buildings must demonstrate compliance with both GHGI and Site EUI targets and maintain performance once achieved, promoting long-term accountability while preserving flexibility in how reductions are met.

4. Compliance Pathways

Recognizing wide variation in building age, condition, and financial structure, the model ordinance allows flexible compliance pathways. In addition to direct performance compliance, jurisdictions may permit alternative compliance plans that outline a customized sequence of improvements over time, subject to City approval. These may include phased electrification strategies, comprehensive energy management plans, or participation in approved retrofit or incentive programs, provided they achieve equivalent or greater emissions reductions.

Special consideration is recommended for affordable housing and other constrained properties. Other jurisdictions have simplified requirements, extended timelines, offered tailored action plans, and prioritized technical assistance and funding for these buildings. Pairing BPS implementation with utility rebates, state incentives, and financing options can further reduce cost burdens and support equitable participation.

5. Enforcement

The enforcement framework in the model ordinance is designed to prioritize compliance through transparency, education, and technical assistance before penalties are applied. Initial enforcement efforts focus on ensuring accurate benchmarking and reporting, which establishes the data foundation needed for effective implementation. Peer jurisdictions have found that providing clear guidance, proactive outreach, and early support significantly improves compliance rates and reduces the need for enforcement actions.

When penalties are assessed, they are structured to be proportional, predictable, and directly tied to performance shortfalls. Linking non-compliance fees to excess emissions or

energy use reinforces the ordinance's environmental objectives while encouraging timely corrective action. To further support compliance, the model ordinance typically includes grace periods, warning notices, and cure provisions that allow building owners an opportunity to resolve issues before fines are imposed. Consistent with equity principles, the model ordinance recommends that revenues generated through enforcement be reinvested into technical assistance, audits, incentives, and targeted support for affordable housing and disadvantaged communities, ensuring enforcement strengthens—rather than undermines—equitable outcomes.

6. Exemptions

Exemptions in the model ordinance address legitimate hardships while preserving the overall effectiveness of the policy. Permanent exemptions are limited to building types where performance standards would be infeasible or inconsistent with public interest objectives, such as state- and federally owned buildings, manufacturing and industrial facilities, and scientific laboratories requiring controlled environments; some jurisdictions also exempt residential condominiums and co-ops due to ownership structure, all-electric buildings due to low emissions, smaller multi-family buildings not sub metered for water, or universities and colleges whose capital improvement timelines do not align with local compliance schedules. Buildings that do not qualify for permanent exemptions may still be eligible for temporary exemptions based on defined circumstances, such as having an approved demolition permit, experiencing financial distress or hardship, or having less than 50 percent occupancy in the prior year, as seen in Santa Monica's approach. Temporary exemptions are granted on a case-by-case basis and require annual renewal with updated documentation, ensuring flexibility without creating permanent exclusions from compliance.

**Seeking Committee Member Feedback**

Staff is seeking feedback on two options for next steps:

1) Continue to actively explore a Hayward-specific ordinance for buildings with 20,000 square feet or more. This would include:

   - Conduct significant outreach to building owners and business associations regarding the first phase of a possible BPS program
   - Explore implementation of a first phase that would require benchmarking only for at least five years.
   - Consider benchmarking metrics including GHGI, Site EUI, Water Use Intensity, and US EPA Water Score.
   - After at least five years of collection of benchmarking data, evaluate expansion of the ordinance to include performance targets.

2) Alternatively, the City could wait for the State's Building Energy Performance Strategy to be released and revisit local action in the fall of 2026.

**ECONOMIC IMPACTS**

Tracking and reporting utility usage may be a new activity for property owners and managers, which takes time to set up. Benchmarking, in particular, takes at least a few hours to do for each building each year, though property owners may find it harder to report energy and water usage when there is more than one tenant in the building or if tenants are non-responsive. If the Committee wants staff to actively pursue a local ordinance, staff will engage with stakeholders to better understand this impact.

Although some buildings may face short-term costs related to benchmarking, reporting, or upgrades, these can be offset by long-term utility savings, available incentives, and reduced future compliance risk. A BPS program, paired with efforts by building management to improve efficiency, can lower operating costs for building owners over time, improve asset value, and support local clean energy and construction jobs. By promoting incremental improvements in energy efficiency and emissions performance, BPS policies help property owners better manage energy expenses, reduce exposure to fuel price volatility, and plan capital investments more strategically. At the same time, BPS programs stimulate local economic activity by increasing demand for skilled labor in energy auditing, electrification, HVAC installation, and building retrofits, helping build a workforce aligned with California's clean energy transition while improving tenant comfort and overall building resilience. For case studies evaluating the cost-effectiveness of building retrofits, see Attachment II.

**STRATEGIC ROADMAP**

This agenda item does not relate to a specific project in the Strategic Roadmap, but supports the Strategic Priority to *Champion Climate Resilience & Environmental Justice*.

**SUSTAINABILITY FEATURES**

Building Performance Standards support long-term reductions in greenhouse gas emissions, improved indoor air quality, and lower energy consumption, directly advancing the City's climate and sustainability goals.

**PUBLIC CONTACT**

Staff spoke with cities with a BPS or benchmarking ordinance such as San Francisco, San Jose, Berkeley, Brisbane, San Diego, and Portland to learn about their experiences and resources. Staff also had discussions about benchmarking and BPS with property owner Prologis, affordable housing property developer/operator Eden Housing, and non-profit San Joaquin Valley Clean Energy Organization. Some key takeaways from these conversations include:

- Building owners expressed a desire to see standardized requirements across jurisdictions as well as flexibility with meeting compliance targets.
- Benchmarking takes on average about 5 hours per building the first year of reporting and one hour or less per building in subsequent years.
- Building owners agree that 3 to 5 years of benchmarking data is needed for developing performance targets.

- Building owners appreciate technical assistance from cities during reporting seasons.

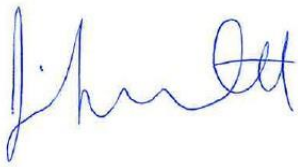
**NEXT STEPS**

If the Committee provides feedback to continue to pursue a Hayward-specific ordinance, staff will further investigate what a BPS policy could look like for Hayward and conduct significant outreach to building owners and business associations regarding the first phase of a possible BPS program.

*Prepared by:* Mireille Vargas, Sustainability Specialist
Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

## Case Studies of BPS Retrofits

An important consideration for Building Performance Standards is cost-effectiveness for property owners over time. While BPS require investments in energy efficiency measures, electrification, and ongoing reporting, experience from jurisdictions with similar policies and supporting case studies indicate that proactive performance improvements can yield net economic benefits over the life of a building. Benchmarking and energy modeling platforms enable owners to identify the most cost-effective opportunities for reducing energy use or emissions, allowing improvements to be prioritized based on return on investment.

Santa Ana, CA: Linc Housing - City Gardens Apartments[1]

LINC Housing, the nonprofit owner of the City Gardens Apartments in Santa Ana, undertook a comprehensive energy and water efficiency retrofit for the 274-unit and 290,000 square feet affordable housing property that was originally constructed in 1969, leveraging a Fannie Mae Green Refinance Plus loan and utility incentives to finance the work. The retrofit cost $715,000 and included lighting upgrades, solar domestic hot water, variable-speed pool pumps, occupancy sensors, weatherization, low-flow fixtures, and other measures identified through a Green Physical Needs Assessment, with much of the cost covered by rebates and financing tied to projected utility savings. As a result of these improvements, LINC has significantly reduced operating costs and utility consumption, with residents seeing about 11 % ($22,876) annual average savings on electricity use and lower energy and water expenses—benefits that enhance the property's long-term financial viability and reduce energy burden for both the owner and residents.

Carson, CA: California State University Dominguez Hills - James L. Welch Hall[2]
James L. Welch Hall is a four-story, approximately 183,000 square-foot office building on the California State University Dominguez Hills campus in Carson, California. Originally constructed in 2001, the building houses administrative offices, classrooms, and key campus operations. The university retrofitted the administrative building in 2020 by replacing 2,000 lighting fixtures and over 400 windows within two months. The retrofit project was part of the Integrated Technologies for Energy-Efficient Retrofits (INTER) research under the Leading in Los Angeles (LiLA) initiative, with the goal of reducing energy use by at least 20 % while improving occupant comfort and modernizing building systems.

The retrofit integrated advanced LED lighting with wireless luminaire-level lighting controls (LLLC), automated photovoltaic-powered window shading systems, and light HVAC retro-commissioning to optimize existing equipment. These technologies were selected to harvest daylight, reduce electric lighting loads, and coordinate with HVAC systems. The overall installed retrofit measures cost about $11 per square foot of building

[1] https://betterbuildingssolutioncenter.energy.gov/showcase-projects/linc-housing-city-gardens-apartments
[2] https://filesnewbuilding.s3.amazonaws.com/wp-content/uploads/2021/05/Retrofit-Tech-Case-Study_CSU_FINALv5.pdf

area—this includes the lighting and controls, automated shades, and commissioning adjustments.

Post-retrofit monitoring showed significant energy performance improvements. Whole-building energy use dropped by approximately 26%, with 35% savings in lighting energy and 29% savings in HVAC energy compared to pre-retrofit consumption. These reductions translate into reduced operating costs for the owner and a modernization of the facility that decreases maintenance (e.g., longer-lasting LED lamps) and enhances occupant comfort and satisfaction through personalized lighting and better daylighting control. The retrofit was funded through research and incentive programs including the CEC EPIC program and Southern California Edison partnerships, which helped support the technology demonstration and installation.

Santa Ana, CA: Santa Ana City Hall[3]

The retrofit project took place at Santa Ana City Hall Tower, an eight-story, approximately 127,000 square-foot office building located at 20 Civic Center Plaza in Santa Ana, California, originally built in 1972 and housing City administrative departments. It was selected as a field demonstration site under the Leading in Los Angeles (LiLA) research project to test an integrated set of energy efficiency technologies with the objective of reducing whole-building energy use by 20% and improving occupant comfort. The project was led by the New Buildings Institute (NBI) with support from the California Energy Commission's Electric Program Investment Charge (EPIC) and Southern California Edison.

The integrated retrofit included upgrading nearly all of the building's 2,422 lighting fixtures to high-efficiency LEDs paired with Daintree wireless lighting controls and installing automated daylight-harvesting window shades (with photovoltaic-powered motors on most windows). It also incorporated minor HVAC retro-commissioning to optimize existing systems and better integrate operations with the new lighting and shading controls. Typical installed costs for a retrofit package like this—including lighting, controls, automated shades, and HVAC commissioning—are estimated at roughly $14 per square foot.

Post-retrofit monitoring demonstrated meaningful energy performance improvements. Santa Ana City Hall achieved about 42% lighting energy savings, contributing to an overall 15–19% reduction in site energy use compared to pre-retrofit levels; HVAC energy use dropped by around 6%. When including unmetered energy uses like steam, the project team estimates it likely met or exceeded the 20% whole-building savings target. These energy reductions translated into lower operating costs for the City and reduced maintenance demands (e.g., longer-life LEDs and modern controls), as well as enhanced occupant comfort through better daylighting, glare control, and localized lighting control.

[3] https://filesnewbuilding.s3.amazonaws.com/wp-content/uploads/2021/05/Retrofit-Tech-Case-Study_Santa-Ana_FINALv3.pdf

Santa Clara County: Santa Clara Valley Water District High-Efficiency Toilet Retrofit Project[4]

The SCVWD implemented a large-scale retrofit program between 2007 and 2011 that focused on replacing aging, high-volume toilets in 80 multifamily residential and non-residential properties across Santa Clara County. In total, 4,954 toilets rated at 3.5 or 5.0 gallons per flush (gpf) were replaced with WaterSense-certified High-Efficiency Toilets (HETs) flushing at 1.28 gpf or less, primarily dual-flush gravity-fed models. The participating properties included 44 multifamily residential sites and 36 commercial properties, such as offices, medical facilities, and hospitality uses. The retrofit work was carried out by licensed plumbers under a direct-install program administered by SCVWD, meaning property owners did not bear the upfront capital costs of purchasing or installing the new fixtures however Santa Clara Valley Water did spend on average $135 - $269 per toilet.

