

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, November 26, 2018

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 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.)

1. [ACT 18-079](#) Approval of Minutes of Council Sustainability Committee Meeting on September 24, 2018

 Attachments: [Attachment I Minutes](#)
2. [ACT 18-075](#) Tiny Homes - Sustainability Considerations

 Attachments: [Attachment I Staff Report](#)
3. [ACT 18-073](#) Possible Fee to Address Litter from Disposable Food Packaging

 Attachments: [Attachment I Staff Report](#)
4. [ACT 18-074](#) East Bay Community Energy - Priorities for Implementation of the Local Development Business Plan

 Attachments: [Attachment I Staff Report](#)
5. [RPT 18-191](#) Update on the Recycled Water Project

 Attachments: [Attachment I Staff Report](#)
6. [ACT 18-077](#) Declaration of a Climate Emergency

 Attachments: [Attachment I Staff Report](#)
 [Attachment II Resolution](#)

7. [ACT 18-080](#) Proposed 2019 Agenda Planning Calendar

Attachments: [Attachment I Staff Report](#)

ORAL UPDATES

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: ACT 18-079

DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Approval of Minutes of Council Sustainability Committee Meeting on September 24, 2018

RECOMMENDATION

That the Committee reviews and approves the minutes of the Council Sustainability Committee meeting on September 24, 2018.

ATTACHMENTS

Attachment I Minutes of Council Sustainability Meeting on September 24, 2018

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

September 24, 2018
4:30 p.m. – 5:52 p.m.

MEETING MINUTES

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

ROLL CALL:

Members

- Al Mendall, City Council Member/CSC Chair
- Elisa Márquez, City Council Member (Arrived at 4:45 p.m.)
- Francisco Zermeño, City Council Member

Staff:

- Alex Ameri, Interim Director of Public Works
- Jan Lee, Water Resources Manager
- Douglas McNeely, Airport Manager
- Erik Pearson, Environmental Services Manager
- Kaitlyn Byrne, Management Analyst I
- Brandon Hutchens, Climate Corps Fellow
- Carol Lee, Management Analyst I
- Crissy Mello, Senior Secretary
- Tori Johnson, Acting Administrative Secretary (Recorder)

Others:

- Franco Arieta, Zipcar
- Stuart Cottrell, Zipcar
- Ashley Cohen, Zipcar
- Lilianna Espinoza, Hayward Resident
- Rita Espinoza, Hayward Resident and Hayward student
- Christina Olsen, Sustainability Consultant

PUBLIC COMMENTS

Interim Director of Public Works, Alex Ameri, introduced Crissy Mello as the new Senior Secretary in Utilities & Environmental Services.

Environmental Services Manager, Erik Pearson, introduced Brandon Hutchens, as the new Climate Corps Fellow with Utilities & Environmental Services.

1. Approval of Minutes of Council Sustainability Meeting on July 16, 2018.

The item moved by Council Member Zermeño, and seconded by Chair Mendall, and approved.

2. Installation of Solar Technologies at Hayward Executive Airport

Hayward Airport Manager Douglas McNeely presented the report the installation of solar technologies at the Hayward Airport.

Environmental Services Manager, Erik Pearson, noted that with 2 MW of solar at the Airport the City would be generating about 96% of the total electricity use and 78% of total energy.

Council Member Márquez asked about other alternatives if solar is not pursued at the Airport. Interim Director of Public Works, Alex Ameri responded municipal garages would be the best place to install solar. Council Member Márquez suggested that this item should be reviewed by the Council Airport Committee.

Council Member Zermeño asked about the construction timeline if the FAA approves the installation. Interim Director of Public Works, Ameri answered it would be about a year. The Committee discussed the cost of rooftop installation versus land-based installation. Interim Director of Public Works, Ameri confirmed that all of this is based on getting favorable policy decisions from East Bay Community Energy (EBCE).

Chair Mendall agreed pursuing other top priorities first makes sense such as the Corporation Yard and the Municipal garage. He suggested a three to six-month goal to bring it to the Council Airport Committee at which time staff will have some concrete numbers and will also give time for the pilots to respond.

3. Plastic Straws and Utensils

Solid Waste Program Manager, Jeff Krump presented an update on the State and Local actions to regulate the distribution of single-use plastic straws and utensils and requested a recommendation from the Committee for a course of action.

Council Member Zermeño stated that request-only seems to be the option to pursue.

Council Member Márquez recommends both options A and B, and C as a discussion point.

Chair Mendall stated that non-biodegradable single-use plastic utensils could be added to the banned list and encouraged restaurateurs to use the alternatives that are available as a local ordinance, as is done with Styrofoam. He encouraged staff to work with the County and StopWaste to do something more unified for straws.

Interim Director of Public Works, Alex Ameri explained that outreach to businesses as well as research needs to be done to check on the availability of biodegradable utensils

and if they are compostable. The Committee discussed types of outreach and requested that recommendations be brought to the Committee by April 2019. Council Member Márquez commented that this will give staff time to speak to local retailers.

4. Car Sharing Pilot Program – Consideration of Zipcar

Management Analyst Kaitlyn Byrne presented the report and introduced Zipcar representatives and asked for the Committee's recommendation to Council to proceed with Zipcar.

Franco Arieta, Regional General Manager of Zipcar's West Coast Region, introduced Zipcar staff that were present and explained some of the benefits of using Zipcar.

Council Member Márquez expressed that she liked the option of a discount rate and waiving the application fee. She suggested that rather than identifying one specific charity to align funding with the City's funding process through CBDG or social services. Council Member Márquez recommended taking it to City Council.

Council Member Zermeño asked about hybrids. Franco Arieta answered they have very limited hybrids at the present time. Council Member Zermeño inquired if there will be a study about hybrids with a decision made about upgrading or expanding. Mr. Arieta explained that it depends on the utilization of the vehicles being used. Council Member Zermeño suggested letting the residents at the Green Shutter know about Zipcar.

Chair Mendall recommended, and the Committee agreed, that Council approve a contract with Zipcar. He suggested the discount should be on the monthly or annual fee and not on the daily or hourly fee.

5. Stop Waste Priorities

Environmental Services Manager Erik Pearson presented the report which included StopWaste's current and potential new priorities for the coming two years for the Committee's consideration.

Chair Mendall said his priority is to coordinate with EBCE and consider transitioning some Energy Council responsibilities to EBCE. And for the StopWaste Board as a whole, Chair Mendall's two requests are the County-wide utensil and straw regulations and answering the China Sword challenge with long-term solutions on recycling.

Council Member Zermeño suggested the need to focus on educating residents on what soiled objects put in the green cart, and he also likes the goals on page two.

Council Member Márquez spoke about the on-going problem and concern of illegal dumping, and how we can get together with the County to address it. Interim Director Alex Ameri responded that Development Services has come up with some Lean

Innovation ideas they are going to pursue, and it will be reported to the Council Sustainability Committee or City Council.

6. Update on Lead Testing in School Drinking Water

Water Resources Manager Jan Lee presented the report and asked for comments.

Council Member Márquez asked what outreach is being done in the private and independent schools. Jan Lee answered there has not been a lot of response. Council Member Márquez suggested contacting the Oakland Diocese and ask them to pass along the information.

Council Member Zermeño asked about California State University East Bay and Chabot College. Interim Director of Public Works Alex Ameri responded that staff will contact them.

7. Proposed 2018 Agenda Planning Calendar

Chair Mendall commented on the Bike and Scooter Sharing topic and suggested to have a future conversation about regulations, as well as the regulations about the treatment and taxation of taxis versus ridesharing programs like Lyft and Uber. He would like to see it brought up in the next year.

Council Member Zermeño recommended a topic about educating customers about the need to use the green cart to reduce contaminated recyclables and increase our diversion. He is happy to see tree inventory as a topic.

COMMITTEE MEMBER/STAFF ANNOUNCEMENTS AND REFERRALS:

Interim Director of Public Works Alex Ameri spoke about electric scooters and bikes, and the Bike and Ped Master Plan is on schedule and will go to the Council Infrastructure Committee in October. Chair Mendall responded that the Bike and Pedestrian Master Plan does not need to come to the Council Sustainability Committee, however to share with Council Member Zermeño.

ADJOURNMENT: 5:52 p.m.

