

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, March 11, 2024

5:00 PM

Hybrid/Conference Room 2A

Council Sustainability Committee

**NOTICE: The Council Sustainability Committee will hold a meeting in
Conference Room 2A.**

PUBLIC COMMENTS

The Public Comments section provides an opportunity to address the Council Sustainability Committee on items not listed on the agenda. The Council Sustainability Committee welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council Sustainability Committee is prohibited by State law from discussing items not listed on the agenda, items will be taken under consideration and may be referred to staff. The Council Sustainability Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the City, or of the acts or omissions of the Council Sustainability Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a meeting. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend public meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated.

Public comment via Zoom has been suspended.

To submit a public comment in writing, send an email to Erik Pearson, erik.pearson@hayward-ca.gov, by 1:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Council Sustainability Committee and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Documents received after 1:00 p.m. through the adjournment of the meeting will be included as part of the meeting record and published the following day.

HOW TO OBSERVE THE MEETING:

Please click the link below to join the webinar:

<https://hayward.zoom.us/j/83004264490?pwd=k48XgPqjZm60kwaTX53NCYjqtrz64ljBQ.-gJ2ihc6TsPiFnQr>

Webinar ID: 830 0426 4490

Password: CSCMAR11!

Or join by phone:

US: +1 669 900 6833 or +1 646 931 3860

Webinar ID: 830 0426 4490

Password: 676484769

International numbers available: <https://hayward.zoom.us/j/kg88SF9rC>

HOW TO PROVIDE LIVE PUBLIC COMMENT DURING THE MEETING:

In person at City Hall, Conference Room 2A, 777 B Street, Hayward, CA 94541.

Please note: Public comment via Zoom has been suspended.

ROLL CALL**PUBLIC COMMENTS:****REPORTS/ACTION ITEMS**

1. [MIN 24-030](#) Approval of Meeting Minutes from the Council Sustainability Committee (CSC) Meeting Held on January 8, 2024

Attachments: [Attachment I Minutes](#)

2. [ACT 24-013](#) Solid Waste and Recycling Franchise Agreement: Update on Implementation - Review and Comment
- Attachments:** [Attachment I Staff Report](#)
3. [ACT 24-015](#) Reach Code - Current Status and Future Revisions - Discussion and Direction to Staff
- Attachments:** [Attachment I Staff Report](#)
4. [ACT 24-014](#) 2022 Greenhouse Gas Emissions Inventory
- Attachments:** [Attachment I Staff Report](#)
5. [ACT 24-016](#) Potential Grant Funding for Development of Performance Standards for Existing Buildings - Discussion and Direction to Staff
- Attachments:** [Attachment I Staff Report](#)

FUTURE AGENDA ITEMS

6. [ACT 24-018](#) Proposed 2024 Agenda Planning Calendar: Review and Comment
- Attachments:** [Attachment I Staff Report](#)

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

Next Scheduled Meeting: Monday, May 13, 2024



CITY OF HAYWARD

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

File #: MIN 24-030

DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT

Approval of Meeting Minutes from the Council Sustainability Committee (CSC) Meeting Held on January 8, 2024

That the CSC reviews and approves the January 8, 2024 meeting minutes.

ATTACHMENTS

Attachment I Council Sustainability Meeting Minutes from January 8, 2024

CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING
Hybrid Meeting
January 8, 2024
5:00 p.m.
MEETING MINUTES

CALL TO ORDER: Meeting called to order at 5:00 p.m. by Council Member Julie Roche.

ROLL CALL:

Members:

Present

- Julie Roche, City Council Member/CSC Chair
- Angela Andrews, City Council Member
- Francisco Zermeño, City Council Member

Staff:

- Alex Ameri, Director of Public Works
- Elizabeth Blanton, Senior Planner
- Dustin Claussen, Assistant City Manager
- Makenna Colucci, Sustainability & Climate Action Fellow
- Erik Pearson, Environmental Services Manager
- Judy Phung, Senior Secretary (Meeting Recorder)
- Elise Pierce, Recycling Outreach Fellow
- Elisa Wilfong, Water Pollution Source Control (WPSC) Administrator

Other:

- Julia Diener, Caltrans Landscape Architect
- Lydia Mac, Caltrans Senior Landscape Architect
- Zac Thompson, Ava Community Energy Senior Associate

PUBLIC COMMENTS

There were no public comments.

1. Approval of Minutes of the Council Sustainability Committee (CSC) Meeting Held on November 13, 2023

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

2. Proposed PG&E Transmission Line Over Highway 92: Discussion and Recommendation to Council

Erik Pearson, Environmental Services Manager, reported on the proposed PG&E transmission line over Highway 92 and asked for the Committee's direction to negotiate agreements with PG&E and Caltrans, which would be presented to the full Council for approval. Julia Diener, Caltrans Landscape Architect, presented additional information on the proposed landscape plans.

Public Comments

Lydia Mac, Caltrans Senior Landscape Architect, commented that the plan showed the appropriate mitigation strategy that took into consideration clearances, setbacks, and other regulations for the project.

Committee Comments

Council Member Andrews expressed concerns about removing Redwood trees for the proposed route and requested information about the litter clean-up schedule for the project area.

Council Member Zermeno requested for the landscape design to include tree removal mitigation details for when the item goes to Council for consideration.

Elizabeth Blanton, Senior Planner, stated that the City would work with the private property owners to mitigate the tree removal, but that Caltrans would have jurisdiction over the tree mitigation efforts within their right-of-way.

Council Member Roche expressed her reluctance to approve the recommendation to Council. She expressed her willingness to recommend the item for the City Council's consideration under the circumstance that the Developer, PG&E, and Caltrans would look into every effort to save impacted trees before coming to Council. This would include an explanation to Council on what efforts were made, the successfulness of the efforts as well as details about the number of trees that would be planted for tree mitigation efforts.

Council Member Andrews moved the item, only under the above terms detailed by Council Member Roche, the item was seconded by Council Member Roche, and approved unanimously to recommend the item for Council consideration.

3. City Fleet Electrification & Electric Vehicle Charging – Discussion and Direction to Staff

Mr. Pearson presented a report on a study analyzing the costs and charging infrastructure needed to electrify the City's fleet.

Public Comments

Zac Thompson, Ava Community Energy Senior Associate, commented that the total ten-year cost is expected to decrease as electric vehicle costs are anticipated to go down, especially for light duty electric vehicles.

Committee Comments

The Committee voted unanimously to recommend the report to Council.

4. Compliance with Stormwater Trash Reduction Requirements – Information and Discussion

Elisa Wilfong, WPSC Administrator, presented a report on the City's implementation and compliance with the Stormwater Trash Reduction mandate per the Municipal Regional Permit (MRP) 3.0.

Public Comments

There were no public comments.

Committee Comments

Council Member Andrews inquired if there would be different paving at the end of the Cotter Way project. Director Ameri stated that there would be final paving done.

Council Member Zermeno requested that staff let the Committee know when the final work was completed.

Council Member Roche thanked staff for the report.

FUTURE AGENDA ITEMS:

5. Proposed 2024 Agenda Planning Calendar: Review and Comment

The presentation of this item was skipped due to time constraints.

Public Comments

There were no public comments.

Committee Comments

Council Member Zermeno requested to add a bus shelter litter receptacle requirement for the proposed Litter Collection Effort agenda item.

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS:

There were no Committee Member or staff announcements and referrals.

ADJOURNMENT: 6:14 p.m.

Attendance	MEETINGS			
	Present 1/8/24 Meeting	Present to Date This Year	Excused to Date This Year	Absent to Date This Year
Julie Roche	✓	1	0	0
Angela Andrews	✓	1	0	0
Francisco Zermeno	✓	1	0	0



CITY OF HAYWARD

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File #: ACT 24-013

DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT

Solid Waste and Recycling Franchise Agreement: Update on Implementation - Review and Comment

RECOMMENDATION

That the Council Sustainability Committee (CSC) receives an update on the implementation of the new Solid Waste and Recycling Franchise Agreement between the City and Waste Management of Alameda County (WMAC) and provides comments to staff.

SUMMARY

The City's new franchise agreement with WMAC to provide solid waste, recycling, and organic materials collection, and processing services commenced on March 1, 2023. The ten-year franchise agreement was approved by Council on June 28, 2022, effective March 1, 2023. March 1, 2024, marked the completion of the first year of the franchise agreement, and was also when year-two rates became effective. Rates increased by 3.73% on March 1, 2024. This report provides an update on some key elements of the new contract, including SB1383 compliance, new public litter cans, a system of surcharges for contamination and overages, and a new fleet of trucks for residential recycling provider Tri-CED.

ATTACHMENTS

Attachment I Staff Report



DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

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– Review and Comment

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SUMMARY

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BACKGROUND

WMAC has been the City's solid waste and recycling services franchisee since at least the mid-1970s and has, in the past thirty years, subcontracted with Tri-CED Community Recycling for residential recycling services. After approximately two years of negotiating, on June 28, 2022¹, Council approved the new franchise agreement with WMAC as well as adjustments to the refuse, recycling, and organics rates. On January 30, 2024², Council approved the rates for rate-year two (March 1, 2024, through February 28, 2025) of the new franchise agreement.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5709695&GUID=E5867537-1E85-495D-95E4-BB7A6B590715&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6497830&GUID=E2C087B7-051A-467B-843E-8F035498AD92>

DISCUSSION

The new franchise agreement includes new elements to achieve compliance with state law SB1383, improve overall service, and reduce litter. The following update highlights some of the key new elements WMAC started implementing during the last calendar year.

SB1383 Requirements

SB1383 and subsequent regulations developed by CalRecycle³ include several requirements that the franchise agreement helps address, including a mandate regarding the color of collection carts. Hayward's old burgundy trash carts and gray recycling carts needed to be replaced with blue carts for recycling and black or gray carts for trash. WMAC and Tri-CED replaced all trash and recycling carts in the Spring of 2023, which in addition to bringing Hayward into compliance, also provided Hayward customers with sturdy carts that should remain in service beyond the life of the contract. In total, by the end of May 2023, nearly 70,000 carts were replaced in Hayward. The old burgundy WMAC trash carts and gray Tri-CED recycling carts were purportedly recycled.

SB1383 also requires that businesses subscribe to organics service or receive a waiver from needing service. CalRecycle has indicated it expects close to 100% of businesses to comply with SB1383 or receive a waiver from compliance, and that jurisdictions with a significant number of businesses not in compliance can be placed on a compliance plan. Waivers can be granted to businesses that generate little organics, and also to businesses that do not have enough space at their location to accommodate an organics container. The Alameda County Waste Management Authority (StopWaste) manages the SB1383 enforcement and waiver process for all County jurisdictions, including Hayward. The County's enforcement process includes businesses receiving fines for not complying. Hayward's Franchise Agreement stipulates that a WMAC employee will help with outreach, including with SB1383 messaging. For the past year, a WMAC outreach specialist has teamed with Hayward's Sustainability Service Corps Fellows and StopWaste to contact businesses not in compliance with SB1383 through site visits, email, and phone calls. In 2023, they contacted more than 1,600 businesses and advised the businesses to sign up for organics service or apply for a waiver. From January 2023 through February 2024, 364 businesses received waivers. Eighty-eight percent of Hayward businesses are currently compliant with SB1383 for recycling and 76% are compliant for subscribing to organics services.

