

COUNCIL SUSTAINABILITY COMMITTEE MEETING
THURSDAY, OCTOBER 15, 2020

DOCUMENTS
RECEIVED AFTER
PUBLISHED AGENDA

eCOMMENTS RECEIVED

Public Comment – Items Not On Agenda
NOISE ORDINANCE COMMENTS

From: [REDACTED] >
Sent: Thursday, October 8, 2020 12:17 PM
To: Erik Pearson <Erik.Pearson@hayward-ca.gov>
Subject: Public Comment for Council Sustainability Committee - Re: Noise Ordinance

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

Honorable City Council Members and City Staff:

I'd like this comment to be made public and discussed at the next City Council Sustainability Meeting or sooner and be on the record, but I would like my identity (name, address, email) to remain anonymous to the public.

I am a Stonebrae community homeowner that lives in close proximity to the Stonebrae Golf Course, so any noise ordinance changes and enforcement is especially important to me as it affects me and my family directly.

I just watched the Sustainability Committee Meeting from 07/13/2020 since that pertained to noise ordinance changes. I was especially interested in the Public Comment (from the VP of Stonebrae Country Club Planning) requesting that "golf courses within 25 feet of homes" be excluded from the new quiet times. I was a little shocked that the council would consider this request without getting input from the actual residents that this type of exemption would directly affect. Especially considering that the Stonebrae Golf Course has had a blatant disregard for any noise ordinance laws. I want to make sure the council is aware of the following points:

- Stonebrae Golf Course has been in operation for over a decade; however, it was only in this past year that homes were built in close proximity to the course. These new homes are now being affected by their landscaping noise ordinance violations.
- In the past year, they have received a multiple of complaints for operating their loud gas powdered landscaping equipment between the hours of 5:00am-7:00am, and have made no attempt to adjust their schedule or comply with the noise ordinances.
- They have been cited by Hayward Code Enforcement and Hayward PD for these violations.
- They are currently awaiting their court hearing for their violations.

Regardless of these violations, I don't think that golf courses within 25 ft of residences should be exempt from any noise regulations or noise time windows. They do landscaping daily, so they should be able to adjust their schedules to comply with noise ordinances and not cause disturbances to residents in the early morning hours.

As a resident of Hayward and the Stonebrae community, I feel that exempting the golf course from any noise ordinances would be a violation of our rights just because of our housing location. I would like to request that the Council and City Staff consider the

homeowners in the Stonebrae community, and NOT allow the Stonebrae Golf Course to be exempt from any noise ordinances for the reasons stated.

Thank you for your consideration. I look forward to hearing back soon and I'd be open to further discussion. Again, I don't want my identity made public in fear of retaliation from Stonebrae Country Club/Golf Course.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

October 15, 2020

Dear Sustainability Committee,

My name is [REDACTED], I am a new resident of the Stonebrae community in Hayward and I am writing to you all in reference to the Sustainability Committee meeting held on July 13, 2020. During this meeting, changes to the city's Noise Ordinance and a proposal made by Ms. Joanna Callenbach, Vice President of Planning and Development at Stonebrae L.P. were discussed. Thank you in advance to you all for your time and consideration. I sincerely appreciate the Sustainability Committee's strong welcome for community involvement, and attention to residents and small businesses of Hayward.

I watched the "Council Sustainability Committee on 2020-07-13 4:30 PM" meeting online and read the email sent by Ms. Callenbach on July 13, 2020, which proposed an addendum to the staff's preliminary recommendation of changes to the current Noise Ordinance. In the meeting, members expressed the need for further information in order to move forward with Ms. Callenbach's proposed addendum; therefore, my goal is to offer additional information from a Stonebrae resident's perspective and raise concerns that I have regarding Ms. Callenbach's proposal.