Attendance	MEETINGS			
	Present 09/24/18 Meeting	Present to Date This Fiscal Year	Excused to Date This Fiscal Year	Absent to Date This Fiscal Year
Elisa Márquez	✓	5	1	0
Al Mendall*	✓	6	0	0
Francisco Zermeño	✓	5	1	0

✓ = Present O = absent X = excused
 * Chair



CITY OF HAYWARD

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777 B Street
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File #: ACT 18-075

DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services/Director of Development Services/Deputy City Manager

SUBJECT

Tiny Homes - Sustainability Considerations

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

Enter Summary Tiny homes come in many forms and can be an attractive affordable housing option for some for various reasons. However, tiny homes present a variety of issues to consider from building code requirements to support services for extremely low-income individuals. The focus of this report is a review of the sustainability aspects of tiny homes and how they compare to other housing types.

ATTACHMENTS

Attachment I Staff Report



DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services
Director of Development Services
Deputy City Manager

SUBJECT Tiny Homes – Sustainability Considerations

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

Tiny homes come in many forms and can be an attractive affordable housing option for some for various reasons. However, tiny homes present a variety of issues to consider from building code requirements to support services for extremely low-income individuals. The focus of this report is a review of the sustainability aspects of tiny homes and how they compare to other housing types.

BACKGROUND

On November 7, 2017, Council approved new regulations for Accessory Dwelling Units (ADUs). The regulations were adopted to be consistent with state legislation that was adopted with the intent of making it easier to build ADUs and are available on the City's website.¹ ADUs can be attached or detached. An ADU in Hayward can be up to 1,200 square feet and may be attached to or detached from a single-family home. Detached ADUs that are 400 square feet or smaller may be considered tiny homes.

On March 6, 2018, staff presented an informational report to Council containing an overview of tiny homes.² The report included the types of tiny homes, related regulations, and examples of tiny home communities. Council requested that the topic be agendaized for discussion at a future meeting.

¹ See "Handout" for ADU regulations at <https://www.hayward-ca.gov/services/permits/accessory-dwelling-unit>

² March 6, 2018 Council report: <https://hayward.legistar.com/LegislationDetail.aspx?ID=3361902&GUID=22FE4079-9CBD-4ACD-9B02-31EEE06AFE8F&Options=&Search=>

Relevant General Plan policies:

General Plan Policy H-3.1: Diversity of Housing Types – The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

General Plan Policy H-3.3: Sustainable Housing Development – The City shall improve affordability by promoting sustainable housing practices that incorporate a ‘whole system’ approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.

General Plan Policy H-3.6: Flexible Standards and Regulations – The City shall allow flexibility within the City’s standards and regulations to encourage a variety of housing types.

DISCUSSION

There are many types of tiny homes. Tiny homes can be constructed as a stand-alone structure, in the rear yard of a single-family home, or as a collection of tiny homes on one parcel of land. According to the California Department of Housing and Community Development (HCD), tiny homes are defined as:

“Structures, which may range anywhere from 80 to 400 square-feet in size, may be built with a variety of standards and no construction standards; may or may not be constructed on a chassis (with or without axles or wheels); and usually are offered for use and placement in variety of sites.”

The type of housing unit and how a unit is defined is important as there can be significant differences in planning and building code requirements for each. As noted in the March 6, 2018, Council report, a factory-built home is approved by HCD, except that the installation and utility connections are reviewed by the local building department. A tiny home on wheels may be considered a recreational vehicle or a park trailer and are regulated by California Health and Safety Code (HSC). A tiny home built on site with a permanent foundation would be reviewed and approved by the City’s Building Division, similar to an ADU.

Overview of Tiny Homes – According to the Association of Bay Area Governments (ABAG), half of California households are unable to afford the cost of housing in their local market and the Bay Area housing market has especially high housing costs. According to the California Association of Realtors³, an annual household income of \$181,130 is needed to purchase a median-priced home in Alameda County, while \$50,000 to \$75,000 is needed in most counties in the Central Valley. Tiny homes have become a housing type of great interest for several

³ <https://www.car.org/aboutus/mediacenter/newsreleases/2018releases/1qtr2018hai>

reasons. Affordability may be the biggest reason people choose to go small, but for some it is a way to live a simpler life and to reduce the size of their carbon footprint.

Other affordable alternatives for one to two-person households include:

- Micro Units (typically 150 to 250 square feet and may not have full kitchens)
- Single Room Occupancy (SRO) Units (may have shared bathrooms)
- Efficiency Units (may also be considered a studio apartment or studio unit)
- Manufactured Homes (not typically “tiny,” but may provide a good model for locating multiple tiny homes on one property)

In the Bay Area, the most common type of tiny home is an ADU. According to ABAG, the construction of ADUs has more than doubled in the last two years. ADU production in the Bay Area increased from approximately 450 in 2015 to approximately 1,000 in 2017. Since the adoption of the City’s local ADU Ordinance in November 2017, the Planning Division has received approximately thirty Zoning Conformance Permit applications for the development of ADUs on properties with existing single-family dwellings. Recently, larger subdivisions have begun to incorporate ADUs into their developments as a plan type for prospective buyers to offset the cost of homeownership by including a rental unit.

Examples of tiny home and micro apartment communities that are existing and proposed include:

- Oakland - The Nook on Valdez⁴ is a 71-unit micro apartment building with units ranging in size from 181 to 255 square feet. Each unit has a full bathroom, but not a kitchen. Each unit has a bar-sized sink and space for a hot plate or microwave. There is a shared full-size kitchen in a common area.
- Castro Valley – The First Presbyterian Church of Hayward, located in Castro Valley, is planning to place six tiny homes on their property.⁵ According to Alameda County staff, the required approvals are still pending.

The use of tiny homes as an approach to housing the homeless is evaluated in a recent report published by the Turner Center for Housing Innovation at UC Berkeley.⁶ The report evaluates several tiny home communities, including one proposed for a property in Hayward, and recommends several changes to state and local regulations that would streamline the design and permitting of tiny homes and tiny home villages.

Sustainability Considerations – Generally, a tiny home is more sustainable than a large home. Fewer materials are needed for construction and less energy is required to heat and cool a tiny home.

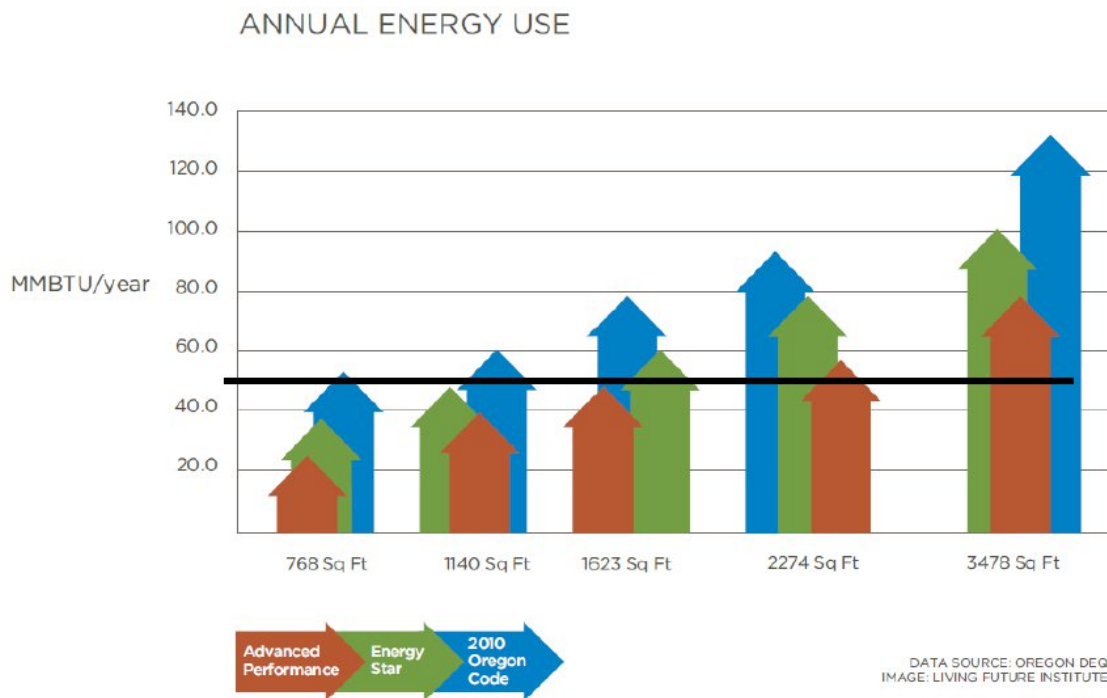
⁴ <https://www.nookonvaldez.com/>

⁵ <http://castrovalleymatters.org/2018/04/16/church-plans-tiny-homes-for-homeless-in-parking-lot/>