Surcharges for Contamination and Overages

Hayward's new franchise agreement with WMAC includes a new program that monitors recycling and organics containers for contamination, and simultaneously looks for overfilled containers. Monitoring customers' containers for contamination is required by SB1383 and WMAC uses cameras on their trucks to perform the monitoring. The cameras view material as it's dumped from containers into the trucks and also view containers on the curb.

For recycling and organics, contamination is defined as 10% by volume of a container being filled with non-recyclable material. Overage is defined as a container's lid being open by 12 inches or more. If an unacceptable amount of non-recyclable or non-organic material is

³ <https://www.calrecycle.ca.gov/organics/slcp/>

noticed, or if a container is considerably overfilled, the customer receives a warning letter informing them about the issue. Customers receive two warning letters before being charged a fee. If no violations occur for a year, then the customer's account resets, and they will once again receive two warning letters before being charged a fee.

WMAC started performing outreach about the program in late 2022 to help familiarize Hayward customers with the new contamination and overage surcharges and continues performing outreach about the program today. In March 2023, WMAC mailed customers introductory information about the program. From March 2023, through June 30, 2023, WMAC conducted an introductory practice program and did not assess any surcharges. WMAC only sent customers courtesy notices including photographs, to let them know when their container was contaminated or overfilled and to familiarize them with the system.

The program officially started monitoring all containers on July 1, 2023, except for residential recycling at single-family homes. The monitoring of these containers has not started yet because Tri-CED's new trucks have not been set up with the system. The trucks are scheduled to be ready in Spring of 2024. However, a portion of the rates in each year of the contract are for new trucks. So, for the first year of the contract, Hayward paid for trucks it didn't use.

The fee schedule is listed in Table 1 below.

Table 1: Contamination and Overage Fee Schedule

	Contamination fee (after 2 warnings)	Overage fee (after 2 warnings)
Carts	\$25	\$10
Bins	\$75	\$75 Trash Bins; \$35 Recycling Bins

WMAC provided the City with the number of warnings and surcharges issued for both contamination and overages after eleven months (from March 2023 - January 2024) of monitoring. WMAC monitored the garbage, recycling and organics containers of businesses, and multi-family dwellings; and monitored the garbage and organics containers for single-family homes.

The primary contaminant WMAC looks for is plastic bags. Plastic bags don't get recycled, and often clog sorting equipment, creating delays on the sorting lines as workers untangle and remove the bags. WMAC is asking customers to dump recyclables and organics out of plastic bags, so they fall loose into the container when being placed out for collection. The plastic bags can be reused or placed in the trash container. Dumping recyclables and organics out of plastic bags is a relatively new behavior for many customers.

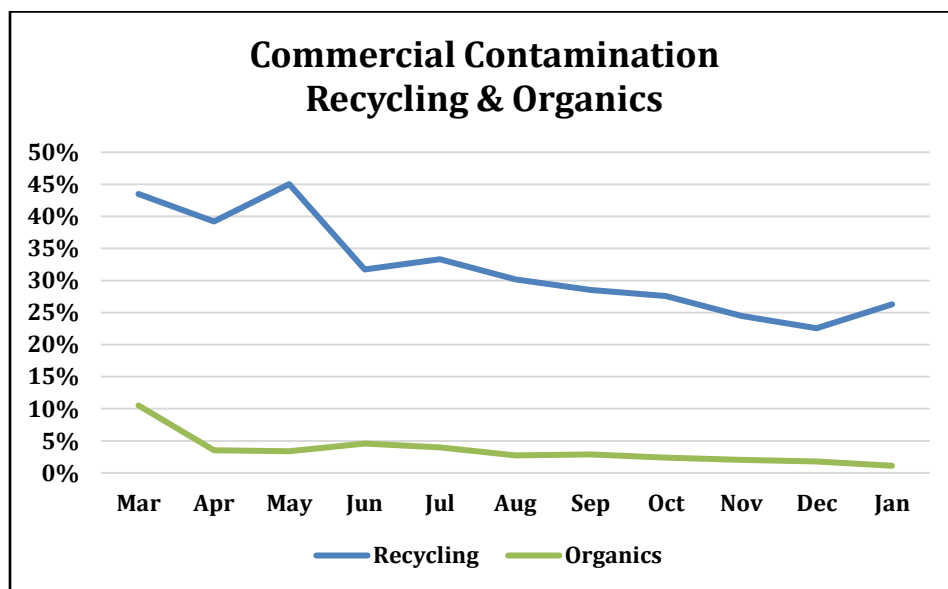
Recycling Contamination - Commercial and Multi-Family Dwelling

WMAC has issued the following recycling contamination warnings and surcharges for businesses and multi-family home accounts. In March of 2023, at the beginning of the introductory period, 45% of all collections received a warning. In January of 2024, 26% received a warning or surcharge. In total, there were 5,580 warnings and 2,732 surcharges issued from March 2023-January 2024.

Organics Contamination- Commercial and Multi-Family Dwelling

WMAC has issued the following organics contamination warnings and surcharges for businesses and multi-family home accounts. In March of 2023, 11% of all collections received a warning. In January of 2024, 4% received a warning or surcharge. In total, there were 522 warnings and 139 surcharges issued from March 2023-January 2024.

Figure 1. Percent of Business and Multi-Family Dwelling Collections Receiving Warning or Surcharge, March 2023 through January 2024



Organics Contamination- Single-Family Residential

WMAC has issued the following organics contamination warnings and surcharges for single-family home accounts. In March of 2023, 0.8% (less than one percent) of all collections received a warning. In January of 2024, 0.3% received a warning or surcharge. In total, there were 2,565 warnings and 190 surcharges issued from March 2023-January 2024.

Garbage Overage - Commercial and Multi-Family Dwelling

WMAC has issued the following organics contamination warnings and surcharges for single-family home accounts. In March of 2023, 13% of all collections received a warning. In January of 2024, 8% received a warning or surcharge. In total, there were 1,976 warnings and 1,862 surcharges issued from March 2023-January 2024.

Recycling Overage - Commercial and Multi-Family Dwelling

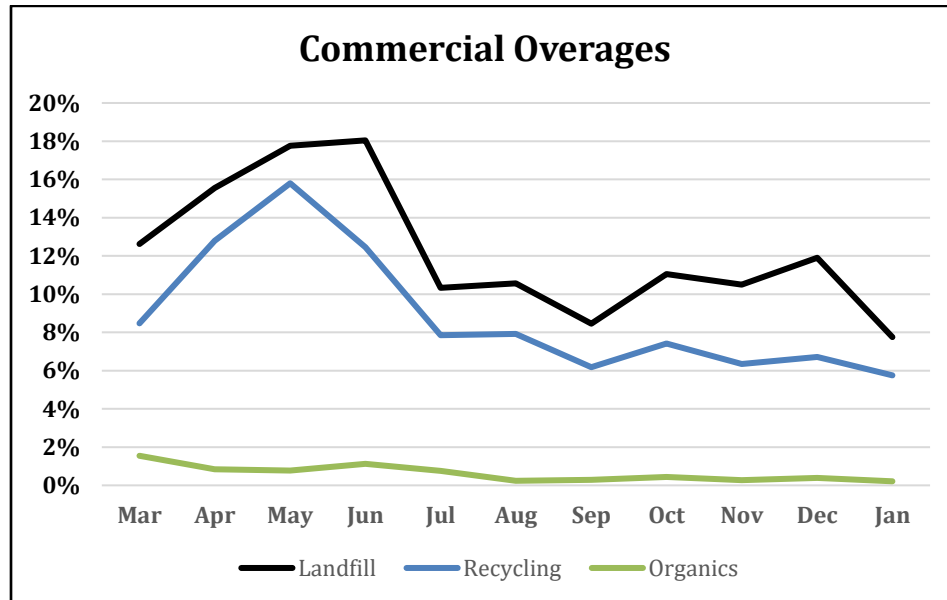
WMAC has issued the following organics contamination warnings and surcharges for single-family home accounts. In March of 2023, 9% of all collections received a warning. In January of 2024, 6% received a warning or surcharge. In total, there were 1,209 warnings and 1,094 surcharges issued from March 2023-January 2024.

Organics Overage - Commercial and Multi-Family Dwelling

WMAC has issued the following organics contamination warnings and surcharges for single-family home accounts. In March of 2023, 1.5% of all collections received a warning.

In January of 2024, 0.2% received a warning or surcharge. In total, there were 96 warnings and 21 surcharges issued from March 2023-January 2024.

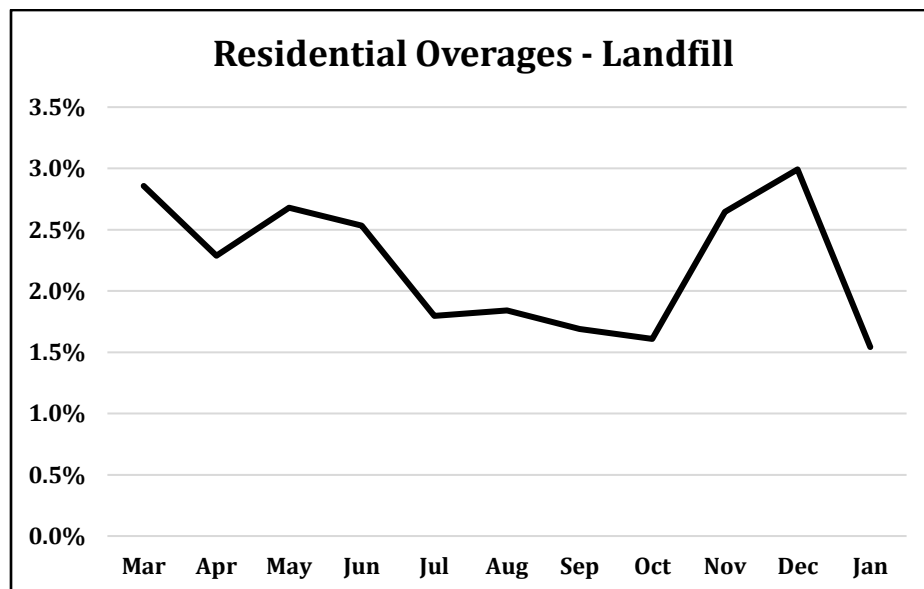
Figure 2. Percent of Business and Multi-Family Collections Receiving Warning or Surcharge for Overage, March 2023-January 2024



Garbage Overage - Single-Family Residential

WMAC has issued the following garbage warnings and surcharges for single-family home accounts. In March of 2023, 3% of all collections received a warning. In January of 2024, 1.5% received a warning or surcharge. In total, there were 6,965 warnings and 430 surcharges issued from March 2023-January 2024.

Figure 3. Percent of Single-Family Homes Receiving Warning or Surcharge for Garbage Overage, March 2023- January 2024



New Public Litter Cans

Through the ten-year term of the new franchise agreement, Hayward will increase the total number of public litter cans citywide from about 300 cans to more than 400. These new cans are Big Belly brand dual container (trash & recycling) stations, and the Big Belly stations are being strategically placed to address litter hot spots.