I would like to bring the attention of the committee to two statements written by Ms. Callenbach:

First: Ms. Callenbach's description of the golf course and unspecified hours of operation—
"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."

and,

Second: Ms. Callenbach's proposal —
*"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."*

I agree with Ms. Callenbach that the golf course's close proximity to homes provides a buffer for fire safety between homes and surrounding parklands, and that the "course has been in operation for over a decade". However, Ms. Callenbach does not include that there is a newly constructed village abutting the first hole of the golf course, which is within 25 feet of residential property. Ms. Callenbach additionally states that the golf course needs to "operate normally" in order to be successful, however, she does not specify what those *normal* hours of operation are. I hope that

my information will assist in establishing and/or updating the noise ordinances in a manner that best serves everyone.

BACKGROUND AND DESCRIPTION OF STONEBRAE'S RESIDENTIAL DEVELOPMENT:

The Stonebrae residential community is divided into villages, and each village was constructed at separate points in time varying several years up to over a decade. The latest village to initiate construction was Village C, otherwise known as "The Promontory" by builder Richmond American. *See Exhibit A.* It is my understanding that the first home was completed sometime in early-mid 2019. The Promontory lines the first hole of the Stonebrae Golf Course and is the closest in proximity to the golf cart path and golf course. The cart path is used by golfers and their golf carts, as well as gas powered landscaping utility vehicles, mowers, blowers, and other equipment/vehicles from the Stonebrae Country Club landscaping crew. The Promontory remains under construction and several homes on Benmore Drive, within the Promontory village, facing the golf course/canyon have been completed in September 2020; residents have moved in as recently as a couple of weeks ago.

My home, which we moved into in March 2020, is within the Promontory and lines the first hole of the golf course and the golf cart path on Benmore Drive. The distance between my property line to the path is approximately 13 feet and the distance between the back wall of my house to the golf cart path is approximately 22 feet. To put these measurements into perspective, a typical mid size sedan vehicle measures close to 15 feet in length. Several neighboring residential properties in the Promontory on Benmore Drive appear to be a similar distance between the property line, and the golf course and golf cart path. Furthermore, most of these Promontory properties on Benmore Drive facing the golf course/canyon are (1) Level or semi-level with the golf course and cart path, (2) Have no trees to block sound, (3) Many backyards are notably smaller, approximately 10 feet from back wall to the end of the property line as compared to already existing homes in Stonebrae, therefore landscaping noise travels directly into the master bedroom of the homes. *See Exhibit B and Exhibit C.* The golf cart path and/or golf course are significantly closer, within 25 feet, of the new "Promontory" residences abutting hole 1 of the golf course, in comparison to the existing homes down Benmore Drive which abut golf course holes 2 and 3. *See Exhibit D.* As the golf cart path continues onward from hole 1 to hole 2, the path leads away from the homes and opposite of the golf course fairway, and down a slope. The residential homes abutting hole 2 are no longer level with the golf course and are at a higher elevation than the golf course and cart path.

STONEBRAE'S *NORMAL* HOURS OF OPERATION:

Since moving into my new home earlier this year, I have been awakened nearly every day, including weekends and holidays, well before 6am by Stonebrae Country Club's landscaping crews who in the course of their *normal* operations, are mowing on the course, driving utility vehicles and mowers up and down the golf cart path which directly abuts my home.

See Exhibit E. These utility vehicles often have a “bed” or other attachments to hold equipment/materials for landscape usage. Aside from the incredibly loud motor/engine from the gas powered utility vehicle, which is significantly louder than most gasoline cars, the utility vehicle attachments also cause noise while the vehicle is driven. These utility vehicles can also have blower attachments to utilize on the golf course. There are times where these utility vehicle engines are left running on the path or near the path, while the landscaper completes certain landscaping/maintenance tasks. Large mowers also travel loudly on this path and mow around the first hole on the putting green. In late Spring/early Summer, landscaping would also occur throughout the entire golf course fairway, which included mowing and blowing. The landscape crew begins these landscaping operations prior to 6am nearly everyday at the first hole - directly behind Promontory homes - and throughout the morning landscapers continue onto subsequent “holes” in order to not interfere with golfers and members along the course of their route. It is also my understanding, that as landscapers reach other villages and residences, past the Promontory, it is later in the morning and the course is further away in distance from residential property lines.

