



Council Sustainability Committee

Possible Amendments to Noise Ordinance

July 13, 2020

Current Noise Ordinance

Hayward's current Noise Ordinance allows the use of landscaping equipment:

- between the hours of 10:00 a.m. and 6:00 p.m. on Sundays & holidays
- between the hours of 7:00 a.m. and 7:00 p.m. on other days
- No individual device or piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source
- The noise level at any point outside of the property plane shall not exceed eighty-six (86) dBA

Noise Levels



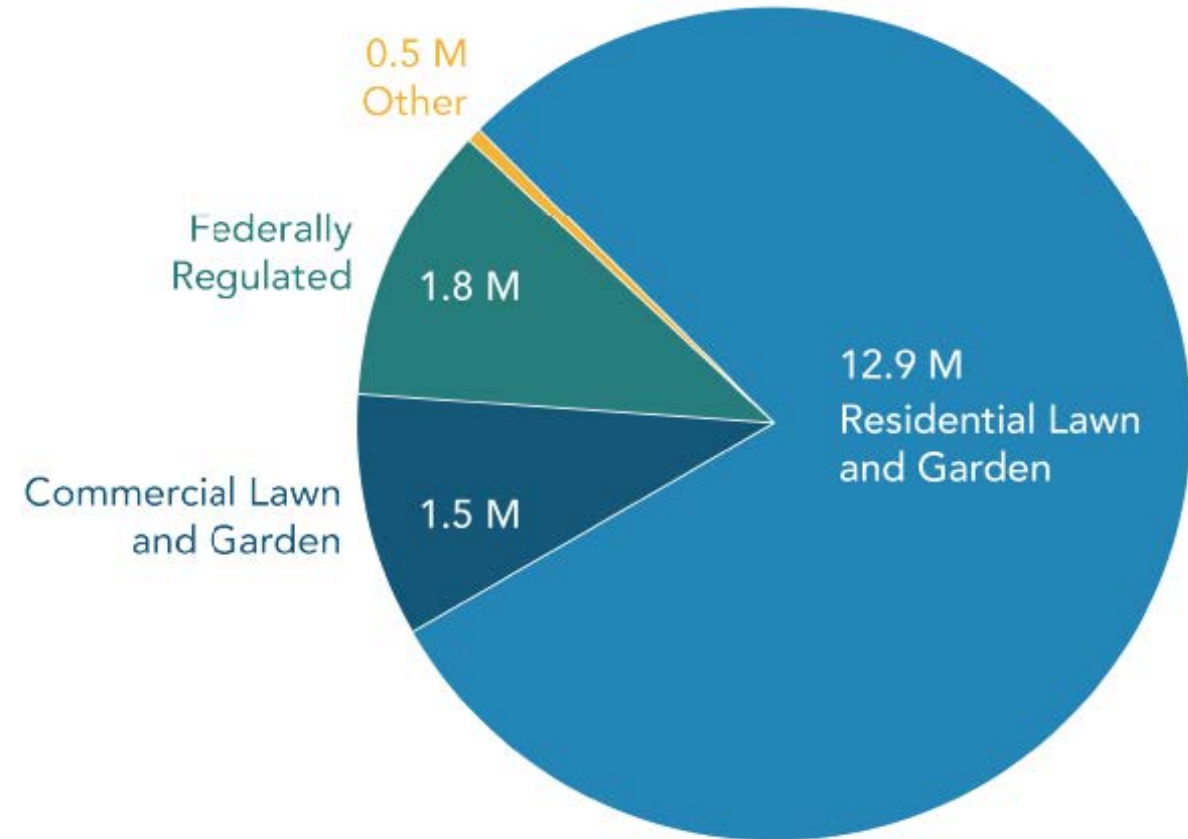
Source:

https://www.faa.gov/regulations_policies/policy_guidance/noise/basics/

Small Engines in California

Breakdown of small engines in California

- 16.7 million small engines in California
- 13.7 million light-duty passenger cars in California



Small Engines in California

California Air Resources Board (CARB) is planning to require that all new Small Off-Road Engines (SORE) have zero emissions by 2028



1 hr lawn mower use



driving 300 miles
from LA to Vegas



1 hr leaf blower use



driving 1100 miles
from LA to Denver

Other Cities

Two Cities in Alameda County (Piedmont and Berkeley) have banned the use of gas-powered leaf blowers.

