

CITY OF HAYWARD

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



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Monday, September 12, 2016

4:30 PM

City Hall, Conference Room 2A

Council Sustainability Committee

CALL TO ORDER**ROLL CALL****PUBLIC COMMENTS:**

(The Public Comment section provides an opportunity to address the City Council Sustainability Committee on items not listed on the agenda as well as items on the agenda. The Committee welcomes your 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, any comments on items not on the agenda will be taken under consideration without Committee discussion and may be referred to staff.)

APPROVAL OF MINUTES

1. [MIN 16-073](#) Approval of Minutes of Council Sustainability Meeting on July 11, 2016

Attachments: [Attachment I Minutes of Council Sustainability Meeting on July 11, 2016](#)

REPORTS/ACTION ITEMS

2. [ACT 16-002](#) PG&E Community Pipeline Safety Initiative - Proposed Tree Removals

Attachments: [Attachment 1 Staff Report](#)
[Attachment II Summary of Impacted Areas](#)
[Attachment III Area Maps and Photos](#)
[Attachment IV Letter to Private Property Owners dated August 26, 2016](#)

3. [ACT 16-003](#) Priority Setting for the Alameda County Waste Management Authority

Attachments: [Attachment I Staff Report](#)

4. [ACT 16-004](#) Energy Performance and Disclosure in Existing Homes and Commercial Buildings
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II October 2, 2013 Council Sustainability Committee Meeting Minutes](#)
 [Attachment III October 22, 2013 City Council Meeting Minutes](#)
 [Attachment IV Web Links](#)
 [Attachment V Sample Home Energy Score Report](#)
 [Attachment VI Energy Benchmarking and Transparency Benefits](#)
5. [RPT 16-101](#) Stormwater & Green Infrastructure Regulations for Development
- Attachments:** [Attachment I Staff Report](#)
6. [RPT 16-098](#) Update on City-Wide Water Conservation and Revised Emergency Regulations for Statewide Urban Water Conservation
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Cumulative Water Consumption](#)
7. [RPT 16-103](#) Hayward's Annual Solid Waste Diversion Rate for 2015
- Attachments:** [Attachment I Staff Report](#)
8. [RPT 16-099](#) Solar and Zero Net Energy Requirements for Public and Private Construction
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II General Plan Policies & Programs Related to Building Energy Use and Renewable Energy](#)
 [Attachment III 2013 Building Energy Efficiency Standards FAQ](#)
9. [RPT 16-111](#) Gold Level Beacon Award for Natural Gas Savings in Municipal Operations
- Attachments:** [Attachment I Staff Report](#)
 [Attachment II Letter from Institute for Local Government](#)
10. [ACT 16-011](#) Suggested Sustainability Committee Meeting Topics - 2016
- Attachments:** [Attachment I Staff Report](#)

FUTURE AGENDA ITEMS

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT

NEXT REGULAR MEETING, 4:30 PM, MONDAY, NOVEMBER 14, 2016



CITY OF HAYWARD

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

File #: MIN 16-073

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Approval of Minutes of Council Sustainability Meeting on July 11, 2016

RECOMMENDATION

That the Committee reviews and approves the minutes of the Council Sustainability Committee meeting on July 11, 2016.

ATTACHMENTS

Attachment I Minutes of Council Sustainability Meeting on July 11, 2016

CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING
Hayward City Hall – Conference Room 2A
777 B Street, Hayward, CA 94541-5007

July 11, 2016
4:30 p.m. – 6:30 p.m.

MEETING MINUTES

CALL TO ORDER: Meeting called to order at 4:30 p.m. by Chair Al Mendall.

ROLL CALL:

Members

- Al Mendall, City Council Member /CSC Chair
- Greg Jones, City Council Member
- Francisco Zermeño, City Council Member

Staff:

- Kelly McAdoo, Assistant City Manager
- David Rizk, Director of Development Services
- Erik Pearson, Environmental Services Manager
- Jeff Krump, Solid Waste Program Manager
- Jennifer Yee, Sustainability Technician
- Gillian Corral, CivicSpark AmeriCorps Fellow
- Mary Thomas, Management Analyst
- Carol Lee, Administrative Secretary (Recorder)

Others:

- Jillian Buckholz, Director of Sustainability, California State University East Bay (CSUEB)
- Kelly Fergusson, Opterra

PUBLIC COMMENTS

None.

1. Approval of Minutes of Council Sustainability Meeting on May 9, 2016.

The Committee approved the minutes of the Council Sustainability Committee meeting of May 9, 2016.

2. Renewable Energy Potential & Establishment of ZNE Goal

Erik Pearson, Environmental Services Manager, presented the report. Mr. Pearson displayed potential installation sites for solar photovoltaics (PV), noting that some

facilities that were not conducive to installing rooftop solar PV could potentially install solar on carports. He explained that the plans in his presentation were not proposed designs, but rather a proof of concept.

Council Zermeño mentioned that he was in favor of solar PV carports because of the added value that carports would also be protecting cars from the elements. Council Zermeño asked if staff intends to replace the gas appliances to electric appliances, noting that it would be costly. Mr. Pearson explained that such changes would take place as the appliances reach their life expectancy. However, in the near term the City may offset the emissions from the natural gas use with additional PV.

Council Member Jones asked staff to consider prioritizing the various projects and phase in groups of projects that were most cost effective. Kelly Fergusson of Opterra, encouraged staff to consider both the conservation aspect and financial benefit to the City when preparing the policy. Ms. Fergusson explained that at a Renewable Energy Self-Generation Bill Credit Transfer (RES-BCT) site, such as the solar field at the Water Pollution Control Facility, PG&E only allows the City to offset the commodity cost, about 45% of the PG&E bill. She further explained that if the City were to build solar PV onsite, the City would be able to offset 100% percent of the cost in addition to the environmental benefits of achieving zero net energy. She also noted that by bundling projects that have a faster return on investment, the City could potentially fund future projects that have a longer return on investment without having to rely completely on the General Fund.

Chair Mendall asked staff to include what the City currently spends on energy and natural gas when preparing the report for City Council. He requested that staff report on the cost savings so that the Council is clear as to what they are committing to. Chair Mendall also noted that East Bay Community Energy (EBCE) may have options for municipalities that maybe better than RES-BCT, and encouraged staff to push for an option that is as good or better than RES-BCT.

The Committee was in favor of bringing a cumulative municipal zero net energy policy before the City Council for consideration.

3. GHG Inventory Update: Building Energy Data, 2005-2015

Gillian Corral, CivicSpark AmeriCorps Fellow, presented an update on the City's Greenhouse Gas Inventory. She noted that the City's fluctuation in emissions are largely due to the changing mix of energy sources in PG&E's portfolio.

Ms. Corral reported that residential electricity usage has decreased since 2005. She noted that the per capital usage of natural gas and electricity has also decreased from 2005 to 2015. Chair Mendall suggested that the decline in electricity and natural gas consumption could be a trend of warmer winters.

Staff stated that they will focus future efforts toward reducing the electrical and natural gas usage of commercial users. Mr. Pearson noted that the East Bay Energy Watch and PG&E have resources and programs to encourage energy efficiency for commercial customers and that installing solar was another means of achieving this. Council Member Jones noted that Hayward has a number of food manufacturers, and suggested that staff use those that have made changes to lower their greenhouse gas emissions, such as Sugar Bowl Bakery, as a model for other manufacturers. He noted that Sugar Bowl Bakery has installed solar and converted some of their gas ovens to electrical ones. Chair Mendall agreed that the commercial sector had the biggest potential for energy conservation.

David Rizk, Director of Development Services, mentioned that construction codes are updated every three years, and that the energy efficiency standards will increase by 28% in the upcoming energy code, which may help the reduce overall energy use.

Chair Mendall requested that staff present the full 2015 GHG inventory update in late 2017.

4. Net Energy Metering 2.0 Regulations

Mary Thomas, Management Analyst, presented a brief update on Net Energy Metering (NEM) 2.0 Regulations, a utility billing structure that allows consumers with solar systems to “sell” electricity back to the grid when they are overproducing and use the credits to offset the electricity that they purchase from the grid when they are under-producing. She explained that the current tariff was set to expire in July 2017 or when a Utility Company, such as PG&E, reached 5% of their capacity, and that all new solar customers will be on a successor tariff. Ms. Thomas noted that PG&E has reached 5%, therefore the current tariff has expired. She explained that the California Public Utilities Commission (CPUC) will reanalyze the billing structure in 2019, but explained that all solar customers who sign up before then will have a similar NEM rate structure to existing solar customers, which is incentive for customers to join now.

Chair Mendall stated that East Bay Community Energy may replace this program in a few years. He also highlighted that solar permitting has increase 485% in the last four years.

5. East Bay Community Energy – Presentation of Technical Study

Erik Pearson, Environmental Services Manager, presented an overview of the technical study prepared by Alameda County to determine the feasibility of establishing a community choice energy program. Mr. Pearson stated that staff relayed three revisions to the draft joint powers agreement from City Council to the County, all of which were received favorably.

Chair Mendall urged staff to stress the importance of the voting shares vote needing a request by only two Board members as opposed to the requested change made by one of the participating cities, which proposed the need for a request by four Board members for a voting shares vote. Chair Mendall stated that Hayward is the third largest entity in the organization, and the need for more than two Board members to call for weighted voting may put Hayward at a disadvantage. He further commended Joseph Brick, Assistant City Attorney, for analyzing the draft agreement and preparing him to adequately discussing the matter at the Alameda County Community Energy Steering Committee meeting. The Committee affirmed Chair Mendall's stand on the issue.

Mr. Pearson presented four scenarios included in the technical study. Council Member Jones asked staff if the consumer will have at least two choices when deciding to join the program. Staff anticipates there to be two options. The Committee was in favor of scenario four, which would result in lower GHG emissions, provide financial savings to the customer, and supports locally generated power. Chair Mendall requested that staff offer guidance to the City Council on the issue and prepare a follow up report separate to the issue of the City joining the Joint Powers Authority, and present options two and four as recommended by the Committee.

Chair Mendall and Kelly McAdoo, Assistant City Manager, suggested bringing the item to City Council in September instead of October in case there are any proposed changes.

6. Sustainability Education and Outreach Update

Mary Thomas presented a brief demonstration of the green portal of the City's website, and noted that the staff report provides detailed lists of accomplished outreach activities as well as projected outreach activities to come. Ms. Thomas explained that the current display of metrics on the website is static but staff is working to update the website to display dynamic metrics.

The Committee encouraged staff to utilize resources from StopWaste and Bay Area Water Conservation Agency, and include links to such agencies on the green portal of the City's website.

7. Suggested Agenda CSC Topics

Chair Mendall was pleased that the Downtown Specific Plan was going to be brought before the Committee. Council Member Jones asked the Committee to address the issue of trees in an upcoming meeting. He mentioned that he noticed many sidewalks and medians that would benefit aesthetically from more trees. He also stated that many buildings would benefit from the shading of additional trees, which could reduce the need for air conditioning in those buildings.

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS:

Chair Mendall thanked Council Member Greg Jones for his years of service, and presented a display of the awards that the City has received during the four years he served on the Council Sustainability Committee.

ADJOURNMENT: 6:15 p.m.

Attendance	Present 7/11/15 Meeting	MEETINGS		
		Present to Date This Fiscal Year	Excused to Date This Fiscal Year	Absent to Date This Fiscal Year
Greg Jones	✓	4	1	0
Al Mendall*	✓	5	0	0
Francisco Zermeño	✓	5	0	0

✓ = Present 0 = absent X = excused
* Chair



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777 B Street
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File #: ACT 16-002

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

PG&E Community Pipeline Safety Initiative - Proposed Tree Removals

RECOMMENDATION

That the Committee reviews and provides comments and policy direction on this report.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Summary of Impacted Areas
Attachment III	Area Maps
Attachment IV	Letter to Private Property Owners dated August 20, 2016



DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities and Environmental Services

SUBJECT

PG&E Community Pipeline Safety Initiative – Proposed Tree Removals

RECOMMENDATION

That the Committee reviews and provides comments and policy direction on this report.

SUMMARY

PG&E's Community Pipeline Safety Initiative, which is being implemented to improve gas pipeline safety, includes removal of trees and structures that pose safety concerns or potentially impede access to pipelines in the event of an emergency. PG&E has identified existing trees within Hayward, on both public and private properties, that could present unacceptable safety risks and need to be removed. This report discusses PG&E's safety concerns, the specific public areas that will be impacted, and the proposed mitigation measures. The report also briefly addresses staff's outreach to private property owners.

BACKGROUND

PG&E is implementing a comprehensive program, known as the [Community Pipeline Safety Initiative](#), to improve gas pipeline safety and to ensure adequate access to pipelines in the event of an emergency. The program includes pressure testing, leak surveys and pipeline condition assessments. A component of this effort is identifying trees and structures that present emergency access or safety concerns, and then working with customers and communities on mitigation measures. According to PG&E, trees pose a risk when they block emergency access to pipes, which potentially could also impede first responders in their efforts.

PG&E safety specialists conducted an assessment of trees within public rights-of-way and on public property in Hayward, and a cursory review of trees on private properties, which are located close to or over gas pipelines. PG&E analyzed specific vegetation, such as the height and species of a tree and made a determination as to whether a tree is a manageable risk,

which can remain in place with regular monitoring, or an unacceptable risk that must be removed. The tree-by-tree assessment involved a number of factors, including:

- Ability to access the pipeline in an emergency
- Distance from pipeline to tree
- Tree species, diameter and general health
- Pipeline depth, installation date and coating
- Visibility of area above pipeline

PG&E provided staff with the results of their assessment survey, indicating that PG&E initially reviewed a total of 425 City-owned trees. After consideration of real risk potential and close review of the location of trees related to gas pipelines, the number was reduced to eighty-two trees which posed an unacceptable risk. A further 151 trees located on Skywest Golf Course, which land is leased from the City by the Hayward Area Parks and Recreation District (HARD), are proposed to be removed due to their proximity to gas pipelines. A total of 212 trees located on private property must be assessed to determine level of potential risk.

DISCUSSION

Given the importance of trees to the community's appearance, quality of life, and commitment to sustainability, as well as the importance of gas pipeline accessibility, City staff has participated in several discussions and field inspections with PG&E. Staff's objectives have been to confirm that only trees which pose an actual risk to gas pipeline safety are removed, to assess the health and appropriateness of the existing trees, and to negotiate tree replacement and remediation measures commensurate with the loss of mature trees in the community.

The City's Landscape Architect, along with a certified arborist, conducted inspections to verify the condition and the site-specific appropriateness of the City-owned trees proposed for removal, and to prepare recommendations regarding mitigation measures. Tree removal is proposed in several specific areas. In some instances, staff recommends that the trees be replaced with similar or location-appropriate species. In a few areas, site limitations prohibit replanting, and alternative remediation is proposed.

Attachment A summarizes the planned public tree removals and replacement/mitigation proposals. Attachment B includes area maps and photos to give the Committee a sense of the visual impacts. Staff will describe each area in more detail during the meeting.

It is important to note that, despite the best efforts of staff and PG&E, the removal of mature trees will impact community appearance, at least in the short term, even where it is possible to plant replacement trees. Over time, the overall appearance in some affected areas will be an improvement over the existing landscape, as existing trees are replaced with Bay Area and site-appropriate species and healthier stock. There is no question, however, that the changes will be apparent and may cause concern for some residents.

All tree removals in Hayward, whether on public or private properties, are subject to the provisions of the Tree Preservation Ordinance, which, for defined protected trees and other trees required as conditions of project approvals, requires City-issued permits for tree removals and replacement. The permits, in conjunction with City oversight, will ensure that the work is done in accordance with accepted practices.

Trees on Private Property

As noted in the Background section, PG&E has also identified 212 trees on private properties that must be assessed for potential risk. Before authorizing PG&E to contact each property owner, the City sent a letter to affected property owners to inform them that PG&E may request access to their properties to perform assessments. The City has also informed property owners that, in the event that a tree must be removed from their property, they have rights to negotiate a fair resolution, including requiring tree replacements of equal or greater value. A copy of the letter is included with this report as Attachment C.

In a small number of areas, it is not feasible to replace a tree removed from public right-of-way within the same location, and the best solution is to place a new tree on private property. In these situations, City staff will be involved in selecting the appropriate species and working with property owners on acceptable mitigation measures.

ECONOMIC IMPACT

The costs of tree removal from public and private properties will be borne by PG&E. It is also PG&E's responsibility to obtain and pay for necessary tree removal permits. Costs for replacement or other mitigation will depend on agreements that property owners negotiate with PG&E; however, property owners have the right to a fair resolution.

FISCAL IMPACT

The costs of tree removal and replacement in the City right-of-way will be borne by PG&E. In addition, PG&E will pay to the City sufficient funds to pay for tree maintenance during the first few years, after which the City will assume responsibility. There will be no economic impact to the City beyond the normal cost of maintenance after the trees are initially established.

SUSTAINABILITY FEATURES

The removal of mature trees impacts environmental sustainability, community appearance, and quality of life. In the case of PG&E's program, these impacts must be balanced against emergency access and safety. Staff has worked to identify acceptable remediation measures, including replacement of like trees wherever it is feasible. In some areas, removing the existing trees provides an opportunity to improve the overall landscape by planting species that are more appropriate to the site and the surroundings. Even in those areas, removing mature trees will cause a medium-term impact on the community appearance.

PUBLIC CONTACT

As noted, affected private property owners have been notified of PG&E's plan to assess and possibly remove trees on their properties and their rights to negotiate a fair resolution. Owners were provided with City contact information for questions. No tree removals on private properties will take place until signed agreements between PG&E and property owners are in place.

Prior to removal of City-owned trees, PG&E will be required to communicate with nearby residents and business owners to inform them of the purpose and scope of the work. City staff will also be available to answer questions and address concerns. Staff has discussed the proposed tree removals at Skywest Golf Course with HARD staff, and PG&E will work directly with HARD to remove trees and plant replacement trees at that site.

NEXT STEPS

Staff will continue to work with PG&E to ensure that tree removal and mitigation is performed in accordance with City policy, and Committee direction, and all agreements.

Prepared and Recommended by: Alex Ameri, Director of Utilities and Environmental Services
David Rizk, Director of Development Services

Approved by:



Kelly McAdoo, City Manager

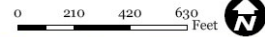
Summary Table of Impacts and Mitigation

SUB-AREA		DESCRIPTION	IMPACT	PROPOSED MITIGATION
KEY	LOCATION			
1	West Winton Avenue west of Hesperian Blvd to Curtis Street	All sixty-six (66) mature Sycamore trees along north side of West Winton Avenue from Hesperian Blvd to Curtis Street are proposed for removal. Removal of all mature Sycamore trees will be a great loss not only visually but physically, and it may be impossible to recreate a continuous tree lined West Winton Avenue.	Significant. These mature trees have been providing desirable transition from commercial areas of Southland Mall and other shopping areas to one of the City's industrial districts and the thriving Mt. Eden residential neighborhoods. Replacement tree planting opportunities would be limited to private properties.	Like-Value Replacement and To-Be-Agreed Mitigation Fee. Enhanced shrub and accent planting in addition to tree planting.
2	Eden Shores Sports Park Parking Lot and Eden Park Place	Two trees are proposed for removal: one is located in the Sports park parking lot and the other one is a Redwood tree located outside of basketball court to the north. This Redwood tree is one of a row of healthy Redwood trees that are providing screening to the housing development, Crossings, to the north.	Low to moderate. Parking shade tree could be planted elsewhere in the parking lot. There is no opportunity to replant another Redwood tree within the vicinity. Explore offsite replacement at the housing development for screening.	Replace parking lot tree elsewhere in parking lot, as designated by HARD, with 36"-box tree. Plant one 36"-box tree within housing development, with involvement from HOA to select appropriate tree species and the mitigation fees.
3	Ruus Triangle at Industrial Pkwy and Ruus Road	Two out of total five Eucalyptus trees are proposed for removal. Two are identified as manageable and one is located outside of PG&E's risk zone. Removal of two Eucalyptus trees at the eastern end may exacerbate branch failures in Eucalyptus trees to the west by losing first line of windbreak. PG&E has agreed to remove all five trees and replace.	Significant. The absence of the trees will alter the visual quality until the replacement trees grow to significant visual canopy. Neighboring communities may oppose removal of mature trees as they did during the public outreach effort for the Industrial Blvd landscape improvements in the island.	Replace five trees and pay agreed-to mitigation fee. Community outreach should be done to create appropriate landscape improvement and species selection.
4	Ruus Road north of Industrial Blvd	All but two Sycamore tree are in moderate to poor health from years of cutting back damaged tree branches from large truck traffic and lack of maintenance.	Insignificant. This will be an opportunity to plant right type of tree in the right location.	One-on-one replacement with 36"-box trees and agreed-to mitigation fee

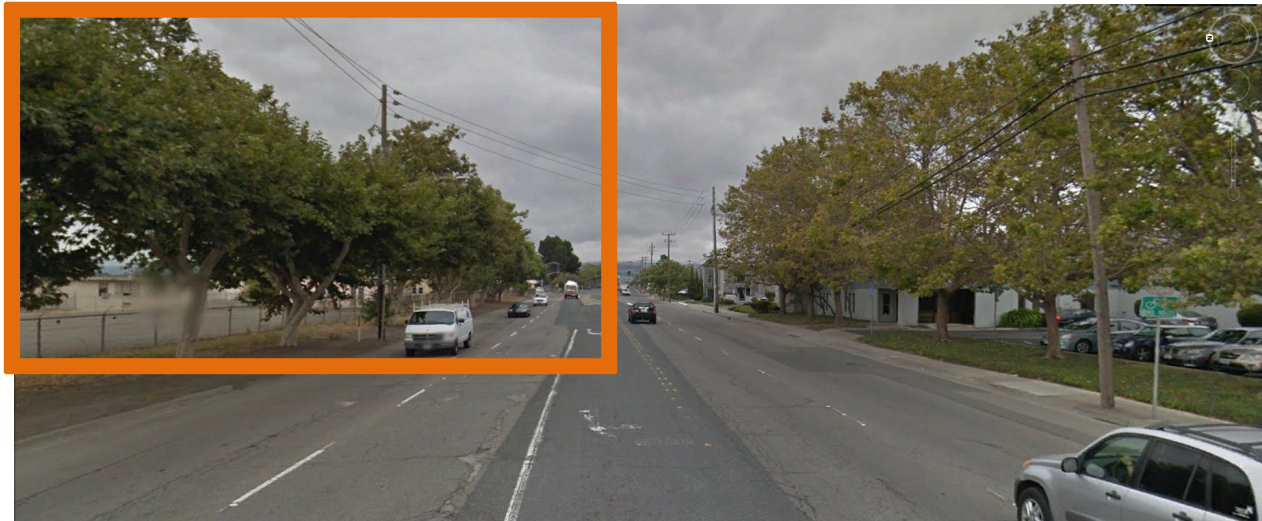
5	Industrial Blvd west of Dixon Street	Four street trees, Chinese Pistache, are proposed to be removed. Two trees are planted in tree wells in the sidewalk, and the other two are in a planter strip.	Significant. There are no opportunities for replacement tree planting in the sidewalk.	These four trees are located on a short segment of the pipeline that is located under the sidewalk. The appropriate solution would be to realign the pipeline and place it in the street and out of the sidewalk. PG&E has rejected this as overly costly and time consuming. Other mitigation option is planting replacement trees in the adjacent private properties in front setback areas.
6	Watkins Street at C Street in front of Main Library	Two Crape Myrtle trees on Watkins Street located between C and D Streets are proposed for removal by PG&E, and they are scheduled for removal as a part of the Library project.	None	Like-value replacement and agreed-to mitigation fee.
7	C Street west of Grand Street	Two impacted trees are located at Eden Housing. One is an accent tree marking the resident entrance and the other one is a required parking shade tree. There are no replacement planting opportunities for providing equal or similar quality.	Moderate. There are no tree replacement opportunities within the planting area or near.	Work with Eden Housing on acceptable mitigation.
8	North Side of A Street at Overpass	Two of five Redwood trees are proposed for removal.	Significant. The removal of two large Redwood trees will alter the visual quality in this area	Tree Preservation Ordinance compliant mitigation, possibly planting additional trees to the west, and agreed-to mitigation fee.
9	Under East A Street overpass	A healthy Japanese Maple tree is located in the entrance park under the A Street overpass to a housing development, Citron. The park was built on the City owned land and maintained by HOA.	Moderate. There is ample room for additional tree planting or transplanting of the existing Maple tree.	Replace in area maintained by HOA. Include HOA in decisions about species. Develop appropriate compensation for future maintenance.
10	Skywest Golf Course	All 151 screening trees along the western property fence at the railroad right-of-way are proposed for removal. In addition to those trees at the fence line, there are three to four layers of large Eucalyptus trees between the property fence line and the fairway .	Significant. Those trees provide visual barrier from the train traffic as well as windbreaks for golfers and for preventing golf balls from flying out of the golf course. Wildlife habitat might also be impacted by removal of these trees.	Work with HARD to determine appropriate mitigation.