The City of Hayward’s Code Enforcement was notified in May 2020 and Hayward’s Police Department was notified of the noise complaints in July 2020. Code Enforcement Inspector – Amber Green has been assigned to the case. Sergeant Faye Maloney from the Hayward Police Department is also aware of this issue and has been in communication with the Stonebrae Country Club staff. A Courtesy Notice was sent by Ms. Green on June 5, 2020. Nonetheless, Stonebrae Golf Course continued on with their *normal* operations. It is my understanding that the Stonebrae HOA Covenants, Conditions and Restrictions (CC&Rs) were reviewed, and the city’s Noise Ordinance appears to be applicable in spite of the CC&Rs. Additionally, Ms. Green and law enforcement have been present to verify the noise complaints and took decibel measurements which exceeded the limit of 60dB between the hours of 9:00pm to 7:00am. Due to this violation of the city’s Noise Ordinance, a Notice of Violation dated August 5, 2020 was sent on August 19, 2020. An Administrative Hearing date is scheduled for October 29, 2020. Meanwhile, Stonebrae continues to start landscaping operations prior to 6am on most days of the week. I invite members of the committee to review the Code Enforcement and Police Dispatch reports and logs to view the various complaints.

STONEBRAE’S PROPOSAL:

Ms. Callenbach’s proposal language is ambiguous and confusing to me. In the process of writing this letter, I have reviewed the proposal multiple times and have reached various conclusions and interpretations. In the Sustainability Committee meeting, I noticed that one participant asked for clarification, and when clarification was provided it was not what I initially had interpreted. For this reason I request that language in the modifications of the city’s Noise Ordinance regarding golf courses within 25 feet of residential property be indisputably clear in regards to noise level, start and end times, including quiet times.

As mentioned in the beginning of my letter, my goal and purpose is to provide more information as encouraged by the Sustainability Committee, that will assist with making informed decisions, specifically with the Noise Ordinance and its effects on residential property abutting golf courses

within 25 feet. I also strongly urge and advocate that I, along with neighboring properties, be allowed the same peace and harmony that is granted to all other residents in the City of Hayward.

As mentioned previously, decibel measurements were taken by Code Enforcement Inspector - Amber Green and law enforcement. These measurements are on record and exceed the 60dB limit between the hours of 9:00pm to 7:00am. Recorded decibel measurements were in the 60s and/or 70s. To put these measurements in perspective 60dBA is the equivalent to normal conversation 5 feet away. 70dBA is “moderately loud” and is the equivalent of a vacuum cleaner 10 feet away. 70 is the “reference loudness” and 80 dBAs is **2 times** as loud, and 90dBAs is **4 times** as loud, etc. The equivalent to 80dBAs is a garbage disposal 3 feet away. *See Exhibit F.*

PERSONAL IMPACT FROM THE STONEBRAE LANDSCAPE NOISE:

This section of my letter is by far the most difficult to write. Since moving to Stonebrae and the “Shelter in Place” order lifting for golf courses in May 2020, I have been awakened to the raucous caused by loud engines, motors, and other landscaping equipment nearly everyday at 5:40am. Unlike most residents in Hayward, or anywhere else really, I don’t have the option to choose my alarm sound or the time because the sound and time are decided for me by the Stonebrae landscaping crew. For months, it has been nearly impossible to get quality sleep and in an attempt to make do, I have purchased a sound machine, ear plugs, and “noise reducing” curtains - all to no avail. I have gone the length of booking a hotel room to get a good night’s rest - that is what Stonebrae’s *normal* hours of operation have meant to me. As a consequence, my master bedroom is now vacant and instead I have been sleeping in my loft, which is situated in the middle of my home where I continue to be awakened by the noise nearly everyday even with earplugs. This ongoing issue has affected the wellbeing and livelihood of my family and I, and has caused an insurmountable level of stress and anxiety in my home. I never truly appreciated the value of a good night's rest until now, and I *never* imagined that I, my family, and my immediate community would be subjected to this. Instead of viewing my home and community with pride, happiness and all emotions that come with purchasing your first home, these emotions have been overcast with fear and nervousness of what is to come, and unequivocal *exhaustion*.