Neighboring Jurisdictions	Allowable Hours (for general construction)
Fremont	7:00 a.m. to 7:00 p.m. Weekdays 9:00 a.m. to 6:00 p.m. Saturday/holiday
Union City	8:00 a.m. to 8:00 p.m. Weekdays 9:00 a.m. to 8:00 p.m. Saturday 10:00 a.m. to 6:00 p.m. Sunday/holiday
San Leandro	7:00 a.m. to 7:00 p.m. Weekdays 8:00 a.m. to 7:00 p.m. Saturday/Sunday
Unincorporated Alameda County	7:00 a.m. to 7:00 p.m. Weekdays 8:00 a.m. to 7:00 p.m. Saturday/Sunday
Pleasanton	8:00 a.m. to 8:00 p.m. Monday - Saturday 10:00 a.m. to 6:00 p.m. Sunday/holiday

Use of Leaf Blowers

Pros

- A time-saving convenience when compared with manual sweeping
- Leaf blowers can save water



Cons

- Gas-powered blowers, can be very noisy
- Gas-powered engines emit GHGs and other pollutants
- All leaf blowers create airborne particulate matter
- Leaf blowers often blow mulch from landscaped areas



Comments from Professional Landscapers

Landscapers Serving Residential Properties:

- Regularly serve between 6 and 500 properties in Hayward
- Most start work after 8 a.m.
- Use a combination of gas-powered and electric equipment.
- Six businesses believe they could serve most of their residential customers with all-electric equipment.

Landscapers Serving Commercial Properties:

- Regularly serve between 20 and 40 properties in Hayward
- Most stated the current requirements of 7 a.m. to 7 p.m. were appropriate.
- Most only use gas-powered equipment on commercial properties.
- Most said they could not provide their same services with all-electric equipment.

Community Survey

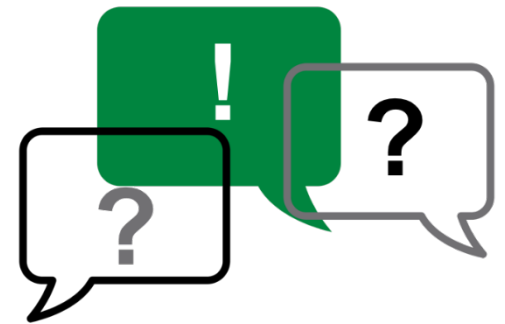
Community Survey launched on Wednesday, July 8, 2020.

		Favor Later Start Time on Saturdays	Favor Later Start Time on Weekdays	Favor Phasing Out Gas-Powered Equipment
Residents	509	52% (266)	48% (245)	46% (236)
Businesses	58	33% (19)	26% (15)	43% (25)
Landscapers	14	29% (4)	0% (0)	7% (1)
Total	535	(some identified as both resident and business)		

Staff Recommendation

Staff's preliminary recommendation:

- For residential properties, change Saturday hours to 9 a.m. to 6 p.m. and weekday hours to 8 a.m. to 6 p.m. Hours would also apply to landscaping activities that are within 25 feet of the property line of residential premises (building or property line).
- Modify Section 4-1.03.1 to remove the following sentence: “Noise from activities of the City of Hayward is exempted from these regulations”.
- Modify Section 4-1.03.1 so that noise limits related to landscaping activities are the same for both single-family and multi-family properties.