In the first year of the agreement, a total of 102 new Big Belly stations were deployed, 92 of which replaced old containers. The stations were installed from December 2023 through January 2024 with the majority of the stations installed in the Downtown area. About one quarter were placed in south Hayward along Tennyson Road. In years two through four of the contract, 35 stations are scheduled to be installed each year. The installations in 2024 will concentrate on south Hayward. In years five through ten of the contract, ten stations are scheduled to be installed each year, for a total of 267 new stations during the term of the contract.

For the Downtown area, staff has been focusing on replacing the black metal cans and deteriorating aggregate cans. Many of the lids from the black metal cans and aggregate cans have been removed and the removal of these lids makes it easier for scavengers to rummage through the cans and create litter. A can with no lid also makes it easier for someone to inappropriately fill the can with household waste. In addition, the lack of lids leads to issues with rainwater accumulation in cans during atmospheric river weather events.

The Big Belly cans include monitoring software that helps City staff know when the stations need service. In addition, upon request from the City, WMAC provides truck-video recordings of the servicing of public litter cans. This helps City staff ensure cans receive the agreed-upon level of service.

Tri-CED's Vehicles

Tri-CED's new fleet of route collection trucks run on compressed natural gas. Eight of the 11 trucks have arrived, and most of the new trucks have been servicing Hayward residential recycling carts for about the past five months. However, the new trucks need to be branded with Tri-CED's logos and outreach messaging. The wrap and decal process to add these features started in February 2024. Tri-CED anticipates the last three trucks arriving in the Spring 2024.

Tri-CED added an electric pickup truck and an electric flatbed truck for container distribution to its fleet in early 2023. Electric route trucks will likely become more common near the end of the term of the franchise agreement, as new state regulations require transitioning to zero-emission trucks and vans over the next decade.⁴

Oro Loma Sanitary District

One element of Hayward's franchise agreement that is not new is that about 3,500 homes in an area of the Oro Loma Sanitary District that borders northern Hayward receive recycling service through Hayward's franchise agreement. This arrangement is in place

⁴ <https://ww2.arb.ca.gov/resources/fact-sheets/advanced-clean-fleets-regulation-summary>

through a memorandum of understanding between Hayward and the sanitary district and exists so that residents in this area may receive weekly recycling service. The Oro Loma Sanitary District's contract with Waste Management only offers bi-weekly recycling service, and Hayward's agreement offers weekly service.

FISCAL AND ECONOMIC IMPACTS

The new contract includes a negotiated reduced cost from the old contract for recycling bins for multi-family dwellings, retains the lowest-cost 20-gallon garbage cart option and continues to offer bulky collection for multi-family dwellings. The low-income rate assistance program also remains part of the agreement.

Gross Income Requirements for the Low-Income Discount

(Total income from every person living at the address must be less than the following)

- \$50,000 per year – 1 Person Family;
- \$57,150 per year – 2 Person Family;
- \$64,300 per year – 3 Person Family;
- \$71,400 per year – 4 Person Family;
- \$77,150 per year – 5 Person Family;
- \$82,850 per year – 6 Person Family;
- \$88,550 per year – 7 Person Family;
- \$94,250 per year – 8 Person Family

Maintaining reasonable solid waste and recycling service fees and improving service levels can have a positive impact on the community. The new contract includes annual rate adjustments based on CPI, with the CPI not allowed to exceed 6% or go below 3%. The contract also allows for a cost-based rate review in year five of the contract with the increase not-to-exceed 10%. On March 1, 2024, the rate adjustment for rate-year two took effect, with the rates increasing by 3.73%.

STRATEGIC ROADMAP

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

SUSTAINABILITY FEATURES

Solid waste management involves the safe and responsible management of discarded material from generation through processing to disposal. Reducing waste landfilled by maximizing the reuse, recycling, and composting of materials increases diversion, conserves natural resources, and plays an important role in making a community sustainable. CalRecycle's latest annual diversion calculations indicate Hayward diverted 74% of its waste from landfill in 2022.

PUBLIC CONTACT

At the start of the franchise agreement, WMAC mailed Hayward customers introductory information regarding the new contract as well as information about the truck camera monitoring program for contamination and overages. WMAC included information about the 2024 rates with the March bill as inserts.

NEXT STEPS

Staff will continue to work with WMAC to implement the new franchise agreement, including continuing to conduct outreach to residents and businesses about the contamination and overage program.

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

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager



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File #: ACT 24-015

DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT

Reach Code - Current Status and Future Revisions - Discussion and Direction to Staff

RECOMMENDATION

That the Council Sustainability Committee (CSC) reviews this report and provides direction to staff regarding the development of an amended Reach Code.

SUMMARY

Hayward's current Reach Code took effect on January 1, 2023. The Reach Code ordinance modifies and goes beyond the State building code to require:

- All new residential buildings, including mixed-use buildings, must be all electric.
- All new non-residential buildings for which natural gas infrastructure is installed, must be "electric ready", meaning they have the wiring, electrical capacity, and space needed to be converted to an all-electric building in the future.
- All new buildings, and modifications to existing buildings resulting in new parking spaces, must have electric vehicle (EV) charging infrastructure above and beyond that required by the California Green Building Standards Code.

The Ninth Circuit Court of Appeals found the City of Berkeley's natural gas ban ordinance preempted by the federal Energy Policy and Conservation Act (EPCA). Due to similarities between Berkeley's ordinance and Hayward's Reach Code ordinance, Hayward's requirement for new residential buildings to be all electric is no longer being enforced.

Hayward's Climate Action Plan (CAP), adopted by Council on January 30, 2024, includes 180 actions - all of which need to be implemented for Hayward to meet its ambitious goal of reducing greenhouse gas (GHG) emissions by 55% by 2030. The CAP includes actions that call for continued enforcement of and expansion of Hayward's Reach Code. Staff recommends that efforts be focused on a Reach Code that will take effect with the next version of the California Green Building Standards Code, which will take effect in January 2026.

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Attachment I Staff Report



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BACKGROUND

State law allows local jurisdictions to adopt ordinances that amend the California Building Standards Code. The ordinances are commonly referred to as reach codes. Out of approximately 540 cities and counties in California, more than sixty local governments have adopted reach codes to encourage or require all-electric construction as well as electric vehicle charging infrastructure. Hayward adopted its first Reach Code on March 3, 2020. Hayward's current Reach Code was adopted on November 15, 2022¹ and was re-adopted on June 6, 2023² with minor technical revisions. The purpose of the ordinance is to reduce the use of fossil fuels – both in buildings and in vehicles. The ordinance modifies the State building code to require:

- All new residential buildings, including mixed-use buildings, must be all electric.
- All new non-residential buildings for which natural gas infrastructure is installed, must be “electric ready”, meaning they have the wiring, electrical capacity and space needed to be converted to an all-electric building in the future.
- All new buildings, and modifications to existing buildings resulting in new parking spaces, must have electric vehicle (EV) charging infrastructure above and beyond that required by the California Green Building Standards Code.

Ninth Circuit Ruling on Berkeley's Gas Ban and Electrification Reach Codes – In April 2023, the Ninth Circuit Court of Appeals found the City of Berkeley's natural gas ban ordinance preempted by the federal Energy Policy and Conservation Act (EPCA). On January 2, 2024, the Ninth Circuit affirmed the April 2023 decision and denied a petition for rehearing en banc. In January 2024, staff ceased enforcement of Hayward's Reach Code requirements prohibiting installation of natural gas infrastructure in new residential construction. A statement to that effect was added to the City's Reach Code webpage and staff also began informing building permit applicants who had plans in review.

DISCUSSION

Hayward's updated Climate Action Plan (CAP) was adopted by Council on January 30, 2024³. One of the actions in the CAP is “BE-1.1: Continue to enforce the adopted Hayward Electrification Ordinance for new residential buildings banning natural gas.” The current pause in enforcement means that new residential construction can include natural gas infrastructure, which will likely become obsolete in less than 20 years. However, all new residential construction is subject to the California Energy Code, which requires at least one heating appliance (space and water) to be an electric heat pump. It also requires that new homes be “electric ready”, meaning they have the dedicated wiring, electrical breaker space, etc. so that electric appliance can easily be installed in the future.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5936054&GUID=8FFD9DC8-3B84-4362-96C4-67C41B3FBED4&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=6247758&GUID=10E0620B-A871-4725-B18F-696FBD4F87B6&Options=&Search=>

³ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6497833&GUID=90E54932-8B3F-46FA-8B79-47F2DD47560D&Options=&Search=>

There are more than 60 reach codes adopted by local jurisdictions in California and most have stopped enforcing provisions related to prohibitions of gas infrastructure due to the Berkeley ruling. Several cities have adopted reach codes in recent months in an effort to avoid legal challenges similar to what Berkeley has faced. They include the Cities of San Jose, Santa Cruz, San Luis Obispo and Los Altos Hills. These more recent ordinances take an approach that is different from most that have been adopted in the last few years, including Berkeley's and Hayward's.

The San Jose, Santa Cruz and San Luis Obispo ordinances require performance standards anticipated to achieve GHG reductions similar to those in previous reach codes. All three ordinances were adopted in the fall of 2023 and do not restrict fuel type. Instead, they require an increased compliance margin for the Source Energy Design Rating (EDR), which is a calculation required by the 2022 California Energy Efficiency Standards, Title 24, Part 6. The EDR is essentially an energy budget or a scoring metric that determines the energy consumption of a proposed building.

The City of Los Altos Hills has taken an approach similar to that taken by the Bay Area Air Quality Management District (BAAQMD), which is to regulate nitrogen oxides (NOx). In March 2023, the BAAQMD adopted new rules for water heaters and furnaces to require ultra-low NOx emissions. As noted in the BAAQMD's final report for the rule adoption, breathing air with a high concentration of NOx can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms (such as coughing, wheezing or difficulty breathing), hospital admissions and visits to emergency rooms. NOx also react with other chemicals in the air to form both fine particulate matter (PM2.5) and ozone (O3). There are currently no natural gas water heaters or furnaces that meet the ultra-low NOx standards. On February 15, 2024, the City of Los Altos Hills adopted an ordinance that prohibits NOx emissions from appliances such as water heaters, space heaters and clothes dryers. The ordinance applies to new residential buildings and substantially altered existing residential buildings, but it does not apply to cooking equipment in residential buildings.

The Los Altos Hills ordinance is believed the first of its kind adopted by a local jurisdiction. Some cities that are currently considering new reach codes appear to be leaning toward the approach that requires an increased compliance margin for the EDR as it is a more well-established approach that is part of the California Energy Code.

Hayward's current Reach Code is an amendment to the 2022 California Building Code, which is in effect from January 1, 2023, through December 31, 2025. The 2025 California Building Code will take effect in January 2026. If a new Reach Code is adopted by Council, it would then require approval by the California Energy Commission, which could take another four to five months. It is likely that a new Reach Code, if adopted this year, would only be in effect for approximately one year.

Hayward's CAP includes BE-1.2: "Adopt an ordinance, reach code, or zero NOx threshold, effective January 1, 2026, that establishes mandatory requirements that all newly constructed buildings avoid natural gas use by 2026." As such, staff is planning to develop a new Reach Code in 2025 so that it can take effect with the new state code on January 1, 2026. Developing

a new Reach Code in 2024 would require significant staff time. The regulatory approaches used in newer reach codes are still evolving. Staff recommends that we monitor reach codes of other local jurisdictions as well as the development of the 2025 California Building Code over the next 12 months so that Hayward is well prepared to develop a new reach code in 2025. Staff is seeking feedback from the CSC regarding the recommended approach.