It never dawned on me while purchasing my home that I would be in the midst of writing this letter to provide such information to you all. Naively, I thought this home was meant to be. I asked all the right questions, and researched as best I could to assure I was making the right decision. I envisioned the tranquility and stillness that would one day be my view, and was sold. Unfortunately, this early morning landscaping noise went verbally undisclosed by our Sales Associate, and my home was not properly equipped and built for such noisy conditions, to prevent this noise from travelling into our home and directly into my master bedroom. Now I am writing this letter as my last ditch effort to fight for my home, my livelihood, and the wellbeing of my family.

This issue has escalated beyond what I, my family, and other residents anticipated, projected, or envisioned. I hope this letter has provided useful information and insight into the Stonebrae Golf Course landscaping operations from my perspective, and is beneficial to all those involved with

updating and enforcing the city's Noise Ordinance in regards to golf courses within 25 feet of residential property.

I kindly and respectfully request that my name be stricken from the record and my identity remain private and confidential in fear of retaliation.

I thank you for your time and consideration.

Warmest Regards,



Cc:
City Council
Planning Commission
Sargeant Faye Maloney
Code Enforcement Inspector Amber Green

EXHIBIT A

"The Promontory" (Village C) at Stonebrae and Stonebrae Golf Course Hole 1
Image was taken from Google Map - Satellite view. Red border is approximate to property line and purpose is to outline newly constructed village. Most empty lots in image now have new existing residential properties.



EXHIBIT B

Stonebrae Golf Course First Hole
Three (3) perspectives of the close proximity, within 25 feet, between golf course path and residential properties along Benmore Drive. Renderings provided by Code Enforcement Inspector - Amber Green.



Photo taken at these locations



EXHIBIT C

Newly constructed “Promontory” residential homes on Benmore Drive abutting Stonebrae Golf Course. My residential property lines this golf course path at hole 1 of Stonebrae’s Golf Course. The distance between my property line and the path is approximately 13 feet. Without measuring, it appears that neighboring homes have similar distance between property line and golf cart path.



EXHIBIT D

Rendering and image of Stonebrae Golf Course - Hole 2 and 3, and abutting Village B of Stonebrae's residential community. Village B was constructed several years ago. Rendering provided by Code Enforcement Inspector - Amber Green.