Public Comment

From: Joanna Callenbach <[REDACTED]>
Sent: Monday, July 13, 2020 8:36 AM
To: Erik Pearson <Erik.Pearson@hayward-ca.gov>
Cc: Sara Buizer <Sara.Buizer@hayward-ca.gov>; Mike Letchinger <[REDACTED]>
Subject: ACT 20-048 Revising the City's Noise Ordinance July 13th Meeting of City Council Sustainability Committee

Honorable Council Members and City Staff:

The Stonebrae Planned Community includes a golf course that wraps around housing as an integral part of the community. The golf course was envisioned by the City and Stonebrae as a normally operating private course. This close proximity of the course to homes provides a major amenity for the homes, as well as a buffer to surrounding parklands and fire break. To be successful, the course needs to continue to operate normally. This course has been in operation for over a decade.

We request that any revisions to the current ordinance allow Stonebrae to continue to operate normally. While the staff recommendation to raise the start time to 8 am exempts commercial properties, it does not make clear what the rule is for commercial uses within 25 feet of a home. We would like to see this clarified so that commercial uses within the 25 feet are exempted. One possible way to achieve this is below:

EXISTING TEXT:

For residential properties, change Saturday hours to 9 a.m. to 6 p.m. and weekday hours to 8 a.m. to 6 p.m. These hours would also apply to landscaping activities that are within 25 feet of the property line of residential premises (building or property line). Staff recommends no changes for landscaping work on commercial properties nor for general construction hours. Construction is temporary in nature whereas landscaping activities occur on a regular, ongoing basis.

PROPOSED IN BOLD:

For residential properties, change Saturday hours to 9 a.m. to 6 p.m. and weekday hours to 8 a.m. to 6 p.m. These hours would also apply to landscaping activities that are within 25 feet of the property line of residential premises (building or property line). Staff recommends no changes for landscaping work on commercial properties, **INCLUDING EXISTING COMMERCIAL GOLF COURSES WITHIN 25 FEET OF HOMES** nor for general construction hours. Construction is temporary in nature whereas landscaping activities occur on a regular, ongoing basis.

We hope that this outline provides some valuable information and look forward to a fuller conversation in the near future with the City.

Sincerely,

Joanna Callenbach, Vice-President, Planning & Development
Stonebrae L.P.

23 Stonebrae Country Club Drive
Hayward, CA 94542



Council Sustainability Committee

Health and Climate Resilience Tax Credit Ballot Measure (Natural Gas Tax)

July 13, 2020

Proposed Ballot Measure

Bay Area Climate Restoration Circle recommends a ballot measure with:

- Decrease UUT for natural gas by 1% for residential ratepayers
- Increase UUT for natural gas by 2-5% for large commercial ratepayers (those with monthly gas bill of \$1,000 or more)
- Designate additional tax revenue toward specified local health and climate resilience programs.



Utility Users Tax (UUT)

Hayward's UUT is 5.5%

- Applies to communication services, cable television, electricity, and natural gas
- Proposal is to modify the UUT for natural gas

Jurisdiction	UUT Rate
Alameda	7.5%
Albany	6.5-7.0%
Berkeley	7.5%
Dublin	-
Emeryville	5.5%
Fremont	-
Hayward	5.5%
Livermore	-
Newark	3.25%
Oakland	7.5%
Piedmont	7.5%
Pleasanton	-
San Leandro	5.7-6.0%
Union City	-
Unincorporated Alameda County	6.5%

Economic Impact

- 1) In May 2020, the unemployment rate in Alameda County was 13.5 percent while Hayward's rate was 16.2 percent.
- 2) Increasing the cost of doing business during a recovery period would pose a challenge for businesses.
- 3) Most restaurants use gas stoves. Some are small businesses and may be subject to the increased UUT.
- 4) Residential customers represent half of the natural gas used. Proposed measure would not incentivize homeowners to transition from natural gas to electric appliances.

