

## CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING

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

### *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.*

June 1, 2011  
4:30 p.m. – 6:30 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 May 4, 2011
- V. Local Food Production/Healthy Eating  
Tim Koonze, Associate Planner  
Presentation by Charlotte Dickson, Director, CA Center for Public Health Advocacy
- VI. Transportation Demand Management (TDM) Programs/Strategies  
Don Frascinella, Transportation Manager, Public Works Department
- VII. Commercial Energy Conservation Ordinance (CECO)  
Marc McDonald, Sustainability Coordinator
- VIII. Update on Education/Outreach Efforts  
Marc McDonald, Sustainability Coordinator
- IX. Summary of Last Climate Action Management Team Meeting
- X. General Announcements and Information Items from Staff
- XI. Committee Referrals and Announcements

*Continue on next page*



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.



- XII. Next Meeting: Wednesday, July 6, 2011
  - Report on Public Transportation
  - Update on Sea Level Rise Studies
  - Environmentally Preferred Purchasing
  
- XIII. Adjournment



CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING  
Hayward City Hall – Council Chambers  
777 B Street, Hayward, CA 94541-5007

May 4, 2011  
4:30 p.m.

**MEETING MINUTES**

I. Call to Order – Meeting called to order at 4:33 p.m. by Mayor Sweeney.

II. Roll Call

**Members:**

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

**Staff:**

- Fran David, City Manager
- Richard Patenaude, Planning Manager
- Erik Pearson, Senior Planner
- Marc McDonald, Sustainability Coordinator
- Bob Bauman, Public Works Director
- Katy Ramirez, Administrative Secretary (recorder)

**Others:**

- Simon Wong, Government Editor, Tri-City Voice Newspaper
- Darren Wilhoit, Livermore

III. Public Comments

None.

IV. Approval of Minutes of April 6, 2011 - minutes approved.

V. Green Building – Requirements for Renewable Energy and Parking

Marc McDonald, Sustainability Coordinator, provided a PowerPoint presentation and update on the first half of the staff report on Hayward's Climate Action Plan (CAP) Strategy 4 and Strategy 5; Hayward's Green Building Ordinance; the 2010 California

Green Building Standards (Cal Green) Code, renewable energy requirements, green-point rating systems, and financing programs.

Al Mendall, Planning Commissioner, said that the Property Assessed Clean Energy (PACE) program is a big piece of the CAP. He said it was discussed previously by the Sustainability Committee and that there are many components and requirements that are depended upon PACE and that it would not work well, or at all, without a PACE program. Commissioner Mendall said that PACE or some other mechanism is important in order to provide stable, low-cost financing. He said that requiring homeowners, business owners, commercial properties or whomever, to make changes to existing properties without a funding mechanism will encounter a lot of opposition and may not be practical. Commissioner Mendall said that he would like the Committee to focus on PACE or an alternate mechanism that provides a similar benefit, because once we have that program in place, then we can talk about other things more seriously and in a politically real way, as discussed a couple of months ago. Commissioner Mendall said that he does not think Community Choice Aggregation (CCA) is the right avenue. He said there were other options mentioned (group purchasing, renewable energy, etc.) that sound a lot more appealing than trying to put in a CCA, which is extremely complicated, a lot of up-front work, it exposes the City to financial risk, and he thinks there are better ways to achieve what a CCA can achieve.

Commissioner Mendall asked for clarification on the 1 megawatt solar PV facility in Hayward and asked if it was purchased by the City or if there was a Power Purchase Agreement, as he originally thought. Mr. McDonald said that he spoke with Alex Ameri, Deputy Director of Public Works, and Mr. Ameri indicated that initially it was going to be a Power Purchase Agreement; however, they did a purchase value analysis and realized it would be much cheaper if the City bought it outright. Mr. McDonald said staff indicated that the system works like a jewel and is easy to maintain. Commissioner Mendall asked if the payback has been calculated for the two new PV facilities that are being proposed for this coming year. Mr. McDonald responded that he does not know and will research it further. Commissioner Mendall said that he would like to see those figures in terms of number of years and see the figures for the 1 megawatt facility, as well.

Olden Henson, Council Member, said that he agrees with Commissioner Mendall about the impact of the PACE program and indicated the importance of finding a comparable financing program to replace PACE. Council Member Henson asked Mr. McDonald for more information about the Silicon Valley program. Mr. McDonald further described the program and said that he plans to have someone visit from Silicon Valley to talk with the Committee. Mr. Henson said that he is interested in this program and that it might be something to consider for Hayward.

Council Member Henson said that he also agrees with Commissioner Mendall about the CCA and noted that it was discussed previously and agreed by the Committee that the

start-up cost is very expensive, in the \$3 to \$4 million range, and that the risks were important reasons to not do it.

Council Member Henson said that we are all aware of AB14 and Stopwaste.org indicated that the bill came out of Committee yesterday as a Senate Bill. He clarified that this is the trust funding that is left over from PACE, which is \$50 million, and Stopwaste.org is trying to figure out a way of leveraging these funds. Council Member Henson said that it looks like it will probably go forward and that this is something that he wants Hayward to be in line for first.