⁶ <http://turnercenter.berkeley.edu/student-projects>

Energy Efficiency –

- Generally, a smaller home uses less energy than a larger home. When considering a range of home sizes and configurations, a large detached home is the least energy efficient and a small unit in a multi-unit building is the most efficient.
- Given the limited energy demands of a tiny home, it may be easier to build a zero-net energy (ZNE) tiny home compared to a conventional home, however the limited roof area of a tiny home may require the use of solar panels placed on the ground.
- According to the State of Oregon Department of Environmental Quality, the environmental impacts of an “extra small home” (1149 square feet) are reduced between 20% and 40% compared to a “medium standard home” (2262 square feet), suggesting that home size is among the most important determinants of environmental impact.⁷ It should be noted that this does not take into consideration the number of people living in the home.
- As shown in the graph below, a conventionally built small home (768 square feet) meeting the minimum requirements of the 2010 code uses less energy than an advanced performance large home (2,274 square feet).⁸



Accessory Dwelling Strategies LLC

⁷ A Life Cycle Approach to Prioritizing Methods of Preventing Waste from the Residential Construction Sector in the State of Oregon, available at <https://www.oregon.gov/deq/mm/production/Pages/Green-Building.aspx>

⁸ Accessory Dwelling Strategies LLC (<https://accessorydwellingstrategies.com/>)

- Small apartments are likely to be even more energy-efficient than a tiny home. According to the U.S. Energy Information Administration (EIA)⁹, the statistical and analytical agency within the U.S. Department of Energy, “Households living in apartment buildings with five or more units use about half as much energy as other types of homes. Lower energy use in apartments can be partially explained by their smaller living space. Additionally, apartment units are bordered by other units or common areas on one or more sides and typically have fewer windows, limiting exposure to exterior temperatures.”

Land Use Efficiency – Depending on spacing, a collection of tiny homes on a single property could have a density of ten to fifteen dwelling units per acre. For comparison, townhomes typically have a density of approximately thirty units per acre. The affordable micro-apartments proposed for Depot Road have a density of approximately sixty-two units per acre.

- Generally, higher density development is a more efficient use of land and depending on the neighborhood, can promote sustainability due to a greater ability to walk, bike or use public transportation.
- Placement of a tiny home within the backyard of an existing single-family home may be a very efficient use of land and a practical way to increase housing density.
- A typical mobile home park in Hayward has a density of eight to twelve units per acre. The land use density and amenities provided at a mobile home park may be a good example for the development of a tiny home village. Some trailer parks in the United States are beginning to allow tiny homes alongside recreational vehicles and trailers.

Building Materials & Construction Cost –

- Tiny homes require fewer material inputs to construct. According to one energy company, “...it takes seven logging trucks to hold enough lumber for an average American home. In contrast, the lumber usage in tiny homes takes only half of one logging truck.”¹⁰
- On a per-unit basis, construction costs for a detached tiny home may be less than for an attached apartment. According to San Mateo County’s Second Unit Resources Center¹¹, construction costs are typically about \$375 per square foot for a home that is less than 500 square feet, or approximately \$113,000 for a 300 square foot home. Land costs are likely to be the most significant variable in the construction of a tiny home.
- The micro apartments on Depot Road (125 to 250 square feet each) are estimated to cost approximately \$487,000 per unit. The other three projects for which Council recently appropriated affordable housing funds on October 2, 2018, range from \$522,000 to \$664,000 per unit. While the per unit cost for Depot Road is lower, the units will house one person each. The other two projects will house larger households

⁹ See article titled *Apartments in buildings with 5 or more units use less energy than other home types* <https://www.eia.gov/todayinenergy/detail.php?id=11731>

¹⁰ <https://blog.constellation.com/2017/08/21/what-is-tiny-house-living/>

¹¹ The Second Unit Resources Center has design ideas, a cost calculator, and information about permitting: <http://secondunitcentersmc.org/>

so, the per bedroom costs range from \$306,000 to \$487,000. The relatively high per-bedroom costs for these projects include common areas, offices for management and support staff and also infrastructure costs, which do not decrease relative to unit size.

- A search for mobile homes in the Hayward area found that most range in size from 1,400 to 1,800 square feet and cost between \$200,000 and \$350,000. This equates to \$140 to \$200 per square foot of living area, which on a square foot basis, is significantly cheaper than the cost to build a tiny home. Space rental in Hayward's mobile home parks ranges from approximately \$500 to \$800 per month.

Consumption –

- A resident of a tiny home is likely to buy fewer things, which will further reduce their carbon footprint compared to a resident of a larger home in the same income category.

ECONOMIC IMPACT

As noted above, a resident of a tiny home is likely to buy fewer things, which will further reduce their carbon footprint compared to a resident of a larger home in the same income category. Conversely, residents of more affordable housing may have more disposable income to spend in the local community. Another consideration is that tiny homes or ADUs on properties of existing single-family homes can be an investment that provides for rental income for the homeowner.

FISCAL IMPACT

Allowing for tiny homes may not have an impact on the City's General Fund.

STRATEGIC INITIATIVES

Tiny homes support the City's Complete Communities Strategic Initiative. The purpose of the Complete Communities Strategic Initiative is to create and support services and amenities that provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. Tiny homes can be an effective affordable housing solution and support the following goals and objectives that were established as part of the Complete Communities Strategic Initiative:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 4: Create resilient and sustainable neighborhoods.

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations

Objective 4: Increase supply of affordable, safe and resilient housing in Hayward

SUSTAINABILITY FEATURES

The sustainability features of a tiny home will vary depending on the specific design and location. As noted above, tiny homes generally require fewer resources to build and maintain compared to larger detached homes. Attached multifamily housing are typically even more energy efficient than detached homes. In many cases, tiny homes allow for a more efficient use of land. There is no one solution to addressing the need for affordable housing for small households, but for those who live in a tiny home, their reduced carbon footprint is a significant sustainability feature.

NEXT STEPS

Staff will present a report to City Council during a work session in January 2019. The report will address:

- tiny homes and Hayward's affordable housing requirements
- fees require to build tiny homes (park fees, utility connection, etc.)
- zoning requirements
- building code requirements

Depending on direction from the Committee, staff may address additional topics in the January report.

Prepared by: Erik Pearson, Environmental Services Manager
Marcus Martinez, Assistant Planner
Christina Morales, Housing Division Manager
Dana Bailey, Community Services Manager

Recommended by: Alex Ameri, Director of Utilities & Environmental Services
Laura Simpson, Director of Development Services
Jennifer Ott, Deputy City Manager

Approved by:

Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: ACT 18-073

DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Possible Fee to Address Litter from Disposable Food Packaging

RECOMMENDATION

That the Committee reviews and comments on this report and makes a recommendation to the Council Budget and Finance Committee regarding the possibility of adding a litter fee to the November 2019 ballot.

SUMMARY

This report provides an update on staff's efforts to solicit feedback from Hayward business owners and managers on how to reduce litter in Hayward. The report also provides more information about the possibility of implementing a litter fee in Hayward. The Hayward Business License Fee may be on the ballot in November of 2019 and a litter fee could be included for certain types of businesses. At this time, staff does not recommend pursuing a litter fee on certain businesses in the community.

ATTACHMENTS

Attachment I Staff Report



DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT: Possible Fee to Address Litter from Disposable Food Packaging

RECOMMENDATION

That the Committee reviews and comments on this report and makes a recommendation to the Council Budget and Finance Committee regarding the possibility of adding a litter fee to the November 2019 ballot.

SUMMARY

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BACKGROUND

One of Council's primary priorities is to keep the City clean, and the City allocates significant resources to removing litter throughout the community and to conducting public education. Several full-time employees remove dumped trash, perform street sweeping, and clean storm drains. The City's Keep Hayward Clean and Green Task Force sponsors monthly weekend clean-up events, the annual clean-up day at Weekes Park, and the Adopt-a-Block program. In total, the City spends more than \$2 million per year on litter collection.

There is also a connection between trash and water quality as some trash eventually enters storm drains and makes its way to creeks and the shoreline. For this reason, litter control in Hayward is regulated by the Municipal Regional Stormwater Permit (MRP) for its stormwater discharge to the San Francisco Bay, which includes a trash reduction provision. Specifically, Provision C.10, Trash Load Reduction, requires an 80% reduction in trash in the storm drain system by 2019, and a 100% reduction by 2022.