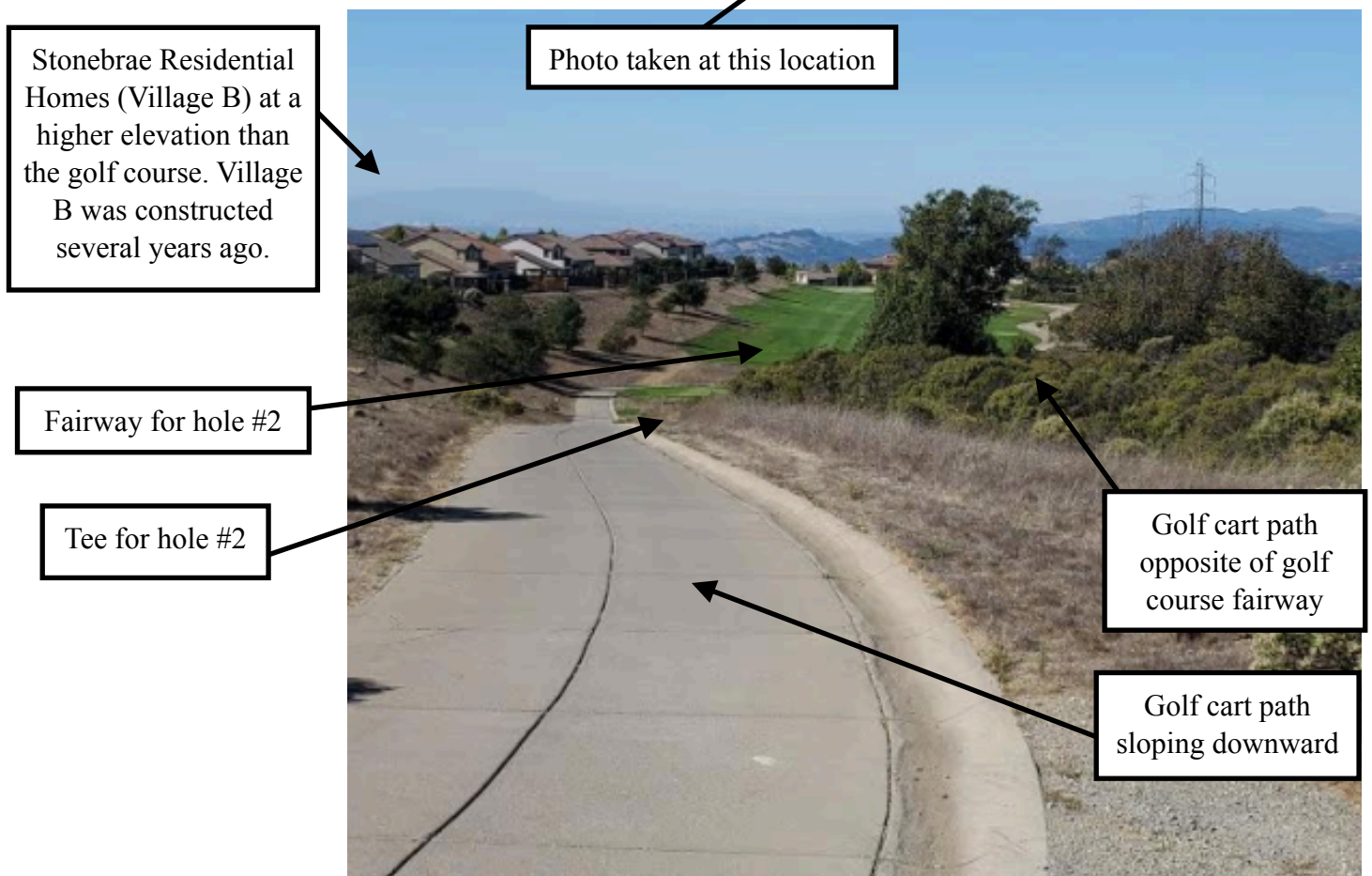


EXHIBIT E

Similar or same equipment that is used by Stonebrae Golf Course landscapers. There is also other equipment that is used by Stonebrae Golf Course that is not illustrated below. Decibel measurements taken by Code Enforcement and Law Enforcement of similar or same equipment.

Utility Vehicle: Travels up and down the golf cart path, which directly abuts “Promontory” residential property.



Blower: Attachment to utility vehicle



Mower: Travels up and down the path abutting residential property. Similar or same mowers are currently used to mow the putting green at hole 1, and months ago similar or same mowers were used to mow the entire golf course fairway.



Mower: Similar or same mower used months ago to mow on the golf course fairway.



EXHIBIT F

Noise sources. Decibel measurements of Stonebrae's landscaping equipment taken by Code Enforcement and Law Enforcement were in the 60s and 70s between the hours of 9:00pm-7:00am. Charts below found here: <https://www.sandiegocounty.gov/dplu/docs/081024/TM5499-NOISE-T.pdf> and <https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

Table 1
Sound Levels of Typical Noise Sources and Noise Environments

Noise Source (at Given Distance)	Noise Environment	A-Weighted Sound Level	Human Judgment of Noise Loudness (Relative to Reference Loudness of 70 Decibels*)
Military Jet Takeoff with Afterburner (50 ft)	Carrier Flight Deck	140 Decibels	128 times as loud
Civil Defense Siren (100 ft)		130	64 times as loud
Commercial Jet Take-off (200 ft)		120	32 times as loud Threshold of Pain
Pile Driver (50 ft)	Rock Music Concert Inside Subway Station (New York)	110	16 times as loud
Ambulance Siren (100 ft) Newspaper Press (5 ft) Gas Lawn Mower (3 ft)		100	8 times as loud Very Loud
Food Blender (3 ft) Propeller Plane Flyover (1,000 ft) Diesel Truck (150 ft)	Boiler Room Printing Press Plant	90	4 times as loud
Garbage Disposal (3 ft)	Higher Limit of Urban Ambient Sound	80	2 times as loud
Passenger Car, 65 mph (25 ft) Living Room Stereo (15 ft) Vacuum Cleaner (10 ft)		70	Reference Loudness Moderately Loud
Normal Conversation (5 ft) Air Conditioning Unit (100 ft)	Data Processing Center Department Store	60	1/2 as loud
Light Traffic (100 ft)	Large Business Office Quiet Urban Daytime	50	1/4 as loud
Bird Calls (distant)	Quiet Urban Nighttime	40	1/8 as loud Quiet
Soft Whisper (5 ft)	Library and Bedroom at Night Quiet Rural Nighttime	30	1/16 as loud
	Broadcast and Recording Studio	20	1/32 as loud Just Audible
		10	1/64 as loud
		0	1/128 as loud Threshold of Hearing