Sara Lamnin, Planning Commissioner, added that she agrees that the CCA may not be something for the City; however, she wondered if using it as a leverage point to keep the pressure on PG&E to do renewable energy at the state level is probably the best way to go. She said that we can put things on rooftops in the City or we can move upward and actually try to have renewal power coming into the City from the beginning. Commissioner Lamnin said that she realizes it will only be 33 percent should it happen, but we should keep the pressure on PG&E. Commissioner Lamnin acknowledged that there still has to be some local solar in the meantime and we can work with the HOA's; that the SunShares program sounds like a good option; and that the survey should include the Cal State and Chabot solar programs.

Commissioner Lamnin suggested that we be mindful of our timing and incentives in terms of the CECO, and to be careful that we know what we are talking about, that it is incentive-based and performance-based, and that what we are offering is accurate.

Bill Quirk, Council Member, said that he agrees with the financing and that it is going to be very hard for the State to get up to 33 percent by 2020; however, we can help by putting up rooftop solar and other things in Hayward. He said that we have to get the PACE program going; it is not something our City is going to have General Fund money to do, so it is not going to be easy.

There was additional discussion amongst staff and the Committee about assessments, solar rooftops in the industrial area, and new construction.

Mayor Sweeney said that he recalls some discussion in the past about the south and west sides of the industrial areas and the many buildings with flat roofs, and he thinks an assessment survey is a necessary first step. Mayor Sweeney said there might be ways of packaging some ideas that might be attractive to folks. For example, if the solar roofs in the industrial area generated x-amount more energy than they really needed, then they could sell some of that energy, or create some cooperative arrangement or some other sort of financing mechanism that could make that viable.

Mayor Sweeney said that the other point he wanted to talk about was when this Committee was first established, it was discussed that we mandate installation of solar with new construction. He said that he still thinks it is a good idea. Mayor Sweeney

said that he understands the difficulties without PACE or other mechanism dealing with existing construction, but in terms of new construction, he is still missing why it is not a good idea. He said that we have incredible solar access on the south and west sides of the City, and why wouldn't we want to say to the developer "you are building it and part of the deal is you are putting solar in it; you are putting a new building up in the industrial area, you are putting solar up." Mayor Sweeney said that this would take some work, but he is still missing why this is a bad idea.

Mr. McDonald said that this is actually an interesting idea and that he read an article in the SF Chronicle, which was a reprint from a Lawrence Berkeley Lab analysis that states that solar panels actually do enhance the value of a home.

Mayor Sweeney said this was good discussion and comments and asked the Committee if they are ready for the second half of the report and update; the Committee responded yes.

Richard Patenaude, Planning Manager, said that Strategy 4 of the CAP deals with minimizing greenhouse gas emissions associated with energy with new buildings, and beginning January 1, 2011, the California Green Building Standards Code went into effect, and our Building Codes already incorporate those new measures. However, Division 5.1 included more planning-related measures that we need to address and place into our codes. The three areas that Division 5.1 addresses are bicycle parking, designated parking for clean air vehicles, and light pollution reduction.

Mr. Patenaude provided an overview of sections of the City's parking regulations and restrictions and identified the various State Green Building Standards Code regulations that would need to be incorporated into the City's Off-Street Parking Regulations (Chapter 10, Article 2 of the Municipal Code), and provided an overview of the light pollution reduction standards of the Security Standards Ordinance.

There was discussion and concern from the Committee members about the reduction of lighting and security in parking lots. Mayor Sweeney said that it appears that the consensus of the Committee is that security and safety is important and for it to be a priority when reviewing lighting projects.

Mr. Patenaude said that Erik Pearson, Senior Planner, is going to share information about bicycle parking that the City will need to consider when the form-based codes are adopted.

Mr. Pearson said when staff was looking at parking for the form-based codes, staff originally thought that they would simply refer to the new Cal Green standards for bicycle parking; however, the problem with the Cal Green standards is that bicycle spaces are measured by the percentage of automobile spaces. Mr. Pearson said that the Smart Code has several modules that you can draw from and the bicycle module requires spaces that are based on the type of the building, the function of the building, size,

number of bedrooms for multi-family, etc. Mr. Pearson said that this is something staff was going to try to incorporate into the form-based codes and into the Citywide Off-Street Parking Requirements.

Mayor Sweeney said that at some point it appears that this will need to be sharpened up a bit so that the Committee can provide feedback. Mr. Patenaude said that staff anticipates looking at details and incorporating the new requirements in the next fiscal year along with other portions of the zoning and related codes.

VI. Summary of Last Climate Action Management Team Meeting

Mr. McDonald said there was a fair turnout at the last meeting with six members in attendance and they had a guest speaker from Engage 360. Mr. McDonald said it was a good meeting and some of the major items discussed were the Public Works presentations on water efficiency and the organics food waste program; the energy upgrade site; the Communications Plan; and the Keep Hayward Clean and Green Task Force. He said that Mr. Pearson provided an update on the RECO and incentive programs, and that Mr. Pearson noted that Stopwaste.org is preparing an EIR for mandatory recycling of plastic bags.