Measured water savings were substantial. Across all properties, the program achieved average savings of approximately 38 gallons per toilet per day, driven by both reduced flush volumes and the elimination of leakage common in older fixtures. Multifamily residential properties showed especially strong results, reflecting the high usage rates and poor condition of many pre-1990 toilets. Non-residential properties—including offices and hospitality buildings—also realized meaningful water reductions. These savings translated directly into immediate savings on water and wastewater utility bills, with a savings of $195 - $489 cost per acre-foot conserved creating ongoing operational cost reductions for property owners without requiring behavioral changes from occupants. Beyond water bill savings, property owners benefited from reduced maintenance needs, as new HETs eliminated chronic leaks and frequent repairs associated with aging toilets. The program also improved fixture reliability and user satisfaction.

Conclusion

In many cases, energy savings achieved through performance improvements offset initial upgrade costs over time, particularly when combined with utility rebates, state and federal incentives, and financing tools such as on-bill financing or low-interest loans. Phased compliance schedules and flexible pathways further reduce financial risk by allowing owners to spread investments across multiple years while maintaining compliance. Property owners who use benchmarking data to plan and sequence improvements—such as implementing efficiency upgrades first, followed by electrification when systems reach end-of-life—can minimize upfront costs while achieving sustained performance gains.

Overall, BPS policies are structured to encourage smart, data-driven investment rather than immediate or costly retrofits, supporting both economic feasibility for property owners and long-term emissions reduction goals for the community.

[4] https://map-testing.com/wp-content/uploads/2022/11/2012-october-scvwd-cuwcc-final-report.pdf

USGBC CA

U.S. GREEN BUILDING COUNCIL CALIFORNIA

# California Building Performance Standards Peer Learning Collaborative (CalBPS PLC)

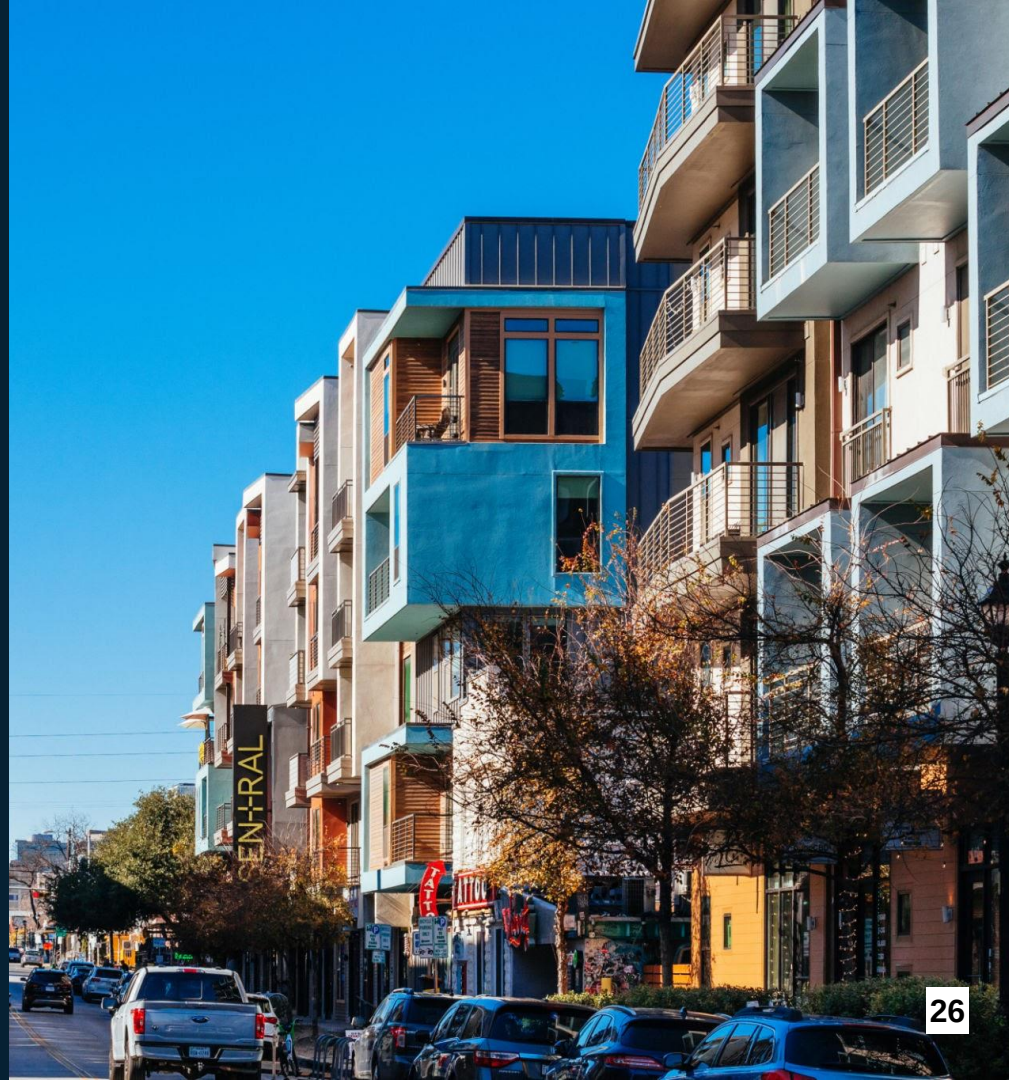
## Model Ordinance: Draft #1 Overview

December 2025

# OUTLINE

- Introduction to Building Performance Standards
- Background on the model ordinance
- The Model Ordinance, Explained:
  - Covered Buildings
  - Benchmarking & Disclosure
  - Final and Interim Performance Standards
  - Temporary Exemptions & Flexibility Options
  - Individual Trajectory Option
  - Short-Term Extensions
  - Custom Compliance Pathways, Affordable Housing, and Portfolios
  - Alternative Compliance Payments and Non-Compliance Penalties
  - Building Performance Fund
  - Condos & Co-ops
  - Policy Implementation Phases (Example)

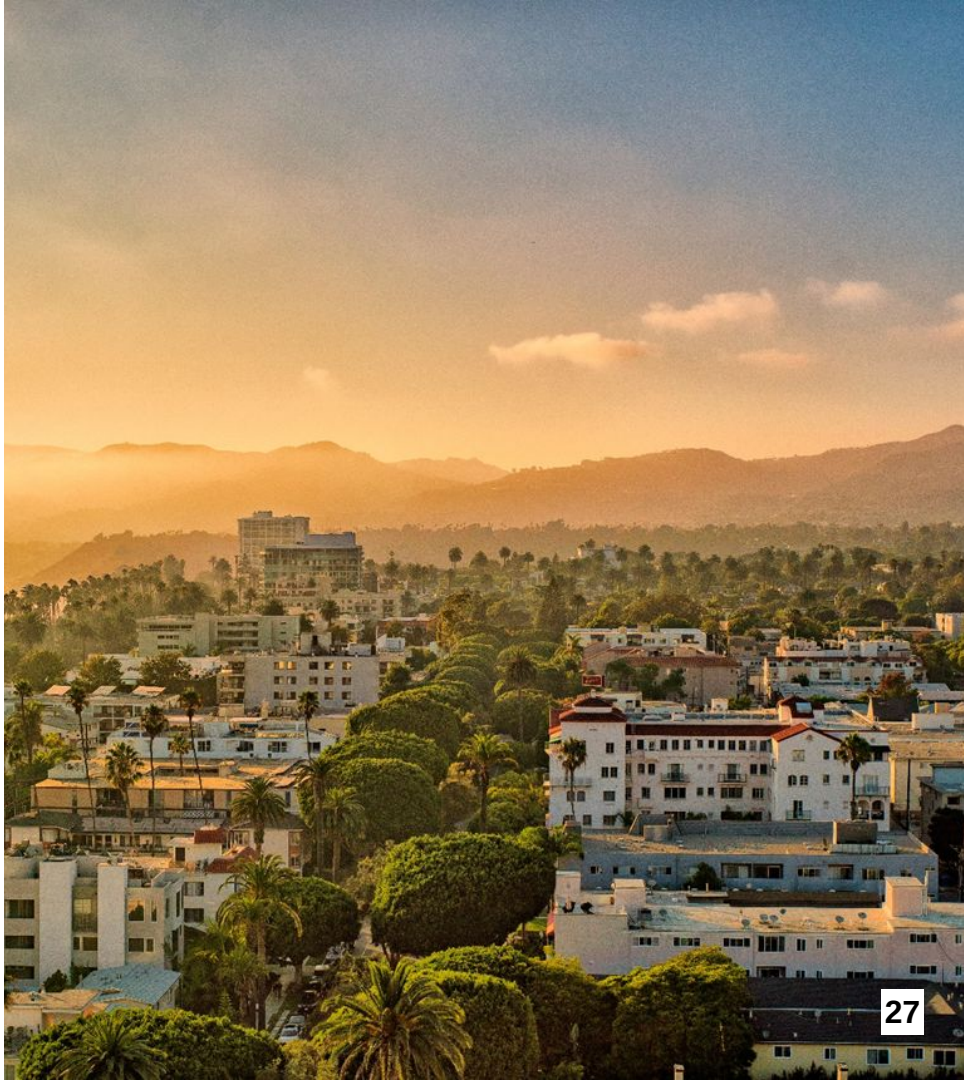
# Introduction to Building Performance Standards



# Building Performance Standards (BPS)

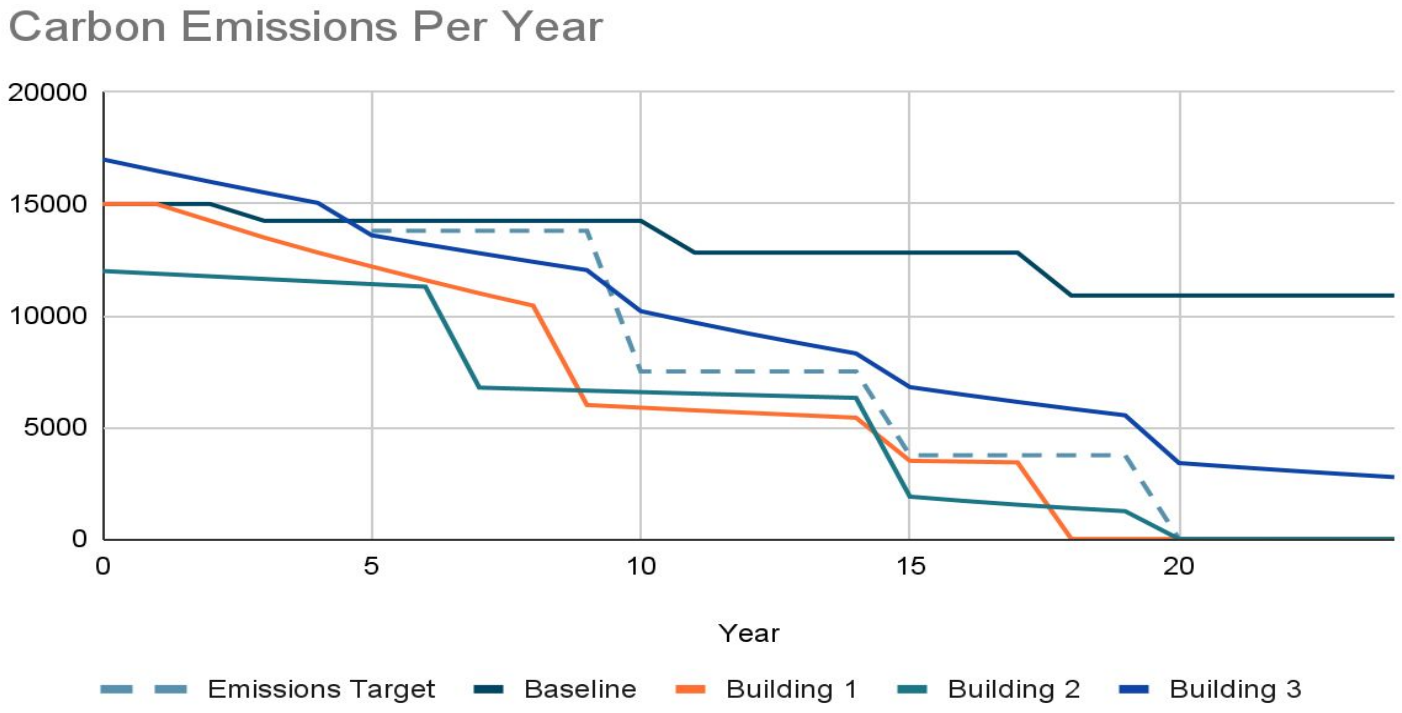
Building Performance Standards are policies that require existing large buildings (~20k+ sq. ft.) to reduce their energy usage and/or GHG emissions over time (15+ years).