Source: Compiled by Kimley-Horn and Associates, Inc.

10/13/2020

Noise Comparisons

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CET/Plenviro10.html), and Federal Agency Review of Selected Airport Noise Analysis Issues, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to Outdoor Noise and the Metropolitan Environment, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

<https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

eCOMMENTS RECEIVED

Public Comment – Item 2
DEFAULT ELECTRICITY PRODUCT
CHOICES FROM EASTY BAY
COMMUNITY ENERGY



October 15, 2020

To: East Bay Community Energy Board Members

cc: EBCE Community Advisory Committee, Brilliant 100 Cities; Hayward, Albany & Piedmont

Subject: Keep EBCE's Brilliant 100, Nuclear Free

Dear EBCE Board of Directors,

East Bay Clean Power Alliance urges you to honor the Community's call to reject any proposal that would add nuclear energy to EBCE's power content label, including a proposal that would extend the life of the "Brilliant 100" product by accepting nuclear energy from PG&E's Diablo Canyon power plant. If the Board decides it is essential to continue a third product there are other options that staff could explore and present for the Board's consideration that would not endanger the public's opinion of EBCE.

In 2014 the Alliance began advocating with the support of Supervisor Scott Haggerty for the formation of an East Bay Community Choice program that would prioritize local clean energy resources to bring economic as well as environmental benefits to our communities in addition to other benefits like affordability. From the beginning of negotiations, it was assumed that this agency would promote renewable energy resources and not include coal or nuclear in its power mix. That assumption was still operating in January of 2018 as the Board worked to establish customer product options, power supply, and rates for the new agency.

EBCE Supply Options



EBCE Staff Presentation,
January 17, 2018

When the EBCE Board decided to reject PG&E's offer of nuclear energy in April of this year, it stood with eight of eleven Community Choice programs in PG&E's territory--a 75% rejection of PG&E's nuclear energy offer. As a result of public outcry, several agencies went so far as to establish a policy banning nuclear energy as a possible power source.

COMMUNITY CHOICE AGENCY ACTION: PG&E 2020 NUCLEAR ENERGY			
REJECTED NUCLEAR	% OF PG&E OFFER	ACCEPTED NUCLEAR	% OF PG&E OFFER
<ul style="list-style-type: none"> East Bay Community Energy Sonoma Clean Power CleanPowerSF* MCE Clean Energy Peninsula Clean Energy Valley Clean Energy Monterey Bay Community Power* (Central Coast Community Energy) Redwood Coast Energy Authority* 	18.5 7.5 9.3 15.7 10.7 2.0 9.4 1.9 TOTAL 75%	<ul style="list-style-type: none"> Silicon Valley Clean Energy Pioneer Community Energy San Jose Clean Energy 	11.6 3.4 9.8 TOTAL 25%
* Signifies policy opposing nuclear energy		The 75% rejection of PG&E's nuclear offer meant PG&E was able to dump only 5% of Diablo Canyon 2020 nuclear energy production on Community Choice agencies.	

The Alliance has previously submitted a letter and fact sheet as to why nuclear energy has no place in EBCE's power mix. Below we have summarized the arguments as to why nuclear should not be included in EBCE's power supply as a means of extending the Brilliant 100 product and offer suggestions of alternatives for a third product that would be cleaner than Bright Choice and on rate parity with PG&E.

No Nuclear in Brilliant 100

- Reversing the Board's position to reject nuclear in April in order to maintain Brilliant 100 would amount to a violation of public trust and mar public confidence in East Bay Community Energy, especially after having heard overwhelming opposition to EBCE accepting PG&E's nuclear energy.