EXHIBIT 1 - West Winton Avenue, west of Hesperian to Curtis Street



View looking west from W Winton Ave near Hesperian Blvd



View looking east from W Winton Ave at Clawiter Road



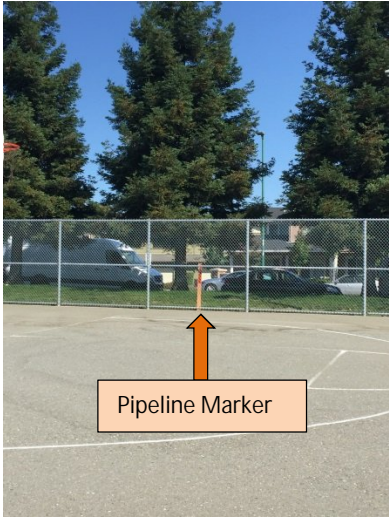


West of Hesperian Blvd along Airport property fence

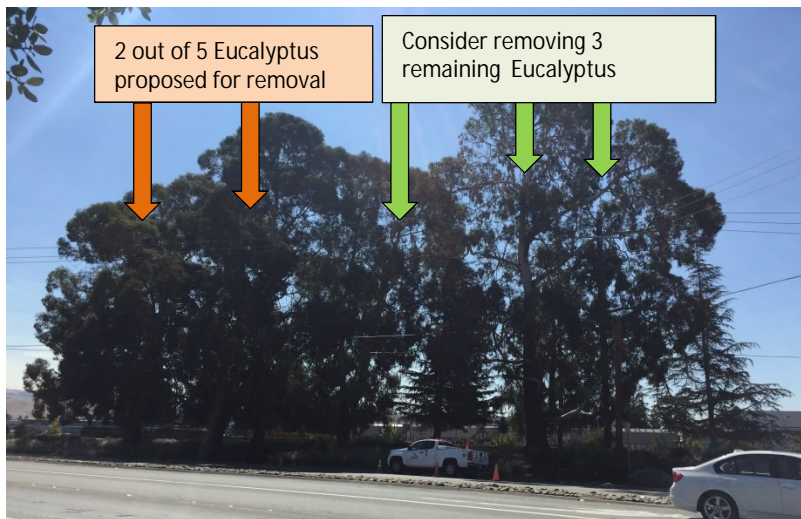
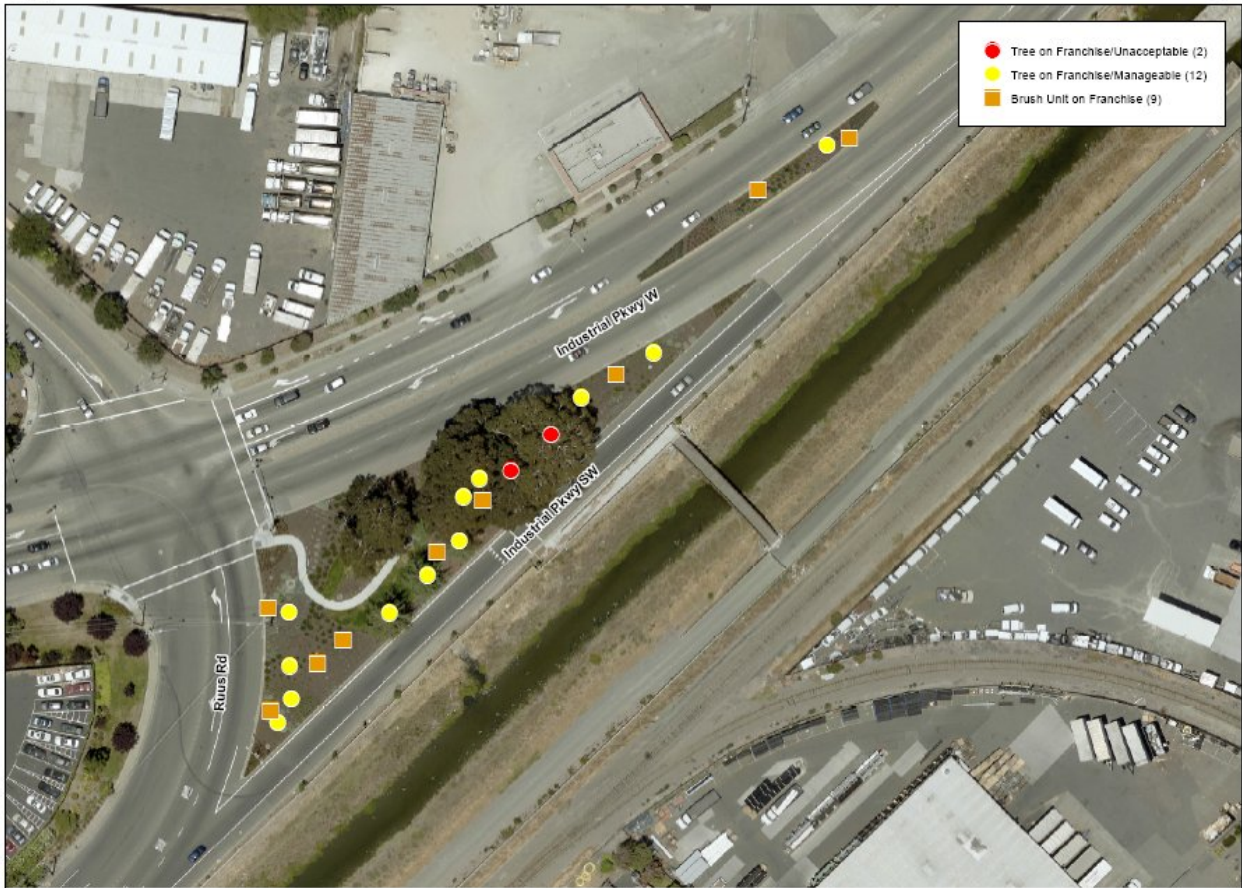
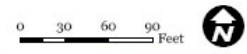


EXHIBIT 2 - Eden Shores Sports Park Parking Lot and Eden Park Place





H EXHIBIT 3 - Ruus Triangle at Industrial Pkwy and Ruus Road





H EXHIBIT 4 - Ruus Road north of Industrial Blvd

0 10 20 30 Feet



Photo 1



Photo 2



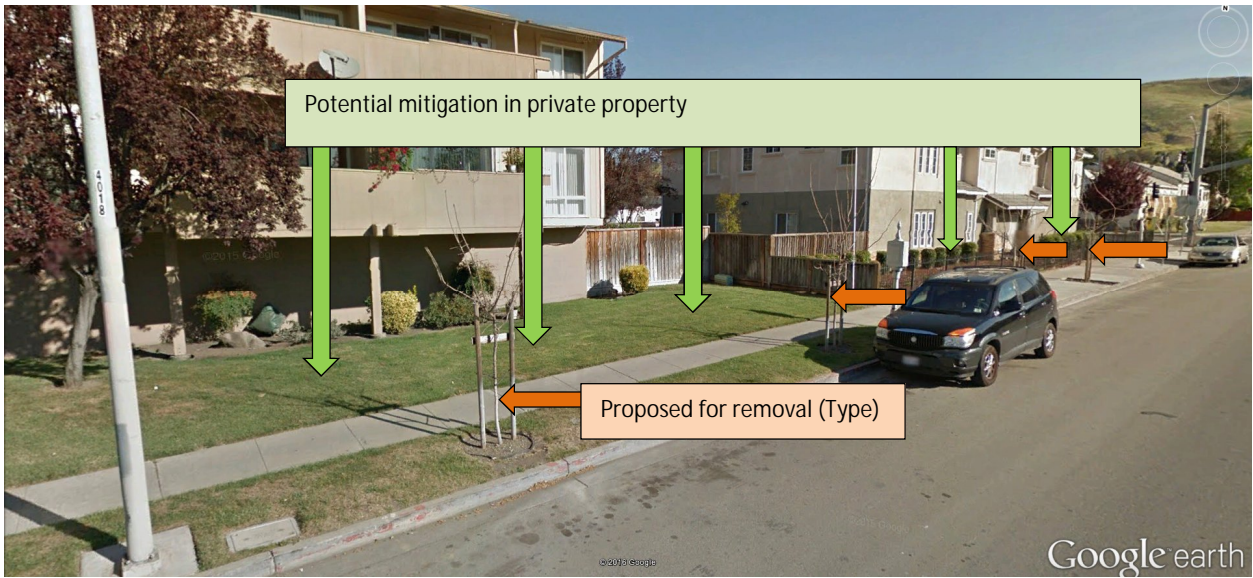
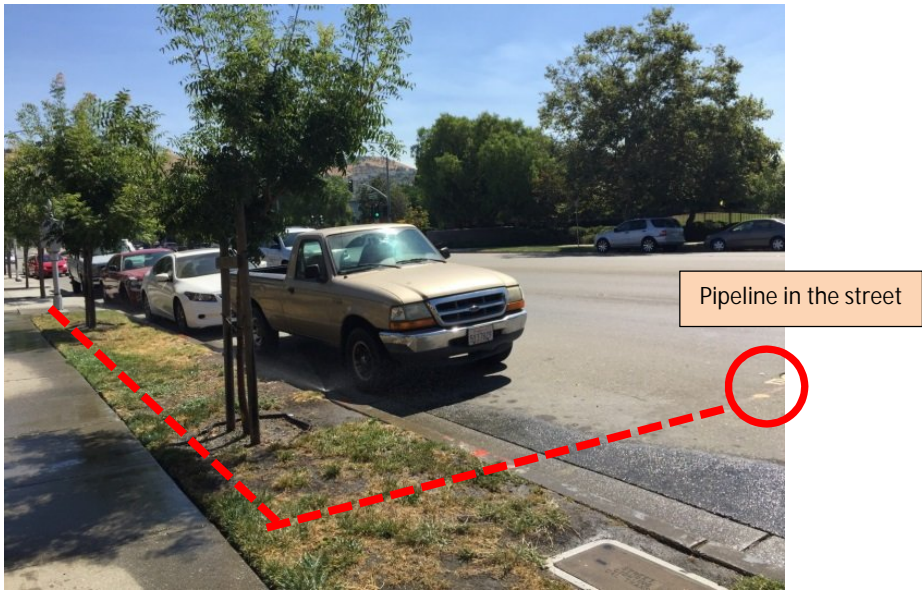
Photo 3



Photo 4

H EXHIBIT 5 - Industrial Boulevard west of Dixon Street





H EXHIBIT 6 - Watkins Street in front of Main Library between C and D Streets 0 30 60 90 Feet 



H EXHIBIT 7 - C Street west of Grand Street

0 25 50 75 Feet

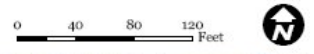


H EXHIBIT 8 - North side of A Street at overpass



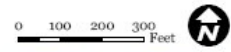


H EXHIBIT 9 - Under East A St overpass





H EXHIBIT 10 - Skywest Golf Course





Trees in poor condition at the western the Golf Course property fence along the railroad right-of-way directly over the pipeline



August 26, 2016

Dear Hayward Property Owner:

As you may know, PG&E is proposing to remove trees throughout Hayward and other communities that are located over or close to gas pipelines as part of its Community Pipeline Safety Initiative¹. City of Hayward staff has been communicating with PG&E representatives for the last several months regarding trees proposed to be removed on City property and in the public right-of-way, and also on private properties. The company is currently proposing to remove as many as 212 trees located on private properties throughout the City. One or more of those trees appear to be on your property. PG&E representatives may be contacting you in the near future to gain access to your property to assess whether any trees on your property may be slated for removal. We recommend that you allow PG&E representatives access to inspect the trees. However, at this point, and until PG&E has made a determination regarding the need for tree removal and negotiated with you regarding tree replacements and compensation to you, you should not agree to removal of any trees at this time.

This letter is being sent to inform you that if PG&E determines that any of your trees should be removed, you have rights as a property owner to negotiate a fair resolution with PG&E associated with any trees slated for removal, including replacement of tree(s) of sufficiently large size and compensation to you. The City also wishes to remind you that a Tree Removal Permit is required from the City to remove certain trees, including defined “protected trees”, regardless of why a tree is proposed to be removed. If you agree with PG&E to any tree removal, PG&E should be responsible for all costs, including permit fees. You may obtain the permit yourself and get reimbursed by PG&E, or delegate this task to PG&E.

Per the City’s Tree Preservation Ordinance (copy enclosed), “All removed or disfigured trees shall also require replacement with like-size, like-kind trees or an equal value tree or trees as determined by the City’s Landscape Architect.” As a private property owner, you could require replacement trees whose value exceeds the value of trees proposed to be removed.

Should you have any questions, please contact the City’s Landscape Architect, Michelle Koo, at michelle.koo@hayward-ca.gov or at 510-583-4208.

Sincerely,

for 
David Rizk
Development Services Director

Enclosure

Cc: Michelle Koo, Landscape Architect
Alex Ameri, Utilities and Environmental Services Director
Sara Buizer, Planning Manager
PG&E

¹ See info at: https://www.pge.com/en_US/safety/gas-safety/safety-initiatives/emergency-access.page?

ARTICLE 15

TREE PRESERVATION

Section	Subject Matter
10-15.10	PURPOSE AND INTENT
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ARTICLE 15

TREE PRESERVATION

SEC. 10-15.10 PURPOSE AND INTENT. The City of Hayward contains many species of native and non-native trees of significant size and quality that contribute in a positive way to its environment. Trees that are properly maintained increase property values, maintain the natural ecology, temper the effects of extreme temperatures, reduce runoff, prevent erosion of topsoil, and help create and maintain the identity and visual character of the City. Trees can help to provide protection from flooding and risks of landslides. They also increase oxygen output, which helps to combat air pollution. This Ordinance is intended to protect and preserve significant trees and control the re-shaping, removal or relocation of those trees that provide benefits for the neighborhood or the entire community while recognizing that there are rights to develop private property.

The City Council hereby finds that the wanton and wholesale destruction of trees could impair the scenic beauty of the area, cause erosion of top soil, create flood hazard and risk of landslides, reduce property values, and increase the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters.

For these reasons the City Council finds it in the public interest, convenience and necessity to enact regulations as may be reasonably consistent with the economic enjoyment of private property which will control the cutting or trimming, relocation, or removal of trees within the City in order to ensure that such tree work is in conformance with the International Society of Arboriculture (ISA) standards.

SEC. 10-15.11 APPLICATION OF ORDINANCE. The Tree Preservation Ordinance is applicable to all types of existing Industrial, Commercial, and Multi-family development, and to new development, under-developed properties, or undeveloped properties. Maintenance and removal of street trees is governed by the City's Street Tree Ordinance. On developed single family properties, only those trees that were required to be planted as part of the Zoning Ordinance or were required to be planted or protected in place as a condition of approval for development are Protected Trees that require a permit for trimming or cutting, relocation or removal. Trees required to be planted on a single family lot as part of the Zoning Ordinance include Street Trees or trees required to be planted in the front yard as 'street trees'. Side yard trees on a corner lot outside of the fence are also Protected Trees under this Ordinance. Trees within the rear yard area of single-family properties are exempt unless they were required to be planted or protected in place as part of the conditions of approval or discretionary action. Examples of non-exempt trees in rear yards may include trees planted adjacent to BART or railroad right-of-way or a Specimen Tree that was in place prior to the homes being developed. Trees planted by a single-family homeowner for purposes other than as a Condition of Approval are exempt from all portions of this Ordinance.

SEC. 10-15.12 DEFINITIONS. For the purposes herein, certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context a different meaning is intended.

Certified Arborist. A "Certified Arborist" shall be as defined by the International Society of Arboriculture. It shall include a "Consulting Arborist" who satisfied the requirements of

the American Society of Consulting Arborists (ASCA) and who is determined by ASCA to meet the standards of Certified or Consulting Arborist as defined above.

Cutting. “Cutting” shall mean the detaching or separating from a protected tree any live limb or branch over one inch in diameter, any pruning which changes the shape or natural character of the tree or any branch removal that removes more of the tree canopy than recommended under ISA Standards.

Damage. “Damage” shall mean any action that causes permanent injury, death or disfigurement to a tree. This may include, but is not limited to, cutting, poisoning, over watering, withholding water, unauthorized relocating or transplanting of a protected tree, trenching, excavating, or paving within the protected zone of a tree.

Disfigurement. “Disfigurement” or “disfigure” shall mean the unsightly and injurious trimming of a protected tree. This shall include tree-trimming practices that are not in conformance with the International Society of Arboriculture standards. It shall include pruning practices such as stubbing, heading, heading back, stubbing off, pollarding, tipping, hat racking, topping off, de-horning, lopping, or rounding over any Protected trees. These practices are not permitted with or without a permit from the City of Hayward. Existing pollarded trees shall be examined on a case-by-case basis as permits for trimming Protected trees are requested.

Deadwood. “Deadwood” shall mean the limbs, branches, or portion of a tree that contains no green leaves or live wood during a period of the year when green leaves should be present.

Dripline. The “Dripline” shall mean all of the area of ground underneath the tree to the outermost edge of any portion of the tree’s canopy. When depicted in plan view, the dripline will appear as an irregularly shaped circle that follows the outline of the tree's canopy as seen from above.

Encroachment. “Encroachment” shall mean any intrusion of human activity into the protected zone of a Specimen or Protected tree. This includes, but is not limited to, pruning, grading, excavating, trenching, installation of fencing, parking vehicles, driving, storing materials or equipment, or construction of structures or other improvements.

Memorial Tree. “Memorial Tree” shall mean any tree planted in memory of or in commemoration of an individual or individuals or a specific event by an entity recognized by the City of Hayward. This in general will not include Christmas trees planted by a family or other similar type plantings.

Person. “Person” shall mean any natural person, partnership, firm, corporation, governmental agency, or other legal entity.

Pollard. To drastically trim a tree removing the majority of the branching structure so that all that remains are stubs of the main branches, which then are forced to put out new branches. The new branches are weakly attached to the main structure of the tree. Because of the cuts, the tree is usually susceptible to any air borne diseases and invasive insects.

Protected Tree. “Protected Tree” shall mean a tree of a specific species or size that may not be reshaped, altered, damaged, relocated or removed without first obtaining a Tree Removal and Cutting Permit from the City of Hayward. Protected trees shall not include trees planted and

growing in a licensed nursery for sale or planted and grown as a part of an active commercial orchard.

Protected Zone. The “Protected Zone” shall mean the area located under the undisturbed canopy of the tree as described in “Dripline” and extending for an additional one (1) foot from the center point of the tree to beyond the farthest point of the dripline of the tree.

Pruning. “Pruning” shall mean the removal of water sprouts, crossed limbs, or other unhealthy branching structure as designated by the ISA. Such removal shall not change the natural form of the tree, shall not consist of stubbing or heading back branches, and shall in no case consist of removing more of the total tree canopy than recommended under ISA standards.

Relocation. “Relocation” shall mean the transplanting of a tree from its original location to another suitable location.

Removal. “Removal” shall mean the physical removal of a tree or causing the death or untimely decline of a tree through actions including but not limited to damage, destruction, unnecessary disfigurement, withholding water, poisoning, or other deliberate or willful action or inaction.

Routine Maintenance. “Routine Maintenance” shall mean actions needed for the continued health of a tree including but not limited to, the removal of deadwood or storm damaged branches, light pruning to remove sucker growth or improve scaffolding when such pruning does not alter the natural form of the tree, removal of branches less than 1 inch in diameter.