They combine the clarity of long-term targets with flexible compliance pathways, making them one of the most cost-effective ways to meet our climate goals.

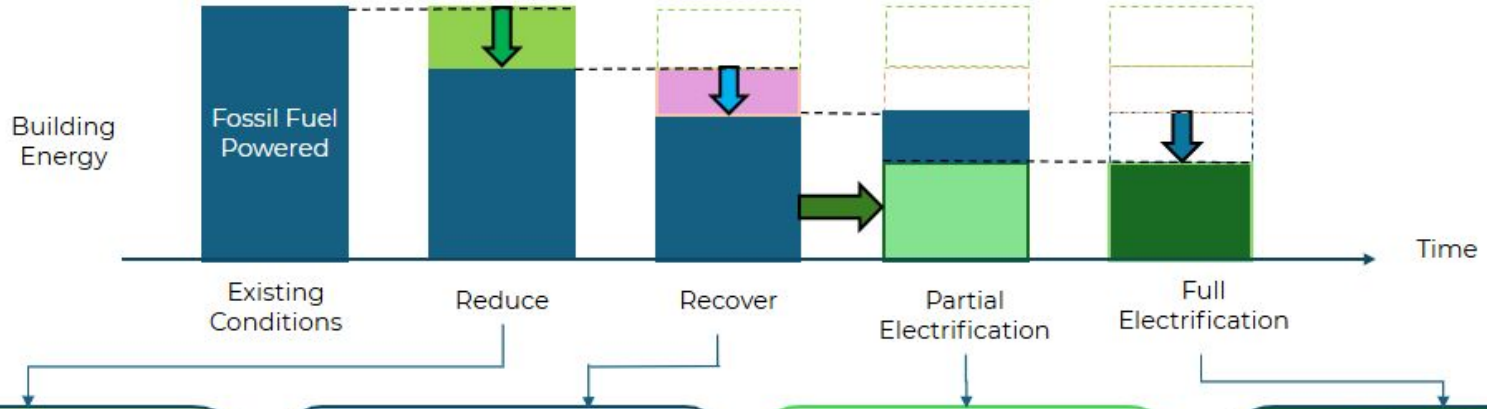


# Comparing Decarbonization Scenarios

Under a BPS, property owners plan for initial, interim, and final emission targets and develop a plan for decarbonization (as an alternative to a baseline status quo) that takes into account their building's specific physical and financial situation.



# Applying Resource Efficient Decarbonization




### Reduce Energy Load

- Building Envelope Improvements
- Control Optimization
- Ventilation Improvements
- Dedicated Outside Air System
- Hydronic Distribution
- Lower Heating Supply Temp.
- Terminal Units Replacement

### Recover Wasted Heat

- Waterside Heat Recovery
- Airside Heat Recovery
- Wastewater Heat Recovery
- Thermal Energy Networks

### Partial Electrification

Replace fossil fuel inputs and prioritize the techno-economic portion of load

- Air Source Heat Pumps
- Water Source Heat Pumps
- Geothermal
- Thermal Layering

### Full Electrification

In-time, replace or remove the remaining peak load equipment

- Heat Pumps
- Thermal Storage
- District Thermal Network
- Grid-interactivity

Slide credit: NYSERDA

# Model BPS Ordinance Background

# Peer Learning Collaborative

The California BPS Peer Learning Collaborative (CalBPS PLC) was launched in 2024 to bring together cities and counties considering BPS policies or simply interested in learning more about them, and other stakeholders.

Approximately 20 members of the PLC met separately starting in July 2025 to develop a model BPS ordinance for local California jurisdictions.

Photo by Tyrel Johnson on Unsplash

# Model Ordinance Background & Overview

The CalBPS model BPS ordinance is based on IMT's model BPS ordinance, which was released in 2021, and incorporates experience gained from jurisdictions across the country that have adopted BPS policies and the priorities of California jurisdictions that participated in its development.

This model ordinance has two parts:
(1) Annual benchmarking requirements starting in year 1, and
(2) performance targets that increase in stringency and are enforced every year after an initial benchmarking-only period.

This model ordinance currently exists only as a slide presentation explaining the key features. Ordinance language is planned for Draft #2.

# Model Ordinance Goals

1. Create a common base for an effective policy that works for California jurisdictions with lots of large buildings and those with mostly smaller buildings.
2. Set realistic short-term targets while maintaining long-term ambition to reduce buildings' contribution to climate change.
3. Keep in mind equity & affordability for building owners, including owners of vintage buildings.
4. Build in flexible compliance mechanisms to reward good-faith efforts.
5. Reduce jurisdictions' implementation costs and building owners' administrative burden.
6. Align with other jurisdictions and the state.
7. Align with best practices to avoid thorny implementation challenges.

# Model Ordinance Timeline

1. Model Ordinance - Draft #1 Development
   *July - December: BPS model ordinance development work*

2. Share & Collect Feedback
   ***Mid December: Release draft to PLC and other stakeholders***
   *December/January: CEC's draft report to be released*
   *February: IMT Alternative Compliance Pathways report expected*

3. Model Ordinance - Draft #2 Development
   *February - May: Review stakeholder feedback, consider compatibility with draft state strategy and IMT ACP proposal, and develop Draft #2*

# Share Feedback & Learn More

Your comments, questions, or suggestions regarding this draft of the model ordinance are incredibly valuable as we move into phase two of the project.

Please use this form to submit feedback: https://form.jotform.com/usgbcca/bps-model-ordinance-feedback

# The CalBPS Model Ordinance, Explained

# Some Definitions

**MILESTONE YEAR** means the year for which an interim or final performance standard is first effective for covered properties of any size or property type.

**MILESTONE PERIOD** refers to the years in which the interim or final performance standard is in effect.

**CALENDAR YEAR DATA**: Benchmarking and performance against targets are based on data from January 1 to December 31 of the prior year.

**REPORTING SEASON** refers to the year or time period for benchmarking the prior year's CALENDAR YEAR DATA. For example, if the reporting deadline is June 1, 2026 CALENDAR YEAR DATA should be submitted between January 1, 2027 and June 1, 2027, during the 2027 REPORTING SEASON.

**PROPERTY OWNER** means the individual or entity responsible for ensuring compliance with benchmarking and building performance standards for the property. In general, "Property" is used rather than "Building" because some covered properties include multiple structures that share a single meter.

# Covered Properties

The BPS policy is meant to apply to large properties that make up a disproportionate portion of the jurisdiction's greenhouse gas emissions and have the ability to reduce emissions by electrification of core building systems, such as space heating and water heating. These properties typically have the conditions in place to plan around (and benefit from) the long-term targets offered by BPS. The local BPS policy should include all properties covered by California's AB 802 benchmarking requirements, with a lower size threshold and potentially other expansions.

Covered Buildings

- The Benchmarking and Building Performance Standards policy will cover properties with [20,000] $ft^2$ or more of gross floor area as defined for AB 802. Exceptions include:
  - Buildings owned by state & federal governments, manufacturing/industrial buildings, and scientific labs requiring a controlled environment.
  - Residential condos and co-ops, at the discretion of the jurisdiction.
- Campuses: For the purposes of this ordinance, contiguous or adjoining properties with multiple buildings and a shared owner can be considered one property for performance target compliance.
- Portfolios: Non-contiguous properties with multiple buildings and single ownership can request to be combined for performance target compliance. This is covered in more detail later on.
- A covered properties list will be maintained by the jurisdiction.
- Certain properties can be granted temporary exemptions. This is covered in more detail later on.

# Benchmarking and Disclosure

Benchmarking means to input and submit the total energy consumption and related metrics for a property for the previous calendar year. Benchmarking is a foundational element of Building Performance Standards. The covered properties list, along with the compliance status and key metrics for each property, will be made public by the jurisdiction starting in the second year of the policy.

Metrics, Benchmarking, Disclosure and Third-Party Verification

1. Covered properties will need to report (benchmark) annually by [June 1] property type and use information, water and energy consumption data, and related metrics (as defined by the jurisdiction) using ENERGY STAR Performance Manager (or other benchmarking tool approved by the jurisdiction).
2. Compliance status and performance data will be made public by the jurisdiction.
3. Third party verification of benchmarking data is required during the first Reporting Season and for Calendar Year Data of all Milestone Years (the year a new performance target goes into effect).
4. Third party verification is also required for the Calendar Year Data following any year in which the building fails to meet its performance targets.
5. The Jurisdiction has the right to audit benchmarking data.
6. Benchmarking granularity: Properties with multiple buildings and a shared meter should report performance as a single property. Otherwise, buildings should be benchmarked individually. Properties considered campuses or portfolios for performance-compliance purposes should still benchmark each building (or set of buildings) with its own meters individually.

# Final Performance Targets

The ordinance is designed to encourage efficient electrification by requiring properties to eliminate greenhouse gas emissions produced on the property and to achieve a reasonable level of energy efficiency.

Greenhouse gas emissions produced during grid-side electricity generation are not considered, in part because California already has policy in place to shift 100% of electricity to clean sources. Site-based metrics were also chosen because they are more within the building owner's control.

Final Performance Targets

- Covered properties will need to demonstrate compliance with final targets (to be set at the Property Type level by the jurisdiction during rulemaking) by [2045] and every year after for the following metrics:
  - Onsite and District Thermal Energy Greenhouse Gas Intensity (Onsite GHGI)
  - kBTU per $ft^2$ for Normalized Site Energy Use Intensity (Site EUI).
- Both metrics to be required, with final Onsite GHGI set at or close to 0 based on feasibility by Property Type and Site EUI to be set at a relatively higher level, with the goal of improving efficiency in the most wasteful buildings and disincentivizing inefficient electrification, rather than requiring high efficiency.
- Properties may use an individual GHGI factor for District Thermal Energy if available, otherwise a default identified by the jurisdiction.
- Mixed-use properties will use blended targets based proportionally on property type by GFA.

# Interim Performance Targets

For the first five years of the policy, building owners will not be required to hit a performance target. For some building types, this pre-performance target period will be longer, as the jurisdiction phases targets in for all buildings. This is meant to give building owners time to plan and undertake actions to reduce emissions / improve efficiency.

After this initial pre-performance target period, interim performance targets will kick in. The first "milestone year" is the first year that a property's performance will be compared to interim targets. These targets will be enforced every year moving forward. The first interim targets will be designed to be relatively easy to achieve, and increase in stringency over time on a five year cycle toward the final targets.

Interim Performance Targets

1. Interim targets for both metrics will be set for all milestone years (the year a new target goes into effect) during rulemaking using a fixed-limit approach, and made publicly available within one year of adoption.
2. Interim targets will be based on the property type and normalization factors. The interim targets will be designed to increase in stringency toward the final targets.
3. Milestone years will start at least [5] years after passage of the Building Performance Standards law and be set [5] years apart. Properties may be grouped into tiers with different milestone years by property size and/or type. (See Illustration of Phased Implementation example on slide 30.)
4. Continuous Enforcement. Beginning with the first milestone year, calendar year data (as reported during the following year's reporting season) must show compliance with interim performance targets. (Properties in compliance must not backslide out of compliance in following years.)

Note that property owners may apply for an alternative compliance option, as described in later slides.

# Temporary Exemptions & Other Flexibility

The Interim Performance Targets described in the previous slide represent the standard compliance pathway. There are many circumstances that may make the standard compliance pathway a bad fit for certain properties. In acknowledgment of this reality and in order to reward property owners who make a good faith effort to meet the requirements of this policy, a number of temporary exemptions, time extensions, and target modification options are available.