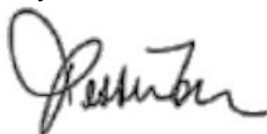
- Accepting nuclear to continue Brilliant 100, even if it is only used in a single product and for some cities in EBCE, adds PG&E's nuclear energy to EBCE's overall power mix. That nuclear energy would show up on EBCE's power content label at percentages much higher than the 1% nuclear in Bright Choice, which is an incidental part of power coming from asset controlling supplier (ACS).
- Accepting nuclear energy from PG&E's Diablo Canyon Nuclear Power Plant does not decrease California GHG emissions; that "carbon-free" electricity is generated at a constant level and is always
- placed on the grid. If EBCE "takes" electricity from Diablo Canyon, it is only an accounting shift from PG&E to EBCE. It will not increase the amount of carbon-free electricity available in the state nor off-set any additional GHG emissions.
- Because accepting the nuclear allocation would reduce EBCE's need to purchase other GHG free energy for Brilliant 100 it could result in a statewide increase in GHG emissions.
- Cities subscribing to a Brilliant 100 product does not reduce local emissions and therefore does not improve local health in Alameda County cities or in Tracy. Local GHG emissions in Hayward, Albany and any other Brilliant 100 city would remain the same.
- Cities that switch from **Brilliant 100** to **Bright Choice** will not increase local emissions, because EBCE would not be contracting with local power plants, such as the Russell City power plant in Hayward to provide the gas-fired power; it would come from the grid.
- There are other, less controversial ways to extend the ability of cities to access a third product such as **Brilliant 100** that should be presented by staff for Board consideration.

(in lbs CO ₂ e/MW)		Energy Resources	Renewable 100	Third Product	Bright Choice	CA Total Mix
City	State Average	Eligible Renewables ¹	100.0%	36.0%	41.0%	22.0%
	672	Biomass & biowaste	0.0%	0.0%	0.0%	3.0%
		Geothermal	0.0%	0.0%	0.0%	4.0%
		Eligible hydroelectric	0.0%	0.0%	0.0%	1.0%
		Solar	50.0%	33.0%	75.0%	6.0%
		Wind	50.0%	0.0%	0.0%	8.0%
		Coal	0.0%	0.0%	0.0%	6.0%
		Large Hydroelectric	0.0%	0.0%		5.0%
		Natural Gas	0.0%	0.0%	0.0%	44.0%
		Nuclear	0.0%	64.0%	0.0%	9.0%
		Other	0.0%	0.0%	0.0%	0.0%
		Unspecified Electricity ²	0.0%	0.0%		14.0%
		TOTAL	100.0%	100.0%	100.0%	100.0%
Retired as a percentage of these electricity portfolios' retail sales:			0%	0%	0%	0%
Credits issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable investments that Unbundled RECs are not reflected in the power mix or GHG emissions intensities above. The eligible renewable is determined using a different methodology.						

At the EBCE Executive Committee meeting on September 25, staff estimated that it would cost **\$3 million to subsidize Brilliant 100 at rate parity with PG&E** for those accounts currently enrolled. Given that the EBCE Board approved a **Rate Stabilization Fund** in September, funded by a portion of the net position from last fiscal year, couldn't \$3 million from that fund be utilized to keep the Brilliant 100 product at rate parity with PG&E and avoid the damage to EBCE's reputation of including nuclear? We have heard Board members request the staff to present other options as well, such as a third product at rate parity with PG&E, that was higher GHG free content than Bright Choice.

Finally, as our Alliance has pointed out many times, nuclear energy does nothing to advance the goals of EBCE to create good jobs, stimulate local economies, provide clean, safe, and local renewable energy. In this time of increasing climate emergencies and power shut offs it becomes ever more urgent to address local energy resiliency as well. Only local solar, wind and battery storage, along with programs to reduce energy waste, such as those described in EBCE's Local Development Business Plan, can move us forward towards a sustainable and equitable future.

Sincerely,



Jessica Tovar, East Bay Clean Power Alliance