Council Sustainability Committee – On September 10, 2015, staff presented a [report](#)¹ to the Committee, titled Options for Addressing Litter From Take Out Food & Beverage Establishments. The report provided a range of options to reduce litter, including a litter fee on businesses, as well as an ordinance requiring non-resident property owners to designate a resident agent to clean properties. Following that meeting, in November of 2015, staff sent out 518 letters to restaurants, convenience stores, liquor stores, and gas stations requesting suggestions on how to reduce litter. No suggestions were received.

City Council – On September 20, 2016, staff presented a [report](#)² to City Council titled, Options for Litter Reduction Strategies. The report provided an overview of current efforts by Hayward to reduce litter. These efforts include placement and maintenance of public litter cans, operating trash capture devices in the storm drains, and performing and supporting litter clean up events in conjunction with the Keep Hayward Clean and Green Task Force. The report also discussed the possibility of adopting a litter fee and included several alternatives to a litter fee that could be imposed on Hayward businesses. Council did not support the establishment of a litter fee.

DISCUSSION

As noted in the September 20, 2016, report to Council, litter from fast-food restaurants, convenience stores (including mini marts at gas stations), and tobacco products is a significant issue throughout the Bay Area and the country. A 2011 study by Clean Water Action (CWA), a non-profit that advocates for clean water and environmental protection³, indicated that the largest source of litter collected from Oakland, Richmond, San Jose, and South San Francisco is fast-food, at 49%. The high percentage of litter emanating from fast-food prompted staff to focus on soliciting feedback from fast-food establishments.

Community Outreach – On August 15, 2017, staff solicited feedback from Hayward businesses by mailing letters to approximately 600 food-related businesses in Hayward, including restaurants, coffee shops, gas stations, liquor stores, and convenience stores. The letters invited businesses to participate in one of two special meetings hosted by the City on Wednesday, August 30, 2017, at City Hall to share ideas on how to reduce litter in Hayward. Three people representing two businesses attended the meetings. Two other businesses responded to the letters and shared their thoughts by way of email and a separate meeting. Comments received from the two businesses attending the August 2017 meetings at Hayward City Hall include the following:

¹ <https://hayward.legistar.com/MeetingDetail.aspx?ID=418386&GUID=2CDAC5BF-54BA-4BE6-943D-72F42C7F059B&Options=&Search=>

² <https://hayward.legistar.com/LegislationDetail.aspx?ID=2838362&GUID=A2AE2601-C6B3-49DB-ABAA-C136216986F7&Options=&Search=>

- There are not enough public litter cans in Hayward.
- The City has mentioned possibly assessing a litter fee on businesses; is there any reward for businesses that do the right thing?
- Business owners are not the ones littering.
- Wind blows litter not generated by my business onto my property.
- We pick up litter on our property twice each day.
- The key to addressing litter is changing behavior.
- Public education is important and needs to be localized.
- Small litter is from people being lazy; large litter, like sofas, is more serious.
- Some cities offer a reward or bounty for reporting illegal dumping.
- We need more anti-littering signs.
- The homeless and illegal dumping, such as mattresses and sofas, are bigger issues.
- The City should publicize records of who has received a citation for littering.
- Charging my business an annual \$3,000 - \$4,000 litter fee would make me consider closing one of my restaurants.
- The City should recognize the shopping centers that do a good job of picking up litter.

An email received from a downtown coffee shop suggested that Hayward investigate implementing a program similar to those successfully run in Toronto, Portland, and Vancouver, BC to encourage the use of reusable coffee cups. This type of program is not something that can be easily implemented by a mid-sized city such as Hayward. However, the idea is gaining momentum nationally in that large chain coffee houses are considering similar programs.

Staff met with the owner of a downtown fast-food restaurant who recommended more City trash cans. He also suggested providing rewards or incentives for youth to pick up litter.

Requesting input from businesses by sending letters generated no responses in November 2015, and generated only five responses in August 2017. More responses may be obtained by visiting businesses. Holding brief face-to-face discussions about litter may also generate more responses.

During the 2016/2017 school-year, Hayward partnered with Cal State East Bay as part of the Pioneers for Sustainable Communities Program. Hayward received a report on Attitudes Toward Littering from the university. The report offered several examples of anti-litter campaigns and recommended streamlining the Access Hayward tool to make it easier for residents to report illegal dumping. The report also noted that successful anti-litter campaigns often try to instill pride in the community and include a mix of both positive reinforcement and constructive feedback.

Litter Fees – The City of Oakland, in February of 2006, adopted an ordinance to assess an annual Excess Litter Fee on certain types of businesses known to generate large amounts of disposable material that ends up as trash and litter on the streets. Oakland is the only City in the Bay Area to adopt a litter fee. In general, the types of businesses included in Oakland's ordinance are:

- Fast food businesses
- Convenience stores
- Gasoline station markets
- Liquor stores

Funds collected through the Oakland ordinance are used to pay for a contractor to provide three full-time and one part-time worker to remove trash and litter from near businesses that pay into the fee. These contract workers clear litter from about 35-50 locations each day, and try to service each location every 30 days. From May 2016 to May 2017, the contractor collected 2,958 bags of litter.

Oakland's fee is charged based on the annual gross receipts of the business and varies from \$230 to \$3,815 per year depending on the amount of a business' revenues. Businesses making less than \$4,999 per year are exempt. Oakland collects about \$400,000 annually through the fee.

Table 1, Oakland Litter Fee Annual Payment Amounts

Annual Gross Receipts	Business Size	Litter Fee
\$1 million or more	Large	\$3,815
\$500,000 to \$999,999	Medium	\$910
\$5,000 to \$499,999	Small	\$230
Less than \$4,999	Very Small	Exempt

Oakland passed its Excess Litter Fee in 2006, before Proposition 26 was approved by California voters in 2010. In order to reduce the potential for legal challenges, Hayward needs to carefully review the issues and proceed based on legal analysis and advice.

The Hayward City Attorney's Office has advised that adoption of a new fee upon specific business types as described above, would likely be subject to the Constitutional limitations upon taxes, fees, charges and assessments created by Propositions 218 and 26. The fee would be subject to the voter approval requirements of Article XIII C, section 2, of the California Constitution.

In 2016, the City of Richmond, California, investigated taking a measure to the ballot to impose a litter tax similar to Oakland's Excess Litter Fee. A June 2016 Richmond staff report estimated that by using Oakland's method of collecting funds, Richmond would generate \$30,255 annually. Richmond did not place the item on the ballot.

Hayward staff recently conducted an estimate of the annual litter fees Hayward might collect based on a fee structure similar to Oakland's. Oakland's litter fee ordinance determines the amount to charge a business based on its annual revenue from food-related sales. The gross receipts from the sale of alcohol, gasoline, and automotive services and products are not

counted toward the litter fee calculation. Therefore, the annual revenue for a gas station does not include revenue from selling gas, or from automotive products or repairs and annual revenue from a liquor store does not include alcohol sales. Currently, the business license and revenue data available to staff does not provide enough detail to accurately calculate how much revenue a business receives from certain sales. However, based on the populations of Hayward and Oakland, staff developed a rough estimate of Hayward gas station, liquor store, fast food, and convenience store revenue from only food-related and food-product-related sales. According to the California Department of Finance Oakland's 2017 population is approximately 427,000 and Hayward's is about 161,000. This equates to Hayward's population being about 38% of Oakland's population. Assuming Hayward's business community consists of the same percentage of establishments subject to the litter ordinance as Oakland, and applying the percent difference in population, staff estimates Hayward would receive approximately \$150,000 per year from a litter fee. Considering that Hayward currently spends about \$2 million annually in staff time and other resources to remove illegal dumping and litter, as reported in the September 20, 2016 staff report, staff does not believe another \$150,000 will make a significant impact in reducing litter in Hayward.

In conclusion, staff feels that the litter abatement services the City could provide with litter fee revenue would not significantly decrease the amount of litter in Hayward. In addition, the City would also risk souring its relationship with many businesses if it adopted a litter fee as most businesses have expressed a displeasure in the idea of the fee. As an alternative, staff recommends exploring an expansion of the City's current relationship with the Downtown Streets Team to collect litter, which may be accommodated with existing Solid Waste Program funds.

ECONOMIC IMPACT

A litter fee would impact large and small businesses that offer take-out food and beverages. If implemented, costs to the affected businesses might be passed along to consumers.