Specimen Tree. A “Specimen Tree” shall mean a tree that is representative of a particular species in form and size. It is a tree that may also represent the character of an area or neighborhood such as a live or valley oak in the foothill areas, redwoods along the northern California coast or a specific tree that is common in a particular neighborhood.

Street Tree. A “Street Tree” is a tree that is planted in the right-of-way of a street and is also maintained by the City. It is usually located in the planter strip between the curb and the sidewalk or in a median island.

Tree. A “Tree” shall mean any woody perennial plant characterized by having a single trunk or multi-trunk structure at least ten feet high and having a major trunk with a caliper of at least four inches measured 54 inches above the ground level. It shall also include those species of plants generally designated as trees and any required tree shown on City approved landscape plans.

Trimming. See ‘Cutting’.

SEC. 10-15.13 PROTECTED TREES. The following trees, when located on properties to which this Ordinance applies as set forth in Section 10-15.11 above, shall be Protected Trees:

- (1) Trees having a minimum trunk diameter of eight inches measured 54” above the ground. When measuring a multi-trunk tree, the diameters of the largest three trunks shall be added together.
- (2) Street trees or other required trees such as those required as a condition of approval, Use Permit, or other Zoning requirement, regardless of size.

- (3) All memorial trees dedicated by an entity recognized by the City, and all specimen trees that define a neighborhood or community.
- (4) Trees of the following species that have reached a minimum of four inches diameter trunk size:
 - a. Big Leaf Maple *Acer macrophyllum*
 - b. California Buckeye *Aesculus californica*
 - c. Madrone *Arbutus menziesii*
 - d. Western Dogwood *Cornus nuttallii*
 - e. California Sycamore *Platanus racemosa*
 - f. Coast Live Oak *Quercus agrifolia*
 - g. Canyon Live Oak *Quercus chrysolepis*
 - h. Blue Oak *Quercus douglassii*
 - i. Oregon White Oak *Quercus garryana*
 - j. California Black Oak *Quercus kelloggi*
 - k. Valley Oak *Quercus lobata*
 - l. Interior Live Oak *Quercus wislizenii*
 - m. California Bay *Umbellularia californica*
- (5) A tree or trees of any size planted as a replacement for a Protected Tree.

Trees located on a developed single-family residential lot that cannot be further subdivided are exempt unless they have been required or protected as a condition of approval.

SEC. 10-15.14 PRESERVATION OF PROTECTED TREES. Any person who owns, controls, or has custody of any real property within the City shall maintain all Protected Trees located thereon in a state of good health. This includes parcels designated as permanent open space or for recreational purposes. Failure to maintain said trees in a state of good health will constitute a violation of this section.

SEC. 10-15.15 NON-LIABILITY OF CITY. Nothing in this Chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any public property or the owner of any private property shall have a duty to keep Protected Trees upon the property and under their control in a safe and healthy condition.

SEC. 10-15.20 PERMITS REQUIRED. No person shall remove, destroy, perform cutting of branches over one inch in diameter, or disfigure or cause to be removed or destroyed or disfigured any Protected Tree without having first obtained a permit to do so. Street Trees are protected under the Street Tree Ordinance. All Protected Trees shall require a permit for removal, relocation, cutting or reshaping. All removed or disfigured trees shall also require replacement with like-size, like-kind trees or an equal value tree or trees as determined by the City's Landscape Architect. If a replacement tree is unavailable in like size or kind, the value of the original Protected Tree shall be determined using the latest edition of "Guide for Plant Appraisal" by the International Society of Arboriculture. The valuation shall be used to determine the number and size of replacement trees required.

The replacement trees shall be located on site wherever possible. Where there is not sufficient room on site for the replacement trees in the judgment of the City Landscape Architect or

his or her designated representative, another site may be designated that is mutually agreeable. These replacement trees shall not be counted as part of the required trees to meet zoning standards for the original site.

Routine maintenance of Protected Trees shall not require a permit. However, no Protected Tree shall be severely pruned, topped, pollarded or otherwise pruned in a way that disfigures the natural form of the tree. This maintenance shall include only tree pruning practices that are approved by the International Society of Arboriculture or practices authorized in the City of Hayward Tree Maintenance Handout. Except in emergency situations where a branch is causing immediate danger to the public in the opinion of a Certified Arborist, major pruning or trimming of a Protected Tree, cutting of live branches over one inch in diameter, pollarding, removing of large branches obscuring a sign, or other large scale limb removal will require a permit prior to any work being performed.

A one-year pruning permit that is not site-specific may be issued under the following circumstances: (1) the applicant has a Certified Arborist on staff who is listed on the City's list of Certified Arborists; (2) the applicant has agreed in writing to perform work in accordance with City-approved International Society of Arboriculture standards; and (3) the applicant has submitted a written protocol describing the proposed activity. Utilities or their sub-contractor, whose work is performed or supervised by a Certified Arborist included on the most recently approved list of Certified Arborists maintained by the City, may receive a yearly permit for all Protected Trees to be trimmed but shall demonstrate to the City's satisfaction the use of International Society of Arboriculture best practices for all work. All other permits shall be site-specific. Tenants of any property shall have the express written consent of the owner prior to removing or cutting any Protected Trees on that property and prior to obtaining any required permits.

SEC. 10-15.21 APPLICATION FOR PERMIT. An application for a Protected Tree Removal or Cutting permit shall be filed for all Protected Trees along with the inspection fee as established in the City's Master Fee Schedule. The application shall be filed and approved prior to any tree removals, relocations, or cutting. Where Protected Tree removal, relocation, or encroachment into the Protected Zone of a tree is requested as part of the development of a lot or parcel, the application must be processed prior to the issuance of any grading, trenching, encroachment, demolition, or building permit for development. On receipt of a completed application, the City Landscape Architect or his or her designated representative shall inspect the premises and determine which Protected Trees may be removed or what reshaping or cutting may occur.

SEC. 10-15.22 CRITERIA FOR EVALUATING APPLICATIONS. The following criteria will be used when evaluating Protected Tree Removal or cutting requests:

- a. The condition of the existing Protected Tree with respect to disease, danger of falling, or deadwood.
- b. Danger to the public or to other Protected Trees in its present condition or location.
- c. Interference with existing utilities (e.g., sewer lines, power lines) or with a neighboring property's view; provided that the view interference was not pre-existing or the tree is estimated not to have existed prior to the neighboring house being built.
- d. Whether the Protected Tree is a Specimen Tree, Street Tree or Memorial Tree.

- e. Whether the Protected Tree is lifting the sidewalks and the sidewalk cannot be re-poured with a root barrier or relocated to preserve the tree.
- f. Whether removal, relocation, re-shaping, or encroaching into the Protected Zone of the tree is necessary in order to allow reasonable use of the property.
- g. Whether the Protected Tree is anchoring a slope or the removal or disturbance of the Protected Zone of the tree would cause erosion, loss of soil, increase the flow of surface runoff, or cause a diversion of water that would affect downstream properties.
- h. The total number of overall or Protected Trees on the property in comparison to surrounding properties and the effect the tree removal would have on surrounding property values.
- i. Whether an effort has been made to preserve the character of the area and the more valuable specimens have been preserved or relocated on site.
- j. Whether the property will support the number of existing trees, taking into consideration any proposed development and zoning for the property, in a healthy growing condition and whether a different layout might allow for the preservation of the tree(s) in place.
- k. Whether the Protected Tree is encroaching on or damaging the existing primary residence or development and if it is, whether it could be trimmed or reshaped in a natural looking form or the roots pruned and redirected with root barriers to protect the existing development.

SEC. 10-15.23 CONDITIONS OF APPROVAL. No person shall cut, move, or remove any Protected Tree in violation of the terms or conditions of any permit granted hereunder. Tree Removal or Cutting Permits shall include such conditions of approval as are appropriate to affect the purpose of this Ordinance. Such conditions may include, but are not limited to, the following:

- a. Replacement of Protected Trees removed or destroyed with a tree or trees equal in size and species or value as provided in Section 10-15.20.
- b. The retention of Certified Arborist to supervise all pruning both of branches and roots, re-shaping, trimming or relocation of Protected Trees.
- c. The branch and root structure of all Protected Trees to remain in place or Protected Trees that have been relocated on site shall be protected by the use of a substantial construction fence, such as a non movable chain link fence, placed around the Protected Zone of each Protected Tree. Such protection shall be in place prior to any construction equipment or materials being on site. Fencing shall remain in place until construction equipment, materials, and debris have been removed from the site and approval from the City Landscape Architect has been given for removal. No mechanical equipment, material, debris, paint or paint products, pallets, chemicals, contaminated water or other foreign material shall be allowed to be placed, poured, piled, pushed, or stored within the Protected Zone of any tree.
- d. Each Protected tree or any tree designated to remain in place on the construction site

shall receive Routine Maintenance during the entire construction process.

SEC. 10-15.24 EXCEPTIONS. If personal injury or property damage is determined by the City Landscape Architect, the City Landscape Manager or their designated representatives to be imminent due to the hazardous or dangerous condition of a Protected Tree, or if the Protected Tree is an immediate impediment to the work of any public safety officers, a Protected Tree may be cut or removed without a permit. A Protected Tree that is removed under these conditions shall be replaced by a 24” box tree since the removal of a Protected Tree under Emergency Circumstances does not negate the Conditions of Approval or zoning requirements for a site.

SEC. 10-15.25 PERMIT APPEALS. Any affected party may appeal a permit decision made by the Landscape Architect, or his or her designated representative, to the Planning Director, in writing within 10 days of the permit decision. Any affected party may appeal the decision of the Planning Director to the Planning Commission in accordance with the appeals process detailed in Section 10-1.2845 of the Hayward Municipal Code. The Planning Commission may approve, conditionally approve or disapprove the application based on the criteria listed in Section 10-15.22.

The decision of the Planning Commission may be appealed to the City Council in accordance with the appeals process detailed in Section 10-1.2845. The City Council may approve, conditionally approve, or disapprove the application based on the criteria listed in Section 10-15.22. In the event significant new evidence, which may include substantial changes in the application, is presented in conjunction with the appeal, the matter shall be returned to the Planning Commission for further consideration and action. In the absence of significant new evidence, the action of the City Council shall be final and conclusive.

SEC. 10-15.26 PENALTIES. Should a Protected Tree be substantially re-shaped, topped, removed, damaged or destroyed without a permit, a fine equal to the value of the Protected Tree shall be charged in addition to the replacement of the Protected Tree with a like-kind, like-size tree. The value of the original Protected Tree shall be determined using the latest Edition of “Guide for Plant Appraisal” by the International Society of Arboriculture. If the size of the Protected Tree cannot be determined due to the unauthorized removal of a Protected Tree, the size shall be determined by measuring the stump that remains or may be determined by anecdotal evidence or interpolated from photographs or adjacent trees. A missing Protected Tree shall be assumed to have been in perfect health, unless the property owner can prove otherwise by photo or other verifiable evidence.

The Landscape Architect shall notify the property owner and alleged violator (if different than the property owner) of the violation and fine in writing. The notice shall include a description of the alleged violation and provide the owner ten business days to request an administrative hearing before the City’s Planning Director. The notice shall also indicate that the decision of the Landscape Architect is final unless appealed to the Planning Director. The Planning Director shall consider all relevant evidence. All decisions of the Planning Director are final subject to provisions of Section 10-15.29.

SEC. 10-15.27 COLLECTION OF PENALTIES. Fines for violation of this Chapter are payable at the City’s Finance office. Fines must be paid within thirty business days. The City’s Finance Department is authorized to collect all unpaid civil fines.

SEC. 10-15.28 MISDEMEANOR; INJUNCTIVE RELIEF. Violation of any provisions of this Chapter shall be chargeable as a misdemeanor as provided in Article 3 of the

Hayward Municipal Code. In addition to the foregoing criminal penalty, violation of any provisions of this Chapter shall be the basis for injunctive relief.

SEC. 10-15.29 IMPOSITION OF LIEN. Any unpaid costs or penalties imposed pursuant to this Chapter shall constitute a special assessment against the real property upon which a violation of this Chapter has occurred. All costs and/or fines shall be itemized in a written report of assessment. The Planning Director shall cause a copy of the report and assessment to be served on the owner of the property not less than five days prior to the time fixed for confirmation of the assessment. Service may be made by enclosing a copy of the report of assessment in a sealed envelope, postage prepaid, addressed to the owner at his or her last known address as the same appears on the last equalized assessment rolls of the County of Alameda and depositing the same in the United States mail. Service shall be deemed complete at the time of mailing.

A copy of the report of assessment shall be posted in the Office of the City Clerk on the bulletin board designated for the posting of agendas, not less than three days prior to the time when the report shall be submitted to the City Council. The City Council shall hear the report, together with any objections by the property owner. After the assessment is made and confirmed by the City Council, it shall be a lien on said property.

SEC. 10-15.30 DURATION OF PERMIT. Any permit issued shall be valid for a period of one year from issuance, or, if an appeal is taken, one year from the final decision.

SEC. 10-15.31 REVOCATION OF PERMIT. A permit shall be subject to revocation if the conditions of the permit or the regulations set forth herein or incorporated herein are violated. Before taking any action to revoke the permit, the Landscape Architect shall give notice to the permittee in writing of the proposed revocation, the reasons therefore, and the time and place the permittee will be given an opportunity to show cause to the Landscape Architect why the permit should not be revoked. The written notice may be personally served upon the permittee or mailed to the permittee at the address shown on the application at least ten days prior to the hearing. Upon conclusion of the hearing, the Landscape Architect may revoke the permit upon a finding of noncompliance with the conditions of the permit or the regulations herein.

The Landscape Architect's decision to revoke the permit may be appealed as set forth in Section 10-15.25 above.

Any permittee who has had an annual, non-site specific permit revoked shall not be eligible for a new annual, non-site specific permit for a period of six months from the date of the final decision revoking the permit. During the six-month period, the permittee may apply for only individual, site-specific permits and must meet the requirements of Section 10-15.21.



CITY OF HAYWARD

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

File #: ACT 16-003

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Priority Setting for the Alameda County Waste Management Authority

RECOMMENDATION

That the Committee reviews and comments on this report.

ATTACHMENTS

Attachment I Staff Report



DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Priority Setting for the Alameda County Waste Management Authority

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

This report provides an update on the Alameda County Waste Management Authority (ACWMA also known as StopWaste) staff, who are seeking direction for setting budgetary priorities for the upcoming two years. A July 27, 2016 ACWMA staff memo to the ACWMA Board states staff is seeking direction in response to reduced resources available to the Agency amid growing environmental challenges. StopWaste staff plans to seek input from a variety of stakeholders, including the Hayward City Council Sustainability Committee, with the goal of developing a budgetary decision-making framework that will allow ACWMA to leverage its limited resources through partnerships and external funding with no new fees.

BACKGROUND

StopWaste's 2010 strategic plan guides its budget and work plans. A February 2016 ACWMA staff memo states that based on revised forecasts, and depending on the forecast scenario, the 2018-2019 budget shows expenditures outpacing revenues by appropriately \$1.3 million to \$2.2 million. The Authority has indicated that it has built substantial fund balances through the years that should help bridge these gaps as they work towards matching ongoing core revenues with ongoing core expenditures.

This funding imbalance requires ACWMA staff to re-evaluate priorities within the existing structure, so as to best use remaining resources for the final years of the 2010 strategic plan. Staff is seeking a priority framework from the Board that can be used to make decisions when developing budgets for the next two years. At the conclusion of the next two budget cycles, staff will begin discussions with the Board on what strategy structure would best replace the 2010 strategic plan once that plan reaches its ten-year horizon in 2020.

DISCUSSION

The priority setting process started in July 2016, and is scheduled to run through November 2016. The process will include conversations with staff, ACWMA and Recycling Boards, member agency staff (member agency Technical Advisory Committee (TAC) and City Managers), and will request input from stakeholders such as the Northern California Recycling Association, the Measure D committee, and industry representatives. Staff will provide any comments and direction received from CSC members at this evening’s meeting to StopWaste. The process will conclude in November 2016 with the ACWMA Board approving a budgetary decision-making framework.

Basic process elements include:

- Board presentations
- Stakeholder input – Staff will solicit input on the priorities of external stakeholders such as member agencies, haulers, and recyclers.
- Internal input– including an assessment of effectiveness of current projects.
- Board Direction

StopWaste staff initiated the process with an informal preliminary information gathering session at the July 28 TAC Meeting. Some general feedback from that meeting included agencies wanting more of the following: organic material management prioritized over non-organic material management; time spent on mandatory rather than voluntary measures; innovative approaches; upstream waste reduction; and a focus on broader sustainability rather than only on waste management.

Table 1: Basic Priority Setting Timeline:

JULY 2016		
July 13	StopWaste Staff	Process overview, gather initial input
July 27	WMA/Energy Council (EC)	Priority setting process/timeline
July 28	TAC	Process overview, gather initial input

SEPTEMBER 2016		
September 1	TAC	Initial strategy preview and input
September 14	StopWaste Staff	Initial strategy preview and input
September 28	Joint WMA/EC, Recycling Board	Facilitated goal setting
Dates TBD	Member agencies, industry, other partners	Initiate conversations and gather input

OCTOBER 2016		
Dates TBD	StopWaste Staff	Develop recommended framework for Board adoption in November

NOVEMBER 2016		
November 10	Recycling Board	Adoption of priority framework
November 16	WMA/EC Board	Adoption of priority framework

During the September 12 Sustainability Committee meeting, staff would appreciate hearing the Committee's initial thoughts on ACWMA priorities.

NEXT STEPS

The Council Sustainability Committee will have the opportunity to make recommendations to the ACWMA Board in September 2016.

Prepared by: Jeff Krump, Solid Waste Program Manager

Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: ACT 16-004

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Energy Performance and Disclosure in Existing Homes and Commercial Buildings

RECOMMENDATION

That the Committee reviews and provides comments and policy direction on this report.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	October 2, 2013 Council Sustainability Committee Meeting Minutes
Attachment III	October 22, 2013 City Council Meeting Minutes
Attachment IV	Web Links
Attachment V	Sample Home Energy Score Report
Attachment VI	Energy Benchmarking and Transparency Benefits



DATE: September 12, 2016
TO: Council Sustainability Committee
FROM: Director of Utilities and Environmental Services

SUBJECT

Energy Performance and Disclosure in Existing Homes and Commercial Buildings

RECOMMENDATION

That the Committee reviews and provides comments and policy direction on this report.

SUMMARY

In order to meet the City's long term greenhouse gas (GHG) emissions reduction goals, energy consumption by existing buildings must be addressed. This report presents the current General Plan programs that call for an Energy Performance and Disclosure (EPAD) ordinance, includes a summary of ordinances adopted by other cities, and some factors for the Committee to consider regarding possible adoption of an ordinance.

BACKGROUND

The City's original Climate Action Plan (CAP), adopted in 2009, included: Action 3.1, a Residential Energy Conservation Ordinance (RECO) for single-family homes; Action 3.2, a RECO for multi-family homes; and Action 3.3, a CECE for commercial buildings. Action 3.1 reads:

Develop and implement a Residential Energy Conservation Ordinance (RECO) for detached single-family homes which would require improved energy efficiency and energy conservation in residential buildings. Update the RECO on a regular basis to ensure buildings become more energy efficient over time. Typical energy efficiency improvements may include updates to the lighting, heating, ventilation, and air conditioning systems and improvements that lead to water conservation.

In 2010 and 2011, staff worked with the Council Sustainability Committee (CSC) to consider a possible RECO. The proposed ordinance would have required energy efficiency improvements in existing single-family and duplex homes. Several public meetings were held in 2010 and 2011 with the CSC and stakeholders. On May 31, 2011, due to concerns about potential costs

to homeowners and on recommendation from the CSC, Council directed staff to stop developing a RECO and to focus on voluntary programs and incentives, and to work with StopWaste to explore the development of an ordinance that may become a model that could be adopted by cities throughout Alameda County.

In 2014, when the current General Plan was adopted, it incorporated the original Climate Action Plan. Actions 3.1, 3.2, and 3.3 from the original CAP became Implementation Programs NR-5 and NR-6 (Residential Energy Performance Assessment and Disclosure Ordinance and Commercial Energy Performance Assessment and Disclosure Ordinance). The original language for these two programs was presented to the CSC on October 2, 2013:

Residential Energy Performance Audit and Disclosure Ordinance. The City shall adopt a Residential Energy Performance Audit and Disclosure (EPAD) Ordinance for detached single-family homes and multi-family homes. The EPAD Ordinance shall require energy performance disclosures at determined trigger points or thresholds and improved energy efficiency and energy conservation in residential buildings. The EPAD's required efficiency improvements shall be those that are determined to be affordable and cost-effective.

Commercial Energy Performance Audit and Disclosure Ordinance. The City shall adopt a Commercial Energy Performance Audit and Disclosure (CPAD) Ordinance for detached single-family homes and multi-family homes. The CPAD Ordinance shall require energy performance disclosures at determined trigger points or thresholds and improved energy efficiency and energy conservation in commercial buildings. The CPAD's required efficiency improvements shall be those that are determined to be affordable and cost-effective.