This flexibility must be balanced with administrative burden for the jurisdiction enforcing the policy. IMT is in the process of proposing a more consistent Alternative Compliance Pathways framework, so the elements explained over the next few slides are likely to shift based on that report (planned for release in early 2026).

Temporary Exemptions

Properties facing financial distress or hardship, currently slated for demolition, or with less than 50% occupancy in the prior year can be granted a temporary exemption from meeting performance standards. Must be demonstrated annually.

Other Flexibility Options explained in forthcoming slides:

Individual Trajectory Option; Short-Term Extension Option; Long-Term Extension Option for Regulated Affordable Housing; Portfolio Option; Custom Alternative Compliance Option

# Individual Trajectory Option

As an alternative to the interim performance targets for properties that have significant improvements to make, an Individual Trajectory Option is available, which allows them to be compliant based on a [20%] improvement in the relevant metric over a five year period. This option requires significant but more achievable performance improvements for these properties.

This option is dependent on good baseline data, so is only available to properties that are able to provide third-party verified benchmarking for the baseline year. Baselines are described in more detail on the following slide.

Individual Trajectory Option

For either or both performance metrics, properties may be considered compliant if they show a reduction of [20]% from an approved baseline year in the first milestone period. In subsequent cycles,

a. EUI decrease of [20]% over a [five] year period
b. GHGI reduction target will be increased proportionally in each milestone year (e.g. [40]% from original baseline in second milestone).

# Baseline Years

As mentioned, the Individual Trajectory Option is dependent on good baseline data. The default baseline is the first year of benchmarking under the policy. In order to provide flexibility and reward properties that have made improvements prior to adoption of the policy, the property owner has the option to choose their own alternative baseline year within an available range.

Establishing a Baseline

1. Default Baseline: The baseline year will be the first calendar year data of benchmarking under the policy. For example, if the policy is adopted in 2026 and the first benchmarking reporting season is in 2026, the baseline would be 2025. If the first benchmarking reporting season is in 2027, then the default baseline would be 2026.
2. Alternative Baseline: Property owners may choose any year between five years prior to the policy's adoption and the first year of benchmarking under the policy for which a 3rd party has verified the data as their baseline year.
3. If verified benchmarking data is not available, the Individual Trajectory Option will not be available for that property. (Note that third-party verification is required for the first year, so a Baseline should be available to buildings that consistently comply with the policy.)

# Short-Term Extensions

In order to reward good-faith efforts, a short-term extension of interim performance targets of up to two years may be granted at the discretion of the jurisdiction. Examples of circumstances that would merit a short term extension include:

- Retrofit delay due to delayed utility electrical capacity upgrade
- Large system end-of-service replacement planned within two years

The initial five-year period in which no performance targets are required to be met is meant to give property owners time to plan and undertake necessary steps to improve the property's performance to meet the performance targets on schedule. A property owner who has neglected to use this time period to attempt to improve their property's performance should not be granted an extension.

<u>Short-Term Extension Option</u>

1. At the discretion of the Department, a property that demonstrates challenges with compliance despite a good-faith effort may be granted an extension of up to 2 years with the interim performance target.
2. The property must commit to not install any new combustion equipment with over [X kBTU] of annual fuel use during this period.

# Custom Alternative Compliance Plans

One of the main benefits of a BPS policy is that it gives property owners long-term performance targets and many years with which to comply with them, allowing them to build compliance into their planning and financing timelines. Ideally, they can plan ahead in order to have everything in place to replace large polluting systems, such as a central gas boiler, at the end of their expected service life with efficient non-polluting alternatives. This can reduce the incremental cost of building improvements that comply with the BPS policy.

This kind of strategic building decarbonization planning should be encouraged. Because the timelines identified in this process may differ somewhat from the timelines in the BPS, a property owner may propose their own alternative interim targets and timeframe. This compliance pathway can require significant time from the jurisdiction and therefore significant responsibility is also placed on the owner.

<u>Custom Compliance Pathway</u>

1. Custom Alternative Compliance Plan. With approval from the jurisdiction, a custom compliance plan, also known as a Building Performance Action Plan, may be granted.
2. The plan may change interim targets and years but may not change the final performance target or year.
3. Property must submit a decarbonization plan along with their application for this option and report annual progress.

# Longer Extensions for Affordable Housing

Regulated Affordable Housing typically has a 15-year financing cycle which can make it hard to access financing for energy efficiency and electrification retrofits on a shorter timeframe. In order to address this challenge, the model ordinance allows affordable housing owners with this restriction to develop a custom compliance plan that includes performance target delays of up to 15 years.

Because of how long this window is, it is critical that the custom compliance plan application is submitted within the first cycle, and includes proper long-term planning.

Regulated Affordable Housing Compliance Pathway

1. Affordable Housing. For regulated affordable housing properties (to be defined), the custom compliance method explained on the prior slide may be extended to accommodate a refinancing cycle of up to 15 years.
2. Affordable Housing providers making use of this provision must apply for it prior to the first milestone year.
3. The plan may change interim targets and years but may not change the final performance target or year.
4. Property must submit a decarbonization plan along with their application for this option and report annual progress.

# Portfolios

Property owners with multiple covered properties may prefer to centralize planning and compliance. This would allow them to exceed performance in some buildings, while falling short in others, as long as the average performance exceeds the performance targets. This option can be a useful pathway for government, higher education, non-profits, and hospitals. It will also be open to for-profit real estate companies.

In order to avoid exacerbating uneven investment in different areas of the jurisdiction, property owners must apply for a Portfolio compliance pathway. A process must be developed to review these applications, verifying ownership and applying equity guardrails.

Portfolio Compliance Pathway

1. Portfolios. A compliance option that allows for multiple covered properties within a single ownership to be combined for performance target purposes, shall be developed in rule-making. This option shall require approval by a review board and include equity guardrails, to be developed.
2. All buildings with a portfolio must have the same ownership, with identical title of ownership.
3. Within approved portfolios, benchmarking should be done at the building level, except where buildings share a utility meter.

# Alternative Compliance Payments

For any year that the property fails to meet its performance target and is not in compliance with an approved alternative compliance pathway, the owner will need to make an alternative compliance payment. The alternative compliance payment is not considered a penalty. This option is available for interim performance targets because in some cases the purchase of a credit can be preferable to a penalty for property owners, but sunsets once final performance targets start.

The payment can be made by purchasing compliance credits from the jurisdiction. Compliance credits count toward both performance targets, so the cost of credits will be calculated as the maximum of the two targets. If the property owner fails to purchase enough compliance credits to cover their under-performance, they will be assessed a non-compliance fee.

Alternative Compliance Payments

1. Alternative Compliance Payment. A property owner may purchase compliance credits for [100%] of the difference between their performance and the performance target to be calculated as the greater of (A) the social cost of carbon multiplied by the number of tons of CO2e the property exceeded the Onsite GHGI target divided by 5 and (B) [$0.xx / kBTU] multiplied by the property's kBTU over the Site EUI performance target.
2. To provide clarity and predictability for property owners, the social cost of carbon shall be defined by the jurisdiction and include predetermined annual inflation adjustments.
3. The option to use Alternative Compliance Payments will sunset with the start of the Final Milestone Period.
4. Alternative Compliance Payments represent compliance with both performance targets.

# Non-Compliance Payments

In order to incentivize compliance with benchmarking and building performance standards, a penalty will be assessed in the form of a non-compliance fee. For benchmarking, this fee will be assessed daily. The jurisdiction also has the option to place a lien on a property that refuses to provide benchmarking reporting. The jurisdiction should make sure non-compliance fees are within what penalties are allowed under local law. Jurisdictions should also work with property owners to help them comply, allow some leeway with missed deadlines, and forgive non-compliance fees where appropriate.

For performance targets, the non-compliance fee will be based on the extent of the missed target. It will be calculated the same way as the alternative compliance credit.

Non-Compliance Fees

1. Failure to comply with annual benchmarking requirements may result in fines of up to [$X,XXX] per day, and a lien on the property.
2. Non-compliance fees for missing reporting data may be waived if a property owner becomes compliant within [90] days after the deadline.
3. Failure to demonstrate compliance with performance targets (through performance, an approved alternative compliance pathway, or purchase of compliance credits as described on the previous slide) will result in a fine calculated as the greater of (A) the social cost of carbon as defined by the jurisdiction multiplied by the number of tons of CO2e the property exceeded the Onsite GHGI target divided by 5 and (B) [$0.xx / kBTU] multiplied by the property's kBTU over the Site EUI performance target

# Building Performance Fund

To the extent possible, revenue from alternative compliance payments and non-compliance fees should be "recycled" into supporting property owners improve the performance of covered buildings. This will build trust in the policy and provide funding for under-resourced buildings.

The funds can be used for technical support, development of strategic building decarbonization plans, programs to lower the cost of financing, rebates for efficient non-emitting equipment, or other incentives.

Jurisdictions should set a floor for what portion of funds should go to under-resourced properties, which could include regulated and naturally-occurring affordable housing, and location-based definitions of disadvantaged communities (such as CalEnviroScreen).

<u>Alternative Compliance Payments</u>

1. Funds collected from Alternative Compliance Payments and non-compliance fees shall be put into a fund to support compliance by covered properties.
2. This fund can be used to pay for technical support (including staff time where appropriate), rebates or other programs to support compliance of covered properties, at the discretion of the Department.
3. At least [50%] of this fund shall go to under-resourced properties, to be defined.

# Condos & Co-Ops

Condominiums and Cooperatives are challenging due to their ownership structure. The state of California excludes condos from benchmarking requirements, and many jurisdictions are likely to decide to exclude condos from their BPS policies. However, in some jurisdictions, large condominiums are common and make up a high proportion of emissions from the jurisdiction's buildings. For these jurisdictions, we have included the option within the model ordinance to include these buildings.

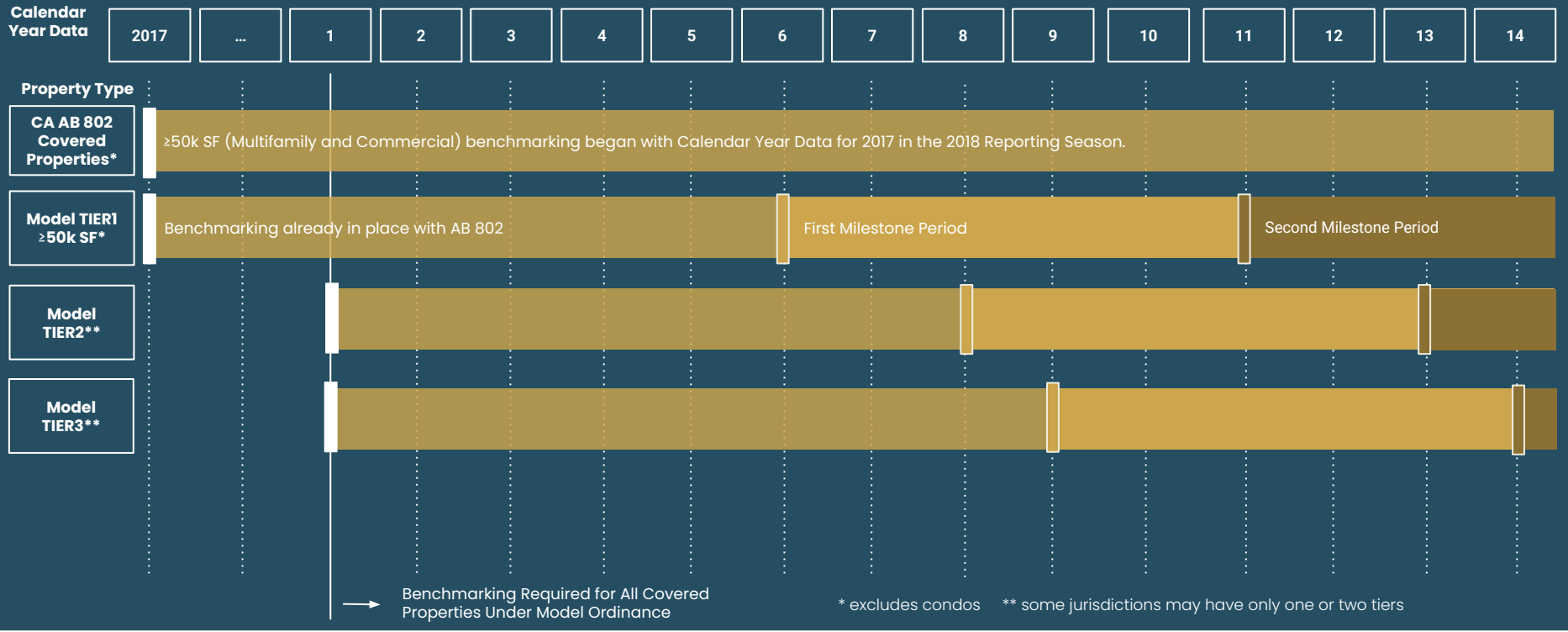
To reduce administrative burden, it is recommended to set a higher square footage threshold for these buildings. Jurisdictions may also want to allow these properties more time to comply and/or set different performance targets.