Fiscal Impact

Approximate Gross Receipts from Residential Natural Gas:	\$24,422,909
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Lost Revenue if Residential UUT is Decreased by 1% :	(\$244,229)
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Revenue if Commercial UUT* is Increased by 5%:	\$366,344
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Approximate Net Revenue:	\$122,115
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* assuming 30% of commercial accounts have monthly bills exceeding \$1,000

Other Cities

City of Albany & City of Berkeley are preparing ballot measures

Albany is considering:

1. raising the natural gas and electricity UUT from 7.0% to 9.5%,
2. instituting a water UUT of 7.5%,
3. raising the telecommunications UUT from 6.5% to 7.0%,
4. ~~Council could increase natural gas UUT by up to 1% per year~~
5. One third of new revenue would be spent on climate protection.

Berkeley is considering:

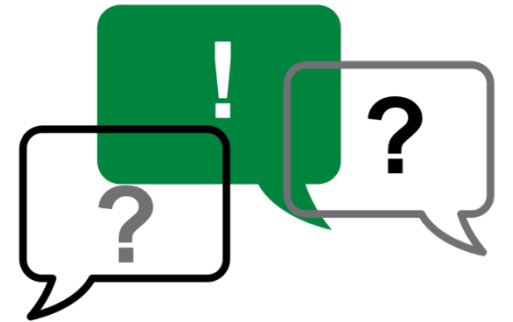
1. An increase in the UUT by 2.5%
2. A tax on wholesale distributors of gas and diesel fuel
3. Revenue would be for a climate action fund

Public Outreach

- Staff emailed several businesses
- Staff reached out to the Hayward Chamber of Commerce, Downtown Hayward Improvement Association (DHIA) and Downtown Merchants group.
- On July 10, 2020, staff met with the Hayward Chamber of Commerce's Government Relations Committee.

Staff Recommendation

Staff recommends that Council not pursue the ballot measure for the November 2020 election.



Public Comments



July 13, 2020

City of Hayward
Council Sustainability Committee
777 B Street
Hayward, CA 94541

Dear Sustainability Committee,

My name is Phil Lucas and I am the site leader at Dow's Hayward Operations. Dow has been part of the Hayward community since 1972 and we enjoy the relationship we have with other industrial users and the City of Hayward. Our Coatings operation in Hayward employs 65 members of the local community. Coatings are used in a wide variety of industrial and consumer products, including resins, adhesives, wire and cable, and paints.

Dow has recently become aware of the proposed Health and Climate Resilience Tax Credit Ballot Measure. As a member of the Hayward community, Dow gladly pays its fair share of taxes. However, the potential doubling of the Utility User Tax (UUT) for industrial customers under this initiative, coupled with a decrease for residential users, would impose an inequitable burden on Dow and other businesses who are important to the local economy.

As you know, the UUT is currently assessed as a percentage on overall usage. This approach automatically allocates a higher share of program costs to customers who use more of the taxed commodity—in this case, natural gas. Adopting an even higher percentage assessment specifically for larger users would require a subset of customers to bear a disproportionate share of the tax burden. Increasing the UUT by an additional 5 percent would cost Dow's Hayward site approximately \$75,000 per year in additional taxes on natural gas and electricity. Therefore, we would urge you to reject this ballot initiative.

We believe that all customers, large and small, should participate in sustainability initiatives on an equitable basis. Dow is actively engaged at our sites around the globe on climate issues. We recently updated our 2025 sustainability goals and as part of our action plan to put us on a path to net zero carbon emissions by 2050 we are committed to implementing and advancing technologies to manufacture our products using less resources. By 2030, Dow will reduce our net annual carbon emissions by 5 million metric tons versus our 2020 baseline – a 15% reduction, in addition to the 15% we've already reduced since 2006. By 2050, Dow intends to be carbon neutral. Dow voluntarily expends substantial funding on sustainability efforts each year but seeks fair treatment with respect to the UUT allocation.

Again, we appreciate the work you and staff have put into this review. Please feel free to contact me at lucasph@dow.com or (510) 784-5751, or Daniel Womack, who handles Dow government affairs, at (512) 636-6243 or dwomack@dow.com.