The CSC expressed concerns about making disclosure mandatory and suggested that disclosure should be voluntary. The minutes from the October 2, 2013 CSC meeting are included as Attachment II. On October 22, 2013, draft policies and programs for the General Plan were presented to Council. The EPAD programs were revised as follows:

Residential Energy Performance Audit and Disclosure Ordinance. The City shall adopt a Residential Energy Performance Audit and Disclosure (EPAD-R) Ordinance for detached single-family homes and multi-family homes. The Residential EPAD Ordinance shall require energy performance disclosures at determined trigger points or thresholds. After disclosure requirements are in effect for at least two to three years, the City may consider requirements for cost-effective and improved improvements in energy efficiency and energy conservation in residential buildings. ~~The EPAD's required efficiency improvements shall be those that are determined to be affordable and cost-effective.~~

Commercial Energy Performance Audit and Disclosure Ordinance. The City shall adopt a Commercial Energy Performance Audit and Disclosure (EPAD-C) Ordinance for ~~detached single-family homes and multi-family homes~~ commercial buildings. The Commercial EPAD Ordinance shall require energy performance disclosures at determined trigger points or thresholds. After disclosure requirements are in effect for at least two to three years, the City may consider requirements for cost-effective and improved improvements in energy efficiency and energy conservation in commercial buildings. ~~The CPAD's required efficiency improvements shall be those that are determined to be affordable and cost-effective.~~

Council expressed reservations about the possibility of requiring improvements (see Attachment III for meeting minutes). In response, staff further revised each of the programs. The final text of each General Plan program is as follows:

NR-5 – Residential Energy Performance Assessment and Disclosure Ordinance. Not sooner than 2017, the City shall consider adopting a Residential Energy Performance Assessment and Disclosure (EPAD-R) Ordinance for detached single-family homes and multi-family homes. The EPAD-R Ordinance may include the following:

- energy performance disclosures at certain points or thresholds
- use of a free online tool such as the Environmental Protection Agency’s Home Energy Yardstick for self-assessment, which takes into account the size of the home and number of occupants
- alternatively, use of a low-cost assessment tool such as the Department of Energy’s Home Energy Score
- flexible exemption provisions including:
 - the age of the building,
 - foreclosures or short sales,
 - recent energy efficiency upgrades,
 - an owner providing twelve consecutive monthly utility bills from the previous two years

NR-6 – Commercial Energy Performance Assessment and Disclosure Ordinance. The City shall consider adopting a Commercial Energy Performance Assessment and Disclosure (EPAD-C) Ordinance for commercial buildings. The EPAD-C Ordinance may include the following:

- Energy use disclosure requirements consistent with State law (AB 1103), which requires use of the ENERGY STAR Portfolio Manager benchmarking tool.
- Exemption provisions consistent with AB 1103, which include:
 - the size of the building
 - the occupancy type of the building

DISCUSSION

Requiring disclosure of the energy efficiency of a building can be an incentive for owners to install energy efficiency improvements. Energy efficient lighting and appliances and occupant behavior can reduce utility bills for owners and renters. Property owners have an incentive to invest in and market the energy efficiency of their buildings. Likewise, energy information disclosure helps prospective tenants and buyers to compare energy performance across buildings. For example, the efficiency of major appliances or systems is sometimes included in marketing information. In addition, energy information disclosure policies enable local government and utilities to direct resources and assistance to help improve energy performance. Disclosure requirements also create an opportunity to teach owners how to access financing & incentive opportunities.

Residential – Hayward currently has approximately 49,000 dwelling units. Of that total, approximately 85% were built before 1990. By 2040, Hayward is expected to have approximately 58,000 housing units and percentage of pre-1990 homes will still be substantial – approximately 65%. While the homes built today are subject to high energy efficiency standards and, starting in 2020, new homes will be zero net energy, we need to find ways to reduce the energy consumption and emissions associated with existing homes.

While a RECO typically would have required energy efficiency improvements to be installed in existing buildings, several cities are now adopting ordinances that simply require disclosure of energy use and ratings that describe the efficiency of buildings. The most accepted tool for generating a performance score of a single-family home or a townhouse is the Department of Energy’s Home Energy Score (HES). Preparation of a HES report requires an inspection by a certified rater and results in a one to ten score, which is calculated using forty different data points including information about the home’s envelope, heating, cooling and hot water systems. Information about how residents operate the house and non-permanent features like lighting, home electronics and appliances are not included in the calculation. Finally, a HES report includes customized recommendations for improving the efficiency of the home. A sample report is included as Attachment III to this report. The HES rating is relatively simple and typically costs \$200 to \$300.

There are other rating tools available, such as the Home Energy Rating System (HERS II), which scores a home’s energy use based on a standardized scale called the HERS index, and GreenPoint Rated for Existing Homes, which scores a home’s environmental impacts in five categories: community, energy, indoor air quality/health, resources and water. However, both HERS II and the Green Point Rated ratings are complex, time consuming, and expensive, making them problematic for local government to mandate for single family homes.

The DOE’s Home Energy Yardstick, mentioned in NR-5, is a free online tool that can be completed without special training. To calculate a Home Energy Yardstick score, only five inputs are necessary:

1. ZIP code;
2. Square footage of the home;
3. Number of full time home occupants;
4. A list of all the different fuels used in the home (e.g., electricity, natural gas, fuel oil);
and
5. Last twelve-months of utility bills.

Some cities promote the use of the Home Energy Yardstick, but staff is not aware of any cities that require use of the tool. While the HES evaluation considers the home and its physical characteristics and not occupant behavior, the Home Energy Yardstick relies more on bill information, which varies depending on occupant behavior.

StopWaste, with support from the Bay Area Regional Energy Network (BayREN), formed a READ (Residential Energy Assessment Disclosure) working group and released a white paper about READ/RECO ordinances. StopWaste developed a standardized HES assessment tool and program protocols. StopWaste also developed the standard “Custom Recommendation Form” that is included at the end of each HES report, which is aligned with the Energy Upgrade California program and identifies rebate and financing opportunities. Information for both consumers and assessors is available [here](#).

StopWaste provides registration and training services for Assessors for the nine-county Bay Area. To become a Qualified Home Energy Score Assessor, individuals must:

1. View an online recorded webinar
2. Complete a Home Energy Score Assessor Agreement
3. Possess required insurance
4. Possess a building-related credential from a qualified organization such as the American Society of Home Inspectors (ASHI) or the California Real Estate Inspector Association
5. Complete the Free Two-Part Online Training and Testing

In all cities except Berkeley, Assessors may receive a \$300 rebate for their first home scored and \$150 for each subsequent home scored. In the City of Berkeley, the homeowner currently receives a \$200 rebate.

The City of Berkeley has had a RECO and a CECO since 1987 and 1994 respectively. Berkeley’s original RECO had a list of prescriptive measures, but over time, the ordinance became outdated with respect to current energy code requirements and incentives available for efficiency improvements. Also, because every home is different, a one-size-fits-all approach is not the best way to maximize energy efficiency. In 2015, the RECO and CECO were replaced with the Berkeley Energy Saving Ordinance (BESO). For single-family homes, the BESO requires submittal of a HES energy report at time of sale. The required report can be deferred for twelve months and there are several exemptions including low energy users and financial hardship. Following are some key points about Berkeley’s BESO:

- The requirement for an energy assessment is the responsibility of the owner. This allows the cost and timing to be negotiated between buyer and seller.
- About half of homes apply for twelve-month deferral. This allows the sale to proceed on schedule.
- Berkeley is encouraging assessors to bundle the energy report service into the general inspection service. Adding a HES evaluation to a general inspection can increase inspection time by about thirty-minutes, but can avoid the need for the owner to schedule a separate inspection appointment.
- As of July 8, 2016, 285 HES evaluations had been completed.

- There are currently six companies registered as Home Energy Assessors for single-family homes in the Bay Area and they are all located in northern Alameda County. There are currently eight companies registered as Commercial, Multifamily & Mixed Use Building Energy Assessors.
- Violations of the BESO are subject to an administrative citation.
- More information about Berkeley's BESO is available [here](#).

The City of Piedmont is currently considering a BESO similar to Berkeley's. Piedmont's City Council expressed initial support for the ordinance in May 2014. On June 13, 2016, Piedmont's Planning Commission voted 3-2 recommending that the Piedmont City Council not approve the BESO. The Planning Commission's decision was based, in part, on the results of a community survey showing that of the 409 unique responses, 293 (72%) were against any form of energy assessment requirement. The possible BESO is expected to be presented to Piedmont's City Council in early September.

The City of Albany is also considering a BESO similar to Berkeley's; however Albany's Sustainability Committee has expressed concern about the potential administrative burden associated with managing the ordinance and tracking compliance. A possible BESO may be presented to Albany's Council this fall.

The cities of Brisbane and Menlo Park, and San Mateo County are also in various stages of exploring adoption of RECOs and BESOs

The City of Chico adopted a RECO in 1991 and amended it in 2010. The ordinance requires property owners to implement certain energy and water conservation measures upon the resale of residential (single and multi-family) properties. Regardless of resale, properties are required to be re-inspected once every ten years. A minimum R-30 ceiling insulation must be installed regardless of cost and if the cost of the required insulation is under \$800, additional measures are required until \$800 is reached. Chico's RECO webpage is available [here](#).

The City of Boulder, Colorado has an ordinance (SmartRegs) that requires all rental housing to undergo an energy audit. Depending on the results of the audit, the owner may be required to install efficiency upgrades. Boulder's SmartRegs program is available [here](#).

There are many other jurisdictions in the United States and around the world with building rating programs. A complete list is available at <http://www.buildingrating.org/jurisdictions>

Commercial – Several cities are requiring benchmarking for large commercial buildings. Benchmarking usually refers to the use of ENERGY STAR Portfolio Manager®, an online tool created by the Environmental Protection Agency. The tool provides a 1 to 100 score based on twelve months of utility data and some key building characteristics. The cities of San Francisco and Berkeley in California, and Austin, Boston, Cambridge, District of Columbia, Minneapolis, New York, Philadelphia, Seattle, and Boulder are requiring benchmarking for commercial buildings. San Francisco currently requires all non-residential buildings larger

than 10,000 square feet to be benchmarked using Energy Star Portfolio Manager and owners are required to submit annual reports by April 1 of each year for the previous calendar year.

California's AB 1103 became law in 2007 and was to require energy benchmarking in commercial buildings statewide, but the implementation rules were postponed several times. One reason the rules were delayed was that commercial building owners have not been able to require their tenants to provide utility bill information due to privacy requirements. AB 1103 was superseded by AB 802 in October 2015. Regulations for AB 802 are expected in early 2017. AB 802 applies to both commercial and multifamily buildings and requires utilities to provide building-level data to owners upon request. AB 1103 required building energy use disclosure for the sale, lease, finance, or refinance of certain non-residential buildings, but was repealed effective January 1, 2016. There is no statewide energy use disclosure requirement in 2016.

Berkeley will phase in requirements for annual Energy Star performance reports for buildings 25,000 square feet or larger beginning in 2018. For buildings less than 25,000 square feet, owners will be required to provide an energy assessment report prepared by a registered energy assessor every ten years starting in 2020.

Challenges

Challenges may include community acceptance of a mandatory disclosure requirement. Real estate professionals and commercial property managers may object to the additional paperwork necessary to comply with an ordinance. Staff reached out to the Bay East Association of Realtors, whose representative noted that they would oppose any requirements that are tied to point of sale. Finally, while there are currently rebates in place to offset the cost of preparing a HES, these rebates may not be available in the future.

Administration of an EPAD ordinance would require substantial staff resources. The City of Berkeley currently has one full time equivalent (FTE) employee managing the BESO and tracking compliance. If Hayward were to adopt an EPAD ordinance, adding one FTE would not completely address the fiscal impact to the City. Involvement from other existing staff would also be required. Also, staff would need to work with local energy and inspection professionals to get more local certified Assessors.

Questions for the Committee:

- Should staff pursue development of an EPAD ordinance?
- Should the ordinance focus on residential or commercial properties first?
- Should this item be discussed at a future Council work session?
- Other policy direction?

ECONOMIC IMPACT

Greater awareness of energy consumption and efficiency can lead to installation of energy efficiency improvements and behavior changes that reduce energy use. Residents and building managers can enjoy utility bill savings and increased property values. Installation of

energy efficiency improvements can also lead to job creation for local contractors. In a [report](#) titled *What is Green Worth? Unveiling High-Performance Home Premiums in Washington, D.C.*, researchers found that green homes fetched a mean price premium of 3.46%. An EPAD program could help Hayward achieve its goal for every household and business to reduce their energy consumption by 10% by 2020 (General Plan program NR-7).

As noted in a fact sheet by the Institute for Market Transformation (Attachment IV), benchmarked buildings across the United States reduced energy consumption an average of 2.4% annually over three years. Over the same time period, the buildings benchmarked in Washington D.C. reduced energy use by 9% on average.

FISCAL IMPACT

If Hayward adopts an ordinance requiring reporting of energy scores, the administrative burden could be substantial. Since Berkeley's adoption of its BESO in 2015, the city has had approximately one full time equivalent position managing the receipt and tracking of data. Before Hayward adopts an ordinance, staff would first determine more specifically the resources that would be needed to manage the program.

SUSTAINABILITY FEATURES

EPAD ordinances would be consistent with General Plan policy NR-2.4, Community Greenhouse Gas Reduction, which states,

The City shall work with the community to reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively.

An EPAD ordinance would also be directly in line with General Plan policy NR 4.13, Energy Use Data, which states,

The City shall consider requiring disclosure of energy use and/or an energy rating for single family homes, multifamily properties, and commercial buildings at certain points or thresholds. The City shall encourage residents to voluntarily share their energy use data and/or ratings with the City as part of collaborative efficiency efforts.

In addition, an EPAD program would likely have the following sustainability features or benefits:

Energy – A primary goal of energy use and efficiency disclosure is to reduce energy consumption – especially for those energy sources that depend on fossil fuels.

Water – While the HES tool does not take into account water use, the EPA's Portfolio Manager can be used to track water consumption.

Air – Installation of energy efficiency improvements will typically result in reduced emissions associated with electricity and natural gas. Furthermore, participation in the Energy Upgrade California program requires a combustion appliance safety test to check for carbon monoxide and natural gas leaks and can include air sealing to improve indoor air quality.

PUBLIC CONTACT

All Committee meetings are public for which public notices are posted. Staff has shared this report with real estate professionals including the Bay East Association of Realtors. Staff has not yet directly engaged with the community. If directed to pursue adoption of an ordinance, staff will engage with the community, including professional stakeholders, to gather input.

NEXT STEPS

If recommended by the Committee, staff can present a work session item to Council in early 2017. Staff would first meet with staff and members of the Bay East Association of Realtors and the Hayward Chamber of Commerce to gather input regarding a possible ordinance. Upon direction from Council, staff will conduct a comprehensive outreach campaign prior to and during preparation of an ordinance.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:



Kelly McAdoo, City Manager

CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING
Hayward City Hall – Conference Room 2A
777 B Street, Hayward, CA 94541-5007

October 2, 2013
4:30 p.m. – 6:30 p.m.

MEETING MINUTES

CALL TO ORDER: Meeting called to order at 4:36 p.m. by Chair Al Mendall, Council Member.

ROLL CALL:

Members:

- Al Mendall, Council Member/CSC Chair
- Barbara Halliday, Council Member
- Francisco Zermeño, Council Member
- Elisa Marquez, Planning Commissioner
- Laura Oliva, Keep Hayward Clean and Green Task Force/CSC Vice Chair
- Dianne McDermott, Planning Commissioner – Absent
- Vishal Trivedi, Planning Commissioner - Absent

Staff:

- Kelly McAdoo - Assistant City Manager
- Alex Ameri, Director of Public Works - Utilities & Environmental Services
- Morad Fakhrai, Director of Public Works – Engineering & Transportation
- Don Frascinella, Transportation Manager
- Erik Pearson, Environmental Services Manager
- Marilyn Mosher, Administrative Analyst III
- Sara Buizer, Senior Planner
- Angel Groves, Administrative Secretary (Recorder)

Others:

- David Stark, Bay East Association of Realtors
- Andrea Schumer, PG&E
- Roxanne Cruz, PG&E
- Tom Kersten, OFA (Organizing for Action)
- Ernest Pacheco, Communication Workers of America, Hayward Resident

PUBLIC COMMENTS:

David Stark, Bay East Association of Realtors, suggested that the committee remove Policy NR-4.13- Energy Use Data, NR-9 and NR-10 - Energy Performance and Disclosure Program (EPAD) from the draft CAP section of the General Plan. He reminded members that the committee and the community rejected the RECO program and both of these proposed policies are similar to that program and should also be rejected. He suggested that the committee should support programs that are voluntary and not mandatory.

Ernie Pacheco, Hayward citizen of twenty years, would like to see a discussion regarding the City of Hayward supporting the CCA on the agenda in early 2014.

1. Approval of Minutes of July 10, 2013 – minutes approved.
2. Draft General Plan Policies and Programs Related to Sustainability

Erik Pearson, Environmental Services Manager, provided an overview of revisions of the draft General Plan, which were made after receiving feedback from the committee and General Plan task force on April 3 and April 4, 2013. Mr. Pearson discussed the nine elements staff used to develop the draft General Plan policies.

Mr. Pearson discussed Attachment II of the staff report, which has each program organized by General Plan element, implementation timing, relevant policies and responsible staff. He noted that though the Residential Energy Conservation Ordinance (RECO) was removed, in order to meet long term GHG reductions goals the City will continue to address existing buildings, as they produce 35% of overall emissions.

Mr. Pearson also advised the Committee that staff will present the draft policies and implementation programs during work sessions with the City Council on October 22, 2013 and the Planning Commission on October 24, 2013. Comments from the Committee, Council, and Planning Commission will be incorporated into a complete draft General Plan which is expected to be released to the public in early December 2013.

Mr. Pearson described an Energy Performance Audit and Disclosure (EPAD) ordinance that staff has included in the General Plan (program numbers NR-9 and NR-10), in which property owners would be required to disclose the energy consumption and efficiency of their home during the sale process. The revised GHG reduction estimates provided for the General Plan programs do not include emissions reductions specific to the EPAD ordinances.

Council Member, Barbara Halliday, questioned the process and how the disclosure would work. Alex Ameri, Director of Public Works – Utilities & Environmental Services noted that this request would be informational to the potential buyer and give them an idea of the home's energy use, which is a reasonable request.

Both Council Member Halliday and Zermeño expressed their concerns of making this disclosure mandatory and the possible negative impacts this could have on potential buyers looking to purchase property in Hayward.

Director Ameri explained that if the City's priority is being green, we must look at these programs, receive feedback and guidance, and make changes accordingly.

Council Member Al Mendall requested that text be reviewed and revised to be consistent and to say that the City shall encourage and not require disclosures. Director Ameri

advised that staff would look at specific wording, revise and present to the Committee for further review.

3. Sustainability Circle – A Comprehensive Program for Sustainable Business Practices

Erik Pearson, Environmental Services Manager, announced that True Market Solutions (TMS) has received funding from PG&E to facilitate a Sustainability Circle, which is a six-month course for local businesses, from October to February. The City of Hayward will have its first Hayward Sustainability Circle meetings on October 14 and 15 and will present Hayward's Sustainability Plan to the Committee when it is completed in 2014.

Mr. Pearson provided some background on TMS, its co-founder and CEO, Elliot Hoffman and how the company came to be. He noted that TMS has conducted twelve Sustainability Circles to date in Ohio, Iowa and California and gave a list of participating companies. He informed members that the cost of \$7500 to participate in Sustainability Circle would be covered 50% by PG&E and 50% by TMS, so there would be no cost to the City.

Mr. Hoffman was present at this meeting and presented the committee with specifics about the Sustainability Circle.

4. "Pay as You Save" (PAYS®) Pilot On-Bill Conservation and Efficiency Financing System - Memorandum of Understanding and Concept Paper

Erik Pearson, Environmental Services Manager, described the PAYS Program; its benefit to the residents of Hayward; the requirements to participate, such as a Memorandum of Understanding between the City of Hayward and Sonoma County Regional Climate Protection Agency; and funding for the design of the program made possible by a grant awarded to the City by BayREN.

Mr. Pearson expressed the objective of presenting this report and requesting that the Committee consider recommending to the City Council that they approve implementing this MOU. Alex Ameri, Director of Public Works Utilities & Environmental Services added that though many states are participating in this program, the City of Hayward is one of the few, fortunate Cities in California, that has their own water utility system and is able to participate in this program.

Council Member Zermeño confirmed with staff that the City of Hayward would be the second City in the California to participate and expressed his excitement at the City being unique and taking the lead in promoting participation.

Staff presented the following possible names for the program: Hayward Efficiency PAYS®, Hayward Water/Energy PAYS® and Hayward Green PAYS®. Council Member Halliday and Elisa Marguez both preferred Hayward Green PAYS®; Council Member

Zermeño preferred Green Hayward PAYS® and Council Member Mendall was open to all names.

5. Update on Commuter Benefits Programs

Erik Pearson, Environmental Services Manager, provided background on two actions adopted by the City Council in 2009 related to commuter benefits: Assisting Businesses with Establishing Commuter Benefits and Establishment of Commuter Benefits for City Employees.

Mr. Pearson explained Senate Bill 1339, signed by the Governor in 2012, which provides the Bay Area Air Quality Management District and Metropolitan Transportation Commission the ability to jointly adopt a program to promote the use of alternative commute modes. He described the four options employers or fifty or more employees would need to select from and implement.

6. Summary of Community-Wide and Municipal Energy Use and Efforts to Improve Efficiency

Erik Pearson, Environmental Services Manager, acknowledge Andrea Schumer, Representative from PG&E, who was present to answer any questions that members had throughout the presentation.

Mr. Pearson noted that this report focuses on City-wide electricity and natural gas use and efficiency whereas previous reports provided updates on the overall implementation of the Climate Action Plan.

Mr. Pearson summarized the four topics covered in the staff report: Energy Efficiency Programs for the Community, Energy Use by the Community, Energy Efficiency at City Facilities, and Energy Use at City Facilities.

In relation to Energy Use, Council Member Barbara Halliday asked if there was an explanation for the decrease of energy use but increase in natural gas. Director Ameri provided as an example, the greater use of energy efficient light bulbs that lower energy use but have no effect on natural gas use.

Council Member Mendall asked what the City was doing to promote residential conservation programs. Director Ameri noted that the City does reach out to the community with literature, rebate programs for purchasing high efficiency toilets and free water conservation items; however, it is difficult to gain and hold interest from residents and to monitor whether they put the tools we're providing into use. The city is average in their community outreach.

Council Member Mendall asked all to look at everything being done and come up with solutions to increase participation and continued participation.

Elisa Marquez, Planning Commissioner, asked that more information be available on the Green Portal.

Mr. Pearson gave an overview of all City facilities, improvements made and expected savings.

6. Council Sustainability Meeting Topics 2013/2014

Council Members Zermeño and Mendall would like to see a report in 2014 on public landscaping and bicycle sharing. Mr. Marquez also noted her interest in seeing more information related to a bicycle sharing program.

Council Member Halliday expressed her concern for the overall issues surrounding the need for food production and would like to see that item on the agenda for 2014 as well as more on green business programs.