FISCAL IMPACT

The preparation of an updated Reach Code in 2024 would take significant staff time and would require postponing other projects. Preparing a new Reach Code in 2025 will also require significant staff time, but it is also consistent with the implementation schedule for the recently adopted CAP. Additionally, staff expects that in 2025 there will be more support from Ava Community Energy and BayREN for the development of local codes as there was in 2022.

ECONOMIC IMPACT

An updated Reach Code would not have a significant impact on the local economy. In general, it is cheaper to build new buildings without natural gas infrastructure. The California Energy Codes and Standards Statewide Utility Program, which includes the State's Investor-Owned Utilities (PG&E, SDG&E, and SCE, under the auspices of the California Public Utilities Commission) developed and published cost-effectiveness studies to support the adoption of local reach codes⁴. The studies conclude that all-electric construction of new single family and multifamily residential buildings is cost-effective. The current pause in enforcement of Hayward's Reach Code will give builders additional flexibility through the end of 2025.

STRATEGIC ROADMAP

This agenda item supports all of the projects listed in the Strategic Priority to *Confront Climate Crisis & Champion Environmental Justice*, and specifically relates to implementation of the following Projects under that heading:

Reduce Greenhouse Gases and Dependency on Fossil Fuels:

Project C1: Implement Year 1 Programs from the adopted GHG Roadmap (Climate Action Plan).

SUSTAINABILITY FEATURES

The use of electric appliances in homes and businesses avoids indoor air pollution associated with the burning of natural gas. Ending the use of natural gas and providing the infrastructure needed for a transition to electric vehicles are both necessary to meet the City's long term GHG reduction goals, which include:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030
- work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045

⁴ <https://localenergycodes.com/content/resources>

PUBLIC CONTACT

No public contact has been made for this item. A summary of the public outreach conducted leading up to the adoption of the current ordinance is included in the November 1, 2022, Council report. While some smaller builders of custom homes have expressed a desire to include gas appliances, particularly gas stoves, in new homes, staff has not received significant concerns about Hayward's current Reach Code from developers of larger projects.

NEXT STEPS

Upon direction from the Committee, staff will monitor new local and state codes and plan to prepare a new Reach Code in 2025, to be effective in January 2026.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: ACT 24-014

DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT

2022 Greenhouse Gas Emissions Inventory

RECOMMENDATION

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

SUMMARY

The Council-adopted General Plan includes greenhouse gas (GHG) emission reduction targets for the Hayward community. This report provides the results of the calendar year 2022 inventory and compares it to the previous eight inventories. Table 1 summarizes the emissions totals for six sectors - electricity, natural gas, transportation (includes public transit), off-road vehicles, waste, and water and wastewater. Emissions are displayed in metric tons of carbon dioxide equivalent (MTC02e). The table shows that as of 2022, emissions have been reduced by 37.3% since 2005.

As the largest contributor to community GHG emissions, trends in on-road transportation highly impact the inventory. Following the decrease in transportation emissions due to the COVID-19 pandemic in 2020, staff expected emissions to increase in 2021 and 2022 as restrictions eased and pre-pandemic activities resumed. Despite 2022 being the first full year without pandemic-related restrictions, total emissions from 2021 to 2022 only increased by 0.2% from 37.5% to 37.3% above 2005 levels. The relatively consistent emissions between 2021 and 2022 could be attributed to a shift towards increased hybrid and remote work following the pandemic.

Table 1: GHG Emissions by Sector (MT C02e)

	2005	2010	2015	2019	2020	2021	2022	% Change from 2005
Electricity	185,536	165,172	141,814	12,467	23,038	35,844	29,313	-84.2%
Natural Gas	189,995	191,526	176,803	176,649	166,334	168,917	170,495	-10.3%
Transportation	529,317	458,988	450,925	420,995	309,168	345,905	346,081	-33.5%
Off-Road Vehicles	14,889	17,004	27,267	24,287	31,352	25,040	31,695	112.8%
Waste	50,924	38,338	38,148	46,187	34,628	32,011	32,141	-36.8%

File #: ACT 24-014

Water and wastewater	4,718	4,314	3,471	2,706	2,516	2,201	1,939	-58.9%
Total	975,379	884,079	838,428	683,291	567,036	609,918	611,677	37.3%
Hayward Population	140,530	143,921	155,753	163,965	161,808	160,081	159,800	13.7%
Total Emissions/ Capita	6.9	6.1	5.4	4.3	3.5	3.8	3.9	-43.5%

ATTACHMENTS

Attachment I Staff Report



DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT 2022 Greenhouse Gas Emissions Inventory

RECOMMENDATION

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Total Emissions/ Capita	6.9	6.1	5.4	4.3	3.5	3.8	3.9	-43.5%

BACKGROUND

The last report on the City's GHG emissions, presented to the CSC in September 2023¹ showed that Hayward's emissions were reduced by 37.5% from 2005 to 2021. This was an increase from 2020 when emissions were reduced to 41.8% of 2005 levels, much of which was due to the COVID-19 pandemic. The dip in 2020 emissions and subsequent increase in 2021 can be attributed to the return to increased transportation and community activities as pandemic restrictions eased. This report and previous reports can be found on the City website².

The City of Hayward's General Plan Policy NR-2.4 sets the following GHG emissions reduction targets.

NR-2.4: Community Greenhouse Gas Reduction

The City shall...reduce community-based GHG emissions by 20 percent below 2005 baseline levels by 2020, 30 percent below 2005 baseline emissions levels by 2025, 55 percent below 2005 baseline emissions levels by 2030, and work with the community to develop a plan that may result in the reduction of community-based GHG emissions to achieve carbon neutrality by 2045.

To track compliance with these targets, the City began conducting community GHG emissions inventories every five years, starting with 2005 as the baseline year. Starting

¹ [CITY OF HAYWARD - Meeting of Council Sustainability Committee on 9/11/2023 at 5:30 PM \(legistar.com\)](#)

² [Climate Action Plan | City of Hayward - Official website \(hayward-ca.gov\)](#)

with the 2017 inventory, the City has conducted inventories annually. All eight inventories use the U.S. Community Protocol methodology to calculate GHG emissions. The U.S. Community Protocol methodology is an industry-standard used by local governments to account for and report on GHG emissions in a standardized method.

Over the past fifteen years, organizations have continuously refined and updated the models that are used to estimate emissions to provide more accurate information. In response, staff recalculates emissions with the new modeling across all the inventories. As a result, the emissions totals in this report may not match the numbers from previous reports.

DISCUSSION

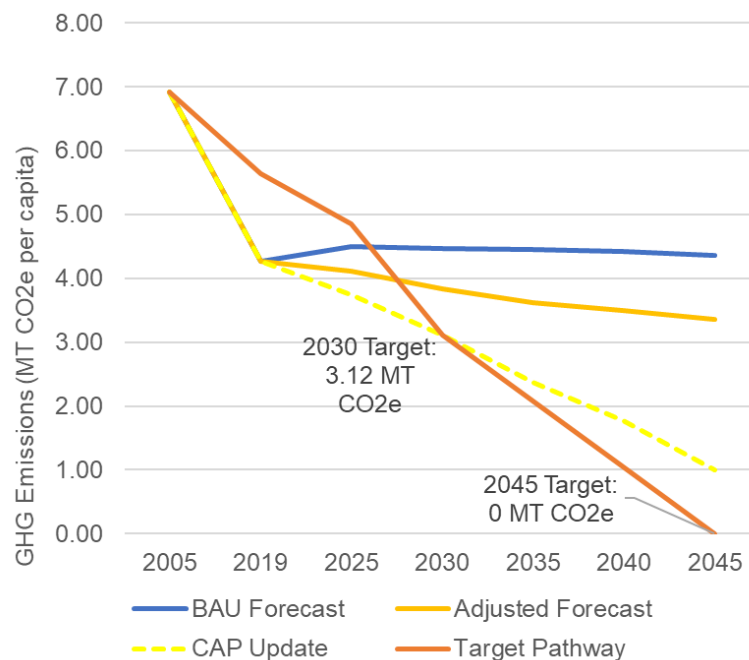
This report outlines the 2022 inventory, which shows total emissions were reduced by 37.3% below 2005 levels and shows no significant increase or decrease in emissions from the previous year. As shown in Table 2, Hayward met its goal of 20% below 2005 levels by 2020 two years early by achieving a reduction of 21.6% in 2018. In 2020, Hayward outpaced its 2025 emission reduction goal of 30% below the 2005 baseline when it achieved a 41.8% emission reduction. However, the large decreases in emissions in 2019 to 2020 were attributed to the COVID-19 pandemic impacts on community-wide activities and staff predicted that emissions would likely increase in 2021 as pandemic-related restrictions eased. Community-wide emissions did increase by 7% from 2020 to 2021, and while staff predicted emissions would continue to rise over the next few years as transportation activity increases, emissions only increased by 0.2% from 2021 to 2022 to an overall reduction of 37.3% from the 2005 baseline.

In January 2024, the 2024 Climate Action Plan (CAP) was adopted by Council as an amendment to the 2040 General Plan. It builds upon the 2014 CAP to include specific actions and measures to reduce GHG emissions in alignment with state and national goals. Additionally, the 2024 CAP projects future per capita emissions that are contingent on the successful implementation of all CAP measures. Adhering closely to the CAP's recommended projects and timeline for each action would set Hayward on a pathway to reducing carbon emissions by 55% by 2030. Table 2 (below) shows historical per capita emissions as well as the 2030 goal of achieving per capita emissions at or below 3.12 MT CO₂e.