Sincerely,

Philip H. Lucas

Phil Lucas
Site Manufacturing Director



Public Comments

From: Joe Compani <[REDACTED]>

Sent: Monday, July 13, 2020 11:41 AM

To: Erik Pearson <Erik.Pearson@hayward-ca.gov>

Subject: Public Comment for Agenda Item 3 at Council Sustainability Committee Meeting 7-13-20

This email serves as a public comment in response to action item 3 on today's Council Sustainability Committee Meeting agenda regarding: Review the Health and Climate Resilience Tax Credit Ballot Measure (Natural Gas Tax) and Direct Staff to Not Pursue the Measure in November 2020 Election. If time allows, I would like this comment read into the public minutes.

Dear Committee Members and Staff,

I am the sole proprietor of a niche classic automotive restoration shop in Hayward. Our primary function is custom refinishing, also known as auto-body painting, which involves the use of a gas powered paint booth. I employ two full time employees and this business is the sole source of income for my family. My wife and I have been Hayward homeowners for nearly 13 years. Because of the artistic nature of the projects I work on, I do not utilize our paint booth every day. Therefore, my business currently does not exceed the \$1,000 a month gas expense. However, that rate would be easily surpassed by collision auto body shops. A tax imposition of this sort would also deter us from utilizing the paint booth for other projects, as a means to diversify our revenue streams during times when work is slow. While I understand the nature of the Health and Climate Resilience Tax Credit is well intended, and I am certainly invested in the future of our City (as I am a homeowner raising two young children here), I cannot think of a worse time for increased expenses to small business. In addition to the negative impact to the auto body industry, the impact to restaurants is concerning to my wife and myself, as residents and active supporters of local eateries. We are particularly concerned that this would have a disproportionate impact on the small, minority owned restaurants in our community. We urge the council not to pursue this measure in the November election.