Ms. Marquez would like to know options in expanding the farmer's market to other locations throughout Hayward and expanding the days to include one during the week.

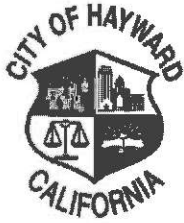
Council Member Mendall noted that education needs to be expanded and more topics and he would like to see more topics related to that on the schedule before July.

Discussion of Meeting Schedule for 2014

Committee Members agreed that the meeting date schedule would be discussed and determined at the next Sustainability Committee meeting on January 29, 2014. The discussion will include the possibility of changing the day of the standing meetings to a different day of the week, to accommodate Holidays and avoid having to change the meeting dates for January and July every year.

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS:

ADJOURNMENT: 6:36 p.m.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 22, 2013, 7:00 p.m.

ATTACHMENT III

The City Council meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Salinas.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Jones, Halliday, Peixoto, Salinas,
Mendall
MAYOR Sweeney
Absent: None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that the Council met with labor negotiators pursuant to Government Code 54957.6 regarding all groups; met with legal counsel pursuant to Government Code 54956.9 regarding Meserve v. City of Hayward, Alameda County Superior Court, No. HG12636333; and met with property negotiators pursuant to Government Code 54956.9 regarding Damante v. City of Hayward, Alameda County Superior Court Case No. HG12620646. Mayor Sweeney noted there was no reportable action.

PROCLAMATION

Mayor Sweeney read the Proclamation proclaiming Monday November 11, 2013, as Veterans Day. Mr. Emet Miranda, Hayward Veterans Post 870 Commander; Ms. Lisa Brunner, Hayward Veterans Post 870 Assistant Sergeant-At-Arms; and Mr. Mark Chandler, Alameda County Veterans Affairs Commissioner accepted the proclamation. Mr. Emet Miranda thanked the Council on behalf of the veterans.

PUBLIC COMMENTS

Ms. Jacquelyn Young, Hayward resident, expressed displeasure about insufficient parking at the residential developments at Cannery Place.

Mr. Victor Chalco, Hayward resident, noted the speed humps installed on Sleepy Hollow Avenue between Hesperian and Industrial boulevards did not meet the City's guidelines or process for installation of speed humps.

The following Service Employees International Union, Local 1021 (SEIU 1021) individuals spoke about current labor negotiations and urged the Council to direct the negotiating team to get back to the bargaining table and continue to negotiate a fair and equitable contract. SEIU 1021 members noted their union had circulated a petition that garnered about 670 signatures from Hayward residents in support of Hayward workers. The petition was submitted for the record.

Ms. Amber Bell, SEIU 1021 member
Ms. Jill Mayghan, SEIU 1021 member
Ms. Wendy Felber, SEIU 1021 member
Mr. Michael Stotts, SEIU 1021 member
Ms. Angela Osayande, SEIU 2021 Field Representative
Ms. Linda Reid, SEIU 1021 member
Mr. Elden Walker, SEIU 1021 member
Ms. Ariana Casanova, SEIU 1021 East Bay Political Coordinator

Ms. Susan Harman, announced Representation for the People was sponsoring a Town Hall meeting on November 5, 2013, at the South Berkeley Senior Center, regarding Alameda County District Attorney O'Malley and Sheriff Ahern.

Mr. Jim Drake, Hayward resident, expressed concern about the safety and the vehicle theft crime in Hayward.

Mr. S.J. Samiul, Hayward resident, urged everyone to read the book entitled, "Tattoos on the Heart" and purchase "I love Hayward" stickers; and asked Council to support City employees.

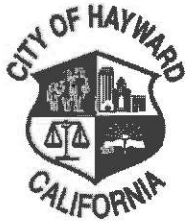
WORK SESSION

1. General Plan Update - Presentation of Draft Policy Document

Staff report submitted by Senior Planner Buizer, dated October 22, 2013, was filed.

Development Services Director Rizk announced the report and introduced Senior Planner Buizer who provided a synopsis of the report.

The Council praised City staff and members of the General Plan Update Task Force for the work done on the General Plan Update and provided the following recommendations under Land Use and Community Character (LU), Community Safety (CS), Economic Development (ED), Natural Resource Element (NR), and Education and Lifelong Learning (EDL): LU-20 Industrial Technology and Innovation Corridor Plan was important for job generation; CS-3 Police Department Strategic Plan Review and Update needed benchmarks and metrics for crime reduction; LU-13 needed increased open space and parks; suggested moving the implementation of ED-5 Business Resource Center and Website and ED-16 Ombudsperson Service sooner than 2017-2019; EDL-5 Education Awards Program should include rewarding and celebrating the students; CS-5 Homeless Services Partnership should include a partnership with Alameda County; ED-8 Local Hire Incentives needed language about wages that sustain families; recommended streamlining the permitting process; and proposed to have Council Standing Committees review the draft General Plan policies in relation to their area of expertise. Council had reservations regarding NR-9 Residential Energy Performance Audit and Disclosure Ordinance and NR-10 Commercial Energy Performance Audit and Disclosure Ordinance.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD**
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 22, 2013, 7:00 p.m.

ATTACHMENT III

2. Update on the City of Hayward Workers Compensation Program

Staff report submitted by Acting Senior Human Resources Analyst Collins, dated October 22, 2013, was filed.

Human Resources Director Robustelli announced the report and introduced Acting Senior Human Resources Analyst Collins who provided a synopsis of the report.

Discussion ensued and Council offered the following comments and recommendation: praised the Return to Work Program; complimented the Third Party Administrator (TPA) savings; commended the communication among Human Resources, Directors, TPA, and injured workers; and requested data about the Hayward Workers Compensation Program prior to 2011. It was noted that the authorization to add a Senior Human Resources Analyst position would be reviewed during the midyear budget review.

CONSENT

3. Approval of Minutes of the City Council Meeting on October 15, 2013

It was moved by Council Member Jones, seconded by Council Member Halliday, and carried unanimously, to approve the minutes of the City Council Meeting on October 15, 2013.

PUBLIC HEARING

Council Member Jones and Council Member Salinas disclosed they owned property in the northern section of the Mission Boulevard Corridor and they would recuse from discussing and voting on the item as it related to the Mission Boulevard Corridor Specific Plan for the northern segment.

4. Certification of a Program Environmental Impact Report in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15168; and Approval of the Mission Boulevard Corridor Specific Plan, including a Form-Based Code and Related General Plan Amendment; Encompassing an Area of Approximately 240 Acres and 600 Parcels Along Two Miles of the Mission Boulevard Corridor from Harder Road to the Northern City Boundary, Excluding the Downtown Area Between Jackson Street and A Street (General Plan Amendment Application No. PL-2013-0268, Text Amendment Application No. PL-2013-0270, and Zone Change Application No. PL-2013-0271) – City of Hayward (Applicant)

Staff report submitted by Director of Development Services Rizk, dated October 22, 2013, was filed.

City Manager David announced the report and introduced Director of Development Services Rizk who provided a synopsis of the report. Mr. Rizk noted staff was in receipt of recommendations from Dr. Sherman Lewis and staff was offering amendments to the staff recommendation per Dr. Lewis' comments which included: the Sustainable Mixed Use (SMU) General Plan land use designation would not apply to properties proposed to have T3 zoning in the Form-Based Code; and the SMU density range of the T4 and T5 zones in the adopted South Hayward BART Form-Based Code and the proposed Mission Boulevard Corridor Form-Based Code would be 17.5 to 100.0 units per net acre.

Discussion ensued related to the southern segment of the Mission Boulevard Corridor. Council Member Zermeño recommended "Cesar Chavez" as a name for one of the streets, roads, or slip lanes in areas of the Specific Plan.

Mayor Sweeney opened the public hearing at 9:34 p.m. for the southern segment of the Mission Boulevard Corridor Specific Plan.

Ms. Audrey LePell, President of Citizens for Alternative Transportation Solutions (CATS), acknowledged City staff and other organizations for their continued assistance. Ms. LePell asked about the status of the Route 238 relinquishment.

Mr. Bob Berndt, AutoNation representative for real estate transactions of the former Ford dealership site, noted AutoNation supported the staff recommendation for the Mission Boulevard Corridor Specific Plan.

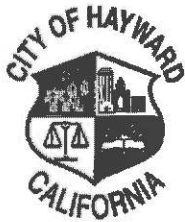
Mr. Jesús Armas, AutoNation consultant, urged Council to adopt the staff recommendation and the unanimous recommendation of the Planning Commission that the Commercial Overlay zone apply to the first 250 feet at the former Ford dealership site.

Mr. Charles Pifier, property owner at 671 Berry Avenue which abuts the former Ford site, supported the Planning Commission recommendation and agreed to the dedication of the thoroughfare on his property.

Mayor Sweeney closed the public hearing at 9:48 p.m.

Council Member Zermeño offered a motion per the staff recommendation including amended Exhibits A, B, C and D of the proposed resolution. Council Member Mendall seconded the motion.

Discussion ensued among the Council and City staff about the Mission Boulevard Corridor and what was envisioned for the area such as requiring more commercial development that would encourage job creation, considering uses that would support the imminent expansion of California State University East Bay, extending the commercial overlay zone to encourage retail along Mission Boulevard, and adding a Conditional Use Permit element to the former Ford site that would provide flexibility by allowing light industrial uses including research and development.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 22, 2013, 7:00 p.m.**

ATTACHMENT III

Council Member Zermeño withdrew his original motion and offered a second motion to continue the item and bring back a report consistent with Council's comments pertaining to the southern portion of the Mission Boulevard Corridor. Council Member Jones seconded the motion.

Council Member Mendall offered a friendly amendment to create a second Commercial Overlay zone that included the rest of the former Ford site and additional properties that front Mission Boulevard, and that the second overlay would only allow residential ground floor use by Conditional Use Permit. Mr. Mendall recommended that staff bring back a recommendation for the location of the additional properties.

Council Member Zermeño was amenable to the friendly amendment.

Council Member Jones clarified that his original recommendation was consistent with the Council Economic Development Committee discussion for the Mission Boulevard Specific Corridor Plan related to the former Ford site and he recommended providing flexibility by extending the Conditional Use Permit process to the rest of the former Ford site. Mr. Jones added he was supportive of the second Commercial Overlay zone for properties that front Mission Boulevard with specific locations to be proposed by staff.

Pertaining to the southern segment of the Mission Boulevard Corridor, it was moved by Council Member Zermeño, seconded by Council Member Jones, and carried with a friendly amendment to direct staff to bring back a report with two revisions: have a second Commercial Overlay zone that would extend over the rest of the former Ford site and require a Conditional User Permit for ground floor residential use; and that the second Commercial Overlay zone include additional properties along Mission Boulevard to be proposed by staff.

AYES: Council Members Zermeño, Jones, Halliday, Peixoto, Salinas,
Mendall
MAYOR Sweeney
NOES: None
ABSENT: None
ABSTAINED: None

Council Members Jones and Salinas left the Council Chambers at 10:22 p.m.

Mayor Sweeney opened the discussion and hearing for the northern segment of the Mission Boulevard Corridor Specific Plan.

There being no public comments Mayor Sweeney opened and closed the public hearing at 10:23 p.m.

Council Member Halliday offered a motion to approve the staff recommendation as it related to the northern segment of the Mission Boulevard Corridor Specific Plan and directed staff to bring it back as part of the report for the southern segment. Council Member Zermeño seconded the item.

AYES: Council Members Zermeño, Halliday, Peixoto, Mendall
MAYOR Sweeney
NOES: None
ABSENT: Council Members Jones, Salinas
ABSTAINED: None

Council Members Jones and Salinas returned to the dais at approximately 10:24 p.m.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS


Council Member Zermeño noted October 26, 2013, was “Make a Difference Day,” and he invited all to join the Keep Hayward Clean and Green Task Force Litter Clean-Up and Graffiti Removal event at the Palma Ceia Neighborhood.

Council Member Salinas announced that The Kids’ Breakfast Club would be cooking and serving breakfast to volunteers on October 26, 2013.

ADJOURNMENT


Mayor Sweeney adjourned the meeting at 10:27 p.m.

APPROVED:



Michael Sweeney
Mayor, City of Hayward

ATTEST:



Miriam Lens
City Clerk, City of Hayward

Full URLs to Links in Report

1. StopWaste's Home Energy Score website: <http://homescoreca.org/home>
2. Berkeley's BESO webpage <http://www.ci.berkeley.ca.us/EnergyOrdinanceUpdate/>
3. Chico's RECO webpage
http://www.ci.chico.ca.us/building_development_services/building_services/home_page.asp
4. City of Boulder – SmartRegs <https://bouldercolorado.gov/plan-develop/smartregs>
5. What is Green Worth? Unveiling High-Performance Home Premiums in Washington, D.C.
http://www.imt.org/uploads/resources/files/HighPerformance_Home_Valuation_Report_Sept2015.pdf

This building is
COMPLIANT with BESO
and Approved for Sale



Building Energy Saving Ordinance (BESO) Certificate of Compliance – Form A

City of Berkeley
BMC Chapter 19.81

Building Address	██████████ ST
BESO Building Use Type	House
Gross Floor Area (sq. ft)	1093
BESO Building Size Category	House
Number of Residential Dwelling Units	1
High Performance Qualification	Home Energy Score 9 out of 10.
Date of Issuance	7/18/2016

For additional information, please visit www.cityofberkeley.info/BESO
or email the BESO Team at BESO@cityofberkeley.info

Score

Home Facts

ADDRESS [REDACTED] Street
Berkeley, CA 94702

HOME SIZE 1,093 square feet

YEAR BUILT 1922

AIR CONDITIONING No

Your home's current score **9**



Learn more at homeenergyscore.gov



The **Home Energy Score** is a national rating system developed by the U.S. Department of Energy. The Score reflects the energy efficiency of a home based on the home's structure and heating, cooling, and hot water systems. The **Home Facts** provide details about the current structure and systems. **Recommendations** show how to improve the energy efficiency of the home to achieve a higher score and save money.



About this home

Assessment date	Jul 06, 2016
Address	██████████ Street
City, state, zip	Berkeley, CA 94702
Year built	1922
Number of bedrooms	3
Stories above ground level	1
Interior floor-to-ceiling height (feet)	8
Conditioned floor area (all stories combined, square feet)	1,093
Direction faced by front of house	North
Has the house been air sealed?	No



Estimated energy use per year

Total (MBTUs)	88
Score basis (MBTUs)	33
Electricity (kWh)	5271
Natural gas (therms)	304



Comments



Roof, attic & foundation

Roof / Attic 1	Construction type / Exterior Finish / Insulation level
Attic floor area (square feet)	925
Roof construction	Roof Standard Roof / Composition Shingles or Metal / R-0
Roof color	Medium
Attic or ceiling type	Unconditioned Attic
Attic floor insulation	R-9
Roof / Attic 2	
Attic floor area (square feet)	168
Roof construction	Roof Standard Roof / Composition Shingles or Metal / R-0
Roof color	Medium
Attic or ceiling type	Unconditioned Attic
Attic floor insulation	R-11
Foundation / Floor 1	
Floor area (square feet)	1093
Foundation type	Vented Crawlspace
Floor insulation above basement or crawl space	R-0
Foundation walls insulation level	R-0

For more information on calculation methods, technical terms and units of measure, please visit the Home Energy Score web site.

homeenergyscore.gov



Walls

Construction type / Exterior Finish / Insulation level

All sides

Wood Frame / Wood,Asbestos,Fiber Cement,Composite Shingle, or Masonite Siding / R-7



Windows & skylights

Skylights

Roof / Attic 1

Roof / Attic 2

Does the house have skylights?

No

No

Windows

Square feet

Window area front

41

Window area back

66

Window area right

54

Window area left

77

Window Construction

Panes / Frame / Glazing U-value SHGC

Front

Single-Pane / Wood or Vinyl / Clear

Back

Double-pane / Wood or Vinyl / Clear

Right

Single-Pane / Wood or Vinyl / Clear

Left

Single-Pane / Wood or Vinyl / Clear



Systems

HVAC System 1

Percent of conditioned floor area served by system 100

Heating

Type Room (through-the-wall) gas furnace

Efficiency value 70% AFUE

Cooling

Type None


Hot water

Type Natural gas storage

Efficiency value 0.8 EF

RECOMMENDED HOME ENERGY IMPROVEMENTS

BUILDING & CUSTOMER INFORMATION			
CUSTOMER NAME [REDACTED]	BUYER or SELLER Buyer	PHONE NUMBER [REDACTED]	EMAIL [REDACTED]
PRIMARY BUILDING ADDRESS [REDACTED] Street		CITY/STATE/ZIP Berkeley, CA 94702	
# ATTACHED DWELLING UNITS (1-4) 1	UNIT #/NAME (IF MULTIPLE UNITS)	CONDITIONED FLOOR AREA (SQ FT) 1093	HISTORIC STRUCTURE (Y/N)
HOME ENERGY SCORE INFORMATION			
SCORE ID 118940	CURRENT HOME ENERGY SCORE (1-10) 9	HOME ENERGY SCORE ASSESSOR NAME Jay Marlette	
ASSESSMENT DATE July 6, 2016	ASSESSMENT COST (EXCLUDING FILING FEE) \$300	HOME ENERGY SCORE ASSESSOR NUMBER CA-SWST-0002	



Improve your home's efficiency with the recommended energy efficiency measures below. Projects may earn rebates **ranging from \$1,000 to \$6,500**. For free independent expert advice regarding recommendations, Energy Upgrade California® programs and financing opportunities, contact a **Home Upgrade Advisor** at 866-878-6008, advisor@bayren.org or visit bayareaenergyupgrade.org.

RECOMMENDED MEASURE	RECOMMENDATION DETAILS	GENERALLY RECOMMENDED IF
<input checked="" type="checkbox"/> Attic Insulation & Air Sealing	Insulation ≥R-30 (≥R-38 in climate zones 1 & 11-16)	Existing average ≤R-11 and accessible attic exists
<input checked="" type="checkbox"/> Wall Insulation	Insulate ≥R-13	Existing =R-0
<input checked="" type="checkbox"/> Floor Insulation	Insulate ≥R-19	Existing =R-0 and accessible crawlspace exists
<input checked="" type="checkbox"/> Whole Building Air Sealing	≥15% leakage reduction from vintage table defaults	Homeowner experiences drafts
<input type="checkbox"/> Duct Repair	Repair may include sealing, insulating, or replacement. See Additional Comments for more information.	Visual inspection reveals duct leakage
<input checked="" type="checkbox"/> Central Gas Furnace	≥92% AFUE	Unit ≥15 years old and AFUE ≤80%
<input type="checkbox"/> Central Air Conditioner	≥15 SEER / 12.7 EER	Unit ≥15 years old and SEER ≤10
<input type="checkbox"/> Gas Storage Water Heater	EF ≥0.67	Natural gas unit ≥10 years old
<input checked="" type="checkbox"/> Gas On-Demand Water Heater	EF ≥0.82	Customer requests tankless
<input type="checkbox"/> Natural Gas Wall Heater or Ductless Heat Pump	≥70% AFUE (wall heater) ≥8.5 HSPF / ≥15 SEER (heat pump)	Unit ≥15 years old
<input type="checkbox"/> Fireplace Door and/or Damper	Sealing fireplace	Not existing
<input type="checkbox"/> Pool Pump	Variable speed	Single speed

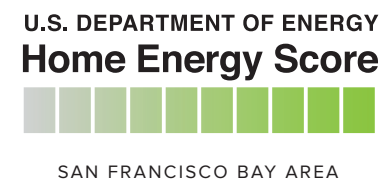
ADDITIONAL RECOMMENDATIONS, COMMENTS, INCENTIVES, FINANCING, & SAFETY OBSERVATIONS



Home Energy Score is an easy way to see how energy efficient your home is compared to other homes.

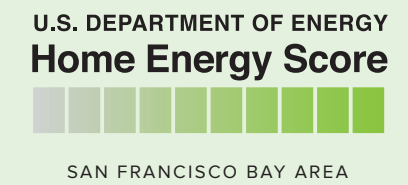


On a straightforward **1 to 10 scale**, you'll learn how much energy your home, or a home you are considering purchasing, is expected to use, and you'll receive suggestions for home efficiency and comfort improvements.



What's your Home Energy Score?

Score yourself a more comfortable home.



Home Energy Score: See if your home sips or guzzles energy.

✓ CHECKLIST



Find a qualified Home Energy Score Assessor
www.HomeScoreCA.org



Get your Home Energy Score



Receive upgrade recommendations



Perform home energy upgrades

How It Works

You start by contacting a Home Energy Score Assessor. The Assessor will collect information during a home walk-through. Using the Home Energy Scoring Tool, the Assessor scores your home on a scale of 1 to 10.

A score of 10 indicates that the home has excellent energy performance.

Uses more energy



Uses less energy

A score of 1 indicates the home needs extensive energy improvements.

What You Receive

Your report will include:

- ✓ **Your Home Energy Score**
- ✓ **Facts about your home**, including data collected and energy use breakdown
- ✓ **Recommendations** to improve the Score and the energy performance of the home

What to Do with a Score

Your report includes recommendations to make your home more efficient and comfortable. These may include:

- Adding more insulation and fixing air leaks
- Replacing an outdated heating or air conditioning system
- Replacing or weather stripping windows and doors
- Sealing leaky air ducts

To get help prioritizing energy upgrades for your home, consult with your contractor. You can also get advice from a no-fee independent Home Upgrade Advisor at **BayREN.org** or by calling **866-878-6008**. Your contractor or Advisor can help you identify the best investments and access the various rebates and incentives that are available in your area.

When to Get a Home Energy Score

- Before renovating or remodeling your home
- When you want to improve the comfort of your home
- When you want to reduce your energy use
- When you're ready to sell

To learn more, go to HomeScoreCA.org.

Home Energy Score is a program of the U.S. Department of Energy. StopWaste is a Home Energy Score partner serving the San Francisco Bay Area in collaboration with the Bay Area Regional Energy Network (BayREN).

ENERGY BENCHMARKING AND TRANSPARENCY BENEFITS

For more information, contact
Caroline Keicher at caroline@imt.org.



WHAT IS ENERGY BENCHMARKING?