Table 2: GHG Emission Reduction Goals and Actual Emission Reductions

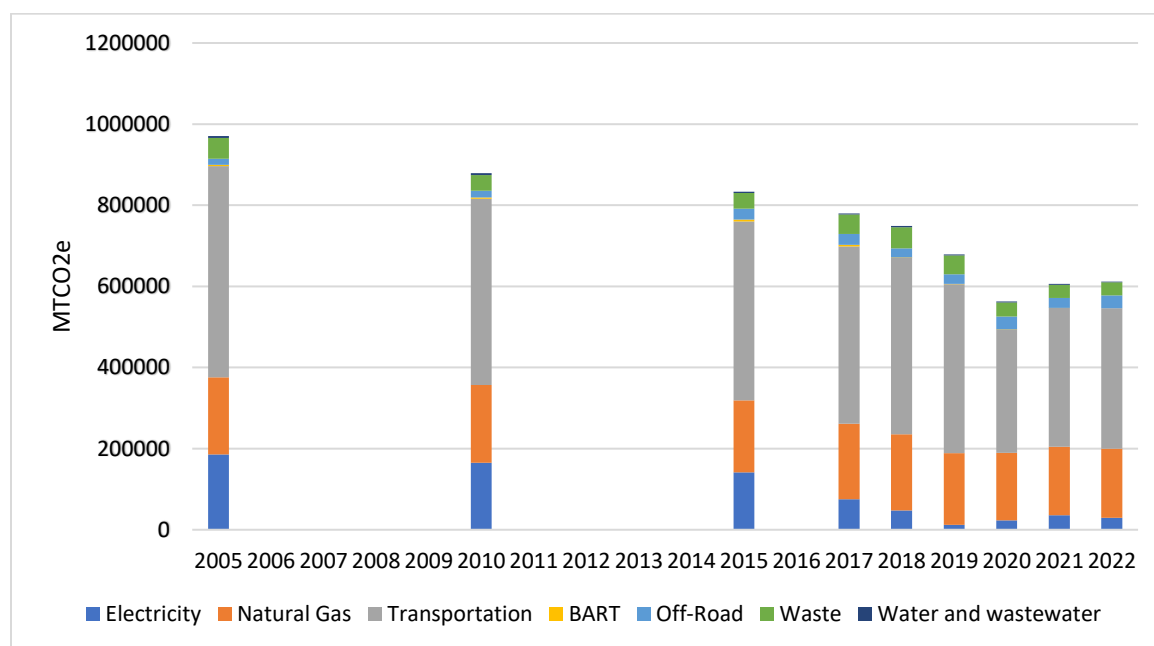
Year	Overall Emissions Goal	Actual Reduction	Per Capita Goal	Actual Per Capita Emissions (MT CO ₂ e)
2005	Baseline	N/A	Baseline	6.9
2018		21.6%		4.7
2019		25.7%		4.3
2020	20%	41.8%		3.5
2021		37.5%		3.8
2022		37.3%		3.9
2025	30%			
2030	55%		3.12	
2045	Carbon neutrality		Carbon neutrality	

Figure 1 shows projected per capita emission levels with and without CAP measures. Following full implementation of CAP measures (yellow-dashed line), per capita emissions are estimated to reduce by 2.36 MT CO₂e. While this places us on a pathway to carbon neutrality (dark orange line), CAP measures will need to be updated again in order to reach carbon neutrality by 2045.

Figure 1 – Per Capita Emissions Compared to Forecast Scenario and Target Pathway

The City's GHG inventory is comprised of eight sectors: electricity, natural gas, transportation, public buses (AC Transit), BART, off-road vehicles, solid waste, and water and wastewater. Figure 2 (below) shows the breakdown of emissions for each year by subsector and the percentage of subsector for that year. Transportation, in grey, remains the largest sector and consistently accounts for over half of the total emissions. BART, AC Transit, and water and wastewater combined account for about 1% of emissions, and solid waste comprises 4-6% of emissions, and off-road vehicles account for 1-6% of emissions. Natural gas use in buildings, shown in orange comprises a little over a quarter of all emissions at 27.9%.

Figure 2: GHG Emissions by Subsector (MT CO₂e)



Energy Sector (Electricity and Natural Gas)

Energy emissions, which includes electricity and natural gas, were 46.8% below 2005 levels with an 84.2% reduction in electricity emissions and 10.3% decrease in natural gas emissions from 2005 to 2022 (see Table 3). Residential electricity emissions have decreased by 61.6% and nonresidential electricity emissions have decreased by 93.5% since 2005. The main driver that has caused electricity emissions to decrease is the City's customers' transition to the energy provider Ava Community Energy (formerly known as East Bay Community Energy (EBCE)) which took place in 2018. Following this transition, the majority of Hayward customers received by default the carbon-free electricity product offered by Ava (Brilliant 100 from 2018-2021, Renewable 100 from 2022 on). While this resulted in a significant decrease in electricity emissions from 2018 (47,452 MTCO₂e) to 2019 (12,467 MTCO₂e), customers on Ava's cheaper alternative Bright Choice have seen an increase in emissions as this product becomes increasingly more carbon intensive.

Approximately 30% of Hayward households are enrolled in income or medical-related discount programs and receive Ava’s Bright Choice energy product. Carbon-free energy sources (geothermal, solar, wind, hydroelectric, and nuclear) accounted for 86.7% of Bright Choice’s energy mix in 2019; however, that declined to 55% in 2020. While the proportion of carbon-free energy did increase for Bright Choice in 2021 to 59.9% and 71.5% in 2022 (see Table 4), Bright Choice is still more carbon-intensive than PG&E’s Base Plan product³.

Due to the changes in Ava’s energy mix to include more carbon-intensive sources, residential electricity emissions have increased 227% since 2019 despite a 0.3% decrease in kWh, and nonresidential electricity emissions increased 40% despite an 18% decrease in kWh. However, due to the decrease in carbon intensity in Bright Choice from 2021 to 2022, this is a considerable improvement from the 262% increase in residential electricity emissions and 110% increase in nonresidential electricity emissions from 2019 and 2021.

Residential and nonresidential natural gas emissions have decreased from 2005 to 2022 by 9.8% and 10.9%, respectively. Residential natural gas emissions have trended downwards since 2019 and may be related to increased energy efficiency and a decrease in heating degree days⁴ (HDD) (see Figure 4 below).

Table 3: Energy Sector GHG Emissions

		2005	2010	2015	2019	2020	2021	2022	% Change
Residential electricity	GHG Emissions	53,939	51,166	44,807	6,326	17,547	22,930	20,704	-61.1%
	MWh	242,161	252,327	242,783	239,006	215,828	244,443	238,085	-1.7%
Nonresidential electricity	GHG Emissions	131,597	114,006	97,007	6,140	5,491	12,914	8,609	-93.5%
	MWh	590,811	562,228	525,628	511,639	381,744	410,516	418,744	-29.0%
Residential natural gas	GHG Emissions	103,502	103,027	86,736	95,291	94,811	93,713	93,396	-9.8%
	Therms (in millions)	19.489	19.400	16.332	17.943	17.853	17.646	17.587	-9.8%
Nonresidential natural gas	GHG Emissions	86,493	88,499	90,066	81,358	71,523	75,204	77,099	-10.9%
	Therms (in millions)	16.287	16.664	16.960	15.320	13.468	14.161	14.518	-10.9%

³ [Power Content Label \(ca.gov\)](https://www.powercontentlabel.ca.gov/)

⁴ A degree day compares the mean (the average of the high and low) outdoor temperatures recorded for a location to a standard temperature, usually 65° Fahrenheit (F) in the United States. [https://www.eia.gov/energyexplained/units-and-calculators/degree-days.php#:~:text=Heating%20degree%20days%20\(HDDs\)%20are,%C2%B0F%20has%2025%20HDDs](https://www.eia.gov/energyexplained/units-and-calculators/degree-days.php#:~:text=Heating%20degree%20days%20(HDDs)%20are,%C2%B0F%20has%2025%20HDDs)

Total GHG Emissions	375,531	356,699	318,617	189,116	189,373	204,761	199,808	-46.8%
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Table 4: Annual Shares of Carbon-Free Energy* in Electricity Products

	2019	2020	2021	2022
Ava's Renewable 100	100%	100%	100%	100%
Ava's Bright Choice	86.7%	55.0%	59.9%	71.5%
Pacific Gas & Electricity (PG&E) Base Plan	100%	83.5%	91.0%	95.2%

*Carbon-free energy includes nuclear and hydroelectric power in addition to renewable energy such as solar, wind, and geothermal.

Figure 3: Energy Sector GHG Emissions (MT CO₂e)

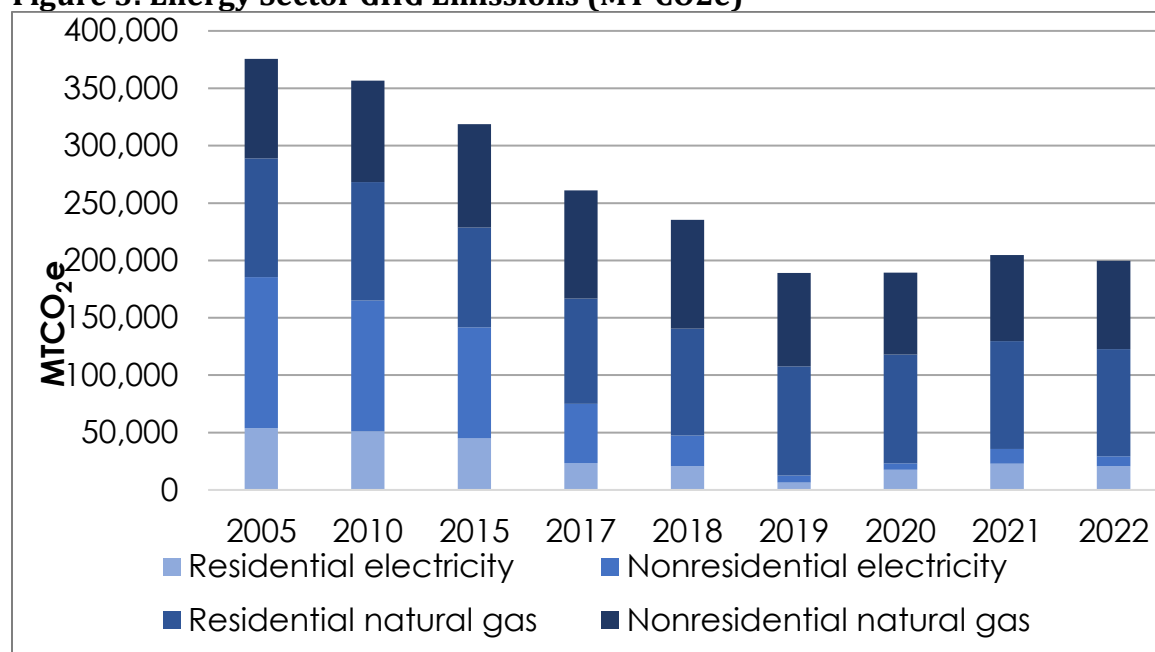
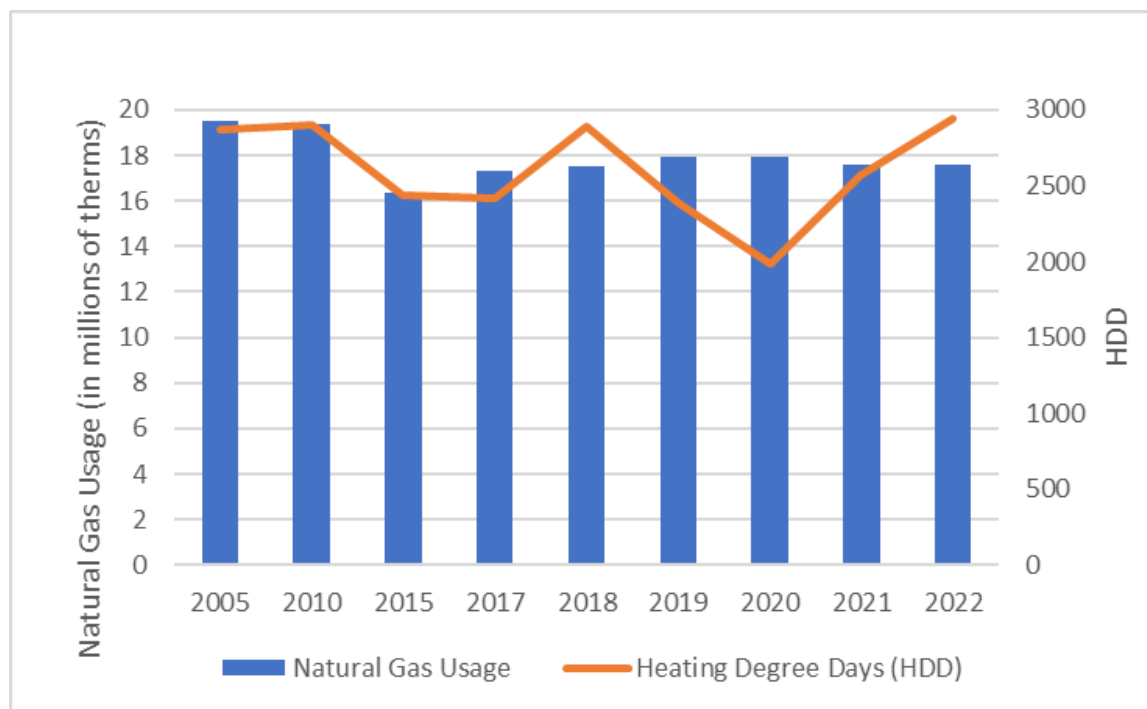