For simplicity, both condos and the less common co-ops are grouped together here.

(Optional) Covered Buildings: Condos and Co-Ops

1. The Benchmarking and Building Performance Standards policy will cover residential condominiums and cooperatives with [50,000] $ft^2$ or more of gross floor area as defined for AB 802.
2. Condo Properties without either centralized HVAC or water heating are excluded from the policy.

# Illustration of Phased Implementation



# Share Feedback & Learn More

Your comments, questions, or suggestions regarding this draft of the model ordinance are incredibly valuable as we move into phase two of the project.

Please use this form to submit feedback: https://form.jotform.com/usgbcca/bps-model-ordinance-feedback

**File #:** ACT 26-009

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Proposed Updates to Requirements for Trash Enclosures and Recycling of Construction and Demolition Debris

**RECOMMENDATION**

That the Council Sustainability Committee (CSC) reviews this report and provides a recommendation to the City Council to adopt ordinances amending the municipal code to:

1. establish new trash enclosure design requirements; and
2. increase the penalty for failure to properly recycle construction and demolition debris.

**SUMMARY**

This report makes recommendations to update two processes that are part of the City's Solid Waste program. First, City staff review building permits to ensure solid waste is managed properly and stormwater is protected from pollutants. The City's building permit review process does not include a formal threshold for determining when projects should be required to construct new trash enclosures or when to upgrade existing trash enclosures. Staff recommends establishing new enclosure design requirements as outlined in this report. A codified threshold and design can make the City's review process more predictable for builders and developers and result in more consistent application of existing solid waste management policies. A City code that specifies when a trash enclosure is required as well as the design of the enclosure can streamline building permit applications and ensure proper management of solid waste.

Secondly, City staff review permits to ensure applicants following requirements to appropriately recycle construction and demolition (C&D) debris per the City's ordinance. The City's current penalty for not following requirements is an administrative citation with a $100 fine. Staff has found this penalty amount does not deter developers from ignoring the requirements. Staff recommends adjusting the fine to allow up to $1,000 in penalties.

**ATTACHMENTS**

Attachment I Staff Report

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT** Proposed Updates to Requirements for Trash Enclosures and Recycling of Construction and Demolition Debris

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## FISCAL IMPACT

This agenda item will have no negative impact on the General Fund or Measure C.

Depending on the number of infractions and fines issued, this item could have a positive impact on the General Fund. It should have no impact on Recycling Funds.

**BACKGROUND**

The City's building permit application process includes a review process for Solid Waste staff to ensure applications have plans for proper management of solid waste. Depending on the type of project, the applicant may be required to construct a trash enclosure or to upgrade an existing enclosure to hold the site's containers for trash, recycling, and organics. Trash enclosures protect the environment, increase public safety, and improve the aesthetics of a site. Trash enclosures protect the environment by minimizing litter and limiting the effects of spilled liquids. Storing solid waste containers in an enclosed area decreases the risk of material dropped outside the containers being blown by wind into surrounding properties. Trash enclosures improve safety by ensuring large bins with wheels do not roll uncontrolled around properties where they can strike vehicles or pedestrians. Enclosures also reduce the opportunity for scavengers to create litter or suffer injuries while rummaging through bins. Trash enclosures improve aesthetics by keeping containers out-of-sight. Hayward municipal codes Section 5-1.15[1] and Section 5-1.16[2] state that bins must be placed "out of view from the street" when not set out for service. In addition, the City's Zoning Ordinance requires trash and recycling facilities to "be adequately screened from view, utilizing a decorative wood or masonry wall or combination thereof compatible with the design of the primary building on the site".

The City currently requires trash enclosures for all new buildings. The method for determining when a trash enclosure is required for an existing building entails staff reviewing each permit on a case-by-case basis and following an informal policy based on the type of project, valuation of the project, and activity planned on the property. Solid waste and stormwater requirements are included as conditions of approval on each planning permit. Applicants who need to construct a trash enclosure must follow the City's enclosure design guidelines. These guidelines have been vetted by the City's waste haulers, but have not been significantly updated for about two decades.

Over the past 15 years, stormwater and solid waste regulations in California have become more stringent. For example, solid waste laws now require organics collection for all businesses and stormwater regulations now require jurisdictions to keep 100% of litter out of waterways. These regulations have resulted in an increase in the frequency of staff requiring existing enclosures to be upgraded to allow for more capacity and to improve an enclosure's ability to reduce litter. The combination of more stringent state and regional regulations and lack of a City ordinance threshold for enclosure requirements can result in inconsistent application of policy. The cost to construct trash enclosures can vary widely and can be up to $50,000 or more. In certain circumstances this can equate to requiring applicants to add up to 66% of the original project valuation to the cost of their project. For example, a project with a valuation of $75,000 and that proposes a new use on the property

[1] https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH5SAHE_ART1SOWAREMAORMAMA_COSOWAREMAORMABUIT_S5-1.15COLOFRPLRESIMIDWUN

[2] https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH5SAHE_ART1SOWAREMAORMAMA_COSOWAREMAORMABUIT_S5-1.16COLOFRPLREMUMIDWPRCOPR

could be required to construct a new trash enclosure that includes installing a drain connected to the sanitary sewer. Such an enclosure can cost up to $50,000.

*Construction and Demolition Debris Recycling* – The City's C&D debris recycling requirements (Chapter 5, Article 10 of the Hayward Municipal Code) were originally adopted in 2001 and updated in 2017. All building permits with a valuation in excess of $75,000 are subject to the City's C&D recycling rules, which require developers to recycle 65% of the overall waste generated as measured by weight. At the end of the project, developers must show weight tags from the facilities to which material was taken to prove the material was recycled. The Code does not specify a fine for not following the rules, however the base fine for a City code infraction is $100.

**DISCUSSION**

Hayward's current informal policy for determining when an existing trash enclosure must be upgraded involves consideration of one or more of the following situations.

Hayward Current Thresholds for Upgrading Existing Trash Enclosures:

- The existing trash enclosure is under-sized or does not meet the City's design guidelines
- The project valuation is $200,000 or more
- The project includes a new building
- The project includes a change of use or a new business opens at an existing site

*Applicability of Requirements for Existing Buildings*
Staff regularly considers the value of a project before requiring improvements to existing trash enclosures so as to not significantly increase the overall cost of a project. Staff recommends formalizing and increasing the threshold for determining when to require upgrades to existing trash enclosures. A higher valuation threshold for requiring improvements to existing trash enclosures would reduce the likelihood of significant project costs increases. Staff recommends increasing the project valuation for requiring improvements to existing projects to $500,000.

In addition, to provide some further protection for applicants, staff recommends including an element in the ordinance that limits the cost of compliance to 10% of the project valuation. These elements of the ordinance can reduce the chances of developers deciding to abandon their Hayward plans and site projects in other jurisdictions rather than adhere to Hayward's solid waste and stormwater conditions of approval and associated project cost increases.

However, a simple percentage limit on the cost of meeting trash enclosure requirements may be difficult to implement. If the cost of full compliance exceeds the 10% threshold, then the enclosure may not be improved. However, partial compliance may be possible within the 10% threshold. For example, it may be that full compliance would require expanding the footprint of an enclosure as well as adding a roof. Partial compliance could include only installing the roof. Certain types of businesses generate waste that has the potential to be more problematic than other waste if not stored in an enclosure. Businesses

that generate grease, oil, or organic material should always store waste in trash enclosures. They are a high priority for needing a trash enclosure and could be excluded from the percentage-based cost limit.

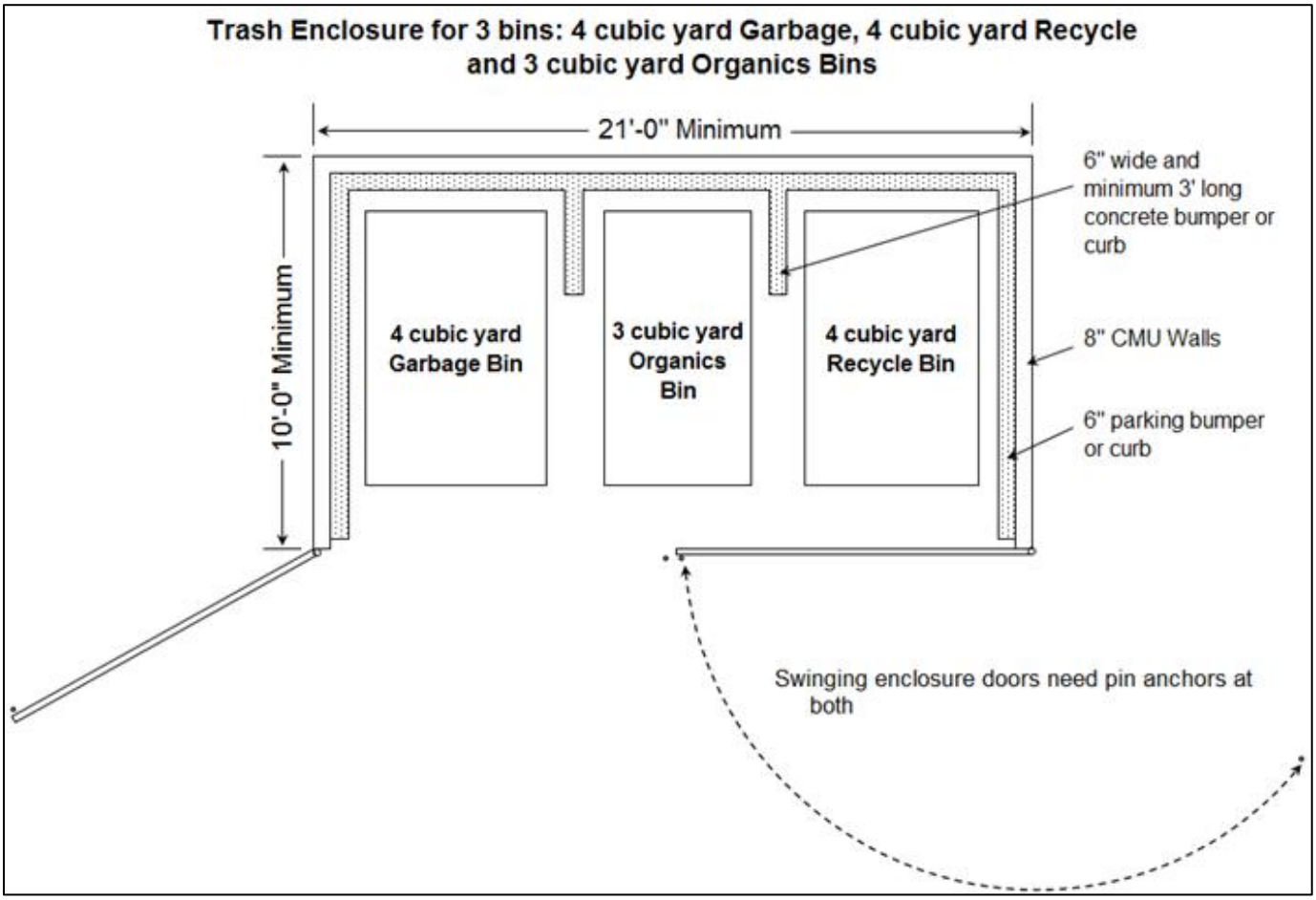
New code language regarding applicability could resemble the following:

> New Non-Residential Buildings: The following trash enclosure design standards shall apply to all new non-residential buildings. This would include, for example, the new Arthur Mac's Big Snack restaurant currently under construction on B Street.
>
> Existing Non-Residential Buildings: The following trash enclosure design standards shall apply to the establishment of a new use in existing non-residential buildings and to alterations and additions to existing non-residential buildings except that new trash enclosures shall only be required when the project valuation exceeds the Project Valuation Threshold. New trash enclosures or improvements to existing trash enclosures shall be required, however, the cost of compliance shall be limited to 20 percent of the project valuation. The 20 percent limit does not apply to businesses generating large amounts of organic waste.