FISCAL IMPACT

The City could generate about \$150,000 per year, however, some of the revenue would be offset by the staff resources that would be needed to administer the fee.

STRATEGIC INITIATIVES

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item supports the following goal and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 2: Foster a sense of place and support neighborhood pride.

Objective 3: Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects.

SUSTAINABILITY FEATURES

Litter reduction can have the following sustainability features or benefits:

Water: Efficiency and conservation. Reducing litter will not minimize the use of water, but will result cleaner water flowing to creeks and the Bay.

Solid Waste: Waste reduction and diversion. Reducing litter will not directly minimize the volume of material sent to a landfill.

PUBLIC CONTACT

As noted above, staff has mailed letters soliciting feedback from food-related businesses in 2017 and in 2015. Staff also met with two businesses in 2017 and received an email from another business.

NEXT STEPS

Upon direction from the Committee, staff may prepare a report to the City Council Budget and Finance Committee.

Prepared by: Jeff Krump, Solid Waste Program Manager

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

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', is written over a horizontal line.

Kelly McAdoo, City Manager



CITY OF HAYWARD

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

File #: ACT 18-074

DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

East Bay Community Energy - Priorities for Implementation of the Local Development Business Plan

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

East Bay Community Energy (EBCE) is soliciting input regarding the priorities for implementation of its Local Development Business Plan. EBCE is working to balance its member jurisdictions' priorities for competitive rates, greenhouse gas (GHG) reductions, local job creation, and building local renewable energy projects.

ATTACHMENTS

Attachment I Staff Report



DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT: East Bay Community Energy – Priorities for Implementation of the Local Development Business Plan

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

East Bay Community Energy (EBCE) is soliciting input regarding the priorities for implementation of its Local Development Business Plan. EBCE is working to balance its member jurisdictions' priorities for competitive rates, greenhouse gas (GHG) reductions, local job creation, and building local renewable energy projects.

BACKGROUND

EBCE formed in late 2016 as a joint powers authority to provide cleaner, greener energy at lower rates to Alameda County customers. EBCE started providing electricity to commercial and municipal accounts in June this year and to residential customers this month. Information about EBCE is available on their website¹. Staff has provided many reports about EBCE to the Committee and Council, all of which are available on the City's website².

The EBCE Board of Directors approved the Local Development Business Plan (LDBP) on July 18, 2018³. The purpose of the LDBP is to provide a framework for accelerating the development of clean energy assets within Alameda County while providing for local economic benefits, such as job creation and community energy programs. For an overview of the LDBP as well as the 2018/2019 fiscal year implementation budget, see Attachment II.

¹ <https://ebce.org/>

² <https://www.hayward-ca.gov/cce>

³ <https://ebce.org/local-development-business-plan/>

DISCUSSION

EBCE is soliciting input regarding the priorities for implementation of its Local Development Business Plan. The different priorities identified by EBCE are:

- Maintain Rate Discount – Customers have been informed that Bright Choice will be 1.5% cheaper than PG&E and Brilliant 100 will have rates equal to PG&E. Staff recommends that these rates relative to PG&E remain in place. If PG&E rates increase significantly in the future, then it may be reasonable for EBCE to offer a larger discount relative to PG&E.
- GHG Reductions – GHG reductions could come from development of new renewable energy facilities in Alameda County, energy efficiency programs, or electrification of buildings and vehicles.
- Create Local Jobs – Local job creation could come from the development of new local energy facilities or energy efficiency programs.
- Build Local Projects – Local projects may include those owned by member jurisdictions or larger scale privately-owned facilities.

EBCE's budget shows that annual revenue from electricity sales is expected to be approximately \$318 million. Increasing the rate discount for customers by one percent would mean a reduction in revenue of approximately \$3.2 million. For comparison, EBCE's 2018/2019 budget for implementation of the LDBP is \$2 million and once fully implemented, the LDBP is expected to cost approximately \$4.5 million per year.

Staff Recommendation – Staff's recommendation is to focus on creating local jobs by building local projects and offering both energy efficiency and electrification programs to customers. These efforts will also lead to GHG reductions. Specifically, staff recommends the following in order of priority:

1. Create Local Jobs
2. Build Local Projects
3. GHG Reductions
4. Maintain Relative Rate Parity with PG&E

Staff seeks the Committee's input on the above priority areas and will relay comments to EBCE staff.

ECONOMIC IMPACT

Reductions in EBCE's rates or increases in the discount of EBCE rates relative to PG&E would benefit the local economy by increasing disposable income for households and businesses. Full implementation of the LDBP is expected to create approximately 3,000 direct jobs over the next eight years.

FISCAL IMPACT

City facilities are enrolled in EBCE's Brilliant 100 product. If EBCE reduces rates for Brilliant 100 or provides a discount relative to PG&E, then there would be a positive impact on the City's General Fund. Depending on the terms of an agreement with EBCE, prioritizing the development of local, municipally-owned, projects may benefit the City.

STRATEGIC INITIATIVES

This agenda item does not directly relate to one of Council's three Strategic Initiatives.

SUSTAINABILITY FEATURES

Community choice energy was identified in the City's Climate Action Plan as the program with the greatest potential to reduce community-wide GHG emissions. It is possible that EBCE will enable Hayward to meet its goal to reduce emissions by 20% by 2020. Full implementation of the LDBP is expected to result in the development of approximately 400 megawatts of new renewable energy facilities by 2025, which would result in significant further reductions in GHG emissions.

NEXT STEPS

Upon on direction from the Committee, staff will present the Committee's comments to EBCE staff.

Prepared by: Erik Pearson, Environmental Services 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 18-191

DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Update on the Recycled Water Project

RECOMMENDATION

That the Committee reviews and comments on this information report.

SUMMARY

Construction of the City's Recycled Water Project, which will provide a locally sustainable and drought-resistant supply of recycled water to irrigation and industrial customers, is well underway. The first phase of the project includes construction of a treatment facility, storage tank, pump station, distribution system and customer connections, to deliver an estimated 290 acre-feet per year (260,000 gallons per day) of recycled water. Since staff last updated the Committee on the overall Recycled Water Project in May 2017, substantial progress has been made to implement the project. This report has been prepared to update the Committee on the status of the various project elements, including construction activities and final design of the recycled water treatment facility and customer site retrofits. The project is currently scheduled to be substantially complete by the end of 2019 with customer connections to the recycled water system and deliveries anticipated to begin in early 2020.

ATTACHMENTS

Attachment I Staff Report



DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT: Update on the Recycled Water Project

RECOMMENDATION

That the Committee reviews and comments on this information report.

SUMMARY

Construction of the City's Recycled Water Project, which will provide a locally sustainable and drought-resistant supply of recycled water to irrigation and industrial customers, is well underway. The first phase of the project includes construction of a treatment facility, storage tank, pump station, distribution system and customer connections, to deliver an estimated 290 acre-feet per year (260,000 gallons per day) of recycled water. Since staff last updated the Committee on the overall Recycled Water Project in May 2017, substantial progress has been made to implement the project. This report has been prepared to update the Committee on the status of the various project elements, including construction activities and final design of the recycled water treatment facility and customer site retrofits. The project is currently scheduled to be substantially complete by the end of 2019 with customer connections to the recycled water system and deliveries anticipated to begin in early 2020.

BACKGROUND

The City's Recycled Water Storage and Distribution System Project (Recycled Water Project) consists of constructing a storage tank and pump station at the City's Water Pollution Control Facility (WPCF) and installing up to nine miles of distribution pipelines and customer connections to deliver an estimated 290 acre-feet per year, or about 260,000 gallons per day (gpd), of disinfected tertiary treated recycled water for the initial phase of the project. The use of recycled water will reduce the demand for potable water and improve the reliability and availability of potable water, while providing a sustainable and drought-resistant water supply for customers that connect to the recycled water system. Potential customers include parks, schools, businesses and industrial parks within a three-mile radius of the WPCF. Once the initial distribution pipelines and storage system is constructed, there may be opportunities to expand the system and include more customers in future phases. The project area and distribution system are shown on Figure 1.

Figure 1. Recycled Water Project Area and Distribution System



Until last year, provisions for a City-owned recycled water treatment facility were not included in the project, as staff anticipated obtaining recycled water from the Russell City Energy Corporation, LLC's (RCEC) Recycled Water Facility, located adjacent to the WPCF. However, due to lack of timely responses from RCEC and concerns that a supply agreement could not be implemented with RCEC in a timely manner, on May 8, 2017 the Committee directed staff to begin planning efforts for a City-owned recycled water treatment facility, while continuing efforts to reach agreement with RCEC, in order to avoid potential delays in implementing the project. On November 13, 2017, staff provided the Committee with an update on the status of both recycled water supply options. Due to the lack of progress being made with RCEC, the Committee agreed with staff's recommendation to proceed with final design of a City-owned and operated recycled water treatment facility.