Figure 4: Residential Natural Gas Usage & Heating Degree Days in Hayward



Transportation Sector

From 2005 to 2022, transportation emissions decreased by 33.8% and vehicle miles traveled (VMT) decreased by 16.2% (see Table 5). Due to the COVID-19 pandemic, there were significant decreases in on-road transportation from 2019 to 2020, with a 31% decrease in VMT and a 41.6% decrease in total transportation emissions. From 2020 to 2021, Hayward saw a 15.5% increase in VMT and a 11.9% increase in transportation emissions as restrictions lifted and pre-pandemic activities started to resume. Staff expected this trend to continue; however, while VMT did increase from 2021 to 2022, it was only by 4.9%. This is likely due to the increased popularity of remote and hybrid work compared to before the pandemic. Though VMT increased only slightly, emissions increased by even less and are only 1.2% higher than emissions in 2021. A growing number of electric vehicles (EVs) on the road could explain why the emissions are not increasing at the same rate as VMT as we return to pre-pandemic activities.

In 2020, staff began using a new data source from Google called Environmental Insights Explorer (EIE), which captured the impact of the pandemic and created a more complete scope of transportation emissions. In inventories prior to 2020, on-road transportation activity was captured using a model from the Metropolitan Transportation Commission (MTC) which takes into account surveys of transportation patterns, land use, and population metrics to calculate VMT for passenger and commercial vehicles completing trips entirely within the city, ending or starting in the city, and those that pass through the city.

MTC data was supplemented by data from the California Air Resources Board (CARB) on motorcycles, motor homes, and buses. Google EIE's dataset accounts for all vehicle types that start or end within the city. Because it uses anonymized location history from mobile devices, it better captures residents' transportation habits than the previously used transportation model. To make accurate comparisons to the 2005 baseline, staff re-calculated transportation emissions in inventory years that were not available from Google EIE (2005-2017).

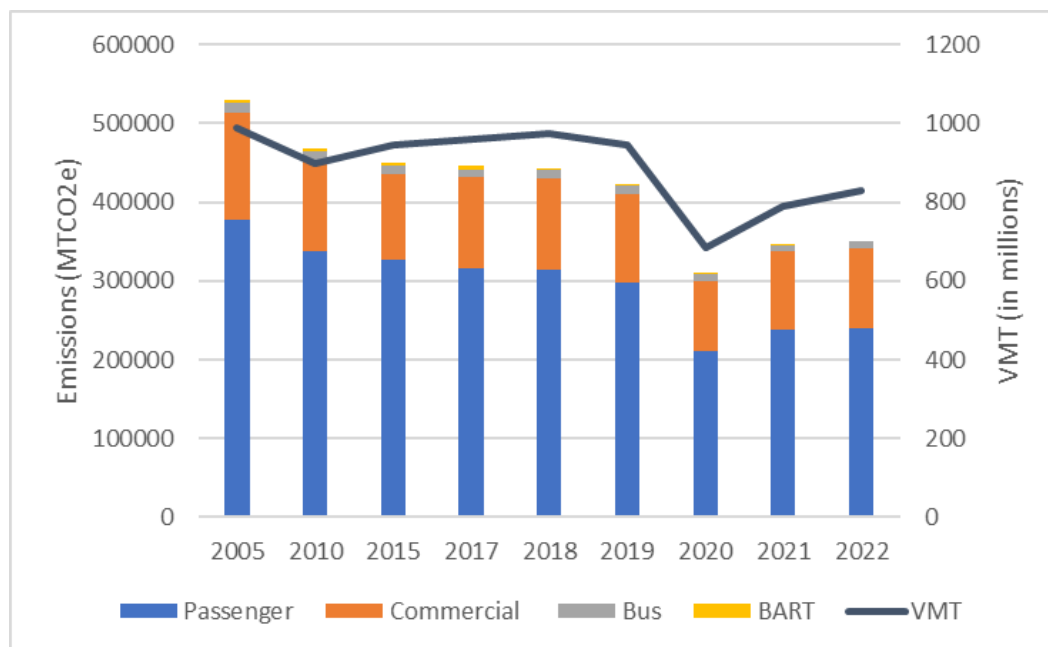
Table 5: Transportation Sector GHG Emissions

		2005	2010	2015	2019	2020	2021	2022	% Change
Passenger	GHG Emissions	377,446	338,117	326,365	298,789	211,039	238,817	239,581	-36.5%
	VMT (in millions)	892.31	816.71	865.69	861.06	617.07	717.17	737.17	-17.4%
Commercial	GHG Emissions	136,630	114,193	109,561	111,528	88,826	98,220	101,561	-25.7%
	VMT (in millions)	92.13	78.00	74.68	77.61	61.09	69.27	72.60	-21.2%
Buses*	GHG Emissions	11,801	11,990	10,722	10,131	8,757	8,833	9,154	-22.4%
	VMT (in millions)	5.58	5.48	5.43	5.64	4.83	2.51	5.19	-6.9%
BART	GHG Emissions	3,440	3,425	4,276	547	546	98	0	-100%
	Passenger Miles (in millions)	37.08	36.93	46.10	41.31	41.19 **	7.40	14.42	-61.1%
Total GHG Emissions		529,317	467,725	450,924	420,995	309,168	345,967	350,296	-33.8%
Total VMT (in millions)		990.02	900.18	945.80	944.32	682.00	788.94	829.38	-16.2%

*Buses include public (AC Transit) and private (Google EIE)

**BART passenger miles in 2020 were based off ridership from the month of February, before the COVID-19 pandemic.

Figure 5: Transportation Sector GHG Emissions (MT CO₂e)



Hayward Executive Airport (HEA) Emissions

Emissions from HEA have not been accounted for in this inventory or any previous inventories. Staff is currently exploring the feasibility of incorporating HEA emissions into future annual inventories and estimating airport emissions from 2005 to establish a baseline. Based on GHG inventories from other Bay Area cities with similar-sized airports⁵, staff expects CO₂ emissions from flights to be relatively small compared to community-wide emissions. To accurately measure GHG emissions and attribute the appropriate amount to the City's emissions, staff will conduct a study with the assistance of an experienced consultant and report findings to the CSC.

Off-road Vehicles Sector

Off-road vehicles include equipment used in construction, commercial, and industrial activities. Emissions in this sector have steadily increased since 2005 by 112.8% due to increased construction and industrial change. Please note that large increases in emissions in recent years in this sector, particularly the doubling of emissions from 2021 to 2022, is due to the addition of data for some equipment categories. Notably, the addition of lawn and garden equipment to the 2022 inventory caused total off-road emissions to seemingly double from 2021 to 2022. However, comparing 2021 and 2022 emissions without the addition of lawn and garden, off-road emissions only increased by 18%. As of January 1, 2024, small gasoline-powered engines for lawn and garden equipment cannot be sold in California. It will take a few years to see reductions in this area as old equipment will continue to be used until it needs to be replaced.

⁵ [Palo Alto 2021 GHG inventory](#)

⁶ [San Jose 2021 GHG Inventory](#)

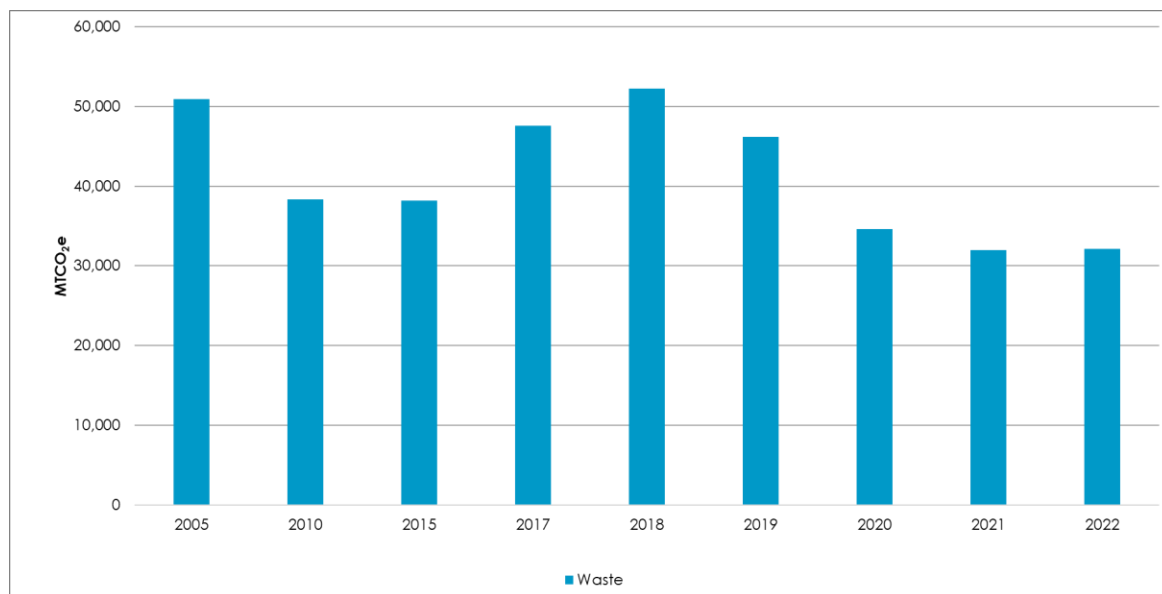
Solid Waste Sector

Solid waste emissions in 2022 were 36% below 2005 levels. After several years of increasing emissions, likely due to an increase in economic activity, emissions decreased from 2019 to 2021 and are slowly beginning to rise again (see Table 6). The decline in waste tonnage in 2020 and 2021 can be attributed to reduced economic activity during the pandemic. In early 2022, SB 1383 took effect and requires residences and businesses to sort and separately collect food scraps, yard debris, and food-soiled paper from trash and recycling, and subscribe to an organic waste collection service. It is likely too early to see the impacts of SB 1383 in this inventory, but staff expects to see reductions in the tons of waste sent to landfill and associated emissions in future inventories.