Energy benchmarking is the process of measuring a building's energy use over time. This allows owners and occupants to understand their building's energy performance relative to similar buildings and helps identify opportunities to cut energy waste.

WHY IS IT IMPORTANT?

The building sector is the single largest user of energy in the United States, accounting for roughly 40 percent of total energy consumption. Each year, we spend \$450 billion on energy for our buildings. What's more, **the poorest performing buildings use 3 to 7 times the energy of the highest performing buildings**—for the exact same building use.

Energy benchmarking and transparency allows building owners, governments, and the public to better understand how their buildings use energy. With this knowledge, they can make smarter and more cost-effective improvements.

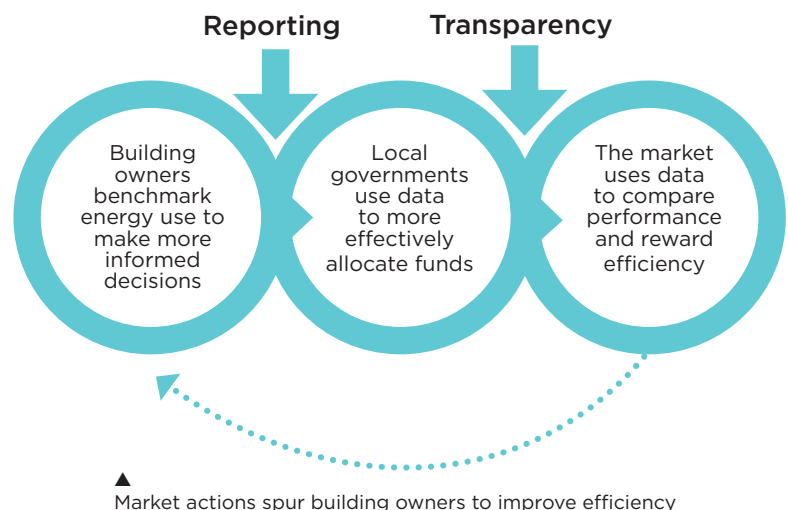
HOW DOES ENERGY BENCHMARKING WORK?

Benchmarking and sharing building energy use through transparency programs and policies is an easy way to examine energy use and make smarter, more cost-effective operational and capital investment decisions. At their core, benchmarking and transparency programs comprise three components:

- **Benchmarking.** You can't manage what you don't measure. Collecting building energy use data sets a performance baseline that allows building owners to know how their buildings compare to similar buildings, the magnitude of potential energy savings, and whether energy efficiency improvements are having a positive effect.
- **Reporting.** Sharing benchmarking data with a city, state, or province allows policymakers to analyze whether programs are achieving their intended results, more effectively utilize resources, and gain a better understanding of a region's building stock for infrastructure planning.
- **Transparency.** Sharing benchmarking data on a large scale opens up a conversation among all stakeholders and allows everyone to work toward common energy goals by recognizing and rewarding efficiency.

HOW BENCHMARKING TRANSFORMS THE MARKET

Collecting, reporting, and sharing benchmarking data on a regular basis allows the market and government agencies to make smarter investment decisions, reward efficiency, and drive widespread, continuous improvement.



CAPITALIZING ON ENERGY EFFICIENCY THROUGH ENERGY BENCHMARKING

Benchmarking building energy use offers consumers, building owners, government agencies, and utilities a multitude of benefits.

MARKET COMPETITION AND CONSUMER CHOICE

Data gleaned from benchmarking allows building owners to remain competitive, and requiring benchmarking across a region's building stock in turn makes states and cities more economically competitive.

- › Energy-efficient properties have [occupancy levels](#) up to 10% higher than less-efficient properties, [rental premiums](#) over 10% higher than less-efficient properties, and [sale prices](#) up to 25% higher than less-efficient properties.
- › [Evidence indicates](#) that benchmarking and transparency laws reduce utility expenditures by about 3%.
- › Global organizations that track and analyze their energy use have reported [taking three times more energy efficiency actions](#) than those that do not regularly track energy use. Benchmarking allows North American buildings to remain competitive.

ENERGY AND COST SAVINGS Energy waste in buildings drains millions of dollars from the economy every year. Benchmarking is highly correlated with energy efficiency improvements and savings.

- › Buildings across the U.S. that benchmarked over a 3-year time span reduced energy consumption by an average of 2.4% annually, [which for a 500,000-square-foot office building could result in cumulative energy cost savings of \\$120,000](#). In Washington, D.C., [buildings that benchmarked from 2010 to 2012 under the District's ordinance](#) have reduced energy use by 9% on average, adjusting for weather, over that 3-year period.
- › Of customers [that participated](#) in utility benchmarking programs, more than half agreed that benchmarking leads to the implementation of more comprehensive energy efficiency measures.
- › More than 70% of [facility managers surveyed](#) use benchmarking information to guide energy efficiency upgrade plans, and 67% use it to help justify energy efficiency improvements.

JOB CREATION AND ECONOMIC GROWTH

Giving the market better information about building performance unlocks demand for energy-efficient products and skilled workers such as engineers, energy auditors, architects, facility managers, and construction workers—quality jobs that can't be outsourced.

- › [Out of Philadelphia's 7,000 commercial buildings](#), 77% need energy upgrades. Retrofitting them would generate more than \$600 million in local spending and support 23,000 jobs. Benchmarking was identified as a solution for helping buildings most in need of improvement.
- › Local businesses in markets with existing benchmarking and transparency laws reported significant new demand for energy efficiency services and are hiring new employees after the adoption of a benchmarking ordinance, with this demand driven by increased awareness of building energy efficiency opportunities.

SMARTER GOVERNMENTS AND UTILITIES

Buildings are one of a city's most important assets. Benchmarking data provides unparalleled insight into how buildings perform, enabling more informed investment decisions.

- › In New York City, an [analysis of benchmarking data](#) from more than 13,000 buildings showed energy use variations by a factor of 3 to 7 among properties with similar uses, exposing potential for sector-specific improvement and savings opportunities.
- › In San Francisco, account representatives of Pacific Gas and Electric Company [use benchmarking data](#) to streamline outreach efforts and reach out to building owners about specific efficiency programs.
- › In Massachusetts, the Low-income Energy Affordability Network, Massachusetts utilities, and WegoWise [used multifamily benchmarking data](#) as a screening tool to target low-performing buildings for improvements. Raising the performance of all buildings to the top quartile could save 1,800 gBtu of gas and electricity per year.

For more information on the statistics in this handout, click on the embedded links. For additional research materials on the benefits of energy benchmarking, visit [IMT.org/Resources](https://www.imt.org/Resources)



CITY OF HAYWARD

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

File #: RPT 16-101

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Stormwater & Green Infrastructure Regulations for Development

RECOMMENDATION

That the Committee reviews and comments on this report.

ATTACHMENTS

Attachment I Staff Report



DATE: September 12, 2016

TO: City Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Stormwater & Green Infrastructure Regulations for Development

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

This report provides an overview of the historical new development and redevelopment stormwater requirements, the newly adopted Municipal Regional Permit (MRP 2.0), green infrastructure requirements, and staff's plan to implement the new green infrastructure requirements. Most stormwater systems, including the system serving the City, flow directly into receiving waters without treatment. Green Infrastructure is a more sustainable system that slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention and other practices to reduce pollutants. This report provides the CSC with the background regarding the shift in stormwater regulation to Green Infrastructure and the necessary steps City staff has to complete in order to comply with the MRP 2.0.

BACKGROUND

Municipal Regional Permit – The National Pollutant Discharge Elimination System (NPDES) program was established in 1972 by the Federal Clean Water Act (CWA). In 1986, the NPDES program was amended to regulate stormwater runoff and established a permitting structure for municipal discharge to the waters of the state. From 1990 to 2009, each municipality was regulated under countywide stormwater permits. In October 2009, the first regional stormwater permit, the Municipal Regional Permit (MRP), was adopted by the San Francisco Bay Regional Water Quality Control Board (Water Board). The MRP regulated municipalities within Alameda, Contra Costa, Santa Clara, San Mateo counties as well as the cities of Fairfield, Suisun, and Vallejo and the Vallejo Sanitation and Flood Control District. The MRP, adopted as a five-year permit, requires stormwater pollution prevention control measures for both public and private properties and activities including municipal operations, development, inspections, response to illicit discharges, education and outreach, water quality monitoring, and specific controls for pollutants of concern identified by the Water Board.

Past Stormwater Controls for Development Projects (Provision C.3) – Stormwater controls required for development projects (Provision C.3 of the MRP) have undergone significant changes over the last fifteen years. Provision C.3 specifically addresses the control of stormwater impacts associated with new development and redevelopment projects. These requirements were separate from, and in addition to, requirements for erosion and sediment control and for pollution prevention measures during construction. In 2003, Provision C.3 in the countywide permit was amended to require Permittees to modify their project review processes to ensure stormwater pollutant discharges were reduced by the maximum extent practicable (MEP) with the following goals:

- Requiring a project to implement site design/landscape characteristics to maximize filtration, provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from a site have been reduced to the MEP; and
- For new and redevelopment projects that discharge directly to water bodies impaired under the Clean Water Act Section 303(d) list, ensure that post project runoff does not exceed pre-project levels of pollution.

In 2003, as required by the county stormwater permit, the City incorporated Provision C.3 into Chapter 11, Article 5 of the Municipal Code. The requirements were applicable to projects that created one or more acres of impervious area.

With the adoption of the MRP in 2009, Provision C.3 was expanded to apply to projects that create 10,000 square feet or more of impervious area. In addition, the regulations included more prescriptive requirements for incorporating post-construction stormwater control/low impact development (LID) measures. Furthermore, Permittees were required to implement outreach, training, and best management practices education regarding C.3 to developers and municipal staff. Permittees were also required to implement green street pilot projects, an operation and maintenance inspection program, and more LID control measures such as diverting stormwater runoff to landscape areas and other methods, thus minimizing stormwater pollution.

Current Stormwater Controls for Development Projects

The MRP was renewed as MRP 2.0 in November 2015 and included a revised Provision C.3 with increased prescriptive requirements for development and a significant new requirement for Green Infrastructure Planning and Implementation. Other new requirements in Provision C.3 include pervious pavement design specifications, 100% LID treatment measures for regulated projects, and a formal inspection program to implement, enforce, track, and report the operation and maintenance of C.3 facilities including an inspection plan and an enforcement response plan.

In the MRP 2.0, Green Infrastructure was also required to reduce both PCBs and mercury pollution to the bay by treating a minimum number of acres of old industrial areas known to contain legacy PCB and mercury contamination. Specifically, it is estimated the City has to treat forty-three acres of old industrial area to reduce PCBs and mercury by the year 2020. It

is estimated the City has to treat 797 acres of old industrial areas with an additional 865 acres of old urban areas to reduce PCBs and mercury by the year 2040. The acreage required to be treated with green infrastructure and the associated costs are identified in the MRP 2.0 as requirements with which the City must comply. Private property owners who propose new development could be responsible for installing green infrastructure above and beyond current C.3 requirements. Responsibilities for private property owners will be identified in the Green Infrastructure Plan (discussed below).

Green Infrastructure Planning and Implementation

MRP 2.0 requires Permittees, in the next five years, to develop and begin to implement a Green Infrastructure Plan. This plan is intended as a framework, developed by municipalities, to guide development and redevelopment to include the treatment of stormwater (capture for reduction, filtration and absorption or recharging of groundwater). The purpose of this plan is to, over time, reduce the adverse water quality impacts of urbanization and urban runoff on receiving waters as well as reduce PCBs and mercury from entering the Bay. The requirements for the plan include a description of how the Permittee will shift impervious surfaces and stormwater drain infrastructure from gray, or traditional storm drain infrastructure where runoff flows directly into the storm drain and then the receiving water, to a green and more sustainable system.

The green infrastructure slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention and other green infrastructure practices to clean stormwater runoff. The City is required to develop a workplan that details the process and schedule to develop the green infrastructure plan. This workplan must be approved by the City Manager or City Council by June 30, 2017. The plan as well as its proposed implementation schedule is due in September of 2019. Implementation of the plan is expected to have begun prior to 2019 as numerical reduction goals for PCBs and mercury are mandated in 2020.

DISCUSSION

To implement the new Green Infrastructure requirements, Water Pollution Source Control (WPSC), a division of Utilities & Environmental Services will begin organizing the effort to draft the required Green Infrastructure (GI) workplan due in June of 2017 and the longer term GI Plan due in 2019. A staff working group will be formed to create the workplan, Plan, and implementation of these associated plans. The staff working group will be comprised of a staff "GI Team". The GI Team will likely include staff from Planning, Building, Streets and Maintenance, Engineering and Transportation, Fire, and Economic Development. WPSC staff will take the lead in organizing and tracking progress of the Team and assisting the process of developing and presenting the workplan and Plan to Council and the CSC. Initially, the Team will meet monthly and start to review a draft framework document provided by the Alameda Countywide Clean Water Program (ACCWP). The Team will prepare updates and solicit input from the Council Sustainability Committee and appropriate City staff who will be tasked with implementing the GI requirements.

As required by the MRP 2.0 Green Infrastructure section, the GI Team will conduct outreach to city staff and the development community involved in planning and constructing infrastructure. The GI Team will also develop training materials to assist City staff who will be involved in designing and overseeing GI projects.

Implementation of the GI requirements will also be organized and managed by the GI Team. To start, the Team will be reviewing all capital improvement projects to incorporate GI features into the design as feasible. Review of projects and reporting of why or why not GI was incorporated into the projects is part of the GI requirements. Next the GI Team will identify public projects, particularly in the old industrial areas of Hayward where GI can be incorporated and develop project descriptions with the idea of submitting projects as proposals for grant funding in the near future. The cost associated with redeveloping old industrial areas is estimated to range from \$200,000 to \$365,000 per acre. There is great incentive to organize future projects in order to apply for grants to help pay for these costs.

To begin working towards the GI Plan and Workplan, WPSC has already begun mapping the approximately ninety-six C.3 facilities currently existing in Hayward and determining the acres treated by these facilities. These facilities include bioretention facilities, vegetated swales, underground stormwater treatment filtration devices (vortex separators), detention basins, filter inlets, pervious pavers, and tree wells. The acres of current C.3 facilities will be subtracted from the required forty-three acres and the remaining acres will be analyzed and included in the Plan by the GI Team. Preliminary numbers indicate the combined acres treated by current C.3 facilities will not be enough to meet the goal of forty-three acres by 2020. Future large scale projects specifically created with GI will be required to meet the forty-three acres treated goal. Another task for the GI team will be to analyze the City's current C.3 program and assess what acreage already treated with GI counts towards the forty-three acres required to be treated by the year 2020 for PCB and mercury reduction.

The GI Team will also be tasked with using the ACCWP tools provided by the newly created Green Infrastructure and GIS committees tasked with creating tools and assisting Permittees with the new C.3 requirements for green infrastructure. The ACCWP Committees have to date created a template for a green infrastructure framework, factsheets, spreadsheet tools for calculating acres required to be treated by green infrastructure, and other tools for green infrastructure understanding and planning. WPSC staff has been and will continue to participate in these committees to help develop these tools. The countywide collaboration and local collaboration with the GI Team will be essential to planning and implementing the GI requirements accurately, comprehensively, and on schedule.

ECONOMIC IMPACT

The development community will share in the cost to implement green infrastructure as required by the current C.3 requirements. The development community will also share in the cost of implementing green infrastructure and other control measures to ensure PCBs and mercury do not enter the storm drain system. City staff will be looking at old industrial areas in Hayward to determine where reduction of PCBs and mercury is possible either through development/redevelopment or through stormwater mitigation measures through our

inspection program. The enhanced stormwater inspection enforcement will result in costs to some Hayward businesses. These enhanced enforcement actions will include implementation of routine stormwater inspection requirements with a strong emphasis on operation and maintenance of C.3 facilities as well as PCB and mercury controls. It should be noted that given the regional and statewide network of the GI requirement, the cost impacts will not be unique to Hayward.

FISCAL IMPACT

Implementation of MRP 2.0 will impact staff resources though the exact costs are unknown at this time. The funding for MRP-related activities is currently provided by the stormwater enterprise fund. The City's local stormwater program is funded by property tax revenue; however, expenditures have been and are expected to increase every year. The City is challenged with finding innovative tools and other resources to complete the above mentioned tasks. In addition to the requirements described in this report, it will also be a challenge to fund the other provisions in the MRP 2.0, mainly the aggressive trash reduction activities required by Provision C.10 to reach 100% trash reduction by the year 2022. To comply with the MRP 2.0 requirements, WPSC staff has pursued grant funding opportunities both locally and regionally to offset some of these costs. Staff will continue to pursue funding opportunities to meet the MRP requirements, specifically for Provision C.10 (trash) and C.3 (green infrastructure). Staff will also continue to work collaboratively as a member of the Alameda Countywide Clean Water Program to comply with the MRP 2.0 as regional projects can satisfy some of the MRP requirements.

Finally, the City will carry the majority of the cost of implementing large scale public projects during the next five years of the MRP 2.0 called for in the Green Infrastructure Plan to meet the PCBs and mercury wasteload allocation limits. The Green Infrastructure Plan will include details about public versus private responsibilities and will include cost estimates for both. However, the timeframe for the pollutant reductions is a municipal requirement. Infrastructure provided by private development will likely help the City comply, but the timing associated with future private development is uncertain.

SUSTAINABILITY FEATURES

Water: Efficiency and conservation.

GI will create more green landscape to promote stormwater filtration, capture (harvesting), and reuse features into public and private projects as well as groundwater recharge.

Air: Air emissions of pollutants.

GI will create more green landscape to reduce greenhouse gases and promote urban cooling.

Transportation: Consistent with the City's Complete Streets Policy.

GI will create more open space and recreational areas that promote City walkability, and beautification for the community.

PUBLIC CONTACT

No public meetings have been scheduled to discuss the new MRP 2.0 requirements. Staff will conduct comprehensive outreach with developers during the development of the Green Infrastructure Plan.

NEXT STEPS

Staff will continue to enhance the current stormwater program to comply with the MRP 2.0 requirements, specifically the C.3 green infrastructure plan, and will continue to proactively pursue funding opportunities. WPSC will continue to engage with other City staff, namely Planning, Building, Streets and Maintenance, Engineering and Transportation, and Economic Development, develop the GI Team, and develop the above mentioned required plans and protocols for implementing control measures specifically for C.3 and GI. WPSC will continue to participate in countywide and regional collaborations to support GI and C.3 compliance.

Following is a summary of the key requirements and deadlines included in the MRP 2.0 Provision C.3:

Develop and Approve a Green Infrastructure Framework (requires Council adoption)	June 30, 2017
Prepare a Green Infrastructure Plan (requires Council adoption)	September 2019

Prepared by: Elisa Wilfong, Water Pollution Control Administrator

Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: RPT 16-098

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities and Environmental Services

SUBJECT

Update on City-Wide Water Conservation and Revised Emergency Regulations for Statewide Urban Water Conservation

RECOMMENDATION

That the Committee reviews and comments on this report.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Cumulative Water Consumption



DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities and Environmental Services

SUBJECT

Update on City-Wide Water Conservation and Revised Emergency Regulations for Statewide Urban Water Conservation

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

This report provides information on the City's water conservation results for FY 2016 and compliance with the State's Emergency Regulations for Statewide Urban Water Conservation. The report also discusses the revised emergency regulations and their applicability to Hayward.

As a brief overview, between June 2015 and August 2016, Hayward achieved a water use reduction of 24%, as compared to the same months in 2013, significantly exceeding the 8% target set by the State Water Resources Control Board (also known as the State Water Board). In May 2016, the State Water Board adopted a Revised Water Conservation Regulation that replaces mandated numerical reductions with conservation standards based on local water supplies. Hayward's water supplier, the San Francisco Public Utilities Commission (SFPUC), has verified that no State mandated reductions will be needed to comply with the Revised Regulation at this time. However, SFPUC has requested that agencies achieve a 10% voluntary reduction over 2013 consumption in order to protect available supplies in the event that the coming water year is dry.

BACKGROUND

The past four years have seen exceptionally dry conditions throughout the State, prompting the State Water Board to take various actions, as described below, to reduce urban water use during the drought:

- January 2014 – Governor Brown called for 20% reduction in state-wide water use. No specific requirements were mandated.

- July 2014 – The State Water Board adopted Emergency Regulations for Statewide Urban Water Conservation, which prohibited wasteful outdoor water use and required all urban water suppliers, including Hayward, to implement their Water Shortage Contingency Plans (WSCP).
- March 2015 – The State Water Board approved an extension of the Emergency Regulations, along with additional requirements, including more specific irrigation, food service and hospitality restrictions.
- April 2015 – Governor Brown issued an Executive Order that required mandatory conservation of potable urban water and directed the State Water Board to impose restrictions that would achieve a 25% reduction, compared to the amount used in 2013.
- May 2015 – The State Water Board adopted a methodology that assigned urban water suppliers a conservation requirement between 8% and 36%, based on residential per-capita use. Hayward was placed in the lowest assigned tier, with an 8% reduction requirement.
- November 2015 – Governor Brown issued an Executive Order to extend the existing water use restriction through October 31, 2016.
- February 2016 – The State Water Board adopted revised Emergency Regulations, which basically maintained and extended the May 2015 requirements but provided urban water suppliers with an opportunity to modify conservation requirements.
- May 2016 – The State Water Board adopted a water conservation approach that replaces the percentage reduction-based standard with an approach that ensures at least a three-year supply of water under drought conditions. The impacts of this approach on Hayward are discussed in the next section.

Hayward has complied with all State mandates related to water conservation, including enhanced monthly reporting requirements. Beginning in June 2015, the total monthly water production (in Hayward's case, total monthly water purchased from San Francisco Public Utilities Commission) was reported to the State. To assess compliance with the 8% cutback requirement, conservation savings were added together from one month to the next and compared to the total amount of water used during the same months in 2013.

DISCUSSION

Water Conservation Results

Between June 2015 and August 2016, Hayward achieved a cumulative water use reduction of 24%, as compared to the same months in 2013, significantly exceeding the 8% target set by the State (see Attachment I). One of the most telling measures of water use efficiency is the average gallons of residential water used per capita per day. During FY 2016, average *residential* water use was forty-six gallons per capita per day, compared to fifty-one gallons per capita per day in FY 2015.