On December 12, 2017, Council authorized staff to move forward with design of a 500,000 gpd recycled water treatment facility to meet the demand of the first phase of the City's project, in parallel with continuing efforts to reach agreement with RCEC. Both the RCEC and City-owned supply options were previously analyzed and considered in the environmental documentation prepared for the City's Recycled Water Project. Funding for the treatment facility is included as a separate project in the Ten-year Capital Improvement Program. Additional background and discussion on the two recycled water supply options can be found in the December 12, 2017 staff report at the following link.¹

DISCUSSION

Given the size and specialty nature of the various components of the project, the Recycled Water Project is being constructed under multiple contracts. The project is currently scheduled to be substantially complete by the end of 2019 with customer connections to the recycled water system and deliveries anticipated to begin in early 2020. This section provides an update on the current status of the major project elements that are needed to implement the project.

Treatment Facility

On December 12, 2017, Council authorized staff to move forward with design of a 500,000 gpd City-owned recycled water treatment facility for the first phase of the City's project. The recycled water treatment facility would be a package membrane treatment system, capable of further treating the WPCF's secondary effluent to meet disinfected tertiary recycled water treatment standards set by the State for unrestricted irrigation uses. The treatment facility would be sited at the WPCF, adjacent to the future recycled water storage tank and pump station, currently under construction. The facility would consist of a feed pump station, a containerized membrane treatment system, and chlorine disinfection utilizing the recycled water storage tank to meet disinfection requirements.

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=3289806&GUID=7D97FB91-195D-4299-A7BA-EB28D4EEC8A9&Options=&Search=>

On July 17, 2018, Council awarded a contract for procurement of the membrane treatment system equipment so final design documents can be prepared for installing the pre-selected equipment. This approach reduces time and the risk of change orders during construction. Final design of the recycled water treatment facility is anticipated to be complete in December 2018.

Since there has been no progress with RCEC on a recycled water supply agreement, staff is recommending moving forward with the construction of the City-owned recycled water treatment facility and plans to ask Council to consider approval to advertise the recycled water treatment facility for construction in December 2018, with potential contract award in March 2019. Construction is anticipated to take nine months and be completed by November 2019.

Staff is currently working with the San Francisco Bay Regional Water Quality Control Board (RWQCB) to revise the City's permit to add production of recycled water from the proposed City-owned recycled water treatment facility. In November 2017, the City received approval from the RWQCB for distribution and use of recycled water under the State's General Order for recycled water. The original application did not include recycled water production since it was assumed that the supply of recycled water would be from RCEC. The revised application will be submitted by the end of 2018. Approval is not expected until fall 2019, since the RWQCB has indicated that they will require additional studies to be performed after the recycled water storage tank is constructed to demonstrate the effectiveness of the City's use of the storage tank to ensure disinfection requirements, before formally approving a revised permit for the City's Recycled Water Project.

Storage Tank and Pump Station

This contract includes construction of a one-million-gallon welded steel storage tank and a pump station at the WPCF. Notice to Proceed was issued to the contractor on May 18, 2018. Construction is anticipated to take one year and be completed in early May 2019. Construction of the storage tank and pump station is on schedule and no delays are currently anticipated.

Distribution System

This contract includes installation of approximately eight miles of pipelines and service laterals to deliver recycled water from the storage tank and pump station to customers.² Notice to Proceed was issued to the contractor on April 27, 2018. The original baseline schedule anticipated over eighteen months of construction, with an estimated completion date of January 2020. However, from the start, the pipeline contractor has been vigorously pursuing and expediting construction by pulling in multiple crews to increase productivity and progress is far ahead of schedule. All major construction activities, including pipeline installation, have been completed and project completion is estimated by the end of November 2018, over a year earlier than the baseline completion date.

² As shown on Figure 1, the contract did not include the approximately one mile of pipeline in Whitesell Street that was installed in 2015, as part of the 880/92 Reliever Route Project that realigned Whitesell Street.

While the accelerated schedule has been a challenge for staff in terms of ensuring adequate construction management and inspection resources to keep up with the contractor's progress, the overall result is a benefit for both the City and the contractor. Early completion of the distribution system eliminates the impacts of construction work on City streets and traffic during the rainy season and the construction cost is anticipated to come in under budget.

Customer Retrofits

Customer retrofits involve making modifications to each recycled water customer's on-site piping to connect the customer to the new distribution pipelines and maintain complete separation of the recycled water and drinking water systems at all times. Staff has identified approximately thirty customer sites that are feasible to connect to the recycled water system for the initial phase of the project. The retrofit designs for the thirty sites are nearly complete and staff is working with these customers to get them to sign retrofit agreements. The retrofit agreement provides the City or its contractor with access to the customer's site to perform the retrofit work at no cost to the customer. In return, the customer agrees to use recycled water in accordance with the City's Recycled Water Use Guidelines and to be solely responsible for maintenance of the on-site irrigation system, once the retrofit is complete. Council will be asked to approve the construction contract to retrofit all sites that have a signed retrofit agreement in July 2019.

To date, retrofit agreements have been signed or are close to being signed by approximately twenty-two sites. These sites include six schools, four parks, Life Chiropractic College, and eleven private businesses. Staff is continuing to work with the remaining customers to sign them up for the program. About half of the remaining customers are in discussions with staff and are likely to sign. Approximately 3-4 private customers have been non-responsive or have indicated that they do not want to participate in the City's recycled water program. Staff plans to discuss with the Committee options for signing up these remaining customers for recycled water service, which could include enforcing the City's Recycled Water Use Ordinance which requires mandatory use of recycled water for appropriate irrigation and industrial uses where such service is available. In the meantime, staff will continue efforts to contact the remaining customers and emphasize the benefits of switching to recycled water.

The schedule for completing the retrofit work and connecting customers to the recycled water system is dependent on when a supply of recycled water is available. Based on the schedule for the recycled water treatment facility, staff anticipates requesting Council approval of bid documents for customer retrofits in May 2019 with a potential contract award in July 2019. Prior to completion of the recycled water treatment facility, the contractor and City can perform limited site work, such as installing signs and training customers on the proper use of recycled water. After a recycled water supply is available, construction work is expected to take 3-4 months to connect all the City's customers for the initial phase. Recycled water deliveries are anticipated to begin in the Spring of 2020.

ECONOMIC IMPACT

The economic impact of the Recycled Water Project on customers will, to some extent, depend on the total costs to implement the City's Recycled Water Project, which includes the capital and operating costs for the storage and distribution system and recycled water treatment facility. To the extent that the project is partially funded by grants, the overall cost impact to customers will be reduced. As part of the City's upcoming budget and rate setting process, staff will recommend a rate structure that would provide a balance between recovering costs over the life of the project and offering an incentive to customers who are able to receive recycled water. The community as a whole will benefit from this project through greater diversity and reliability of water supplies, especially during periods of drought.

FISCAL IMPACT

The total estimated capital cost to construct all facilities needed for Phase I of the Recycled Water Project, including the City-owned treatment facility, is shown in Table 1. The total cost for treatment, storage, and distribution facilities is currently estimated at \$29,391,323.

Table 1. Phase I Recycled Water Project Capital Cost Estimate
(with City-owned Treatment option)

Facility	Estimated Cost
Recycled Water Storage and Distribution System Project (Project No. 07507)	
Administration, Planning and Design	\$ 2,820,190
Construction	
Whitesell Pipeline (completed in 2015)	\$ 513,648
Storage Tank and Pump Station (currently under construction)	\$ 5,281,715
Distribution System (currently under construction) [estimated]	\$ 16,000,000
Customer Retrofits (scheduled to be advertised in 2019)	\$ <u>2,025,000</u>
Total (rounded to nearest thousand)	\$ 26,640,553
Recycled Water Treatment Facility Project – Phase I (Project No. 07710)	\$ 2,750,770
Total Estimated Phase I Recycled Water Project Cost	\$ 29,391,323

The Ten-Year Capital Improvement Program (CIP) includes \$27,811,000 for the Recycled Water Storage and Distribution System Project and \$2,300,000 for the Recycled Water Treatment Facility Project, for a total funding amount of \$30,111,000 for Phase I of the Recycled Water Project. The CIP budget for the Recycled Water Storage and Distribution System Project is sufficient and, as described earlier, the cost to construct the distribution system is currently anticipated to come in under budget due to the substantial acceleration in completion date. (A lower, but still conservative figure is shown for the distribution system in

Table 1.) The current estimate for the Recycled Water Treatment Facility Project of \$2,750,770 exceeds the CIP budgeted amount of \$2,300,000. If additional monies are needed for the Recycled Water Treatment Facility Project, staff will ask Council to consider an increased appropriation from the Sewer Improvement Fund. However, with the lower anticipated cost of the distribution system, staff anticipates that the overall total amount budgeted in the CIP for Phase I of the Recycled Water Project is adequate to implement the project. The Recycled Water Project will not utilize any General Fund monies.