*Types of Containers Covered*

Currently the main focus of Hayward's trash enclosure guidelines entails containing bins with wheels, which are bins that are four cubic yards in volume or smaller, and include the diagram shown in Figure 1. Six and seven cubic-yard bins do not have wheels and have not always been required to be placed in enclosures. However, Waste Management has indicated it can service larger bins that are stored inside trash enclosures. Past recommendations against enclosures for larger bins were based on concerns about damaging enclosures, however, design elements and avoiding overfilling can reduce risk of enclosure damage. In addition to codifying requirements for large bin enclosures, staff is also considering requirements for roofs over roll-off containers and compactors as well as sanitary sewer drain requirements for establishments that use grease, cooking oil and organics-centric businesses such as restaurants.

**Figure 1. Hayward's Current Trash Enclosure Specifications**




*Incorporating Requirements for Trash Enclosures into the Municipal Code*

In response to California's housing crisis, the State legislature passed several laws intended to remove barriers for residential development and expedite permit processing. These laws include Senate Bill 9, Senate Bill 35, and Senate Bill 330. Under these State laws, residential development must be approved if a project meets all objective development and design standards and is consistent with the City's Zoning Ordinance and General Plan. Objective standards are defined as standards that "involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available to and knowable by both the development applicant or proponent and the public official before submittal." In response, the City Council adopted residential design standards as amendments to Hayward Municipal Code on December 12, 2023.[3] Incorporating trash enclosure requirements into the municipal code will allow staff to require proper handling of solid waste in all new development, including residential and mixed-use projects. It will also increase transparency and predictability for developers of non-residential projects.

[3] https://hayward.legistar.com/LegislationDetail.aspx?ID=6448357&GUID=233D8BD0-E91A-46BE-B922-FBFC7C1BE84A&Options=&Search=

*C&D Recycling Rules and Penalties*
Some builders/developers do not provide weight tags at the conclusion of a project to document proper recycling of C&D debris. Current penalty options available to staff for enforcement after non-compliance with the City's C&D recycling requirements most often prove ineffective. Staff has the option of either fining a permit holder $100 for not recycling or delaying final occupancy of the project. The fine is often too weak to encourage proper behavior and withholding final sign-off of a permit is too severe. Although the $100 fine can escalate up to $500 for second and third offenses in a year, often an applicant does not undertake another project in a calendar year. Holding up the final sign-off for a project can cause severe financial hardship for the applicant and also harm the City if a delayed business opening reduces tax revenue expected by the City.

Other jurisdictions use a variety of methods to enforce C&D recycling rules. The City of San Leandro fines non-compliant applicants $212 for each infraction. The City of Alameda applies a fine of $116 per ton of material not recycled. The City of San Francisco only authorizes certain C&D haulers to operate in the city and if a hauler takes recyclable material directly to a landfill they can get fined up to $1,000 per day. Staff recommends adopting an ordinance similar to the San Mateo County C&D ordinance, which allows fines of up to $1,000. The San Mateo ordinance states that failure to turn in copies of receipts or equivalent documentation or submitting an inaccurate final waste management plan may result in a stop order being issued on the job, final approval being delayed, and in some cases, applicants may be fined up to $1,000.

**ECONOMIC IMPACT**

Creating a threshold for requiring when to construct or upgrade a trash enclosure, as well as updating the specifications for trash enclosure construction should have no significant economic impact on the developers building in Hayward. Most applicants plan for constructing a trash enclosure as part of their overall project. An increase in the cost of a project due to new enclosure requirements is expected to affect very few projects. Increasing the fine that can be assessed on building permit holders who refuse to recycle C&D debris properly should also have little impact on builders. Staff intends to educate applicants about the potential fine so that it may serve as an incentive to comply. The vast majority of applicants follow the rules and the proposed fine is not out of proportion with fines administered by other Bay Area jurisdictions.

**STRATEGIC ROADMAP**

This agenda item does not directly relate to any of the projects listed in the Council's Strategic Roadmap, however, the recycling and litter prevention programs support the priorities to *Support Quality of Life* and *Confront the Climate Crisis & Champion Environmental Justice.*

**SUSTAINABILITY FEATURES**

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by

maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable. Proper stormwater management protects Hayward's waterways.

**PUBLIC CONTACT**

There has been no public contact performed regarding the proposed new municipal codes.

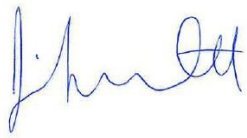
**NEXT STEPS**

Upon direction from the CSC, staff will refine the trash enclosure design requirements as well as the C&D recycling penalty language and present the ordinances at an upcoming City Council meeting.

*Prepared by:* Jeff Krump, Solid Waste Program Manager
Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

**File #:** RPT 26-022

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Compliance with Stormwater Trash Reduction Requirements - Information and Discussion

**RECOMMENDATION**

That the Council Sustainability Committee (CSC) reviews and comments on this report.

**SUMMARY**

This report provides a summary of the City's implementation and compliance with the trash reduction mandate in the Municipal Regional Stormwater Permit (MRP) 3.0. Chapter C.10 of the MRP includes the requirement to reduce all trash from entering waterways from the City's storm drain system by July 1, 2025. The City achieved 100% compliance with all C.10 requirements before the July 1, 2025, due date. This report presents a final update of the City's work to comply with C.10.

**ATTACHMENTS**

Attachment I Staff Report

**DATE:** March 9, 2026

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## FISCAL IMPACT

Stormwater compliance and activities have no impact on the General Fund or Measure C.

The City's compliance with the MRP is managed by Water Pollution Source Control (WPSC) staff within the Public Works & Utilities Department and is funded by the Stormwater Fund. Staff's efforts to secure EPA grant funds ($800,000), used-oil state grant funds ($10,000-$30,000 renewed yearly), and Caltrans funds ($4 million) for trash capture device installation and maintenance have significantly reduced the impact of MRP compliance on the Stormwater Fund. Successful grant applications and collaboration with Caltrans as a partner have been innovative tools to fund efforts to comply with the MRP.

## BACKGROUND

The National Pollution Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA). The NPDES program was amended in 1986 to regulate stormwater runoff and established a permitting structure for municipal discharge

to the waters of the state. From 1990 to 2009 each municipality in the Bay Area was regulated under countywide stormwater permits with individual requirements specific to each county. On October 14, 2009, the first regional stormwater permit, the MRP, was adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board). The MRP regulated municipalities within the counties of Alameda, Contra Costa, Santa Clara, San Mateo as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District. Municipalities and local agencies included in the MRP are referred to as 'Permittees'.

The first MRP, adopted on October 14, 2009, was adopted as a five-year permit and administratively extended through December 2015. The permit was revised and MRP 2.0 was adopted on November 19, 2015, and became effective on January 1, 2016. MRP 2.0 was to expire on June 30, 2021, but was extended through July 1, 2022. MRP 3.0 was adopted on July 1, 2022, and is set to expire July 1, 2027. This report focuses on Provision C.10 of the MRP which mandates trash reduction within the City's storm drain system.

Staff has presented several reports regarding the MRP's stormwater regulations to the CSC for input on regulatory changes, requirements, and specifically trash reduction requirements. Staff presented to the CSC on January 11, 2021,[1] to provide a summary of proposed changes to the MRP 2.0 at that time. On January 10, 2022,[2] staff reported to the CSC on the requirements in MRP 2.0 to regulate properties that discharge stormwater directly to the City's storm drain system, the recommended approach to address the requirements, and proposed amendments to the City's Stormwater Management and Urban Runoff Control ordinance (Chapter 11, Article 5 of the Municipal Code).

On March 14, 2022,[3] staff provided an update on the draft MRP 3.0, and on March 13, 2023,[4] staff presented the amended Stormwater Management and Urban Runoff Control ordinance to enable enforcement of trash requirements on private properties to comply with MRP 3.0. The CSC voted unanimously to recommend adoption of the ordinance and on April 11, 2023,[5] the City Council adopted the amended ordinance. On January 8, 2024,[6] staff provided the last update outlining next steps for final compliance actions that staff planned to meet the 100% trash reduction requirement by July 1, 2025.

**DISCUSSION**

The mandate for trash reduction in the MRP 3.0 is 100% removal of trash from the Permittee's stormwater system, which the City achieved before the due date of July 1, 2025. Overall, 50% of Alameda County municipalities met the 100% compliance due date. Many had approved long-term plans that satisfied the Water Board as next steps to achieve compliance in a timely matter with approved schedules. Two municipalities did not achieve approval and received cease and desist letters of enforcement from the Water Board.

[1] https://hayward.legistar.com/LegislationDetail.aspx?ID=4747799&GUID=B38B37E9-09C5-47B9-881D-B3FD7450E9BF&Options=&Search=
[2] https://hayward.legistar.com/LegislationDetail.aspx?ID=5374350&GUID=DDFCFD4C-97BB-45B3-80A0-D93A23E07F9E&Options=&Search=
[3] https://hayward.legistar.com/LegislationDetail.aspx?ID=5523059&GUID=7112B7B8-AC21-4EC5-9289-D35DC0FCDE01&Options=&Search=
[4] https://hayward.legistar.com/LegislationDetail.aspx?ID=6058171&GUID=CF24A795-A3B2-418F-A4FD-0C97B2C40222&Options=&Search=
[5] https://hayward.legistar.com/LegislationDetail.aspx?ID=6124946&GUID=265D462B-7AAA-4BFA-87FD-AF3B6BA89FD1&Options=&Search=
[6] https://hayward.legistar.com/LegislationDetail.aspx?ID=6465956&GUID=7A332CE2-FE35-4856-8AE7-C313D4630494&Options=&Search=

Staff has been working for many years to eliminate trash from impacting the City's storm drain system and the San Francisco Bay. In 2012, the City installed its first continuous deflective system (CDS) unit[7] on Tennyson at Tyrrell Avenue as well as 80 small trash capture devices in storm drain inlets. The sections below outline City actions to remove trash from stormwater systems.

*EPA Grant* – In 2016, the City was awarded a competitive grant from the Environmental Protection Agency's (EPA) Water Quality Improvement Fund in the amount of $800,000 to reduce trash from its storm drain system. The project included the installation of two CDS devices to filter trash from stormwater and an outreach program to 1st-12th grade students within the Hayward Unified School District as well as charter and private schools within the City's jurisdiction. The outreach portion of the project was a newly developed trash reduction educational program where students learned about the impacts of trash on waterways and wildlife by attending field trips, conducting scientific experiments, and understanding trash reduction in their own City by witnessing a CDS unit installation within their City's stormwater infrastructure.

In 2017, the first CDS unit funded by the EPA grant was installed on Patrick Avenue and treats 160 acres of residential and commercial areas, including high and medium trash generating zones on Hayward's trash map (see Figure 1). In 2016 through 2019 the educational outreach program was implemented and all programs for the 1st-12th grade were completed. Over 1,200 students from 10 schools participated in the program. More than 100 students participated in the high school program at the time the CDS unit was installed and witnessed the installation in the field as part of the trash reduction education. The City produced a video[8] showcasing the event. The final CDS unit funded by the EPA grant was installed on Cotter Way in October 2022, and treats a drainage area of 138 acres.