Hayward customers have consistently been excellent stewards of water resources and have continued to do their part during the drought.

This commitment is in part demonstrated by continued interest in the City's water conservation programs. As an example, the total amount of turf area converted into water efficient landscaping through the City's Lawn Replacement Rebate Program increased by nearly 17%, from 126,000 square feet in FY 2015 to 147,000 square feet in FY 2016. A new program, introduced in June 2015, provides rebates of up to \$100 for the purchase of rain barrels to capture and store rainwater for later use as irrigation water. This program generated significant interest in Hayward, with close to 150 rebates issued in its first year. Other ongoing programs, such as rebates for high efficiency toilets and clothes washing machines, continue to be popular with customers.

Revised Water Conservation Emergency Regulation

Given the increased amount of rain and snow received in parts of California during the winter of 2016, concerns about water supply reliability have eased. The State Water Board is transitioning from mandatory state-wide conservation standards to standards based on supply reliability considerations at the local level, while recognizing that conservation is still needed in case this past winter was a short reprieve in a longer drought.

On May 18, the State Water Board adopted a statewide water conservation approach that replaced the prior percentage reduction-based standard with a localized "stress test" approach that mandates urban water suppliers to ensure at least a three-year supply of water to their customers under drought conditions. These less restrictive measures were adopted in recognition that, at this point, local agencies are better positioned to assess, plan for, and accommodate drought impacts on their water supplies. The regulations require retail and wholesale water suppliers to demonstrate that the agency is able to meet the average annual 2013 and 2014 water demand over the next three years, assuming that water supply conditions mirror the 2012-13, 2013-14 and 2014-15 water years. If conservation is needed to meet the base year demand, the agency must indicate the percentage reduction required.

The City of Hayward obtains its water supply from the San Francisco Public Utilities Commission (SFPUC). Hayward purchased an annual average of 5,407 million gallons in 2013 and 2014, based on average demand in 2013 of 5,714 million gallons, and 5,100 million gallons in 2014. The total annual average purchases made by all agencies from SFPUC during those two years, including wholesale and San Francisco's retail customers, was 78,669 million gallons, which is the base year demand on which SFPUC conducted its assessment of available supplies. The SFPUC's analysis, including total system storage and projected annual system inflows from the Tuolumne River and local reservoirs, indicates that sufficient water supply would be available to meet this base year demand over the next three years, assuming a repeat of 2013 – 2015 hydrological conditions. Based on this analysis, no percentage reductions in use by SFPUC customers will be mandated by the State Water Board.

Although mandatory reductions will not be required by the State Water Board, the SFPUC analysis assumes that its customers, as a whole, will limit consumption to the average of 2013 and 2014 usage. Using 2013 as a base, this would mean that Hayward would need to use 5.4% less water

than in 2013. Furthermore, SFPUC is requesting that customers voluntarily reduce usage by 10% over 2013 use, as a precautionary measure and because the Regional Water System storage will not completely fill at the end of the snowmelt period this year. Also, if the next water year is dry, ample stored supplies will be needed to protect against additional water use reductions. Based on Hayward's water consumption in fiscal year 2016 and the efforts that Hayward customers continue to make to conserve water, staff is confident that the City will achieve the revised water use targets.

ECONOMIC IMPACT

Although not yet significant, the costs of implementing actions to meet the State Water Board's directive and achieve water use reductions will be included as future water rates are set. Also, while water conservation, i.e., less usage, would typically result in a reduction in water bills, the water rates may have to increase to pay for fixed system costs.

FISCAL IMPACT

Water conservation program management staffing is provided by the Utilities & Environmental Services Department and is funded entirely in the Water Operating Fund. There are no General Fund impacts. Staff is generally using readily available and low cost methods for outreach. Some staff time is needed to continue to follow up on reports of excessive use.

SUSTAINABILITY FEATURES

Water: Efficiency and conservation. Although there was an increased amount of precipitation during the winter of 2016, water conservation and water use efficiency remain critical to ensuring adequate supplies. Ongoing and future conservation programs are expected to result in reduced demand.

PUBLIC CONTACT

A strategic communications plan was developed in cooperation with the City's previous Communications & Media Relations Officer to raise awareness of the drought conditions, acknowledge the water savings that Hayward customers have achieved so far, and promote water conservation and best practices. A "Drought Watch" website has been developed to provide updated and relevant information about drought conditions locally and throughout the State and can be accessed at <http://www.hayward-ca.gov/droughtwatch/>. Additional communication will be delivered as necessary to maintain awareness of the drought and achieve water use reduction targets.

NEXT STEPS

Staff will continue to monitor the water supply situation and updates from the State Water Board regarding conservation, and provide periodic updates to the Committee. Outreach and enforcement efforts will continue to be implemented as needed to help the City meet conservation goals.

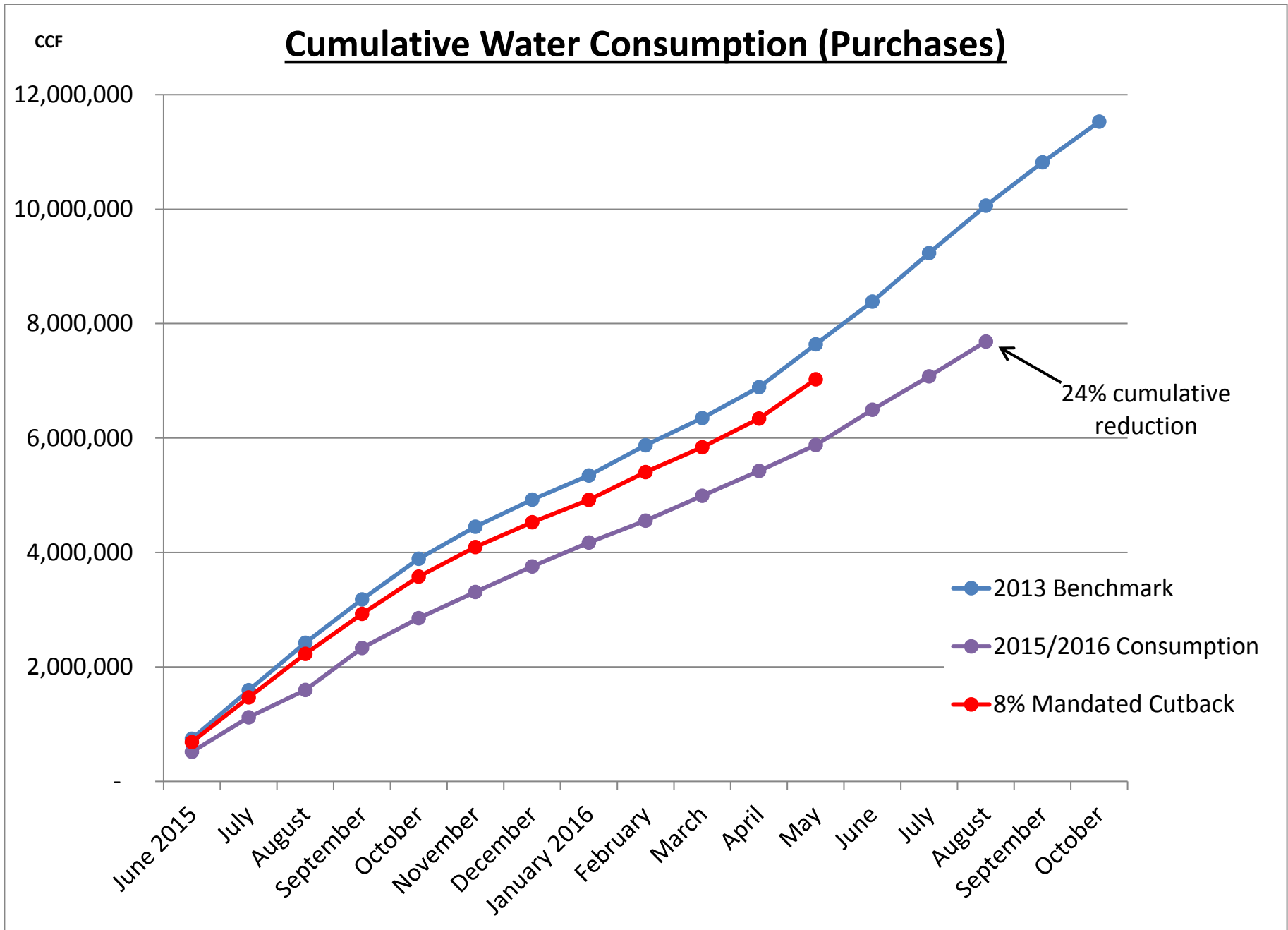
Prepared by: Marilyn Mosher, Senior Management Analyst

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager





CITY OF HAYWARD

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

File #: RPT 16-103

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Hayward's Annual Solid Waste Diversion Rate for 2015

RECOMMENDATION

That the Committee reviews and comments on this report.

ATTACHMENTS

Attachment I Staff Report



DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Hayward's Annual Solid Waste Diversion Rate for 2015

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

This report provides an update on Hayward's annual waste diversion for 2014 and 2015. The 2014 annual solid waste diversion report submitted by staff calculated that Hayward had a 76% diversion rate. However, CalRecycle disallowed some deductions and is still determining the final diversion rate for 2014. CalRecycle estimates the final 2014 diversion rate will be between 74%-76%. For calendar year 2015, staff estimates the City achieved a 73% diversion rate. Staff submitted its report to CalRecycle by the required deadline of August 22.

BACKGROUND

State law (AB 939) mandates that, beginning in calendar year 2000 and each year thereafter, all municipalities divert from landfill at least 50% of all waste generated. Pursuant to Measure D, a County Charter initiative amendment passed in 1990, the Alameda County Recycling Board of the Alameda County Waste Management Authority (ACWMA) set 2010 as the date by which Alameda County would strive to achieve a 75% diversion rate. Council adopted a 75% diversion goal in 2007. Additionally, State law AB 341 established a 75% goal by 2020.

When Council approved the current Franchise Agreement with Waste Management of Alameda County (WMAC) in January 2015, the City set a goal of reaching 80% diversion by 2018. The City's contract with WMAC establishes diversion goals based on the tons of discarded materials collected as dry recyclables, organics, or solid waste to be landfilled. The contractual diversion goals are designed, in part, to help the City meet State diversion targets as well as solid waste policies in the City's General Plan. In conjunction with the City's contract with WMAC, staff manages a variety of programs intended to help achieve the City's diversion goals.

Due to a change in regulations in 2007, compliance with diversion goals is measured by calculating the actual per capita disposal rate (pounds of waste disposed per person per day) for each municipality compared with a target. The City of Hayward's target is seven pounds per capita. The CalRecycle methodology also allows jurisdictions to deduct certain types of material from the total disposed. Tonnage allowed for deduction includes Class II Special Wastes, which are wastes contaminated with non-hazardous substances, such as contaminated soils, that are mandated for disposal.

The per capita disposal target is unique to each municipality, as the population and tonnage disposed for each varies. Thus, the per capita disposal rate cannot be easily compared with other municipalities. CalRecycle will continue to use other factors to evaluate overall compliance with the State mandate, such as the scope and quality of the recycling programs implemented, as described in the annual reports prepared by municipalities.

General Plan Policies – Hayward's General Plan, adopted on July 1, 2014, includes several policies and implementation programs related to solid waste, recycling and organics collection. Three main General Plan Policies related to solid waste are listed below.

Public Facilities and Services, Policy 7.4 Solid Waste Diversion – The City shall comply with State goals regarding diversion from landfill, and strive to comply with the provisions approved by the Alameda County Waste Management Authority (ACWMA).

Public Facilities and Services, Policy 7.21: Mandatory Recycling – The City shall implement mandatory recycling for commercial and multifamily uses and work with ACWMA to increase participation in this program.

Public Facilities and Services, Policy 7.14 Commercial Recycling – The City shall encourage increased participation in commercial and industrial recycling programs, and strive to comply with the recycling provisions approved by the ACWMA. The City shall work with ACWMA to provide technical assistance to businesses to implement mandatory recycling.

DISCUSSION

The 2014 report submitted to CalRecycle in August 2015 is still being reviewed by CalRecycle. In 2014, the agency altered its policy for approving deductions to waste disposed, and it has been working with City staff to update the 2014 report. CalRecycle has indicated potential adjustments to the 2014 diversion rate would be completed in the fall of 2016.

Based on current information, the City's approved diversion rate for 2014 will likely be between 74%-76%. Staff calculated that the City achieved a 73% diversion rate during 2015, based on the per capita disposal rate compiled by the State and a methodology approved by CalRecycle staff. The primary reasons for the decrease in Hayward's diversion rate from 2014 to 2015 are the amount of material accepted at landfills from Hayward in 2015 was the highest since 2011, and the amount of material available for deduction from disposal was the

lowest since 2012. In 2015, there was a 15% increase in tonnage landfilled over 2014 and a 78% decrease in special waste tonnage available for deduction.

Although the 2015 rate is lower than 2014, the rate has increased from the mid-60% range achieved from 2008-2010 to 71% in 2013. The 2015 County-wide diversion rate is not yet available from ACWMA; the 2014 County-wide diversion rate based on the population of each jurisdiction was 73% and in 2013, the County-wide diversion rate was 71%.

In 2015, the number of small businesses participating in the recycling and organics collection services offered under the City's contract with Waste Management increased by 5%, and the tonnage of organics collected from apartments nearly doubled. Participation by businesses and apartment complexes is critical because about 80% of all materials sent to landfill are generated by those two groups. Staff will continue to work with Waste Management to increase business and multi-family participation in recycling and organics collection services.

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.

NEXT STEPS

CalRecycle is scheduled to provide an official update on the 2015 report to staff in mid-December. Staff will apprise the Committee of the outcome of CalRecycle's final ruling on both the 2014 and 2015 diversion rates.

Prepared by: Jeff Krump, Solid Waste Program Manager

Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: RPT 16-099

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Solar and Zero Net Energy Requirements for Public and Private Construction

RECOMMENDATION

This is an informational report.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	General Plan Policies & Programs Related to Building Energy Use and Renewable Energy
Attachment III	2013 Building Energy Efficiency Standards FAQ



DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Solar and Zero Net Energy Requirements for Public and Private Construction

RECOMMENDATION

This is an informational report.

BACKGROUND AND DISCUSSION

This report is informational only. The purpose is to inform the Committee about solar and Zero Net Energy (ZNE) requirements that Council has adopted for public and private construction.

In addition, staff has created a webpage that summarizes these and other energy policy topics that have appeared before the Sustainability Committee. The webpage will be kept up to date if new policies are adopted or existing policies are amended in the future:

www.Hayward-ca.gov/CouncilSustainability/Energy

Relevant General Plan Policies

There are a range of General Plan Policies and Implementation Programs that are related to building energy use and renewable energy. These are listed in Attachment I.

What is Zero Net Energy?

The term Zero Net Energy (ZNE) typically refers to a building or set of buildings that generate enough renewable energy onsite to offset the energy used over the course of a year. However, the manner in which ZNE is calculated depends on the entity:

- **DOE Definition:** The U.S. Department of Energy defines a ZNE as “an energy-efficient building [campus, or community] where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy.” The State of California will use this definition to evaluate new and existing state buildings.
- **CEC Definition:** The California Energy Commission (CEC) defines ZNE for new buildings in the Energy Code using modeling that includes time dependent valuation.

- **Zero Cost:** The term ZNE is less frequently used to refer to the cost of energy to the customer – in other words, zeroing out a customer’s utility bill.

Solar and ZNE Requirements for Private Construction

Council adopts energy efficiency and solar requirements for private construction when it adopts the California Building Code. The current Building Code is the 2013 Code, which Council adopted on December 17, 2013.

Previous to 2013, Council had adopted a “reach code” for private construction, which required new buildings and major upgrades to implement greater energy efficiency measures than were required by the State. However, with the adoption of the 2013 Building Code, Council decided to forgo Hayward’s local green building requirements for private development because the 2013 State Code was more aggressive than Hayward’s local code.

Energy Requirements in the 2013 Building Code: The 2013 Code requires standards that are designed to use 25% less energy for lighting, heating, cooling, ventilation, and water heating than the 2008 Code. These requirements apply to all new construction and commercial tenant improvements greater than 1,000 square feet or \$500,000 valuation.

In addition, the 2013 Code requires new buildings to be “solar ready.” This includes the creation of a solar zone on the roof that is properly oriented towards the sun and that is not obstructed by building elements or shadows. It also requires a series of electrical measures that promote the easy connection of a future photovoltaic (PV) system. For more information, Attachment II is an FAQ that was released by the CEC on the 2013 Code.

Promoting Solar Through Discretionary Review: As part of the discussion leading up to the adoption of the 2013 Building Code, the Sustainability Committee recommended that developers for residential projects of twenty or more units be required to offer solar systems as an optional upgrade. To support this policy, Planning staff requires that all residential developments involved in rezoning from a base zoning district to Planned Development District include installation of solar as a standard amenity for all residential units.

2016 Building Code - Coming Soon: The State recently published the 2016 California Building Code, which the City is required to adopt before January 1, 2017. Staff will bring an overview of the new code to the Committee in November. The 2016 Code further increases energy efficiency requirements, but does not yet require renewable energy. Staff anticipates that solar will be required in the 2019 Code. According to the CEC, “the 2019 standards will take the final step to achieve ZNE for newly constructed residential buildings throughout California.”

Solar and ZNE Requirements for City of Hayward (Municipal) Construction

For municipal buildings, Council has set solar and ZNE requirements that go above and beyond the State Building Code:

LEED Silver: In 2008, Council adopted Green Building Requirements for Municipal Buildings, which is Section 10-21 of the Hayward Municipal Code. This requires that all new City construction and renovations that exceed 20,000 square feet or \$5 million in construction costs “meet a minimum LEED™ Silver rating and be so certified by the US Green Building Council. All Covered Projects shall also have a LEED-Accredited Professional as a principal member of the design team from the beginning of the project.” Note that the LEED Silver rating does not require a building to have any renewable energy features.

Zero Net Energy for City Buildings: On May 17, 2016, City Council adopted a resolution that requires all new City construction, and renovations exceeding 50% of a building’s value, to be zero net energy starting January 1, 2017. For buildings where it is not feasible to install on-site renewable energy, equivalent renewable energy is required to be installed at other city-owned properties. In addition, lesser renovations should include efficiencies and technologies that facilitate achieving zero net energy by 2030. (For the full staff report on this topic, see the Related Items section in Legistar at the end of this report.)

ZNE for Citywide Operations: On July 11, 2016, the Committee received a report from staff outlining a potential policy to achieve cumulative zero net energy for all municipal facilities by 2025. At that meeting, the Committee members recommended the policy be brought before Council. The Committee also requested that staff draft a phased implementation plan and consider the feasibility of achieving cost neutrality for PG&E bills. Staff will bring this item to Council later in 2016. (For the full staff report on this topic, see the Related Items section in Legistar.)

FISCAL AND ECONOMIC IMPACTS

There are no fiscal or economic impacts anticipated as a result of this informational report.

SUSTAINABILITY FEATURES

Energy: Electricity/natural gas/other fossil fuels.

Solar and ZNE requirements have a direct impact on the amount and the sources of energy used by the Hayward community. These requirements help the City meet its energy goals of reduced consumption and reduced greenhouse gas emissions.

Air: Air emissions of pollutants?

Use of renewable energy instead of fossil fuel will result in a reduction in community Greenhouse Gas (GHG) emissions.

Prepared by: Mary Thomas, Management Analyst

Recommended by: Alex Ameri, Director of Utilities & Environmental Services

Approved by:



Kelly McAdoo, City Manager

Related Items in Legistar

- Related Item I [Renewable Energy Generation Potential at City Facilities & Establishment of a Cumulative Municipal Zero Net Energy Goal](#)
(Policy appeared before Council Sustainability Committee)
- Related Item II [Zero Net Energy Policy for Municipal Buildings](#)
(Policy adopted by Council)
- Related Item III [Zero Net Energy Policy for City Buildings](#)
(Policy appeared before Council Sustainability Committee)
- Related Item IV [City Council Meeting December 17, 2013](#)
(2013 Building code adopted)
- Related Item V [City Council Meeting December 10, 2013](#)
(2013 Building Code introduced)



General Plan: Policies & Programs Related to Building Energy Use and Renewable Energy

Adopted on July 2014 as part of the 2040 General Plan Policy Document

Energy Related Policies

LU-1.8 Green Building and Landscaping Requirements

The City shall maintain and implement green building and landscaping requirements for private- and public-sector development to:

- Reduce the use of energy, water, and natural resources.
- Minimize the long-term maintenance and utility expenses of infrastructure, buildings, and properties.
- Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors.
- Encourage the use of durable, sustainably-sourced, and/or recycled building materials.
- Reduce landfill waste by promoting practices that reduce, reuse, and recycle solid waste.