The City has also secured outside grant funding and low interest loans to help finance the Recycled Water Storage and Distribution System Project. In May 2017, the City executed a financing agreement with the State Water Resources Control Board for \$5.8 million in California Proposition 1 grant funding and \$13.5 million in the form of a low-interest Clean Water State Revolving Fund loan. The City and the State are in the process of executing an amendment to the financing agreement to increase the amount of the low-interest loan from \$13.5 million, which had been previously secured for the project, to \$21.2 million, for a total financial assistance package of \$27 million.

STRATEGIC INITIATIVES

Implementation of the Recycled Water Project supports the Tennyson Corridor Strategic Initiative. The purpose of this initiative is to develop an attractive, cohesive, thriving Tennyson Corridor through thoughtful engagement with residents, businesses and community partnerships. There are two sites located in the Tennyson Corridor that are proposed to be connected to the recycled water system, and would therefore support the following goal and objectives:

Goal 3: Improve Community Appearance

Objective 1: Enhance landscaping

Objective 3: Decrease blight

The use of recycled water will help create attractive outdoor spaces in the Tennyson Corridor. Since recycled water is a sustainable and drought-proof source of supply, customers will be able to maintain their landscaping during water supply shortages when drinking water supplies are limited.

SUSTAINABILITY FEATURES

The use of recycled water will reduce the demand for drinking water and improve the reliability and availability of drinking water, while providing a sustainable and drought-proof water supply for some irrigation uses. It will also reduce the volume of wastewater and associated nutrients and residual pollutants discharged to San Francisco Bay, which is required to meet increasingly stringent discharge regulations.

PUBLIC CONTACT

The City completed an environmental review of the Recycled Water Project in October 2014 and a draft Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a thirty-day public review from October 24, 2014 through November 24, 2014. The IS/MND was adopted on December 16, 2014, incorporating all the comments that were received. The Recycled Water Ordinance, which includes provisions for mandatory use of recycled water for appropriate irrigation and industrial uses, was introduced at a public hearing of the City Council on December 1, 2015 and adopted on December 15, 2015. Prior to the adoption of the Ordinance, a customer meeting was held on November 20, 2015 at City Hall to inform the customers about the City's proposed Recycled Water Project.

Throughout the construction of the distribution pipelines, notices were mailed to affected residents and property and business owners to inform them of the nature and purpose of the work, potential impacts, work schedule and City contact for additional information. Staff also provided project updates via the City's website and social media, and coordinated directly with any large employers, home owner associations, and schools to minimize construction impacts. For the night time work that occurred near Industrial Boulevard and Interstate 92, the City's inspectors hand delivered notices to affected residents describing measures being implemented to minimize noise impacts.

As described earlier, staff has been working closely with potential customers to design on-site piping modifications that would be required to connect a customer to the new recycled water distribution system. Staff will maintain regular communication with customers throughout project implementation so that questions and concerns are addressed in a timely way and site supervisors are properly trained on the use of recycled water. Informational materials on the Recycled Water Project can be viewed at the following website.³

NEXT STEPS

Staff will continue work needed to implement the Recycled Water Project and update the Committee periodically.

Prepared by: Jan Lee, Water Resources Manager

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

Approved by:



Kelly McAdoo, City Manager

³ <https://www.hayward-ca.gov/your-government/departments/utilities-environmental-services/recycled-water>



CITY OF HAYWARD

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

File #: ACT 18-077

DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Declaration of a Climate Emergency

RECOMMENDATION

That the Committee reviews and comments on the proposed Declaration of a Climate Emergency and directs staff to forward to Council for consideration and adoption.

SUMMARY

Cities around the world are declaring a climate emergency. The City of Berkeley is organizing Bay Area jurisdictions and convening a task force to take action. Staff has drafted a resolution endorsing the declaration (see Attachment II). If the Committee supports the attached draft resolution, staff will present it to Council for consideration and adoption.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution



DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT: Declaration of a Climate Emergency

RECOMMENDATION

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SUMMARY

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BACKGROUND

The City of Hayward has been working to address global climate change for more than a decade. In 2009, Hayward adopted its first Climate Action Plan (CAP), which included aggressive goals for reducing greenhouse gas (GHG) emissions. The CAP was amended and incorporated into the General Plan in 2014.

In October 2018, the United Nations Intergovernmental Panel on Climate Change (IPCC) released a “special report on the impacts of global warming of 1.5 °C above pre-industrial levels. It states that global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate. While previous estimates focused on estimating the damage if average temperatures were to rise by 2°C, this report shows that many of the adverse impacts of climate change will come at the 1.5°C mark.” The UN’s Fifth Assessment Report¹ on climate change states that as of 2012, the average global temperature had already increased by 0.85 °C since 1880.

In *Rising Seas in California – An Update on Sea-Level Rise Science*², published in April 2017, scientists project a conservative estimate of between one and 3.4 feet of sea level rise in the San Francisco Bay by 2100.

¹ <http://www.un.org/en/sections/issues-depth/climate-change/>

² <http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf>

Relevant General Plan policies:

General Plan Policy HQL-9.9: Reduce Impacts of Climate Change on Vulnerable Populations

The City shall support plans, standards, regulation, incentives, and investments to reduce the impacts of climate change on those populations most vulnerable to the impacts of climate change.

DISCUSSION

The Climate Emergency Declaration is a call to action initiated by climate action advocates in Australia in 2016³. Since then, cities and organizations around the world have signed petitions and adopted resolutions supporting the declaration. Locally, the declaration (Attachment II) has been adopted by the cities of Richmond, Oakland and Berkeley. LA County and several cities within it have also adopted the declaration. The cities of Cupertino, Half Moon Bay, San Francisco, Albany and Emeryville are considering adopting the declaration. The City of Berkeley is leading efforts in the Bay Area and has convened task force to plan a regional summit to take place in the Spring on “Climate Mobilization – Forward Together Faster”.

The declaration provides many reasons for the need for immediate action and includes calls for:

- A citywide just transition and urgent climate mobilization effort to reverse global warming. A “Just Transition” is a framework for a fair shift to an economy that is ecologically sustainable, equitable and just for all its members.
- Appropriate financial and regulatory assistance from the County of Alameda and State and Federal authorities.
- Reduction of citywide GHG emissions as quickly as possible towards zero net emissions.
- A commitment to educate the community about the climate emergency and work to catalyze a just transition and urgent climate mobilization effort at the local, state, national, and global levels.

The draft resolution references the Green New Deal, which was first called for by Thomas Friedman in 2007⁴. In 2009, the United Nations issued a report detailing the Global Green New Deal⁵, which “calls on governments to allocate a significant share of stimulus funding to green sectors and sets out three objectives: (i) economic recovery; (ii) poverty eradication; and (iii) reduced carbon emissions and ecosystem degradation; and proposed a framework for green stimulus programs as well as supportive domestic and international policies.” The original template for the declaration included language calling for an end to “citywide greenhouse gas emissions as quickly as possible and no later than 2030”. The attached resolution, which is similar to the one adopted by the City of Oakland, does not include the 2030 deadline, but references already-adopted GHG reduction goals, including an 82.5% reduction by 2050. That being said, staff intends to work toward achieving the goal set forth

³ <http://climateemergencydeclaration.org/>

⁴ <https://www.nytimes.com/2007/01/19/opinion/19friedman.html>

⁵ <https://sustainabledevelopment.un.org/index.php?page=view&type=400&nr=670&menu=1515>

by Governor Brown's Executive Order 55-18, which is to achieve carbon neutrality no later than 2045.

ECONOMIC IMPACT

In the short term, staff does not expect the declaration to have a significant impact on the local economy. Successful implementation of the Global Green New Deal, which would require significant resources from outside Hayward, would lead to economic growth and poverty eradication.