The EPA grant also funded many small trash capture devices[9] throughout the City and four large connector pipe screens to filter trash in two creek locations. Both creek locations are tributaries of the Sulphur Creek Watershed and the screens filter drainage from more than 700 acres before the tributaries combine to discharge to the San Francisco Bay. The City installed 359 small devices resulting in an additional 23.7% trash reduction. The remaining large areas were treated by two large trash capture projects funded through a cooperative agreement with Caltrans.

*Cooperative Agreement with Caltrans* – The City was one of the first municipalities to enter into an agreement with Caltrans to install large trash capture devices to treat both City and Caltrans acreage. On April 20, 2021,[10] the City Council authorized a cooperative implementation agreement. Through the agreement, Caltrans funded two CDS units. One at Tennyson and I-880 was completed in the fall of 2023 and one on Arf Avenue was completed in 2025. Approximately 831 acres are treated by these two projects with a reduction of approximately 19%.

[7] Short video showing installation of a CDS unit: https://www.youtube.com/watch?v=NaVlT_KIOmQ
[8] https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/youth-trash-capture-and-watershed-education-project
[9] Picture of a small trash capture device: https://remfilters.com/products/drop-inlet-filter/
[10] https://hayward.legistar.com/LegislationDetail.aspx?ID=4916428&GUID=5A8A9657-693A-48B0-9D7F-7E207950AC98&Options=&Search=

*Small Devices* – In addition to the large infrastructure funded by the EPA grant and Caltrans, the City has installed 629 small devices in storm drain inlets in areas with high and medium trash generation since 2012.

*Private Land Drainage Areas* – MRP 3.0 requires that private properties that are directly plumbed to the City's stormwater pipes, bypassing the City's storm drain inlets, must also meet the trash reduction requirements – either through full trash capture or another equivalent method. The stormwater ordinance was amended in April 2023 to enable staff to require full trash capture for private land drainage area (PLDA) properties. The City has devoted considerable resources to determine and verify all direct discharge private properties. During 2021 – 2023 staff completed a survey with field verification to locate all PLDA properties. The City has a total of 196 PLDAs for which staff completed trash assessments. Of the total, 69 have a medium or higher trash generation.

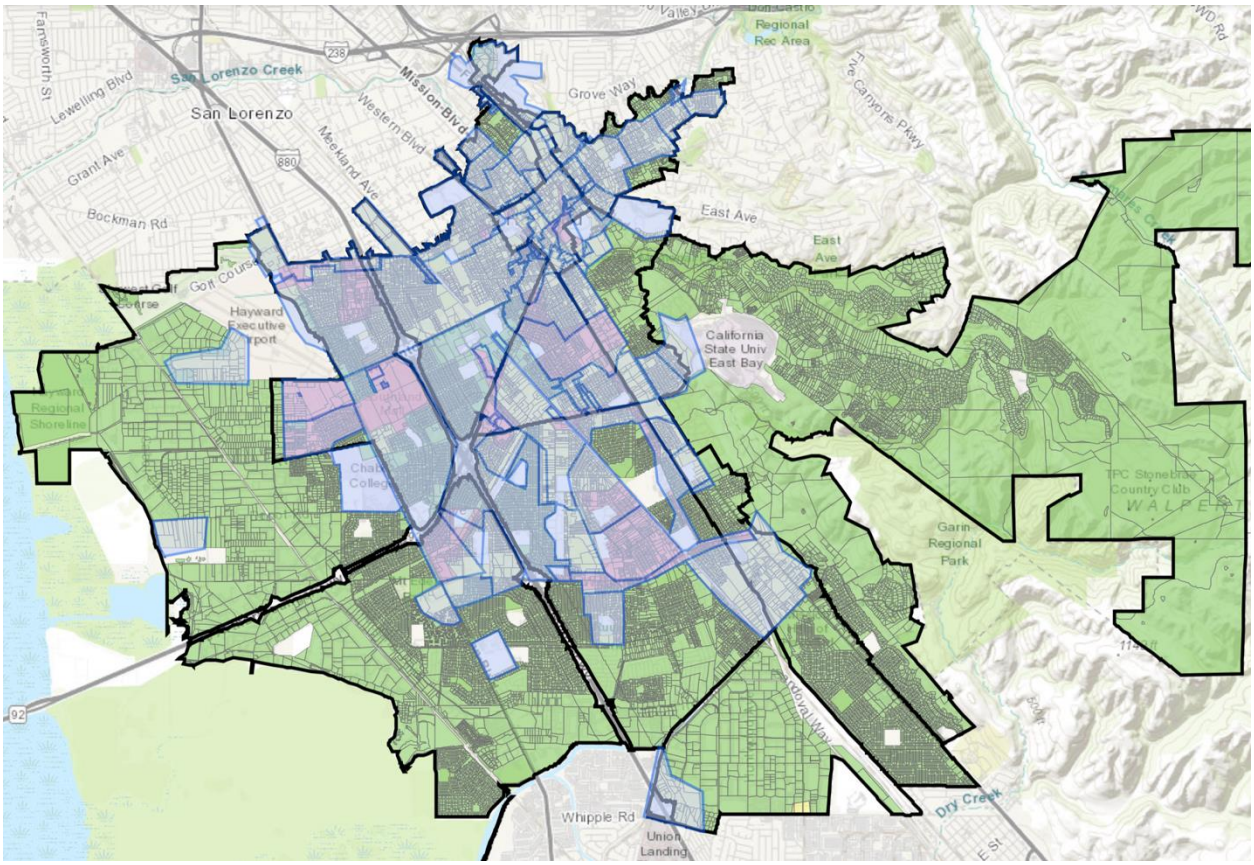
From March 2024 to April 2025, the 69 properties were re-inspected for trash compliance. Best management practices were discussed with property owners and trash concerns were mitigated through inspection and enforcement actions. Full trash capture devices are only be required if, after multiple inspections and discussions with property owners, other methods such as manual litter collection do not yield satisfactory results. Only one property was required to install full trash capture devices.

In total, as shown in Table 1, the City currently treats 4,220 acres with full trash capture devices and Figure 1 illustrates the full trash capture areas.

**Table 1: Summary of Full Trash Capture Areas**

| Trash Capture Type/Program | Total Number of Devices | Area Treated (Acres) | Percentage of Trash Reduction |
|---|---|---|---|
| Connector Pipe Screens | 629 | 2,386 | 36% |
| Channel Screens | 4 | 939 | 25% |
| Hydrodynamic Separators (Public) | 6 | 1,271 | 37% |
| Hydrodynamic Separators (Private) | 25 | 23 | N/A (private land) |
| **subtotal** | **615** | **4,219** | **98%** |
| PLDA Program | 4 | 1 | 2% |
| **Total** | **619** | **4,220** | **100%** |

**Figure 1. Existing Areas Treated by Full Trash Capture Devices**




**KEY**

- **Current full trash capture areas**
- **High trash generating area**
- **Medium trash generating area**
- **Low trash generating area**

## ECONOMIC IMPACT

Compliance with MRP Provision C.10 has and will continue to result in costs to some Hayward businesses as compliance with trash reduction results in increased monitoring, trash pickup, and possibly installation of full trash capture facilities as determined through stormwater inspection and follow up for compliance. The cost of installing a full trash capture device depends on the shape and size of the storm drain inlets, number of inlets, and size of drainage area. The cost of a single device can range from a few hundred to thousands of dollars.

## STRATEGIC ROADMAP

This agenda item relates to the Strategic Priority of *Improve Infrastructure*, but does not directly relate to the implementation of any identified projects.

## SUSTAINABILITY FEATURES

Preventing pollution from entering the storm drain system will benefit Haywards's aquatic ecosystems and the health of the San Francisco Bay and will help to create a clean and green community for Hayward residents and businesses.

## PUBLIC CONTACT

No public contact was made for this item.

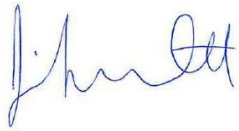
## NEXT STEPS

Staff will continue to oversee the maintenance of all City-owned full trash capture devices (both large and small in the City's inventory). Maintenance includes annual cleanings for the large devices and twice a year cleanings for the small devices. All devices are inspected frequently for clogging and damage as well as repair/replacement if needed. Staff will also check PLDA properties periodically to ensure compliance with C.10 trash reduction requirements and oversee any full trash capture operation and maintenance agreements, including the annual report requirement for maintaining those devices.

*Prepared by*: Elisa Wilfong, Water Pollution Control Administrator
Erik Pearson, Environmental Services Manager

*Recommended by*: Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager

**File #:** RPT 26-012

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Urban Water Use Objective Annual Report Overview

**RECOMMENDATION**

That the Council Sustainability Committee (CSC) receives information related to the Urban Water Use Objective (UWUO) Annual Report Overview.

**SUMMARY**

The City of Hayward (City) is required to submit an Annual Urban Water Use Objective (UWUO) report to the State Water Resources Control Board (SWRCB), as are all water suppliers that own and operate public water systems serving more than 3,000 municipal connections or delivering an annual average of 3,000 acre-feet of water. The purpose of the Annual UWUO Report is to assess whether the City's actual water use meets the UWUO set by the SWRCB. The Annual UWUO report includes documentation demonstrating the City's compliance with all UWUO elements.

This informational staff report provides an overview of the information included in the Annual UWUO Report:

1. Background and legislative context of the State reporting requirements
2. Important data points and regulatory shifts in reporting for Fiscal Year 24-25
3. Recommendations and broader implications for Fiscal Year 25-26

**ATTACHMENTS**

Attachment I Staff Report

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM** Director of Public Works

**SUBJECT:** Urban Water Use Objective Annual Report Overview

**RECOMMENDATION**

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3. Recommendations and broader implications for Fiscal Year 25-26

**FISCAL IMPACT**

The Annual UWUO Report, and recommendations provided herein, are for informational purposes only and will have no fiscal impact on the General Fund or Measure C.

**BACKGROUND**

SB 606 and AB 1668, the Conservation as a California Way of Life regulations enacted in 2018, establish new standards for long-term improvements in urban water use efficiency and drought planning. The UWUO is a state-developed framework designed to ensure that urban retail water suppliers adhere to measurable goals for water conservation and

efficiency. In addition, SB 1157, enacted in 2022, sets the residential indoor water use standard at 55 gallons per capita per day (GPCD[1]) until January 1, 2025, when it lowers to 47 GPCD, and finally lowers to 42 GPCD beginning January 1, 2030. The State's long-term goal is to help further proactive water conservation and drought planning, particularly in case of emergencies or natural disasters. These efforts also enhance the sustainability of the City's drinking water supply and help to meet the long-term water needs of the City.

The Annual UWUO Report is the sum of the water use efficiency budgets for urban water uses, including residential indoor water use, residential outdoor water use, real water loss, and outdoor water use for commercial, industrial and institutional landscapes, including customers such as schools and colleges with dedicated irrigation meters, and if applicable, any variances. The State considers commercial indoor use as an "excluded demand" because many water suppliers serve areas where daytime, week-day water use increases because of people commuting into their service area from other places.

The UWUO is calculated as follows:

$$UWUO = Residential_{indoor} + Residential_{outdoor} + CII_{DIMs} + Water\ Loss + Variances$$

*Where*:

- $Residential_{indoor}$ = Estimated indoor residential water use
- $Residential_{outdoor}$ = Estimated outdoor residential water use
- $CII_{DIMs}$ = Estimated irrigation of Commercial, Industrial, Institutional (CII) landscapes with Dedicated Irrigation Meters (DIMs)
- Water Loss = Aggregated estimated water losses
- Variances[2] = Estimated water use for approved variances

**DISCUSSION**

This section summarizes the main elements of the Annual UWUO Report, and the evolving nature of the State's annual reporting requirements:

**Annual Reporting Requirements:**

**1. Residential Indoor and Outdoor Water Use**

The aggregate potable water deliveries to single-family customers between FY 23-24 and FY 24-25 increased moderately from 1,694,724,900 gallons to 1,826,872,564 gallons, or about 7% per year. Similarly, there was an increase in multi-family consumption from 1,077,220,232 gallons to 1,498,937,396 gallons or about 39% between the two prior fiscal years, primarily due to irrigation usage as measured through Dedicated Irrigation Meters (DIMs).