[Source: New Policy; City Staff] (RDR)

CS-5.7 Energy Assurance Plan

The City shall develop, maintain, and implement a citywide Energy Assurance Plan that documents the energy needs of critical City and community facilities and functions, establishes goals and actions to increase energy resiliency during disasters, and prioritizes the use of renewable energy or other sustainable technologies to reduce dependency on the grid during power outages. *[Source: New Policy; City Staff] (CSO/MPSP)*

NR-2.4 Community Greenhouse Gas Reduction

The City shall work with the community to reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, and strive to reduce community emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively. *[Source: New Policy, City staff] (RDR)*

NR-2.5 Municipal Greenhouse Gas Reduction

The City shall reduce municipal greenhouse gas emissions by 20 percent below 2005 baseline level by 2020, and strive to reduce municipal emissions by 61.7 percent and 82.5 percent by 2040 and 2050, respectively. *[Source: New Policy, City staff] (RDR)*

NR-2.6 Greenhouse Gas Reduction in New Development

The City shall reduce potential greenhouse gas emissions by discouraging new development that is primarily dependent on the private automobile; promoting infill development and/or new development that is compact, mixed use, pedestrian friendly, and transit oriented; promoting energy-efficient building design and site planning; and improving the regional jobs/housing balance ratio.. *[Source: New Policy, City staff] (RDR)*

NR-4.1 Energy Efficiency Measures

The City shall promote the efficient use of energy in the design, construction, maintenance, and operation of public and private facilities, infrastructure, and equipment. *[Source: New Policy, City staff] (RDR)*

NR-4.2 Energy Efficiency Collaboration

The City shall collaborate with partner agencies, utility providers, and the business community to support a range of energy efficiency, conservation, and waste reduction measures, including the development of green buildings and infrastructure, weatherization programs, installation of energy-efficient appliances and equipment in homes and offices, promotion of energy efficiency retrofit programs, use of green power options, and heightened awareness of the benefits of energy efficiency and conservation issues. *[Source: New Policy, City staff] (RDR/PI/MPSP/JP)*

NR-4.3 Efficient Construction and Development Practices

The City shall encourage construction and building development practices that maximize the use of renewable resources and minimize the use of non-renewable resources throughout the life-cycle of a structure. *[Source: New Policy, City staff] (RDR)*

NR-4.4 Energy Resource Conservation in Public Buildings

The City shall continue to require all public facilities and services to incorporate energy and resource conservation standards and practices. *[Source: New Policy, City staff] (RDR)*

NR-4.5 Energy Efficient Contractors

When soliciting and awarding public contracts, professional service agreements, or grants to businesses or non-profit agencies, the City shall require, as appropriate, proposals or applications to include information about the sustainability practices of the organization. *[New Policy: Climate Action Plan] (RDR)*

NR-4.6 Renewable Energy

The City shall encourage and support the generation, transmission, use, and storage of locally-distributed renewable energy in order to promote energy independence, efficiency, and sustainability. The City shall consider various incentives to encourage the installation of renewable energy projects (i.e. reduced permit fees and permit streamlining). *[Source: New Policy, City staff] (RDR/JP)*

NR-4.7 Renewable Portfolio Standards

The City shall strive to increase the renewable portion of utility electricity generation by advocating for increased state-wide renewable portfolio standards. *[New Policy: Climate Action Plan] (IGC)*

NR-4.8 Community Choice Aggregation

The City shall assess and, if appropriate, pursue participation in community choice aggregation, or other similar programs. The City shall seek partnerships with other jurisdictions to minimize start up and administration costs. (CSO) *[New Policy: Climate Action Plan]* (CSO)

NR-4.9 Renewable Energy Financing Programs

The City shall collaborate with regional agencies and organizations to promote financing programs for renewable energy systems. *[New Policy: Climate Action Plan]* (IGC)

NR-4.10 Public Renewable Energy Generation

The City shall ensure that all new City-owned facilities are built with renewable energy, as appropriate to their functions, and shall install renewable energy systems at existing City facilities where feasible. *[New Policy: Climate Action Plan]* (RDR/MPSP)

NR-4.11 Green Building Standards

The City shall require newly constructed or renovated public and private buildings and structures to meet energy efficiency design and operations standards with the intent of meeting or exceeding the State's zero net energy goals by 2020. *[Source: New Policy, City staff]* (RDR/MPSP)

NR-4.12 Urban Forestry

The City shall encourage the planting of native and diverse tree species to reduce heat island effect, reduce energy consumption, and contribute to carbon mitigation. *[Source: New Policy, City staff]* (RDR)

NR-4.13 Energy Use Data

The City shall consider requiring disclosure of energy use and/or an energy rating for single family homes, multifamily properties, and commercial buildings at certain points or thresholds. The City shall encourage residents to voluntarily share their energy use data and/or ratings with the City as part of collaborative efficiency efforts. *[New Policy: Climate Action Plan]* (RDR)

NR-4.14 Energy Efficiency Retrofits

The City shall collaborate with regional entities and others to promote incentive programs for energy efficiency retrofits such as the Energy Upgrade California program for residential properties. *[New Policy: Climate Action Plan]* (IGC/JP)

NR-4.15 Energy Efficiency Programs

The City shall promote the use of the Energy Star Portfolio Manager program and energy benchmarking training programs for nonresidential building owners. *[New Policy: Climate Action Plan]* (PI)

EDL-3.3 Sustainable Design

The City shall encourage school districts to incorporate sustainable design practices in the construction and renovation of school facilities to reduce energy and water consumption and related utility expenses. *[Source: New Policy; City Staff]* (PI/IGC/RDR)

EDL-6.6 Design Principles

The City shall consider the following principles when designing new library facilities and library renovation projects:

- Libraries should be flexible and provide spaces that can support a variety of uses, such as personal study, group interaction, creative and innovative collaboration, art exhibits, computer research, presentations and lectures, and community events.
- Facility systems should support a technology-rich environment and wireless networking.
- Interior spaces should be zoned by acoustical and activity levels to allow simultaneous use by all types of people.
- The exterior and the interior of the building should be easy to navigate and designed with a sense of openness.
- Libraries should incorporate sustainable design practices to reduce energy and water consumption and related utility expenses.
- Libraries should have high-quality interior spaces and furniture that attract people and encourage them to stay for long periods of time (similar to coffee shops or book stores).

[Source: New Policy; City Staff] (RDR)

HQL-9.6 Energy Resiliency

The City shall continue to encourage residents and businesses to use less gasoline for transportation, and improve energy efficiency in and renewable energy generation from buildings and industry processes to reduce impacts from rising oil and energy prices. *[Source: New Policy, City staff] (RDR/MPSP)*

PFS-2.3 Sustainable Practices

The City shall serve as a role model to businesses and institutions regarding purchasing decisions that minimize the generation of waste, recycling programs that reduce waste, energy efficiency and conservation practices that reduce water, electricity and natural gas use, and fleet operations that reduce gasoline consumption. *[Source: New Policy; Climate Action Plan] (CSO)*

PFS-2.7 Energy Efficient Buildings and Infrastructure

The City shall continue to improve energy efficiency of City buildings and infrastructure through implementation of the Municipal Green Building Ordinance, efficiency improvements, equipment upgrades, and installation of clean, renewable energy systems. *[Source: New Policy; Climate Action Plan] (CSO)*

PFS-4.12 Renewable Energy

The City shall support efforts to develop, enhance, and maintain clean, green and renewable energy systems at the Water Pollution Control Facility, including:

- Solar photovoltaic and solar hot water; and
- Methane recovery systems and digester gas combustion systems.

[Source: New Policy, City Staff] (IGC)

PFS-7.17 Waste-to-Energy Generation Systems

The City shall advocate for waste management strategies that aim to maximize the value of solid waste by using waste-to-energy generation systems. *[Source: New Policy; Climate Action Plan] (IGC/JP)*

PFS-8.8 Renewable Energy Integration

The City shall encourage energy providers (e.g., PG&E) to offer their support and assistance in integrating individual renewable energy systems (e.g., solar systems) into the electricity grid. *[Source: New Policy, City Staff] (RDR/PI)*

Implementation Programs

See page 7 for Implementation Timeline

ED 3. Energy and Sustainability Businesses Program. The City shall coordinate with the Chamber of Commerce and the East Bay Economic Development Alliance to develop a program that supports and attracts businesses in the renewable and energy-efficiency sector to Hayward. *[Source: Climate Action Plan] (MPSP/JP/IGC)*

CS 13. Energy Assurance Plan. The City shall develop and implement an Energy Assurance Plan to ensure that critical facilities have access to power during emergencies and power outages. *[Source: New Program; City Staff] (MPSP)*

NR 5. Residential Energy Performance Assessment and Disclosure Ordinance. Not sooner than 2017, the City shall consider adopting a Residential Energy Performance Assessment and Disclosure (EPAD-R) Ordinance for detached single-family homes and multi-family homes. The EPAD-R Ordinance may include the following:

- energy performance disclosures at certain points or thresholds
- use of a free online tool such as the Environmental Protection Agency's *Home Energy Yardstick* for self-assessment, which takes into account the size of the home and number of occupants
- alternatively, use of a low-cost assessment tool such as the Department of Energy's *Home Energy Score*
- flexible exemption provisions including:
 - the age of the building,
 - foreclosures or short sales,
 - recent energy efficiency upgrades,
 - an owner providing 12 consecutive monthly utility bills from the previous two years

[Source: New Program; Climate Action Plan] (RDR)

NR 6. Commercial Energy Performance Assessment and Disclosure Ordinance. The City shall consider adopting a Commercial Energy Performance Assessment and Disclosure (EPAD-C) Ordinance for commercial buildings. The EPAD-C Ordinance may include the following:

- Energy use disclosure requirements consistent with State law (AB 1103), which requires use of the ENERGY STAR *Portfolio Manager* benchmarking tool.
- Exemption provisions consistent with AB 1103, which include:
 - the size of the building
 - the occupancy type of the building

[Source: New Program; Climate Action Plan] (RDR)

NR 7. Energy Reduction Initiative and Annual Report. The City shall develop and implement a public information and education campaign to encourage every household and every business to reduce their energy consumption by 10 percent by 2020. The City shall evaluate and report to the City Council annually on the community's progress in achieving the ten percent goal, and recommend additional efforts as necessary to ensure the goal is met. *[Source: New Program, Climate Action Plan]* (MPSP/PSR/PI)

NR 8. Home Energy Monitors and Annual Report. The City shall develop a program to encourage the installation of Home Energy Monitors in existing homes. The City shall evaluate and report to the City Council annually on the community's participation in the program, and any additional reductions in energy use that result from implementation of the program. *[Source: New Program, Climate Action Plan]* (MPSP/PSR)

NR 9. Financing Program for Residential Energy Efficiency Retrofits. The City shall work with regional agencies and organizations to develop a residential energy efficiency retrofit financing program for single-family and multi-family homes. *[Source: New Program, Climate Action Plan]* (MPSP/FB)

NR 10. Financing Program for Commercial Energy Efficiency Retrofits. The City shall work with regional agencies and organizations to develop a commercial energy efficiency retrofit financing program for commercial and industrial properties. *[Source: New Program, Climate Action Plan]* (MPSP/FB)

NR 11. City Building Audits and Reports. The City shall conduct an energy efficiency audit of City-owned buildings every five years to identify opportunities for efficiency improvements from both operations and equipment upgrades. The City shall prepare and submit a report to the City Council that summarizes the results of the audit and makes recommendations for improvements that will improve energy efficiency. *[Source: New Program, Climate Action Plan]* (PSR)

NR 12. Financing Program for the Installation of Residential Renewable Energy Systems. The City shall work with regional agencies and organizations to develop a financing program for the installation of renewable energy systems on single-family and multi-family residential buildings and mobile homes. *[Source: New Program, Climate Action Plan]* (FB/IGC/MPSP)

NR 13. Financing Program for the Installation of Commercial Renewable Energy Systems. The City shall work with regional agencies and organizations to develop a financing program for the installation of renewable energy systems on commercial and industrial properties. *[Source: New Program, Climate Action Plan]* (FB/IGC/MPSP)

NR 14. Renewable Energy Generation Potential. The City shall conduct a city-wide study to estimate the total potential for renewable energy generation on City facilities and the estimated costs and benefits of developing that potential. Based on findings from the study, the City shall develop a plan to develop cost effective renewable energy projects. *[Source: New Program, Climate Action Plan]* (PSR)

Implementation Timeline		2014-2016	2017-2019	2020-2040	Annual	Ongoing
NR 7	Energy Reduction Initiative and Annual Report	X			X	
NR 5	Residential Energy Performance Assessment and Disclosure Ordinance		X	X		
NR 6	Commercial Energy Performance Assessment and Disclosure Ordinance		X	X		
ED 3	Energy and Sustainability Businesses Program		X			
NR 8	Home Energy Monitors and Annual Report		X		X	
NR 9	Financing Program for Residential Energy Efficiency Retrofits		X			X
NR 10	Financing Program for Commercial Energy Efficiency Retrofits		X			X
NR 12	Financing Program for the Installation of Residential Renewable Energy Systems		X			X
NR 13	Financing Program for the Installation of Commercial Renewable Energy Systems		X			X
NR 14	Renewable Energy Generation Potential		X			
CS 13	Energy Assurance Plan			X		
NR 11	City Building Audits and Reports			X		

Building Energy Efficiency Standards

FREQUENTLY ASKED QUESTIONS

What are building energy efficiency Standards?

Building energy efficiency standards are designed to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality. These measures (Title 24, Part 6) are listed in the California Code of Regulations.

Why are building Standards important?

Energy efficiency Standards make buildings more comfortable, lower energy costs, and reduce greenhouse gas emissions. The Standards ensure that builders use the most energy efficient technologies and construction.

When did building Standards start?

California's first building energy efficiency Standards went into effect in 1978.

How much will these new Standards add to the cost of a new house?

On average, these Standards add an additional \$2,290 to the cost of constructing a new residential building, but will return \$6,200 in energy savings over 30 years. In other words, when factored into a 30-year mortgage, the Standards will add approximately \$11 per month for the average home, but will save \$27 on monthly heating, cooling, and lighting bills.

How much energy will the 2013 Standards save?

The 2013 Standards will use 25% less energy for lighting, heating, cooling, ventilation, and water heating than the 2008 Standards. Additionally, the Standards will save 200 million gallons of water per year (equal to more than 6.5 million wash loads) and avoid 170,500 tons of greenhouse gas emissions per year.

How much have Standards saved?

Since 1978, the California Energy Commission has saved Californians \$66 billion in electricity and natural gas savings through energy efficient building and appliance standards.

What are the long term savings?

After 30 years of implementing the standards, California will save nearly 14,000 GWh or enough electricity to power 1.67 million homes.

What policy goals are addressed by the Standards?

Several state energy policy goals drive the design of the current standards: the "Loading Order," which directs California's growing demand must first be met with cost-effective energy efficiency; "Zero Net Energy" (ZNE) goals for new homes by 2020 and commercial buildings by 2030; Governor Brown's Executive Order on Green Buildings; the Green Building Standards Code, and AB 32, which mandates that California reduce its greenhouse gas emissions to 1990 levels by 2020.

What is “Zero Net Energy?”

In 2008, California set bold energy-use reduction goals, targeting zero net energy (ZNE) use in all new homes by 2020 and commercial buildings by 2030. The ZNE goal means new buildings must use a combination of improved efficiency and distributed renewable energy generation to meet 100 percent of their annual energy need.

Who are supporting the Standards?

California Building Industry Association, Natural Resources Defense Council, Pacific Gas & Electric, Southern California Edison, San Diego Gas & Electric, Southern California Gas, Alliance to Save Energy, the American Council for Energy Efficient Economy, Appliance Standards Awareness Project, and Building Code Assistance Project are supporting the energy efficiency Standards.

Why do the Standards need to be updated?

The Energy Commission is required by law to adopt Standards that are cost effective for homeowners over the 30-year lifespan of buildings. The Standards are periodically updated to allow new energy efficient technologies and construction methods for consideration and incorporation. The Standards will save energy, increase electricity supply reliability, increase indoor comfort, avoid the need to construct new power plants and preserve the natural environment.

What buildings are covered by the Standards?

All buildings except hospitals, nursing homes, correctional centers, jails, and prisons are covered.

Who oversees the Standards?

The California Energy Commission is responsible for adopting, implementing and updating energy efficiency building Standards.

Who is responsible for enforcing the Standards?

Typically, the local city or county building department has the authority to verify compliance with applicable codes and standards, including building energy efficiency.

What are some highlights of the Standards?

In addition to simplifying and streamlining compliance documents, other major improvements include:

RESIDENTIAL:

- Insulated hot water pipes save water and energy and cut the time it takes to get hot water where it is needed
- Improved window performance to reduce heat loss in the winter and heat gain in the summer
- Whole house fans to cool homes and attics with cool evening air instead of air conditioning
- “Solar ready roof” design makes it easier to install solar photovoltaic or solar thermal panels at a future date

NONRESIDENTIAL:

- High performance windows, sensors and controls that allow buildings to use “daylighting” to avoid unnecessary use of installed lighting
- Efficient process equipment in grocery stores, commercial kitchens, data centers, laboratories, and parking garages
- Advanced lighting controls to synchronize light levels with daylight and building occupancy, and provide demand response opportunities
- “Solar ready roof” design makes it easier to install solar photovoltaic or solar thermal panels at a future date
- Occupant Controlled Smart Thermostats allow an occupant to set and maintain a desired temperature and voluntarily participate in a utility’s demand response programs
- Cool roof technologies

Why do the Standards vary by climate zone?

Measures that are cost effective in more extreme climates may not be cost effective in milder climates. Requiring measures by climate zone ensure that a building will have the most energy efficient features for that area.

What are solar ready requirements?

The 2013 Standards require "solar ready roofs" to accommodate future installations of solar photovoltaic panels. Solar ready requirements do not vary by climate zone.

Considering California's economy, is this the right time to adopt Standards?

Since 2010, the Energy Commission has held meetings with more than 45 industry stakeholder groups, as well as 15 public workshops on the draft standards. The Commission recognized current economic times require Standards that significantly reduce energy costs. By providing increased flexibility and multiple options for meeting energy efficiency goals, the Energy Commission and its partners developed reasonable standards that acknowledge the economic challenge facing builders.

When will the Standards be approved?

The 2013 Standards will be considered for adoption by the Energy Commission at its May 31, 2012 public meeting; if approved, they will take effect in January 2014.

How many Climate Zones are there in California?

There are sixteen climate zones in the state.

What is the benefit of installing an Occupant Controlled Smart Thermostat?

Occupant Controlled Smart Thermostats maximizes energy savings by monitoring and controlling energy use more effectively. The occupant can override demand response programs at any time.

Who benefits from the Standards?

The Economy

The Standards contribute to and support a clean energy workforce through statewide training programs.

Builders

The Standards help builders develop buildings that are more comfortable and save homeowners money on utility bills.

Building Owners and Occupants

The Standards provide lower energy costs, more occupant comfort, and higher property values.

Building Science

The Standards support ongoing research and development in energy efficiency.

The Environment

The Standards reduce greenhouse gas emissions and avoids the need to construct new power plants.

How can I learn more about the Standards?

Contact the Energy Commission's Energy Standards Hotline toll-free at (800) 772-3300 or (916) 654-5106 or email us at title24@energy.ca.gov.

Additionally, the Energy Commission's Blueprint newsletter is available at:

www.energy.ca.gov/efficiency/blueprint/

www.energy.ca.gov/title24

MAY 2012



CITY OF HAYWARD

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

File #: RPT 16-111

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Gold Level Beacon Award for Natural Gas Savings in Municipal Operations

RECOMMENDATION

This is an informational report.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Letter from Institute for Local Government



DATE: September 12, 2016
TO: Council Sustainability Committee
FROM: Director of Utilities and Environmental Services

SUBJECT

Gold Level Beacon Award for Natural Gas Savings in Municipal Operations

RECOMMENDATION

This is an informational report.

DISCUSSION

The League of California Cities - Institute for Local Government has informed staff that the City will receive a Gold Level Spotlight Award for reducing natural gas use by 10%. As indicated in the attached letter, the award will be presented during a ceremony at the League of California Cities conference in Long Beach on October 6.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Utilities and Environmental Services

Approved by:

Kelly McAdoo, City Manager



August 24, 2016

Erik Pearson
Beacon Program Contact
777 B Street
Hayward, CA 94541

Subject: Beacon Spotlight Award

Dear Erik,

On behalf of the Institute for Local Government and the League of California Cities®, we are pleased to honor the City of Hayward for its achievements as part of ILG's Beacon Program.

Based on the information provided, the City of Hayward will be receiving the following Beacon Spotlight Award this year:

- Gold Level Award for 10% Natural Gas Savings

The awards will be presented at a special ceremony in conjunction with the League of California Cities Annual Conference on Thursday, October 6, 2016 at 5:30pm. The reception will be held in the Beacon Ballroom at the Hyatt Regency Long Beach located at 200 South Pine Avenue. The Beacon Spotlight Award Ceremony will recognize individual accomplishments of cities participating in the Beacon Program as they work to complete the five elements necessary to achieve a full Beacon Award.

We invite your entire council and participating staff to attend this event, but ask that you designate one representative to accept the award on the city's behalf. We will be sending a formal invitation with information to RSVP in the upcoming weeks. If you have any questions or need additional information please contact the Beacon Program Manager, Karalee Browne at kbrowne@ca-ilg.org or (916) 658-8274.

We appreciate your commitment to sustainability and your efforts to help reduce greenhouse gas emissions and save energy. We look forward to supporting and celebrating your ongoing success.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Gonzalez'.

Martin Gonzalez
Executive Director
Institute for Local Government

A handwritten signature in black ink, appearing to read 'Chris McKenzie'.

Chris McKenzie
Executive Director
League of California Cities

Enclosure: Beacon Spotlight Award Best Practice Activities



CITY OF HAYWARD

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

File #: ACT 16-011

DATE: September 12, 2016

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT
Suggested Sustainability Committee Meeting Topics - 2016

RECOMMENDATION
That the Committee reviews, comments on, approves this report and meeting topics for CY 2017.

ATTACHMENTS

Attachment I Staff Report

Suggested Sustainability Committee Meeting Topics - 2016

March 14
Municipal Regional Stormwater Permit
Update on Community Choice Energy
WMAC Contract – Annual Review
City Water Consumption and Water Conservation
May 9
Reusable Bag Ordinance Expansion – Review Draft Ordinance
Update on PAYS Program
Sun Shares
July 11
Renewable Energy Generation Potential & Establishment of a Municipal ZNE Goal
Community Choice Energy – Review Draft Ordinance & JPA
GHG Inventory & Sustainability Metrics
Outreach Campaigns – Results
Solar Net Energy Metering (NEM) 2.0 Regulations
September 12
PG&E Community Pipeline Safety Initiative – Proposed Tree Removals
StopWaste (ACWMA) Priorities
Energy Performance and Disclosure (EPAD)
Stormwater Regulations for New Development & Green Infrastructure
Update on Water Supply, Outlook, Conservation, and Regulations
Solid Waste Diversion Rate
Solar & ZNE Requirements for Public & Private Construction
November 14
Overview of 2016 Codes Related to Sustainability and Energy Efficiency
East Bay Community Energy - Update
Construction & Demolition Debris Recycling Requirements
Drinking Water: Lead & Copper Testing Results & Residual Disinfection By-Products
StopWaste (ACWMA) Priorities (if needed)
Annual Update on Administrative Rule 3.9 – Environmentally Preferred Purchasing Policy
Car Sharing
Review Agenda Topics for 2017