FISCAL IMPACT

There would be no impact on the City's General Fund as implementation of the attached declaration would be accomplished with existing, budgeted staff. However, implementation would require significant staff time educating and working with the community as well as collaborating with other participating jurisdictions, which may result in reduced work on other, lower priority programs.

STRATEGIC INITIATIVES

This item does not directly relate to any of the City's Strategic Initiatives.

SUSTAINABILITY FEATURES

Adoption of the climate emergency declaration would renew Hayward's commitment to addressing climate change and would result in increased efforts to reduce community-wide GHG emissions.

NEXT STEPS

Depending on direction from the Committee, staff will present the attached draft resolution to Council and will participate on the task force convened by the City of Berkeley.

Prepared by: Erik Pearson, Environmental Services Manager

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

Approved by:



Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-

Introduced by Council Member _____

RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY
AND REQUESTING REGIONAL COLLABORATION ON AN IMMEDIATE JUST
TRANSITION AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE
CLIMATE

WHEREAS, in April 2016 world leaders from 175 countries recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep warming “well below 2°C above pre-industrial levels” and to “pursue efforts to limit the temperature increase to 1.5°C”; and

WHEREAS, the death and destruction already caused by global warming of approximately 1°C demonstrates has increased and intensified wildfires, floods, rising seas, diseases, droughts, and extreme weather; and

WHEREAS, climate change and the global economy’s conflict with ecological limits are contributing to mass extinction of species, which could devastate much of life on Earth for the next 10 million years; and

WHEREAS, a recent state report, Rising Seas in California, projects a conservative estimate of between 1 and 3.4 feet of sea level rise in the San Francisco Bay by 2100; and

WHEREAS, the range of projections in the state report includes the possibility of up to 10 feet of sea level rise in the San Francisco Bay by 2100, a scenario consistent with rapid Antarctic ice sheet mass loss that would be catastrophic to Hayward and every other coastal community; and

WHEREAS, the United States of America has disproportionately contributed to the climate and ecological crises and has repeatedly obstructed global efforts to transition toward a sustainable economy, and thus bears an extraordinary responsibility to rapidly solve these crises; and

WHEREAS, restoring a safe and stable climate requires an emergency mobilization to reach zero greenhouse gas emissions across all sectors, to rapidly and safely draw down or remove all the excess carbon from the atmosphere, and to implement measures to protect all people and species from the consequences of abrupt climate change; and

WHEREAS, justice requires that frontline communities, which have historically borne the brunt of the extractive fossil-fuel economy, participate actively in the planning and implementation of this mobilization effort at all levels of government and that they benefit first from the transition to a renewable energy economy; and

WHEREAS, fairness demands a guarantee of high-paying, good-quality jobs with comprehensive benefits for all and many other tenets of a Green New Deal effort as the mobilization to restore a safe climate is launched; and

WHEREAS, the term “Just Transition” is a framework for a fair shift to an economy that is ecologically sustainable, equitable and just for all its members; and

WHEREAS, just transition strategies were first forged by a ‘blue-green’ alliance of labor unions and environmental justice groups who saw the need to phase out the industries that were harming workers, community health and the planet, while also providing just pathways for workers into new livelihoods; and

WHEREAS, just transition initiatives shift the economy from dirty energy to energy democracy, from funding highways to expanding public transit, from incinerators and landfills to zero waste, from industrial food systems to food sovereignty, from car-dependent sprawl and unbridled growth to smart urban development without displacement, and from rampant, destructive over-development to habitat and ecosystem restoration; and

WHEREAS, core to a just transition is equity, self-determination, culture, tradition, deep democracy, and the belief that people around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education and shelter; and

WHEREAS, the City of Hayward’s Climate Action Plan, updated with the adoption of the Hayward 2040 General Plan in 2014, includes GHG emission reduction targets of 61.7% by the year 20430 and 82.5% by 2050 using the year 2005 as the baseline; and

WHEREAS, the City of Hayward can act as a global leader by both converting to an ecologically, socially and economically regenerative economy, and by catalyzing a unified regional just transition and urgent climate mobilization effort.

NOW, THEREFORE, BE IT RESOLVED by the City Council, the City of Hayward declares that a climate emergency threatens our city, region, state, nation, civilization, humanity and the natural world.

BE IT FURTHER RESOLVED, the City of Hayward commits to a citywide just transition and urgent climate mobilization effort to reverse global warming, which, with appropriate financial and regulatory assistance from the County of Alameda and State and Federal authorities, reduces citywide GHG emissions as quickly as possible towards zero net emissions, immediately initiates an effort to safely draw down carbon from the

atmosphere, and accelerates adaptation and resilience strategies in preparation for intensifying climate impacts.

BE IT FURTHER RESOLVED, the City of Hayward commits to educating our residents about the climate emergency and working to catalyze a just transition and urgent climate mobilization effort at the local, state, national, and global levels to provide maximum protection for our residents as well as all the people and species of the world.

BE IT FURTHER RESOLVED, the City of Hayward underscores the need for full community participation, inclusion, and support, and recognizes that the residents of Hayward, and community organizations, faith, youth, labor, business, academic institutions, homeowners' associations and environmental, economic, science-based, racial, gender, family and disability justice and indigenous, immigrant and women's rights organizations and other such allies who will be integral to and in the leadership of the mobilization effort.

BE IT FURTHER RESOLVED, the City of Hayward commits to keeping of the outcomes to vulnerable communities central to all just transition and urgent climate mobilization effort planning processes and invites and encourages such communities to actively participate in order to advocate directly for their needs.

BE IT FURTHER RESOLVED, the City of Hayward joins a nation-wide call for a regional just transition and urgent climate mobilization collaborative effort focused on transforming our region, enacting policies that dramatically reduce heat-trapping emissions, and rapidly catalyzing a mobilization at all levels of government to restore a safe climate.

BE IT FURTHER RESOLVED, the City of Hayward calls on the State of California, the United States of America, and all national and sub-national governments and peoples worldwide to initiate a just transition and urgent climate mobilization effort to reverse global warming by restoring near pre-industrial global average temperatures and greenhouse gas concentrations, that immediately halts the development of all new fossil fuel infrastructure, rapidly phases out all fossil fuels and the technologies which rely upon them, ends human-induced greenhouse gas emissions as quickly as possible, initiates an effort to safely draw down carbon from the atmosphere, transitions to regenerative agriculture, ends the potential for a sixth mass extinction, and creates high-quality, good-paying jobs with comprehensive benefits for those who will be impacted by this transition.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



CITY OF HAYWARD

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

File #: ACT 18-080

DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT

Proposed 2019 Agenda Planning Calendar

RECOMMENDATION

That the Committee reviews and comments on this report.

SUMMARY

This report provides suggested agenda topics for the Committee's upcoming meetings.

ATTACHMENTS

Attachment I Staff Report



DATE: November 26, 2018

TO: Council Sustainability Committee

FROM: Director of Utilities & Environmental Services

SUBJECT Proposed 2019 Agenda Planning Calendar

RECOMMENDATION

That the Committee reviews and comments on this report.

DISCUSSION

For the Committee's review and consideration, below are the recommended agenda topics for the 2019 calendar year.

PROPOSED 2019 AGENDA PLANNING CALENDAR
January 14, 2019
Sustainability Guidelines for Special Events
Diesel Backup Generators
Natural Gas in New Construction
Water Supply Agreement (WSA) Amendments
Waste Management Franchise Agreement – Semi-Annual Update
March 11, 2019
PCB Management for Demolition Projects – Draft Ordinance
Plastic Straws & Utensils (depending on StopWaste action)
Long Term Water Conservation Framework
National Mayor's Challenge for Water Conservation (taking place April 1 – 30)
Unscheduled Items
City Tree Inventory
Illegal Dumping (including update on What Works Cities project)
Greenhouse Gas Inventory Update
Clean Cars 2040 Act (AB-1745) (only if the bill is reintroduced)
Sustainable Groundwater Plan
Multifamily Building Energy Efficiency (update on CEC grant-funded work by StopWaste)
Stormwater Trash Reduction Requirements

Unscheduled Items (Continued)
Laundry to Landscape Ordinance
Electrify America's Investment Plan

NEXT STEPS

Upon direction from the Committee, staff will revise the above list and schedule items accordingly for 2019.

Prepared by: Erik Pearson, Environmental Services Manager

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

Approved by:



Kelly McAdoo, City Manager