Table 6: Solid Waste Sector GHG Emissions

		2005	2015	2018	2019	2020	2021	2022	% Change
Waste Sent to Landfill	GHG Emissions	50,924	38,148	52,209	46,187	34,628	32,011	32,141	-36.9%
	Tons of waste	173,908	136,261	185,432	163,196	122,375	113,038	113,498	-34.7%

Figure 6: Solid Waste Sector GHG Emissions



Water and Wastewater Sector

Water and wastewater emissions in 2022 were 58.8% below 2005 levels. As shown in Table 7, water consumption decreased significantly from 2010 to 2015, which can be attributed to drought periods, reduced use requests from the State and the San Francisco

Public Utilities Commission, COVID-19, public awareness, and the City's water conservation programs.

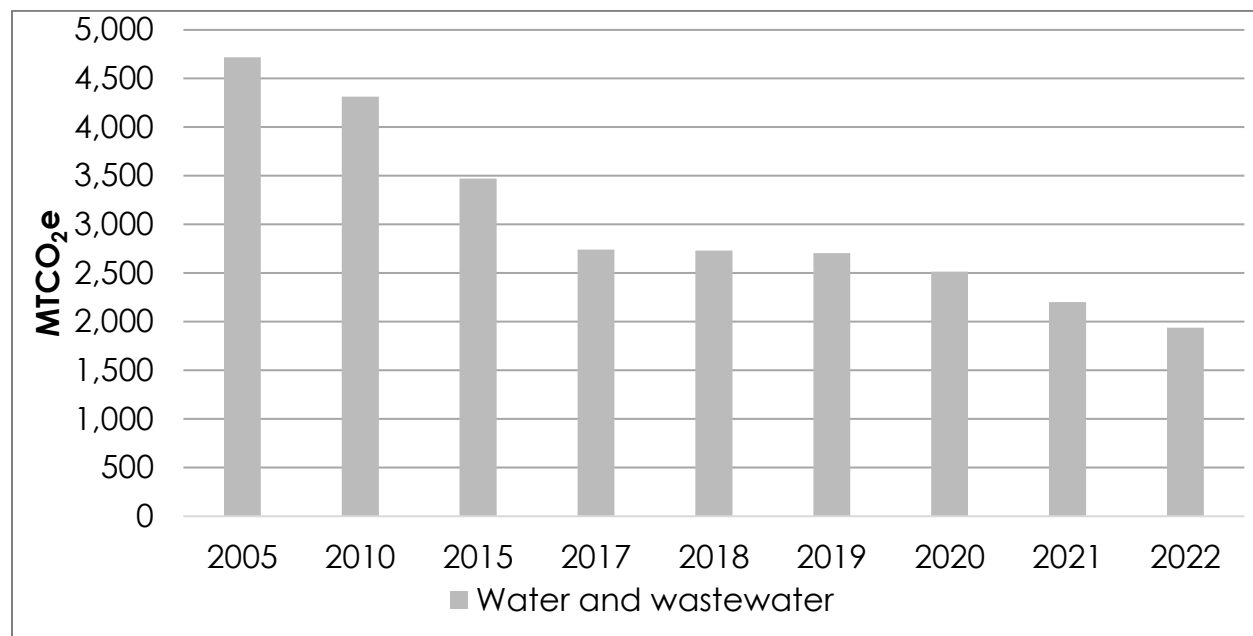
Table 7: Water and Wastewater Sector GHG Emissions

	2005	2010	2015	2019	2020	2021	2022	% Change
Water Consumption (Billions of gallons)	7.335	7.120	4.697	5.018	5.227	5.095	4.953	-32.5%
Wastewater Processed (Billions of gallons)	5.009	4.539	3.824	4.218	3.850	3.819	3.860	-23.0%
Total Emissions (MTCO₂e)	4,718	4,314	3,471	2,706	2,516	2,201	2,778.7	-58.9%%
Residential Water Consumption* (Billions of gallons)	3.534	3.180	2.963	2.692	2.897	2.779	2.704 ⁷	-21.4%
Hayward Population	140,530	143,921	155,753	160,197	162,954	163,404	156,754	16.3%
Per Capita Residential Water Consumption (gal)/day	69	61	52	46	48	47	47	-31.9%

*2005 residential consumption water data unavailable, used 2008 data

⁷ [Annual Survey \(bawsca.org\)](https://bawsca.org/)

Figure 7: Water and Wastewater Sector GHG Emissions



Limitations of this Inventory

The City's GHG inventory method is used by most cities worldwide and was originally designed by ICLEI and its partners in the early 2000s. The focus has always been on measuring emissions from the data sources that are most readily available, such as utility data. While this approach is practical, it comes with limitations.

Due to limited influence of the City on certain activities, inventories completed omit large sources of emissions such as upstream emissions of goods consumed in the City. For example, emission reductions from green purchasing policies would not be reflected in the current inventory. Additionally, emissions associated with the production and transport of food is one of the largest contributors of GHG emissions worldwide, but it is not reflected in Hayward's inventory.

Upstream emissions are not included because it is difficult to obtain data on consumer consumption patterns in Hayward. According to current guidance, consumption-based emissions inventory should not be a substitute for citywide inventories, but as a complement⁸. Staff will continue to monitor the newest consumption-based inventory methods and explore creating a consumption-based inventory for Hayward as data and modeling become more readily available.

The COVID-19 pandemic significantly impacted GHG emissions in 2020 and 2021. While emissions were expected to continue to rise in the years following, the 2022 inventory shows that emissions held consistent with 2021 emissions. It is likely that we are not seeing

⁸ <https://sustainableconsumption.usdn.org/climate/cbei-guidebook/cbei-basics>

the rebound we expected due to the increased hybrid and remote work options following the pandemic.

ECONOMIC IMPACT

There is no economic impact associated with the completed inventory. However, the information acquired from the inventory provides staff with insight on what needs to be done to meet the City's GHG reduction goals. Meeting the City's ambitious GHG reduction goals will require significant investment throughout the community and has the potential to create new local jobs, however some necessary improvements are not currently cost-effective.

FISCAL IMPACT

The 2022 GHG inventory was prepared by City staff and resulted in no cost to the City beyond budgeted staff positions. In response to requests to include airport emissions in future inventories, staff will likely need to hire a consultant to accurately quantify and attribute emissions.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of *Confront Climate Crisis & Champion Environmental Justice*. This item is not specifically related to a project identified in the Strategic Roadmap. However, this agenda item does help track progress of projects identified in the Strategic Roadmap, such as:

- Project C1: Implement Year 1 Programs from the adopted GHG Roadmap (Climate Action Plan)
- Project C4: Continue to transition City facilities from natural gas to electric, with a focus on HVAC systems
- Project C5: Work with StopWaste to promote a Circular Economy and Explore Regulation of Single Use Products
- Project C7: Reduce Carbon Emissions – transition 15% of total city fleet to EV/hybrid models
- Project C10: Plant 1,500 trees annually, directly and in partnership with community groups
- Project C14: Continue to pursue water conservation measures like increased recycled water supplies

SUSTAINABILITY FEATURES

Meeting GHG reduction goals is the primary objective of the City's Climate Action Plan. Meeting the goals will require reducing emissions in every sector and will entail improving energy efficiency in buildings, decarbonizing buildings, increasing the use of renewable

energy, and reducing vehicle-related emissions. All these actions will result in cleaner air for Hayward residents and for the region.

NEXT STEPS

Staff will continue to work with Ava, StopWaste and regional agencies to identify potential opportunities to streamline GHG inventories on a county or regional level, with the goal of maintaining annual reporting. Staff will also continue to research best practices to incorporate emissions from the Hayward Executive Airport (HEA) into future inventories.

Prepared by: Makenna Colucci, Sustainability & Climate Action Fellow
Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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File #: ACT 24-016

DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT

Potential Grant Funding for Development of Performance Standards for Existing Buildings - Discussion and Direction to Staff

RECOMMENDATION

That the Council Sustainability Committee (CSC) reviews this report and provides direction to staff regarding Hayward's participation in a grant application that would fund a regional effort to develop performance standards for existing buildings.

SUMMARY

Hayward's Climate Action Plan (CAP), adopted by Council on January 30, 2024, includes 180 actions - all of which need to be implemented for Hayward to meet the City's ambitious goal of reducing greenhouse gas (GHG) emissions by 55% by 2030. Hayward has an opportunity to collaborate with other Bay Area cities to implement several actions called for in the CAP. The actions are related to exploring the feasibility of, conducting community engagement around, and adopting decarbonization ordinances for existing buildings.

Such ordinances can be in the form of a benchmarking requirement and/or a building performance standard. Benchmarking is the tracking of a building's energy performance against a standard. A building performance standard (BPS) is a policy that requires building owners to meet performance targets by actively improving their buildings over time. Bay Area cities are pursuing grant funding to develop, implement, and enforce local BPS that can be used across the Bay Area. This would include designing a model BPS policy with input from communities and stakeholders throughout Alameda County and the Bay Area.

ATTACHMENTS

Attachment I Staff Report



DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT Potential Grant Funding for Development of Performance Standards for Existing Buildings – Discussion and Direction to Staff

RECOMMENDATION

That the Council Sustainability Committee (CSC) reviews this report and provides direction to staff regarding Hayward’s participation in a grant application that would fund a regional effort to develop performance standards for existing buildings.

SUMMARY

Hayward’s Climate Action Plan (CAP), adopted by Council on January 30, 2024, includes 180 actions – all of which need to be implemented for Hayward to meet the City’s ambitious goal of reducing greenhouse gas (GHG) emissions by 55% by 2030. Hayward has an opportunity to collaborate with other Bay Area cities to implement several actions called for in the CAP. The actions are related to exploring the feasibility of, conducting community engagement around, and adopting decarbonization ordinances for existing buildings.

Such ordinances can be in the form of a benchmarking requirement and/or a building performance standard. Benchmarking is the tracking of a building’s energy performance against a standard. A building performance standard (BPS) is a policy that requires building owners to meet performance targets by actively improving their buildings over time. Bay Area cities are pursuing grant funding to develop, implement, and enforce local BPS that can be used across the Bay Area. This would include designing a model BPS policy with input from communities and stakeholders throughout Alameda County and the Bay Area.

BACKGROUND

The California Energy Commission (CEC) has a Building Energy Benchmarking Program¹ that took effect in 2018. The program was established per the requirements of two state laws – AB 1103 and AB 802. Under the Building Energy Benchmarking Program, building owners are required to disclose energy use intensity, which is calculated by dividing the energy use by the square footage of the building. The program currently applies to buildings

¹ <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-benchmarking-program>

with more than 50,000 square feet of gross floor area and either no residential units or 17+ residential units. Some California cities, including San Jose², San Francisco³, Berkeley⁴ and Brisbane⁵ have had their own benchmarking requirements in place for several years.

In October 2023, Governor Newsom signed Senate Bill 48 (SB 48), the Building Energy Savings Act⁶. The Act requires the CEC to use the data from the Building Energy Benchmarking Program to develop a BPS to decarbonize California's large existing buildings. One example of a BPS is a law in New York City⁷ that establishes enforceable emissions limits for buildings that exceed 25,000 square feet. Boston, Denver, St. Louis, Washington, D.C., and the state of Washington, also have building performance standards in place.