[1] GPCD: gallons per capita per day, representing the average amount of water used per person per day

[2] City of Hayward did not seek any variances for FY24-25, as they do not apply.

## 2. CII Dedicated Irrigation Meters (DIMs) Water Use

Similarly,, outdoor irrigation of CII landscapes increased from 527,073,708 gallons in the previous fiscal year to 576,291,236 gallons or about 9.3% between the two prior fiscal years. By analyzing the volume of water flowing through Dedicated Irrigation Meters (DIMs), it is possible to quantify the amount of outdoor water use at CII landscape sites. These increases were largely driven by greater outdoor water use during July, August and September 2024.

## 3. System Water Loss

Aggregated water losses are also a component of the UWUO. Real Losses are defined as the annual loss through all types of leaks, breaks, and overflows. The total annual volume of Real Water Losses was 290.2 MG/Year. The Annual Water Loss Audit that was performed resulted in the City's water system receiving a Data Validity Score in the Tier III category, which is a good rating and is indicative of continuing to establish ongoing customer meter accuracy testing, active leakage control and infrastructure monitoring.

Even with these increases, the City remains 14.03% below the State's water use objective. Overall, the City remains in compliance with the UWUO through continued implementation of conservation programs and Best Management Practices (BMPs). These measures help to ensure that increased demand did not exceed the efficiency-based limits established under the UWUO threshold. Therefore, the City's actual water use complies with the water use benchmark established by the State.

**Additional Reporting Requirements:**

In addition to the main elements of the UWUO, the City demonstrated compliance with several new reporting requirements that are part of this annual report.:

## 4. Identification of 90th Percentile by Volume of Residential Water Use

The Annual UWUO Report requires urban water suppliers to identify the top residential water users and quantify the 90th percentile by volume of water use as an initial step for developing targeted outreach for single- and multi-family customer classes.

a. The total volume of deliveries to single-family residential customers that are at, or above the 90th percentile for single-family residential water use across the City's service area: 489,461,280 gallons.
b. The total volume of deliveries to multi-family residential customers that are at, or above the 90th percentile for multi-family residential water use across the City's service area: 900,958,520 gallons.

**5. Landscapes Misclassified** One of the key elements of the Annual UWUO Report is the outdoor water use budget as determined by the extent of landscape area and Evapotranspiration rates. Several agencies, including Hayward, have reported that the Department of Water Resources' (DWR) initial landscape area data from 2018 needs updating.

A review of the City's residential landscape data by DCSE, Inc. resulted in approximately 149,973 square feet of residential irrigated area (where vegetation and irrigation is actively managed) that was not captured between the DWR data set development. Several agencies have requested approval from DWR for using alternate landscape area data. The City intends to continue to work with DWR to demonstrate how the disputed active irrigation square footage should be included, as an updated data source for developing the residential outdoor budget.

### 6. Commercial, Industrial, Institutional (CII) Account Subclassification

The UWUO includes an additional reporting requirement for urban retail water suppliers to subclassify CII accounts into 22 different subcategories. To date, the City has subclassified 2,615 CII accounts out of 5,391 accounts, by cross-referencing data from MUNIS, the Business License Database obtained from the Finance Department, and further verification using Google street view.

The practical implication of subclassifying accounts beyond a generic CII classification is to offer BMPs to customers in these subclassifications to assist them in achieving measurable water savings. The remaining 2,768 CII accounts need to be subclassified by June 30, 2027.

### 7. Identification of Large Landscapes with Mixed-Use-Meters (MUMs)

By June 30, 2027, all urban retail water suppliers are required to identify large, landscaped areas, greater than ½ acre in size that have Mixed-Use-Meters (MUMs), as well as the number of water users associated with these large, landscaped areas that have Dedicated Irrigation Meters (DIMs) installed. MUMs are water meters that record the total volume of water used for both indoor and outdoor purposes, whereas DIMs, are specifically used for measuring outdoor water use.

In 2026, staff will formalize a process for identifying large, landscaped sites with MUMs, and develop a phased-implementation plan for conversion to DIMs. The goal is to accurately quantify outdoor water use at large, landscaped CII sites by installing DIMs, as this is one of the main elements of the UWUO..

### 8. Identification of Total Number of Disclosable Buildings

Disclosable buildings are those with more than 50,000 square feet of gross floor area, including commercial, industrial, institutional, and multi-family residential buildings with more than 50,000 square feet. The purpose of the disclosable buildings list is to ensure transparency in energy and water usage reporting. Owners of these buildings are required to submit Annual Energy Benchmark Reports to the California Energy Commission (CEC) and provide aggregated monthly water use data upon request.

The City is a member of the California Water Efficiency Partnership (CalWEP). The partnership provides an updated Annual List identifying Disclosable Buildings located in the City of Hayward. Staff verified that there are 529 Disclosable Buildings in the City's service area.

**9. Identification of Top Commercial, Industrial, and Institutional (CII) Customers**

All Urban Water Retail Suppliers are required to select a method for identifying the top percentile of CII water use. The SWRCB supplied a guidance document for calculating the top percentile of CII water use. The City selected a method which involves identifying the number of CII water users at, or above the 97.5$^{th}$ percentile and 80$^{th}$ percentile of water use. The 97.5$^{th}$ percentile for CII accounts is 4,065 CCF, or 8,331 gallons per day, with 89 accounts in this category; the 80$^{th}$ percentile for CII accounts is 607 CCF or 1,240 gallons per day, with 706 accounts in this range.

The goal of identifying the top CII customers is to offer BMPs with quantifiable water savings. As required, in 2026, staff will identify and standardize a methodology for quantifying water savings associated with BMPs offered to CII customers. CalWEP is updating guidance on how to estimate quantifiable water savings for CII customers. This project is expected to be completed in mid to late 2026.

**10. Identification of Best Management Practices (BMPs)**

As mentioned in the paragraph above, the SWRCB requires Urban Water Retail Suppliers to identify BMPs they can offer to CII customers from a list of five broad categories. They include Outreach, Technical Assistance and Education; Incentives ; Landscape ; Collaboration and Coordination ; and, Operational.

The City currently offers BMPs to CII customers that align with the categories developed by the State. They include,(1) Outreach, Technical Assistance and Education: WaterSmart - customer portal to access water consumption information; (2) Incentives: BAWSCA rebates such as the Irrigation Hardware Rebate for replacing inefficient devices; (3) Landscape: Waterfluence Large Landscape Program which includes information on water budgets and application rates at CII sites and programs to remove turf and replace it with climate-ready vegetation; and, (4) Operational: CII BMP training workshops.

**ECONOMIC IMPACT**

Investing in and implementation of the UWUO measures contributes to a more sustainable and economically viable approach to urban water management for the City. The UWUO Annual Report is a regulatory requirement that's primary use is for water conservation planning purposes. Development of a thoughtful UWUO Report helps assess the City's actual water use relative to the State's benchmark, and ensures the City complies with the annual reporting requirements. Establishing efficiency goals for urban water suppliers will not only assist the City in water use efficiency, but may also yield long-term cost savings for customers. .

**STRATEGIC ROADMAP**

This agenda item supports the "Champion Climate Resilience and Environmental Justice" focus area, Objective 3: Mitigate Environmental and Climate Impacts, CM3.

- Number of participants in water conservation programs for residential, business, and municipal customers.

**SUSTAINABILITY FEATURES**

The findings of the Annual UWUO Report are useful for the City in addressing the impacts of climate change, managing water resources sustainably, and supporting emergency preparedness and natural disaster response planning It also provides a planning framework for assessing actual water use and demand management measures. This reporting also promotes resiliency by integrating conservation savings that safeguard the City's water supplies.

**PUBLIC CONTACT**

Implementation of BMPs to support the Annual UWUO reporting requirements will require direct engagement with CII and residential customers. This includes coordination with customers to better understand site-specific water uses, operational practices, and existing efficiency measures. These outreach activities will be necessary for developing BMPs that support compliance with state requirements while ensuring a practical implementation of conservation strategies.

**NEXT STEPS**

In 2026, staff will develop strategic messaging and educational outreach, such as promoting practical water saving tips and reminders through WaterSmart and Bill Inserts, in addition to existing notifications such as printed leak alerts and water waste reports. To engage with the CII sector, an updated inventory of contacts in WaterSmart will provide the ability to use the messaging function to schedule site visits, review and provide suggestions on water efficient practices, and track water savings resulting from on-site engagements and educational outreach.

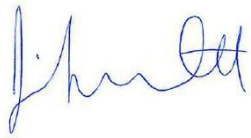
Additionally, to ensure compliance and accurate tracking of CII outdoor water use, staff will develop a standard process for identifying large, landscaped sites that are ½ acre or more, and a phased Operations Plan to convert MUMs to DIMs at these locations. Staff will also continue subclassifying CII accounts in 2026 to verify that all customers are categorized before the deadline of June 30, 2027.

Although the City's actual water use remains below the State's calculated UWUO for the City, implementing these recommendations provides additional ways to consistently certify compliance with the annual reporting requirement.

*Prepared by*: Conrad Braganza, Water Resources Planner
Cheryl Muñoz, Water Resources Manager

*Recommended by*: Alex Ameri, Director of Public Works

Approved by:



_____
Jennifer Ott, City Manager

**File #:** ACT 26-008

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT**

Proposed Agenda Planning Calendar: Review and Comment

**RECOMMENDATION**

That the Council Sustainability Committee (CSC) reviews and comments on this report.

**SUMMARY**

The proposed 2026 agenda planning calendar contains planned agenda topics for the CSC meetings for the Committee's consideration. This agenda item is included in every CSC agenda and reflects any modifications to the planning calendar, including additions, rescheduled items, and/or cancelled items.

**ATTACHMENTS**

Attachment I Staff Report

**DATE:** March 9, 2026

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT** Proposed 2026 Agenda Planning Calendar: Review and Comment

**RECOMMENDATION**

That the Council Sustainability Committee (CSC) reviews and comments on this report.

**SUMMARY**

The proposed 2026 agenda planning calendar contains planned agenda topics for the CSC meetings for the Committee's consideration. This agenda item is included in every CSC agenda and reflects any modifications to the planning calendar, including additions, rescheduled items, and/or cancelled items.

**DISCUSSION**

For the Committee's consideration, staff recommends the following tentative agenda topics for the remainder of 2026.

During the February 28, 2026 budget work session, as part of a broader discussion regarding operational efficiencies, the City Council directed that the CSC transition from three meetings per year to two meetings annually.

Accordingly, staff proposes that the CSC convene in March and September each year moving forward.

Underlined – Staff recommends item to be added to Approved Agenda Planning Calendar.

| **September 14, 2026** |
|---|
| Environmentally Preferred Purchasing Policy – Proposed Amendments – Discussion and Recommendation to Staff |
| Tree Canopy Assessment & Tree Planting Goals – Discussion and Recommendation to Staff |

| |
|---|
| Curbside Electric Vehicle Charging Pilot Program- Discussion and Recommendation to Staff |
| Data Centers – Information and Discussion |

| **Unscheduled Items** |
|---|
| Pilot Program for Reusable Dishware – Discussion and Recommendation to Staff |
| Regulation of Disposable Food Service Ware Reduction and Reuse – Discussion and Recommendation to Staff |
| Existing Building Electrification Roadmap – Discussion and Recommendation to Staff |
| 2024 Greenhouse Gas Inventory – Information and Discussion |
| Ava Community Energy Update: Local Programs and Customer Bill Savings – Information and Discussion |
| Heat Pump Water Heater Direct Installation Program – Final Report – Information and Discussion |

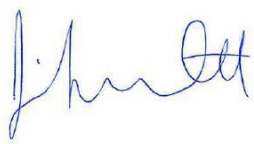
**NEXT STEPS**

Upon direction from the Committee, staff will revise the above list as necessary and schedule items accordingly for upcoming meetings.

*Prepared by:* Erik Pearson, Environmental Services Manager

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



Jennifer Ott, City Manager