

COUNCIL SUSTAINABILITY COMMITTEE MEETING

MONDAY, JULY 13, 2020

DOCUMENTS
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Public Comment – Item 2

DISCUSS POSSIBLE AMENDMENTS TO THE CITY'S
NOISE ORDINANCE AND PROVIDE DIRECTION TO
STAFF

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

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Eric:

We would like the below comments written into the record for this meeting. Stonebrae will submit additional comments in the future as well. Please put me on the mailing list for all future City actions on the noise ordinance.

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.

eCOMMENTS RECEIVED

Public Comment – Item 3

**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**



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

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

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

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