Sincerely,

Joseph Compani, Owner of Compani Color

Hayward Resident and Business Owner



Council Sustainability Committee

Potential Rate Increase for Electricity from East Bay Community Energy

July 13, 2020

HISTORY IN BRIEF



ELECTRIC SERVICE OPTIONS



More renewables
than PG&E
lower rates
than PG&E

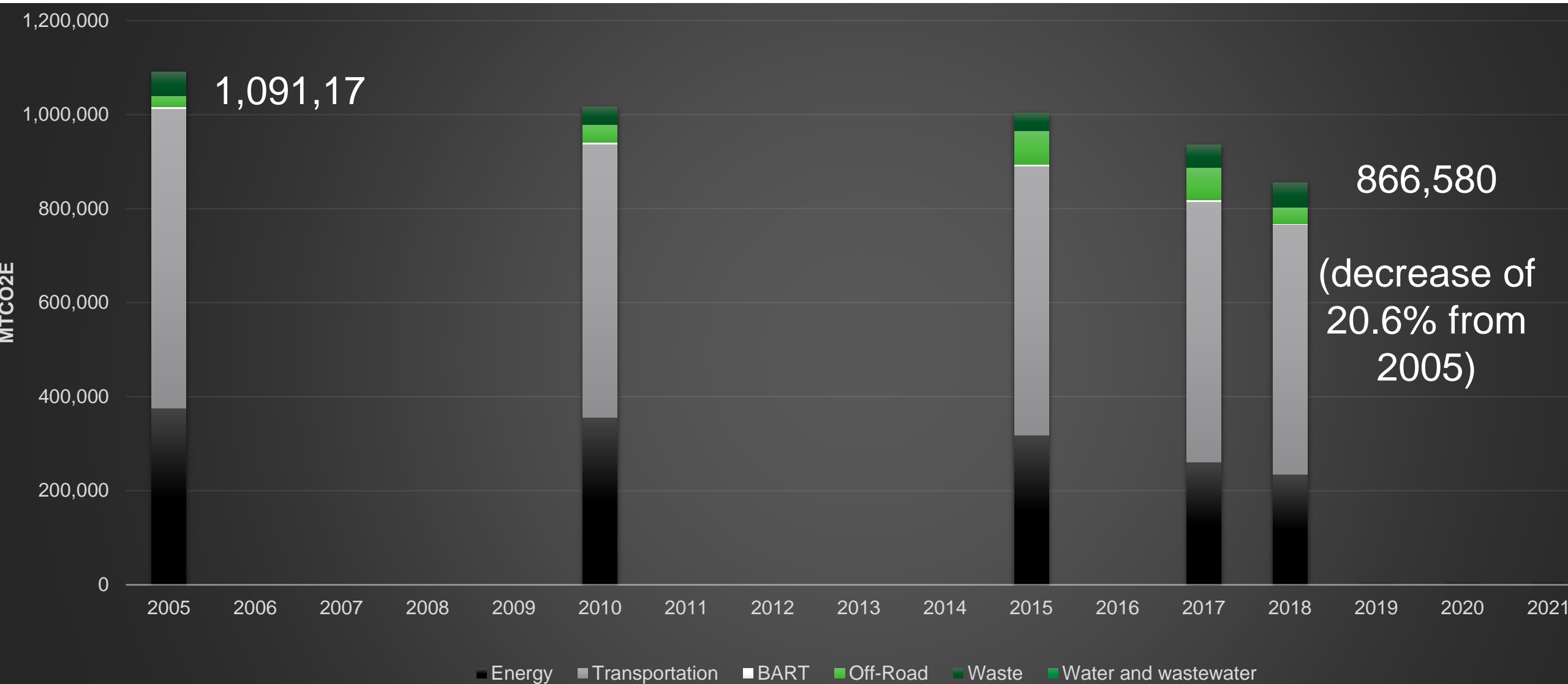


100%
clean energy
same rate
as current PG&E price



100%
renewable
\$0.01/kWh
more than Brilliant 100

GHG Emission Inventory



Financial Challenges

- PG&E increased rates by increasing the transmission component of the rate while decreasing the generation component. PG&E's generation rate decreased by 8% on May 1, 2020.
- The Power Charge Indifference Adjustment (PCIA) increased by 30% as of May 1, 2020.
- Unpaid bills or “uncollectables” are estimated to increase from 0.5% to 2.5% in anticipation of COVID recessionary impacts.
- Procurement costs for Brilliant 100 have been higher than expected.

EBCE Board Action

At the Board meeting on June 17, 2020, staff recommended:

- No changes to the Brilliant 100 value proposition for the balance of 2020
- Close Brilliant 100 to new accounts and opt-ups effective July 1, 2020
- Phase out Brilliant 100 by the end of 2021
- Increase rate for Brilliant 100 to 2.5% or 3% more than PG&E. (to go into effect January 1, 2021)
- Effective September 2020, change the power mix for Brilliant 100 from 40% renewable to 33% renewable for remainder of 2020

EBCE Board Action

When the Board approved the budget on June 17, they voted to:



- Change discount for Bright Choice from 1.5% to 1.0% below PG&E rates effective July 1, 2020.



- Consider changes to Brilliant 100 – to be decided this fall.



- Maintain the rate for Renewable 100 at \$0.01/kWh more than PG&E rates.

Options for Hayward

Staff has identified the following options:

1. Change default to Bright Choice effective January 1, 2021. Most customers would pay 1% less (approximately \$1.00 per month for a typical residential customer).
2. Keep default as Brilliant 100 through the end of 2021. Would result in most customers paying 2.5 to 3% more for electricity during calendar year 2021.
3. Change default to Renewable 100 effective January 1, 2021. Staff does not recommend this option as it would result in most customers paying \$0.01/kWh more than PG&E rates.

Economic Impact

	Bright Choice (1% less)	PG&E	Brilliant 100 (3% more)	Renewable 100 (\$0.01/kWh more)
Residential Customer (monthly usage of 359 kWh):	\$94.88	\$95.84	\$98.72	\$99.43
Small Commercial Customer (monthly usage of 1,518 kWh):	\$398.32	\$402.34	\$414.41	\$417.40
Large Commercial Customer (monthly usage of 263,181 kWh):	\$52,310.61	\$52,839.00	\$54,424.17	\$55,470.66

Fiscal Impact

Approximate Annual Costs

Current spending on City accounts enrolled in Brilliant 100	\$585,000
If City's accounts are changed to Bright Choice	\$579,000
If City keeps its accounts enrolled in Brilliant 100	\$602,000
If City's accounts are changed to Renewable 100	\$656,000

Strategic Roadmap

This agenda item relates to the Strategic Priority of Combat Climate Change *and* projects:

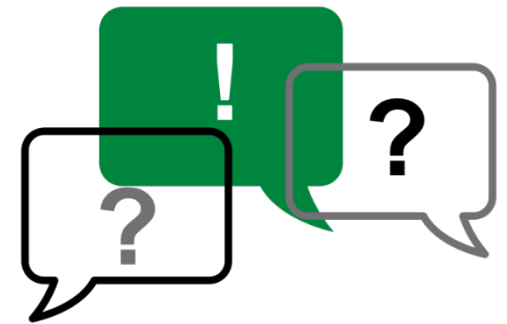
Project 2: Work with EBCE to transition citywide electricity use to 100% carbon free

Project 3: Transition electricity use in city operations to 100% renewable energy

Project 4: Adopt and implement 2030 GHG Goal and Roadmap

Next Steps

- Council Work Session on July 14, 2020
- EBCE Board may take action in September
- Council could take action in October



EBCE ENROLLMENT STATUS

	Eligible	Opt Out	%	Bright Choice	%	Brilliant 100	%	Renewable 100	%
Hayward	55,906	2,371	4.24%	12,945	23.15%	40,557	72.54%	33	0.06%
All EBCE	567,055	22,480	3.96%	487,443	85.96%	51,233	9.03%	5,899	1.04%

Residents may choose any of the EBCE products or opt out and return to PG&E

As of September 2019

Economic Impact

Residential Customer
(monthly usage of 359 kWh):

Residential: E-1	PG&E	PG&E Solar Choice (100% Renewable)	EBCE Bright Choice	EBCE Brilliant 100 (100% Carbon-free)	EBCE Renewable 100 (100% Renewable)
Generation Rate (\$/kWh)	\$0.11752	\$0.09410	\$0.08177	\$0.08353	\$0.09353
PG&E Delivery Rate (\$/kWh)	\$0.15298	\$0.15298	\$0.15298	\$0.15298	\$0.15298
PG&E PCIA/FF (\$/kWh)	N/A	\$0.02979	\$0.03045	\$0.03045	\$0.03045
Total Electricity Cost (\$/kWh)	\$0.27050	\$0.27687	\$0.26520	\$0.26696	\$0.27696
Average Monthly Bill (\$)	\$97.11	\$99.39	\$95.20	\$95.84	\$99.43

Small Commercial Customer
(monthly usage of 1,518 kWh):

Commercial/Industrial: A-1 TOU (A-1X)	PG&E	PG&E Solar Choice (100% Renewable)	EBCE Bright Choice	EBCE Brilliant 100 (100% Carbon-free)	EBCE Renewable 100 (100% Renewable)
Generation Rate (\$/kWh)	\$0.11565	\$0.07370	\$0.08135	\$0.08308	\$0.09308
PG&E Delivery Rate (\$/kWh)	\$0.14932	\$0.14932	\$0.14932	\$0.14932	\$0.14932
PG&E PCIA/FF (\$/kWh)	N/A	\$0.04065	\$0.03257	\$0.03257	\$0.03257
Total Electricity Cost (\$/kWh)	\$0.26497	\$0.26367	\$0.26324	\$0.26497	\$0.27497
Average Monthly Bill (\$)	\$402.34	\$400.36	\$399.71	\$402.34	\$417.40

Large Commercial Customer
(monthly usage of 263,181 kWh):

Commercial/Industrial: E-19 S	PG&E	PG&E Solar Choice (100% Renewable)	EBCE Bright Choice	EBCE Brilliant 100 (100% Carbon-free)	EBCE Renewable 100 (100% Renewable)
Generation Rate (\$/kWh)	\$0.11077	\$0.07230	\$0.07696	\$0.07862	\$0.08862
PG&E Delivery Rate (\$/kWh)	\$0.09000	\$0.09000	\$0.09000	\$0.09000	\$0.09000
PG&E PCIA/FF (\$/kWh)	N/A	\$0.04013	\$0.03215	\$0.03215	\$0.03215
Total Electricity Cost (\$/kWh)	\$0.20077	\$0.20243	\$0.19911	\$0.20077	\$0.21077
Average Monthly Bill (\$)	\$52,838.76	\$53,275.64	\$52,401.88	\$52,838.76	\$55,470.66



Council Sustainability Committee

Proposed 2020 Agenda Planning Calendar

July 13, 2020

Proposed 2020 Agenda Planning Calendar

Monday, September 14, 2020

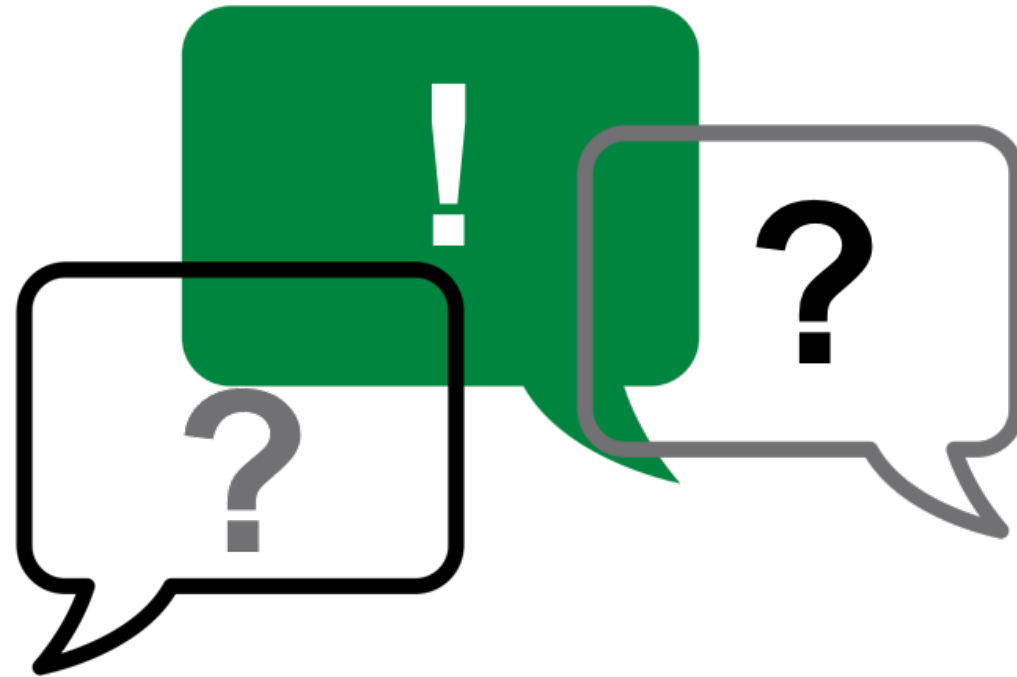
Five-Year Performance of the Cogeneration Engine at the Water Pollution Control Facility

[2018 Greenhouse Gas Emission Inventory](#)

Proposed 2020 Agenda Planning Calendar

Unscheduled Items
Single-Use Food ware – Draft Ordinance
Sustainable Groundwater Plan
Long Term Water Conservation Framework
Low Carbon Concrete
Roadmap to Meet 2030 GHG Target
Pilot Program for Reusable Dishware
Advanced Metering Infrastructure (AMI) Customer Portal Pilot Program Update
<u>EV Charging Requirements for Existing Multifamily Properties</u>
<u>Limiting the Number of Service Stations Selling Fossil Fuel</u>
<u>Ending Natural Gas Use by 2045</u>

Discussion



Next Meetings

Monday, September 14, 2020

Monday, November 9, 2020