SB 48 requires that by July 1, 2026, the CEC develop a strategy using benchmarking data to track and manage the energy usage and GHG emissions of covered buildings in order to achieve the state's goals related to energy usage and GHG emissions. SB 48 also requires that CEC consult with affected stakeholders starting with "community-based organizations representing tenant advocacy, equity, and environmental justice concerns." And requires that the CEC "Avoid increasing utility and rental cost burdens for, or causing evictions, harassment, or displacement of, tenants of covered buildings."

Hayward's recently adopted CAP includes the following actions related to benchmarking and/or building performance:

- BE 3.1 – Based on the results of the feasibility studies (BE- 3.4) adopt a decarbonization ordinance for existing commercial buildings by 2026 that, based on legislative feasibility, establishes mandatory requirements that eliminates expansion of natural gas infrastructure and requires appliances, upon replacement, to be decarbonized where technologically feasible and cost effective. As part of this ordinance, implement the following steps:
 1. Develop requirements that satisfy the federal Energy Policy and Conservation Act (EPCA) seven criteria for an exemption from preemption;
 2. Establish specific metrics for standard benchmarking;
 3. Identify a regulatory mechanism for eliminating natural gas use in existing commercial buildings that addresses legal and feasibility considerations; and
 4. Enforce requirement compliance through the same permitting compliance program as for residential building electrification.
- BE 3.2 – Based on the results of the feasibility studies (BE- 3.4) adopt a decarbonization ordinance for existing multi-family buildings by 2026 that, based on legislative feasibility, establishes mandatory requirements that eliminates expansion of natural gas infrastructure and requires appliances, upon replacement, to be decarbonized where technologically feasible and cost effective. As part of this ordinance, implement the following steps:

² <https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/energy-and-water-building-performance-ordinance>

³ <https://www.sfenvironment.org/existing-buildings-energy-performance-ordinance>

⁴ <https://berkeleyca.gov/construction-development/green-building/building-emissions-saving-ordinance-beso/annual-energy>

⁵ <https://www.brisbaneca.org/bbep/page/annual-benchmarking>

⁶ <https://www.imt.org/news/with-new-law-california-moves-towards-statewide-building-performance-standard/>

⁷ <https://www.nyc.gov/site/buildings/codes/greenhouse-gas-emission-reporting.page>

1. Develop requirements that satisfy the federal Energy Policy and Conservation Act (EPCA) seven criteria for an exemption from preemption;
 2. Establish specific metrics for standard benchmarking;
 3. Identify a regulatory mechanism for eliminating natural gas use in existing commercial buildings that addresses legal and feasibility considerations; and
 4. Enforce requirement compliance through the same permitting compliance program as for residential building electrification.
- BE 3.3 – Adopt a Commercial Energy Performance Assessment and Disclosure Ordinance for commercial and multi-family buildings, which requires energy use disclosure consistent with State law (AB 1103) and the use of the ENERGY STAR Portfolio Manager benchmarking tool.
 - BE 3.4 – Conduct feasibility studies to identify commercial and multi-family building decarbonization barriers and develop a commercial and multi-family building decarbonization strategy with analysis supporting future adoption of a commercial and multi-family building decarbonization ordinance.
 - BE 3.5 – Partner with an electrification/efficiency expert to provide guidance to commercial buildings covered by the building performance standard.
 - BE 3.6 – Develop an education campaign to promote commercial electrification and include items in the program such as:
 - Continue to engage with local business and business organizations (e.g., Chamber of Commerce, the Alameda County Green Business Program) to inform and facilitate electrification for commercial business owners.
 - Continue to promote the use of the Energy Star Portfolio Manager program and energy benchmarking training programs for nonresidential building owners.
 - Advertise via utility bill inserts the incentive programs or grants available and the cost benefits of electric appliances.
 - Targeted outreach to builders, developers, local contractors, and property managers with an informational brochure describing the financial benefits of replacing natural gas appliances with all electric appliances when they apply for permits.
 - Provide informational webinars and an updated website to advertise and promote All-Electric Building Initiative rebates and incentives.
 - BE 3.7 – Conduct outreach to small businesses and minority-owned businesses to understand potential equity impacts of a decarbonization policy as part of the existing building decarbonization study.
 - BE 5.4 – Continue to promote the use of the Energy Star Portfolio Manager program and energy benchmarking training programs for nonresidential building owners.

DISCUSSION

The United States Department of Energy (DOE) has issued a funding opportunity announcement funded by the Inflation Reduction Act of 2022 (IRA) for “Assistance for the Adoption of the Latest and Zero Building Energy Codes”. The IRA will provide up to \$1 billion for States and local governments to adopt and implement the latest building energy codes, zero energy building codes, or equivalent codes or standards. The DOE is particularly interested in supporting local capacity building, multi-year investments in workforce and

education, and long-term improvements in building energy codes through multi-cycle adoption and building performance standards (BPS).

The City and County of San Francisco submitted a two-page concept paper to the DOE and included City of Berkeley and the Bay Area Regional Energy Network (BayREN) as partners. If the proposal is selected and San Francisco is invited to submit a full application, it will be due April 30, 2024. The concept proposal is to:

1. jointly develop a model building performance standard (BPS) for the Bay Area;
2. adopt, implement, and enforce BPS in San Francisco and Berkeley;
3. coordinate with BayREN to support additional cities (may include Oakland and Hayward) with BPS adoption; and
4. work with community partners to deliver proactive technical support that ensures equitable and just outcomes from these new regulations.

Technical support would include outreach, assistance planning retrofits for compliance of existing buildings, accessing incentives, financing, and other resources and more. Grant funds would support inclusive adoption, consistent enforcement, equitable outcomes for under-resourced communities, and the opportunity to share data, content, technical insight, and best practices. This work could help shape the statewide BPS that is required by SB 48.

To make a BPS program accessible to smaller jurisdictions where enforcement will require less than 1 FTE, BayREN will evaluate the potential to allow for economies of scale such as shared staff for Alameda County participants. The grant would not directly fund retrofits of existing buildings.

Following a robust community and stakeholder engagement, a model ordinance would be developed that will build upon existing region-wide technical assistance and incentive programs to support equitable compliance, including:

- Help building owners in comply with the Bay Area Air Quality Management District's upcoming ban on NOx emitting appliances.
- Proactively engage underserved buildings with building needs assessments and decarbonization retrofit planning aligned with key cycles such as tenant turnover.
- Provide a template for owners and engineers to inventory energy systems and prioritize projects.
- Establish enforcement mechanisms for non-compliance based on a cost per ton equal to the average cost of mitigating a ton of emissions in local affordable housing.
- Provide technical support to access funding opportunities such as BayREN, TECH Clean CA, SGIP, upcoming state & federal programs, and 0% interest On-Bill Financing.
- Support tenants in low to moderate income buildings with awareness of benefits and avoid housing cost pass throughs or displacement as a result of retrofits.
- Partner with BayREN to ensure owners, operators, and tenants have access to rebate, incentive, and financing programs available to support building decarbonization.
- Coordinate regional workforce development offerings and work with groups such as the Bay Area High Road Training Partnership to set labor standards and determine contractor qualifications to ensure good quality jobs and installations.

FISCAL IMPACT

Collaboration with Bay Area jurisdictions on the development of a BPS would require significant staff time. Staff has requested the addition of a new position, beginning in FY25, to support CAP implementation. The additional staff would enable the Environmental Services Division to take on this work. Also, if Hayward adopts an ordinance and depending on the structure of the requirements and enforcement, it is possible that monitoring and enforcement could be handled at the regional level. If it is not, it is possible that long term enforcement would require additional Hayward staff.

ECONOMIC IMPACT

The adoption of a building performance standard ordinance is still in the exploratory phase. Specific economic impacts would be evaluated and addressed during the public engagement and policy development phases. As noted above, one of the goals of the program would be to avoid housing cost pass throughs to tenants and avoid tenant displacement as a result of retrofits. It should be noted that Hayward's current ordinance allows property owners to pass up to 50 percent of capital improvement costs on to tenants. This is something that could be addressed during development of an ordinance. Also, staff will seek to avoid tenant displacements – even temporary displacements during renovations.

Rules recently adopted by the Bay Area Air Quality Management District (BAAQMD) will require zero emission appliances in the coming years. Beginning in 2031, when a water heater in a large commercial building is replaced, a zero-emission model will be required. The State of California is currently considering similar requirements. A BPS program could offer technical assistance and provide access to funding opportunities to help building owners comply with regulations. If an ordinance is developed for adoption in Hayward, it could include fines for non-compliance, but only if deemed appropriate for the Hayward community.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority to *Confront Climate Crisis & Champion Environmental Justice*, and specifically relates to implementation of the following Projects:

Reduce Greenhouse Gases and Dependency on Fossil Fuels:

Project C1: Implement Year 1 Programs from the adopted GHG Roadmap (Climate Action Plan).

SUSTAINABILITY FEATURES

The development of building performance standards would implement several actions called for in the recently adopted CAP and would support emissions reductions to help meet the City's long term GHG reduction goals, which include:

- 30% below 2005 levels by 2025
- 55% below 2005 levels by 2030

- work with the community to develop a plan that may result in the reduction of community based GHG emissions to achieve carbon neutrality by 2045

PUBLIC CONTACT

No public contact has been made for this item.

NEXT STEPS

Upon direction from the Committee, if San Francisco's concept proposal is selected by the DOE, staff will partner with Bay Area jurisdictions to help prepare a detailed full grant proposal. If the grant is awarded, staff would return to the CSC to provide more information before commencing community engagement.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager



CITY OF HAYWARD

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File #: ACT 24-018

DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT

Proposed 2024 Agenda Planning Calendar: Review and Comment

RECOMMENDATION

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

SUMMARY

The proposed 2024 agenda planning calendar contains planned agenda topics for the Committee meetings for the CSC's consideration. This agenda item is included in every Council Sustainability Committee agenda and reflects any modifications to the planning calendar, including additions, rescheduled items, and/or cancelled items.

ATTACHMENTS

Attachment I Staff Report



DATE: March 11, 2024

TO: Council Sustainability Committee

FROM: Director of Public Works

SUBJECT Proposed 2024 Agenda Planning Calendar: Review and Comment

RECOMMENDATION

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

SUMMARY

The proposed 2024 agenda planning calendar contains planned agenda topics for the CSC meetings for the Committee's consideration. This agenda item is included in every CSC agenda and reflects any modifications to the planning calendar, including additions, rescheduled items, and/or cancelled items.

DISCUSSION

For the Committee's consideration, staff suggests the following tentative agenda topics for 2024.

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

May 13, 2024
Expanding Litter Collection Efforts in Hayward – Discussion and Direction to Staff
Existing Building Electrification Roadmap – Information and Discussion
July 8, 2024 (<i>Council Recess – possible new date TBD</i>)
Tree Canopy Coverage Assessment – Discussion and Direction to Staff
Ava Community Energy Update: Local Programs and Customer Bill Savings - Information and Discussion
Compost Hub at Hayward Community Garden – Information and Discussion
Unscheduled Items

Pilot Program for Reusable Dishware
Energy Resilient Public Facility Program - Discussion and Recommendation to Council
Regulation of Disposable Food Service Ware Reduction and Reuse – Outreach Results
Shade Structure Requirements for New Development
Litter Receptacle Requirements for New Development

NEXT STEPS

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

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager