



CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING

Hayward City Hall – Conference Room 2A
777 B Street, Hayward, CA 94541-5007

Please note: Council Member Quirk may participate in the meeting listed below via telephone conference call from 26420 Parkside Drive, Hayward, CA 94542 (510) 581-5703. Notice has been posted at the remote location and the teleconference location will be accessible to the public.

REVISED AGENDA

Mission Statement:

Make Hayward a more sustainable community in order to ameliorate negative impacts of climate change, conserve natural resources and promote a clean environment.

December 1, 2010
4:30 p.m. – 6:00 p.m.

A G E N D A

- I. Call to Order
- II. Roll Call
- III. Public Comments: *(Note: All public comments are limited to this time period on the agenda. For matters not listed on the agenda, the Committee welcomes public comments under this section, but is prohibited by State Law from discussing items not listed on the agenda. Items not listed on the agenda brought up under this section will be taken under consideration and may be referred to staff for follow-up as appropriate. Speakers will be limited to 5 minutes each; organizations represented by more than one speaker are limited to 5 minutes per organization.)*
- IV. Approval of Minutes of November 3, 2010 and October 6, 2010
- V. Update on Ordinances to Ban Plastic Bags
Alex Ameri, Deputy Director of Public Works
- VI. Summary of Last Climate Action Management Team Meeting
- VII. General Announcements and Information Items from Staff
- VIII. Committee Referrals and Announcements
- IX. Next Meeting: Wednesday, January 5, 2011
Energy Audits of City Facilities
- X. Adjournment



Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Please request the accommodation at least 48 hours in advance of the meeting by contacting Katy Ramirez at (510) 583-4234 or by calling the TDD line for those with speech and hearing disabilities at (510) 247-3340.

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

October 6, 2010
4:30 p.m.

MEETING MINUTES

I. Call to Order – Meeting called to order at 4:31 p.m. by Mayor Sweeney.

II. Roll Call

Members:

- Michael Sweeney, Mayor
- Olden Henson, Council Member
- Bill Quirk, Council Member
- Diane McDermott, Planning Commissioner
- Sara Lamnin, Planning Commissioner
- Al Mendall, Planning Commissioner
- Doug Grandt, Keep Hayward Clean and Green Task Force (via telephone)

Staff:

- David Rizk, Development Services Director
- Bob Bauman, Public Works Director
- Erik Pearson, Senior Planner
- Glen Martinez, Building Official
- Steve Osborne, Senior Plan Checker
- Katy Ramirez, Administrative Secretary (recorder)

Others: None.

III. Public Comments

Bill Quirk, Council Member, said that Hayward had visitors from Wuxi, China, which is a municipality of our Sister City, Yixing, and noted that a good time was had by all. Mr. Quirk said the folks from Wuxi are learning about our form of government and we are learning about theirs and that he will be visiting China from October 13-23.

Sara Lamnin, Planning Commissioner, said that she received an email from Ernie Pacheco who indicated that he is concerned about the solar permit fees. City Staff indicated that they would follow up with Mr. Pacheco.

IV. Approval of Minutes of September 1, 2010 – minutes approved with revisions from Mr. Grandt and Ms. Lamnin.

V. Update on State Green Building Code and its Impacts on Hayward's Green Building Ordinance, including Solar Requirements

David Rizk, Development Services Director, indicated that Building Official, Glen Martinez, and Senior Plan Checker, Steve Osborne, are in attendance and have been bringing themselves up to date on the California Green Building Standards Code (also known as Cal Green), which becomes effective January 1, 2011. Mr. Rizk said that staff will be recommending to City Council adoption of the new codes in early November, and indicated that the City does not have an option on adopting Cal Green, that it is required by all cities. Mr. Rizk said that the City already has a Green Building Ordinance, Water Efficiency Ordinance, Recycling Ordinance, etc., so this is not a big step for Hayward.

Mr. Rizk provided a PowerPoint presentation and overview of the staff report describing mandatory measures, the components of Cal Green, and the categories of Tiers that local governments may choose to adopt.

Following the presentation, there were questions and discussion amongst staff and the Committee. Some of the items discussed were: Tier 1 for new commercial construction; cool roof requirements; the difference between the goals and various levels; solar ready homes versus solar, infrastructure and financing at the federal level; alternative vehicle parking; and education and outreach.

Al Mendall, Planning Commissioner, said that he is in general concurrence with staff's recommendation; however, he thinks the current Green Points Rating is better. Mr. Mendall said there is one area in the original ordinance that he feels is weak, and that is with new commercial buildings. He said that his suggestion is to upgrade new commercial construction to Tier 1, include a cool roof requirement, and leave the rest in place.

Bill Quirk, Council Member, said that he is willing to look at Tier 1; however, until he knows what Tier 1 is, he would not necessarily support it for commercial buildings. Mr. Quirk said that he agrees with the Green Points Rating and feels that we started it and there is no point in changing it now.

Olden Henson, Council Member, said that he agrees with retention of the Green Points Rating versus the Tiers, and said that he is not sure the Tiers are clearly spelled out. He said that he recommends waiting on any decisions regarding commercial buildings and thinks there will be stronger legislation in the future that will force cities and jurisdictions to comply. Mr. Henson said that he is very interested in solar ready provisions, plumbing for gray water, and cost assessments. Mr. Henson also indicated that one of the important items that the group has always talked about is making sure it is simplified, so to make it understandable for folks who are attempting to comply.

After more discussion, Mayor Sweeney said that he believes the consensus of the Committee is that they are fine with staff's recommendations with three concerns. The first is to make sure the City is doing a good job with outreach and education to the community. The second is for staff to further research Tier 1 requirements for new commercial construction and, if it does not make sense to adopt, then the Committee would defer to staff to recommend revisions to the City Council to the Green Building Ordinance related to the requirements for new commercial construction. The third is to explore other ways to improve our requirements that would assist us in achieving our Climate Action Goals.

Mayor Sweeney asked if the Committee agrees with his summary; the Committee responded yes.

Mayor Sweeney thanked everyone for good comments and feedback.

VI. Beacon Award Program Summary

Erik Pearson, Senior Planner, said that the Beacon Award is sponsored by the California Climate Action Network, a program of the Institute for Local Government, and is intended to recognize local jurisdictions for their accomplishments in reducing greenhouse gas emissions. Mr. Pearson said that by subscribing to the program, it does not lock us into any timelines or requirements, it only makes us eligible for awards, and we have already met several of the prerequisites. Mr. Pearson said that staff is asking for the Committee's support in presenting a resolution to the City Council.

Mayor Sweeney asked the Committee if there was a consensus to move forward with the Beacon Award; and the Committee was all in favor.

VII. General Announcements and Information Items from Staff

Mr. Rizk noted that flyers are available for the Energy Efficiency Fair to be held on Saturday, October 16, and that it is posted on the City's website. He said there will be City staff in attendance, vendors, and presentations at the Fair.

Mr. Rizk said that the date for the Sustainability Committee Special Meeting to discuss the Residential Energy Conservation Ordinance (RECO) is tentatively scheduled for Monday, October 25th, at 7:00 pm, in the Council Chambers, and asked the Committee of their availability. The Committee members responded they that they are available on the selected date. Mayor Sweeney asked that we reach out to the general community and realtors to make them aware of the meeting. Mr. Rizk said that staff will have information to handout prior to the meeting.

Mayor Sweeney indicated that if we didn't deal with existing construction, we would be very short in terms of meeting our Climate Action Goals. The Mayor added that it's extremely important when you look at all the list of possible incentives which may be all

gone in a few years, and we shouldn't assume that they are going to be there in 10 years or 20 years. From a consumer standpoint, if one goes beyond the period of when the incentives are available, then it's just that much more expensive to make some of these improvements that we are talking about.

Mr. Henson said that he asked Stopwaste to agendize the RECO item, and indicated that we should have some additional information soon from Stopwaste, as well as some information on incentives. Mr. Henson said that everyone is looking to Hayward; Pleasanton is looking in this direction, and Berkeley is looking to revise some components of their ordinance.

Mr. Quirk said the ordinance should include a date certain trigger, particularly for homes built before 1978. Mr. Quirk said that he thinks this ought to be an element of what we talk about: date certain trigger, particularly for pre-1978 homes.

Ms. Lamnin said it would be helpful for people to realize where the RECO fits in for the big goals for the City and that this is one important piece of the big pie. She suggests that staff be prepared to address this at the meeting.

Diane McDermott, Planning Commissioner, said that she is trying to educate herself by researching and reading up on the RECO. She said she was surprised to learn that there are not many places in the United States that have such an ordinance, and said it was interesting to learn that this has a lot to do with rental housing.

Mr. Mendall said that Ms. Lamnin's point is important and added that a brief presentation on the CAP and the long list of items that we are working on would indicate that RECO is just one of many action items the City is working on implementing. Mr. Mendall said that he is still not clear on the entire format of the October 25th meeting.

Mayor Sweeney said that he thinks the meeting should be a little less formal than a public hearing. He said that we could start with a review of where we are; the challenges the City is facing; why existing construction has to be part of the solution; different scenarios; etc. Mayor Sweeney said we can then follow up with comments and questions from the group; the public comments section; and then staff can clarify any issues and misunderstandings; followed by any comments and clarifications from the Sustainability Committee members; and adjourn the meeting.

Ms. McDermott said that she thinks it is important for people to realize that the Committee is willing to listen and that they have an opportunity to represent their opinion.

Ms. Lamnin said that one of the things to help people realize that they are being heard is to encourage them to bring their ideas to the meeting; this could be stated in the information and communication that is being sent out before the meeting.

Mr. Quirk asked staff to send the Committee members a flyer and a link to website with meeting details, so that the Committee may forward to folks they know in an effort to provide the information and details in advance.

Mr. Rizk said that he has a couple of other announcements. The first being that the Climate Action Management Team, which will be the advisory body to the Sustainability Committee, will have their first meeting on October 20, 2010, at 7:00 pm.

The second item is that he attended a West Coast Green Conference at Fort Mason Center and there were exciting speakers, and it was interesting to see the vendor booths, exhibits, technology, and what is going on in the industry. Mr. Rizk said that he is hoping to rely on some of the information for the RECO.

Doug Grandt, Keep Hayward Clean and Green, said that he sent an email to everyone about the four events that basically promote global climate action. He mentioned a need to promote community gardening. Mr. Grandt invited the Committee to come to the Farmer's Market, to Hazel Garden, and on Sunday to the Hayward Community Gardens located on Whitman Street. Mr. Grandt said there will be music and food and planting trees that the City provided. Mr. Grandt said that if you cannot attend them all, try to at least attend the event on Sunday at the Hayward Community Gardens. Mr. Grandt said that there will be 7,000 events all over the world for 10-10-10.

VIII. Committee Referrals and Announcements

Mr. Mendall said that he would like to point out that installing a tankless water heater requires plumbing, relocating to an area where it can vent, and can be very expensive to do after a home is built, and inexpensive to do with the design of the home. ~~Mr. Mendall said that he would like to discuss making homes tankless-water-heater-ready when the Committee revisits the discussion of making homes solar-ready.~~

IX. Next Meeting: Wednesday, November 3, 2010

- Update on Status of Property Assessed Clean Energy (PACE) and CaliforniaFIRST Financing Programs Implementation

X. Adjournment: Meeting adjourned at 6:02 p.m.

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

November 3, 2010
4:30 p.m.

MEETING MINUTES

I. Call to Order – Meeting called to order at 4:34 p.m. by Mayor Sweeney.

II. Roll Call

Members:

- Michael Sweeney, Mayor
- Olden Henson, Council Member
- Bill Quirk, Council Member
- Diane McDermott, Planning Commissioner
- Sara Lamnin, Planning Commissioner
- Al Mendall, Planning Commissioner
- *Doug Grandt, Keep Hayward Clean and Green Task Force (via telephone)

Staff:

- Kelly Morariu, Assistant City Manager
- David Rizk, Development Services Director
- Bob Bauman, Public Works Director
- Katy Ramirez, Administrative Secretary (recorder)

Others:

- Jeffery Conner, Sustainability Advocate
- Simon Wong, Tri-City Voice

III. Public Comments

None.

IV. Approval of Minutes of October 6, 2010.

Based on revisions from Planning Commissioners, Al Mendall and Sara Lamnin, and Council Member Bill Quirk, the October 6 minutes are to be corrected and resubmitted for approval at the December meeting.

V. Update on Energy Upgrade California and Property Assessed Clean Energy (PACE) Financing

David Rizk, Development Services Director, provided background information on Energy Upgrade California (EUC) in Alameda County (formerly Green Packages). Mr. Rizk indicated that this program will be a one-stop source of information and marketing to promote energy and water efficiency improvements on existing buildings. He said that City Council previously approved \$48,400 of the allocated \$1.31 million of the City's Energy Efficiency Conservation Block Grant (EECBG) funds toward the Green Packages Program, which is now EUC.

Mr. Rizk accessed the website for EUC in Alameda County (acgreenretrofit.org), which outlines information such as program benefits, various packages, rebates, etc. He said that additional information will be posted to the website as the program moves forward and a link will be made available on the City of Hayward's website.

Mr. Rizk said that the CaliforniaFIRST property assessed clean energy (PACE) financing program funded by the State Energy Program (SEP) was scheduled to launch in the summer of this year. However, the program received resistance by the Federal Housing Finance Agency (FHFA), and Fannie Mae and Freddie Mac have stalled residential PACE programs across the country, causing the program to be suspended. Mr. Rizk said there have been several entities that have filed a lawsuit in response, including the California Attorney General. He further indicated that there are legal, political, and legislative pressures to try to rectify the issues, and several jurisdictions have adopted resolutions in support of PACE, including Hayward.

Mr. Rizk said that staff plans to bring another update on the Energy Upgrade California in Alameda County and PACE programs to the Committee in April 2011, as noted on the topics list.

There were questions from the Committee that were addressed by Mr. Rizk (i.e., the Western Riverside Council of Governments legal proceedings; other available California Energy Commission financing programs; further clarification on the status of PACE programs; other incentive programs to supplement the PACE programs, etc.).

Mayor Sweeney asked staff to research, internally and externally, on how the Committee may help in moving the PACE programs forward and to make the City Attorney's office aware of how important this issue is to the Committee. Mayor Sweeney said that some of the initiatives might be political; however, it will not hurt to inquire with our federal representatives, as well.

Bill Quirk, Council Member, indicated that we have a guest in the audience, Jeffery Conner, that spends his time lobbying on these subjects, and suggested that we can ask him for any comments on how we might proceed.

Jeff Conner indicated that he has notes and background information at his office and said that he will follow-up with an email to David Rizk, so that he does not provide the Committee with inaccurate suggestions. Mr. Conner said that he would like to mention

someone named Jerry Yudelson, whom he highly respects, and who was one of the founding members of the U.S. Green Building Council. He said that Mr. Yudelson has been an architect in San Francisco for 25 years and runs a consulting business. Mr. Conner said that Mr. Yudelson would be the person to consult with on legislative, finance, and political issues on nationwide basis, and his website is *greenbuildconsult.com*.

Mayor Sweeney said that the Committee is not required to take any action on this item today and thanked staff for the update.

VI. Discussion of Draft Meeting Topics List for 2011

Mayor Sweeney asked if any of the Committee members have questions regarding the topics list.

After some discussion, it was determined to move the plastic bag ordinance from March 2 to December 7, and add an update on food scraps programs to March 2.

VII. General Announcements and Information Items from Staff

David Rizk announced that the first meeting of the Climate Action Management Team (CAMT) was held on October 20th and the next meeting will be held on November 10th. Mr. Rizk asked the Committee members if they would like to receive copies of the CAMT meeting packets. After brief discussion, it was determined that the Committee would like copies of the CAMT meeting minutes only.

VIII. Committee Referrals and Announcements

Mr. Mendall said that the conversation about the Residential Energy Conservation Ordinance (RECO) at the CAMT meeting was preliminary; there was general support for the concept of a RECO, but no clear opinions on the specifics. He said that the CAMT will be discussing meeting priorities and then they will again be discussing the RECO and draft ordinance.

Mr. Henson said that he recently brought the topic of RECO to a Stopwaste.org Board meeting. He said that Berkeley was the only other City in attendance that has a RECO; however, there were several cities that are very interested and are waiting to see how Hayward is going to proceed with its RECO development and implementation. Mr. Henson said that this item is going to be a future meeting agenda item for the Stopwaste.org Board; however, other items are taking priority at this time. Mr. Henson said that Stopwaste.org is extremely pleased about Hayward's polystyrene ban.

Diane McDermott, Planning Commissioner, commented on the October 25 Sustainability Committee special meeting on RECO and said that she feels there was good attendance, the speakers were respectful, the exchange of information was good,

and she is glad that the City held the meeting. She said that we told the community that we were going to have the meeting and we did.

IX. Next Meeting: Wednesday, November 3, 2010
Update on Ordinance to Ban Plastic Bags

X. Adjournment: Meeting adjourned at 5:30 p.m.

*Per an email received by Mr. Grandt on November 4, 2010, he requested that his notes be added to the minutes, as follows:

The only significant point I had planned to make was that, if not already in the works, we should begin planning our strategy to roll out an awareness, education and active outreach effort to encourage residents to take advantage of whatever PACE-like program is ultimately implemented, in order to minimize any delay in ramping up Hayward's city-wide involvement from the program's inception.

Our response is becoming more urgent with unforeseen speed at which we are approaching climate tipping points coupled with the stalemate in Washington. Local communities, towns and cities are where effective solutions need to begin in earnest.

We need to have a "marketing" plan in place and not have it evolve as an afterthought.

Time is of the essence, and Hayward can be influential in leading other communities to responding quickly.



CITY OF
HAYWARD
HEART OF THE BAY

DATE: December 1, 2010
TO: City Council Sustainability Committee
FROM: Director of Public Works
SUBJECT: Single-Use Plastic Carryout Bag Ordinances: Status Report

RECOMMENDATION

That the Committee reviews and comments on this report.

BACKGROUND

At the March 3, 2010, City Council Sustainability Committee (CSC) meeting, staff summarized the State's plastic bag recycling program at large grocery and drug stores, efforts by various cities to adopt ordinances banning plastic carryout bags, and industry opposition to those bans. Opposition to proposed or adopted bans has included lawsuits or threats of lawsuits by "Save the Plastic Bag Coalition," a group of plastic bag manufacturers and distributors. The suits assert that the ordinances are subject to the California Environmental Quality Act (CEQA) and require preparation of an environmental impact report (EIR). The CSC report also described some regional efforts, including a Master Environmental Assessment (MEA) that has since been prepared by Green Cities California (GCC) a consortium of municipalities, of which Hayward is a member, and StopWaste. The MEA will help municipalities prepare environmental documents that would comply with CEQA associated with ordinances banning single-use plastic bags.

This report updates the March 3 CSC report by summarizing the bill that had proposed regulating single-use carryout bags, which was passed by the State Assembly, but failed Senate approval (AB 1998), and summarizes key provisions of other municipalities' ordinances banning single-use carryout bags, several of which have been challenged by the plastic bag industry. As mentioned during the discussion of future topics at the November 3 Sustainability Committee meeting, staff is recommending that the City focus on fully implementing the Polystyrene Ordinance and delay adopting an ordinance to ban single-use plastic carryout bags until late next year or in 2012, after regional efforts are completed regarding adequate environmental review documentation.

DISCUSSION

State law AB 2449, Plastic Bag Litter and Waste Reduction, requires large grocery and drug stores to provide reusable bags and plastic carryout bag recycling bins that are accessible to consumers. Reusable bags must be available to customers for purchase in lieu of plastic carryout

or paper bags. The law applies to certain large grocery stores that meet size, product mix, and annual sales requirements, and to pharmacies with 10,000 square feet of retail sales space. AB 2449 prohibits municipalities from imposing a fee on plastic carryout bags, among other provisions. This law, which went into effect on July 1, 2007, will sunset in January 2013, unless extended. Staff is not aware of any applicable Hayward businesses who are not complying with this requirement.

AB1998 (Brownley), which had proposed regulating all single-use carryout bags distributed at the large stores already included in AB 2447, plus convenience stores, was defeated. Acceptable bags included those made of 40% post-consumer recycled paper, a reusable bag made of durable fabric, and a durable plastic bag with handles. Also required was a small fee on paper bags, to deter their use and encourage use of reusable bags.

Considering the defeat of AB 1998, staff recommends cooperating with StopWaste in its plan to retain a consultant to prepare an environmental impact report (EIR) associated with a single-use carryout bag ordinance that could be used by any municipality in Alameda County. This effort will include staff involvement but, at this point, no contribution of City funds. StopWaste's plan is to ensure an efficient use of funds so that each city need not prepare an EIR. In addition, a coordinated effort to regulate single-use carryout bags will more effectively reduce the adverse environmental effects associated with such bags and maintain economic competitiveness among municipalities. However, StopWaste also intends for the proposed EIR to evaluate the environmental impacts of mandatory commercial recycling, because AB 32 (The California Global Warming Solutions Act of 2006) includes a requirement that, beginning July 1, 2012, all businesses and multi-family complexes generating four cubic yards or more of solid waste and recyclables each week participate in a recycling program. StopWaste staff plans to prepare a request for proposals in early 2011, at which time additional funds will be allocated by StopWaste. Preparation of an EIR will require about ten months after awarding a contract, and a certified EIR is planned by December 2011. Thereafter, each local government will need to determine whether to adopt an ordinance based on the conclusions of the EIR.

Staff from the cities of Berkeley and Fremont has each expressed interest in StopWaste's plan to prepare an EIR. Staff from the cities of Albany, Dublin, Emeryville, Livermore, Pleasanton and San Leandro has each indicated no direction at this time to consider adoption of a single-use bag ordinance. An MEA has been prepared to address existing regulations, life-cycle analysis, and potential environmental impacts, among other topics, as noted previously. The MEA will be used by StopWaste to assist in preparation of the EIR.

A second option would be to adopt the model single-use plastic bag ordinance prepared by GCC. This option is not recommended by staff because a number of city and county governments in California have been sued or received threats of a suit in their attempts to adopt a ban without preparation of an EIR. The only significant difference between GCC's proposed ordinance and AB 1998 is that the GCC's definition of stores includes all retail stores. GCC's proposal also excludes restaurants and take-out food establishments whose revenue is 90% or more from sales of food. GCC also indicated that the California Grocers' and Retailers' Associations have reviewed the proposed ordinance because both are interested in uniform provisions throughout the State. Significant provisions of the proposed ordinance include a requirement that reusable

bags be offered for sale; that, on request, stores may provide customers with a recycled paper bag for a fee of at least \$0.05 per bag; that customers participating in the State Supplemental Food Program be provided a reusable or a recycled paper bag at no cost at the point of sale, and enforcement provisions that include fines for non-compliance.

Summary of Other Municipalities' Efforts - Summarized below are efforts already initiated by other municipalities who have or are in the process of adopting an ordinance that would regulate distribution of single-use bags and, in some cases, paper bags:

- Some of the city and county governments in California that have attempted to impose bans on single-use carryout bags and been challenged by the plastic bag industry include the cities of Berkeley, Oakland, Mountain View, and San José, as well as Santa Clara County and Los Angeles County.
- The City of San José's Final EIR indicates no significant impacts from a plastic bag ban when accompanied by a paper bag fee of \$0.10. The proposed ordinance prohibits the free distribution of single-use carryout paper and plastic bags at the point of sale (i.e., at check-out) for all commercial retail businesses in San José, including department stores, clothing stores, convenience stores, and drug stores, among others. Excluded are restaurants, take-out food establishments, and nonprofit charitable reuse organizations. An exception is made for paper bags containing at least 40% recycled content, which can be provided to customers for a minimum store charge to deter use of paper bags and encourage consumers to switch to reusable bags. The Final EIR and ordinance are scheduled for consideration by the San José City Council on December 14, 2010.
- Los Angeles County's Final EIR identifies a potential finding of significance for cumulative greenhouse gas impacts, which is eliminated if accompanied by a fee on paper bags. The Final EIR was approved by its Board of Supervisors on November 16. The ordinance is similar to the City of San José's ordinance in that it prohibits distribution by affected stores of plastic carryout bags and requires a \$0.10 charge for recyclable paper carryout bags. The plastic bag industry has requested that the Board reconsider the implications of the ordinance and has indicated that a two-thirds vote on a store charge for paper bags may be required if the store charge is determined to be subject to Proposition 26.
- The City Council for the City of Sunnyvale recently directed staff to prepare an ordinance similar to San Jose's provisions, with a store charge of at least 15 cents per paper bag. Sunnyvale's City Council also appropriated \$100,000 for consultant work required by CEQA. Decisions regarding other provisions of the ordinance and the timeline for preparation of documents will be made within the next several weeks.
- The City of Santa Monica's proposed ordinance is similar to San Jose's in that it establishes a \$0.10 per paper bag store charge that would be retained by the retailer. City staff has learned that the Santa Monica City Council's consideration of the ban is anticipated in January 2011.

- Palo Alto adopted its single-use bag ordinance in 2009. The City received a threat to be sued and settled when the City agreed that the ordinance would only apply to a limited number of stores and that there would be no expansion of the ordinance without first preparing an EIR.
- San Francisco's plastic bag ordinance, which was adopted in 2007, requires large supermarkets and chain pharmacies to offer compostable, recyclable paper, or reusable bags made of fabric or durable plastic. San Francisco has not received any threats of a law suit, perhaps because the ordinance may not have been noticed by the plastic industry because it was the first plastic bag ban in the country. San Francisco has proposed expanding its ordinance to include any public commercial establishment selling personal consumer or household items.
- The City of Fairfax adopted its ordinance banning single-use plastic bags and requiring a reusable or recyclable paper bag in 2007 as a ballot initiative. No fees for paper bags are required, and staff is not aware of any legal challenges to the ordinance. The City of Malibu also approved a similar ordinance in 2008, and staff is not aware of any legal challenge to its ordinance.

ECONOMIC IMPACTS

Economic impacts to customers as a result of a potential single-use carryout bag ordinance include: (1) the additional store charge required for paper bags in order to deter requests for paper and encourage use of reusable bags; and (2) the additional costs to purchase reusable bags. The City Attorney has advised that the impact of Proposition 26 on a proposed store charge has not yet been determined.

NEXT STEPS

Staff will continue to monitor and participate in StopWaste's efforts to prepare an EIR, as well as efforts by other agencies. As indicated in the draft schedule for the Sustainability Committee, staff will prepare a report to the CSC in December 2011 summarizing the conclusions of the EIR regarding a ban on single-use carryout bags throughout Alameda County and describing the next steps to propose adoption of an ordinance banning these products.

Prepared by: Alex Ameri, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:


Fran David, City Manager

CLIMATE ACTION MANAGEMENT TEAM

Hayward City Hall – Conference Room 2A

777 B Street, Hayward, CA 94541-5007

November 10, 2010

7:00 p.m. – 8:30 p.m.

MEETING ACTION MINUTES

I. Call to Order by Vice Chair Chait Diwadkar

II. Introductions and Roll Call

Members Present:

- Chait Diwadkar, Vice-Chair and Resident
- Sanjiv Bhandari, architect
- Dave Gallaher, HUSD
- Laura Oliva, Green Building Advocate, KHCG
- Mickey Souza, Resident
- David Stark, Bay East Association of REALTORS
- David Tucker, Chamber of Commerce

City Staff Present:

- Robert Bauman, Public Works Director
- Erik Pearson, Senior Planner
- David Rizk, Development Services Director

III. Public Comments: *(Note: For matters not listed on the agenda, the Committee welcomes public comments under this section, but is prohibited by State Law from discussing items not listed on the agenda. Items not listed on the agenda brought up under this section will be taken under consideration and may be referred to staff for follow-up as appropriate.)*

No public comments were made or received.

IV. Approval of Action Minutes of October 20, 2010

Meeting minutes were unanimously approved, with minor modification adding text to reflect discussion regarding the desired make-up of the Climate Action Management Team, including representatives of the utility companies and homeowners associations.

V. Review Revised Mission Statement:

“Support and Guide Efforts to Implement the City of Hayward Climate Action Plan”

The mission statement was unanimously adopted as presented.

VI. Overview of Climate Action Plan

Senior Planner Erik Pearson summarized the Climate Action Plan (CAP), including explaining the contents of each section of the CAP, including:

- i. The Executive Summary, Table 1, Introduction, and Existing Programs;
- ii. Baseline Emissions Inventory, including what it shows and generally how it was done;
- iii. Emissions Reduction Targets, including explanation of various figures in that section of the CAP (Figures 10 and 11, etc.);
- iv. Approach to Emissions Reductions, including an explanation of Figure 13;
- v. Emissions Reduction Plan Actions, which was identified as the "meat" of the CAP, and what some of the various actions and programs will entail;
- vi. Implementation section, including the section that recommends formation of the Climate Action Management Team;
- vii. Appendices, including Appendix C (assumptions used in calculating estimated emission reductions) and Appendix D (methodology used to assign priorities to various actions).

Discussion followed among CAMT attendees about the role of the CAMT and whether it is advisory to the Council Sustainability Committee (yes, per staff) or to the City Council (no, per staff); what the focus of the CAMT should be (assisting with implementation of CAP programs as determined by the Sustainability Committee, or whether the CAMT should recommend to the Sustainability Committee reprioritizing actions, etc.), and stressing the importance of being able to defend expected emission reductions and methodology used in determining those, especially for actions that will cost residents and businesses.

Appreciation was expressed by some CAMT members to staff for the CAP overview.

VII. Future Agenda Items

The CAMT reviewed the 2011 Council Sustainability Committee topics list.

VIII. General Announcements and Information Items

None were made.

IX. Next Meeting: Wednesday, December 21, 2010 (to be held in Room 1C versus 2A)

- o Residential Energy Conservation Ordinance, particularly issues raised at the October 25, 2010 Council Sustainability Committee meeting
- o Presentation by CAMT member Mickey Souza on energy efficiency of home appliances
- o Communications Plan and Establishment of Communications Sub-Committee

X. Adjournment

CLIMATE ACTION MANAGEMENT TEAM

Hayward City Hall – Conference Room 2A
777 B Street, Hayward, CA 94541-5007

October 20, 2010
7:00 p.m. – 8:30 p.m.

ACTION MINUTES

I. Call to Order – By Senior Planner Erik Pearson

II. Introductions and Roll Call

Members:

- Al Mendall, Planning Commission
- Laura Oliva, Green Building Advocate, KHCG
- Dave Gallaher, HUSD
- David Tucker, Chamber of Commerce
- Mickey Souza, Resident
- Kerrilyn Ely, Recreation Superintendent, HARD
- Yulian Ligioso, Chabot College
- Chait Diwadkar, Resident
- David Stark, Bay East Association of REALTORS
- Chuck Horner, South Hayward's Calvary Baptist Church

Staff:

- Erik Pearson, Senior Planner
- David Rizk, Development Services Director
- Amelia Schmale, Sustainability Coordinator
- Sean Reinhardt, Library and Community Services Director

III. Public Comments: None

IV. Expectations and Purpose of the Climate Action Management (CAM) Team

Staff led the Team in a review of the proposed Mission Statement included in the October 20, 2010 Agenda Packet. The Team expressed that it preferred a more succinct, general Mission Statement and that the Statement should simply be:

“Support and Guide Efforts to Implement the City of Hayward Climate Action Plan.”

Also, discussion ensued regarding the desired membership of the Climate Action Management Team, which should include representatives from utility companies and homeowners associations.

V. Election of Chair and Vice Chair

Al Mendall, Planning Commissioner, was elected Chair of the CAM Team.
Chait Diwadkar, Resident, was elected Vice Chair.

VI. Update on Development of a Residential Energy Conservation Ordinance (RECO)

Staff announced a special meeting of the Council Sustainability Committee to discuss the development of a RECO to be held on October 25, 2010 at 7pm in Council Chambers.

Amelia Schmale, Sustainability Coordinator, gave a PowerPoint presentation on the ordinance development process so far, the elements under research including events that would trigger compliance and cost-effective energy retrofit measures, and related incentive programs.

Discussion points among the Team including the following:

More discussion of progress of actions related to other Climate Action Plan (CAP) priority items is needed and requested of the staff.

Need to consider Energy Efficiency in mobile homes.

Need to consider the poor state of the economy, particularly the real estate market and the high percentage of homes for sale that are in foreclosure or short sale.

Need to consider enforcement of the ordinance, particularly if the Date Certain trigger is chosen.

Need to consider that improvements may increase property values.

Some members support using all three triggers- Date Certain, Point of Sale, and Remodels. Raised the point that the onus should be on the buyer and that the ordinance should give them at least a 12 month grace period to comply. A repeat sale would not have to comply again. Once a home meets compliance, they do not have to prove compliance again for a period such as 15 years.

What to do about homes newer than 1978? Staff suggested that these be addressed as the RECO is updated over the coming years.

While there are costs and economic times are tough, need to consider the (effects of Climate Change) on future generations.

VII. Future Agenda Items

CAM Team members expressed the following concerning future topics for discussion:

Explore other CAP actions, including voluntary actions.

CAM Team should get the Council Sustainability Committee agendas.

Reiterated need to look at all CAP actions and discuss status.

VIII. General Announcements and Information Items

IX. Next Meeting: Wednesday, November 10, 2010

- Communications Plan and Establishment of Communications Sub-Committee
- Review of 2011 Topics List

The CAM Team would also like to look at the CAP and action items as a first topic on the next meeting's agenda.

X. Adjournment

Sustainability Committee Monthly Meeting Topics for 2011

Presenting Department	Date	Topics	Climate Action Plan Action Number (priority)
DS & Facilities	January 5	Energy Audits of City Facilities	
		Energy Efficiency and Conservation Block Grant (EECBG) Programs (Large Energy Users, Audits, etc.)	
DS	February 2	Annual Review of CAP Implementation and Priorities	
		Residential Energy Conservation Ordinance (RECO) – Draft Ordinance	3.1 (11)
PW	March 2	Update on Food Scraps Programs	6.2 (13)
		Introduction of Commercial Energy Conservation Ordinance (CECO)	3.3 (2)
DS	April 6	Update on Education/Outreach Efforts	9.1, 9.2, 9.3
DS		Update on Property Assessed Clean Energy (PACE) and Energy Upgrade California (EUC)	5.1, 5.2, 3.7, 3.8, 3.9
DS	May 4	Update on Sea Level Rise Studies	Strategy 8
DS		Green Building - Requirements for Commercial Buildings, Parking Requirements, and Solar Requirements	4.1, 4.2, 5.3
PW	June 1	Possible Transportation Demand Management (TDM) Programs	1.1 (21)
DS		Local Food Production/Healthy Eating	8.1
PW	July 6	Report on Public Transportation	1.4 (16)
DS/PW		Pedestrian Master Plan (<i>may be addressed in Circulation Element of GP when we do update in 2012</i>)	1.6 (24)
	August	<i>No Meeting – annual recess</i>	
PW	September 7	Update on Recycling Programs (food scraps, construction & demolition debris, multi-family recycling, City facilities and waste to energy)	6.1, 6.2, 6.3, 6.6, 6.7, 6.8, 6.9
		CECO Update	3.3
Finance	October 5	Environmentally Preferred Purchasing	6.10
DS		Update on Green Team Efforts	
DS	November 2	Multi-Family RECO (introduce topic)	3.2 (12)
DS		Discussion of Topics for 2012	
PW	December 7	Plastic Bag Ordinance	6.4 (25)

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saveSFbay.org

December 1, 2010

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

RE: Single-use bags in Hayward

Dear Mayor Sweeney and the Council Sustainability Committee:

On behalf of Save The Bay's 25,000 members and supporters throughout the Bay Area and hundreds in Hayward, we strongly urge you to work closely with StopWaste as they move forward with a county-wide ban on single-use plastic bags.

The City of Hayward demonstrated its environmental leadership in October by banning the use of polystyrene foam food ware by food vendors. The city should continue being a leader in eliminating plastic pollution from our waterways by actively participating in the county level process to ban plastic bags.

Regional support for a ban is growing as Sunnyvale, San Jose, Santa Clara County, and Marin County move forward with ordinances. Additionally, Los Angeles County recently passed a single-use bag ordinance. Hayward should not fall behind this trend, as local momentum is vital to any successful statewide ban. Save The Bay respectfully urges the city to actively support StopWaste in implementing a county-wide ban.

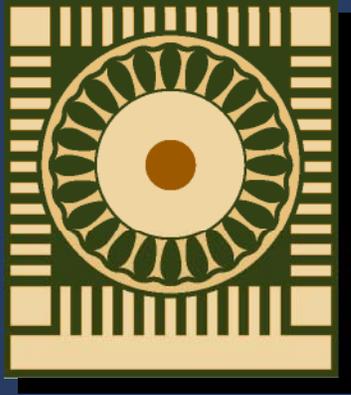
Thank you for your leadership.

Sincerely,



David Lewis
Executive Director





CITY OF
HAYWARD
HEART OF THE BAY

**Single-Use Carryout Bag Ordinances:
Status Report**

**Council Sustainability Committee Meeting
December 1, 2010**

Alex Ameri, Deputy Director of Public Works

Utilities Division - Solid Waste Program
Public Works Department



Single-Use Carryout Bag Ordinances: Status Report

March 3, Council Sustainability Committee Meeting

- Cities' attempts to adopt bans on plastic carryout bags
 - Basis of opposition by plastic bag industry: EIR required
 - Reported on preparation of EIRs and MEA
 - Committee directed staff to return with an update in December
-
- Staff will provide an update, and
 - Recommend working with StopWaste in its preparation of EIR



Single-Use Carryout Bag Ordinances: Status Report

Provisions of existing State law (AB 2449)

- Recycling bins at supermarkets for plastic carryout bags
- Reusable bags available for purchase
- Applies to large grocers and pharmacies
- Effective July 1, 2007 – January 2013, unless extended

Proposed Law (AB 1998 Failed to pass in Senate)

- Regulate distribution of single-use carryout bags
- Acceptable alternative bags: Reusable or recyclable
- Small charge on paper bags to encourage use of reusable bags



Single-Use Carryout Bag Ordinances: Status Report

Other Municipalities' Efforts to Adopt a Single-Use Bag Ban

- Cities adopting Ordinances without an EIR or store charge

Palo Alto: Initial Study & Neg Dec; settlement agreement ended suit by confining plastic bag ban to existing stores

San Francisco: CEQA process not used; no legal objections

Malibu: Prepared Initial Study & Neg Dec; Council adopted ordinance; no legal objections filed

Fairfax: Ordinance adopted as a citizen ballot initiative has no store charge for paper bags



Single-Use Carryout Bag Ordinances: Status Report

Other Municipalities' Efforts to Adopt a Single-Use Bag Ban

- Preparation of EIRs & Planned Adoption of Ordinances

San José, Santa Monica & Los Angeles County: Store charge for paper bags to deter use and encourage reusable bags

Sunnyvale: Preparation of an EIR including a store charge planned



Single-Use Carryout Bag Ordinances: Status Report

- Regional Efforts:
 - o Green California Cities: Prepared a Master Environmental Assessment (MEA) and a model ordinance
 - o StopWaste.org: Planning to prepare an EIR discussing, among other things, environmental impacts of restricting the use of plastic bags
 - o Additionally, some large cities and counties have prepared or are preparing their own comprehensive EIRs.



Single-Use Carryout Bag Ordinances: Status Report

Options to Adopt an Ordinance

- Adopt Ordinance Proposed by Green California Cities
 - Requires Initial Study & adoption of negative declaration
 - Not recommended due to potential for legal challenges
- Work with StopWaste to prepare EIR
 - Potential for a consistent Countywide approach
 - StopWaste Certified EIR planned for December 2011
 - Will allow City staff to concentrate on successful polystyrene foodware ban



Single-Use Carryout Bag Ordinances: Status Report

Economic Impacts to Customers

- Additional store charge for paper bags deters requests for bags
- Additional costs to purchase reusable bags

Fiscal Impacts:

- 100K-150K if an independent EIR is prepared
- A fraction if City participates in a regional EIR

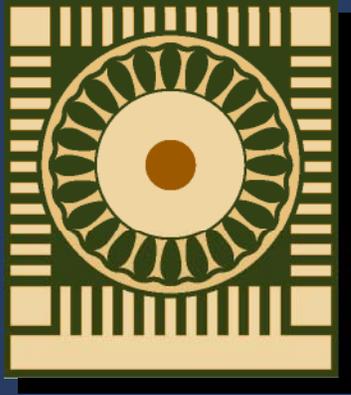


Single-Use Carryout Bag Ordinances: Status Report

Next Steps

- Monitor & participate in StopWaste's preparation of EIR
- Monitor other municipalities' preparation of CEQA documents
- Prepare report to CSC summarizing Stopwaste.org EIR conclusions after December 2011
- If directed, prepare ordinance implementation documents for Council consideration in early 2012.





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**Single-Use Carryout Bag Ordinances:
Status Report**

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December 1, 2010**

Alex Ameri, Deputy Director of Public Works

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