There was discussion about CAMT attendance and methods for recruitment of new members. Commissioner McDermott said that the City Clerk's Office is hosting an open house at City Hall on June 30 for recruitment of new boards and commission and committees, and thought Mr. McDonald might want to consider this method for new CAMT members. Mayor Sweeney said this is a good idea and suggested that Mr. McDonald contact the City Clerk.

VII. General Announcements and Information Items from Staff

None.

VIII. Committee Referrals and Announcements

None.

IX. Next Meeting: Wednesday, June 1, 2011

Transportation Demand Management (TDM) Programs/Strategies  
Commercial Energy Conservation Ordinance (CECO)  
Local Food Production/Healthy Eating  
Update on Education/Outreach Efforts

Commissioner Lamnin asked if having four items on the June 1 agenda is realistic. She said that we had one item on the agenda today and it is already close to 6:00.

Mr. Pearson said that a couple of the June agenda items will be short and noted that a previous meeting was extended to 6:30 pm.

Mayor Sweeney said that we could extend the June meeting to end at 6:30 pm. He suggested that staff prioritize the agenda items and any remaining items could be carried-over to the July meeting, if necessary.

V. Adjournment: Meeting adjourned at 5:53 p.m.

DRAFT

**DATE:** June 1, 2011

**TO:** Mayor and City Council Sustainability Committee

**FROM:** Development Services Director

**SUBJECT:** Healthy Eating Active Living Cities Campaign

### **RECOMMENDATION**

That the Sustainability Committee recommends that the City Council adopt the attached resolution for the City of Hayward to become a member of the Healthy Eating Active Living Cities Campaign.

### **BACKGROUND**

Cities and their residents face increased health care costs and diminished quality of life due to the obesity epidemic. City leaders across California are addressing the crisis by implementing land use and employee policies that encourage physical activity and nutritious eating.

The League of California Cities led the way with a resolution in 2004 that encouraged cities to embrace policies that promote healthier lifestyles and communities. Two years later, the League adopted a resolution to work together with the Institute for Local Government, and the Cities Counties and Schools Partnership, to develop a clearinghouse of information that cities can use to promote wellness policies and healthier cities. The Healthy Eating Active Living Cities Campaign (Campaign) grew out of these resolutions and is a partnership of the California Center for Public Health Advocacy and the League of California Cities.

The Campaign works with California cities to adopt policies to improve the physical activity and food environments for residents and employees, focusing on land use, healthy foods, and employee wellness. The Campaign has asked the City to join the campaign to make Hayward a healthier city by setting goals to provide its citizens and employees with healthier lifestyle choices. By adopting the attached resolution, the City is committing to strive to continue making advancements that would work towards the goals of the Campaign. This may include future policy and ordinance changes. In addition, future decisions made by the City would take into consideration the goals of the resolution.

As reflected in the attached resolution, the Campaign's goals include encouraging cities to build a healthy environment by (1) prioritizing capital improvement projects to increase opportunities for physical activity in existing areas; (2) facilitating community gardens and farmers markets to increase access to healthy food including fresh fruit and vegetables; and (3) revising comprehensive

plans and zoning ordinances to increase physical activities and access to healthier foods. In addition, promoting employee wellness and encouraging local restaurants to offer healthier food choices are important elements of the resolution.

The Campaign encourages walking and biking and a built environment that facilitates alternative modes of transportation, which are directly related to Strategy One of the City's Climate Action Plan (CAP). Furthermore, while the City's greenhouse gas inventory does not take into account energy use associated with food production and transportation, healthy food and local food production promoted by the Campaign supports the City's efforts to reduce overall greenhouse gas emissions. The education and outreach needed to promote the Campaign can easily be combined with the outreach efforts related to the CAP.

## **DISCUSSION**

The attached resolution was created from a sample resolution provided by the Campaign. By following its goals, Hayward would move toward becoming a healthier city. The City has already taken many steps in meeting these goals, but there are more steps that could be taken.

*Built Environment* - In some ways, the City has already taken measures to meet some of the Campaign goals. For instance, the City has had a Bicycle Master Plan for many years. This plan was last updated in 2007 and provides a network of bicycle facilities that includes bike paths, lanes, and routes. The City should strive to continue to improve upon the existing plan and implement means to improve undeveloped bike paths.

The City plans to promote pedestrian access by developing a Pedestrian Master Plan when the Circulation Element of the General Plan is updated in the next couple of years. A Pedestrian Master Plan would enhance pedestrian travel and safety within the City.

The Zoning Ordinance provides for pedestrian-oriented design by including zoning districts that allow mixed-use development and higher density zoning in the downtown area and near public transportation. Recognizing that living near public transportation or near a vibrant downtown promotes walking, these districts have lower parking requirements. Parking can be further reduced by providing bicycle spaces, shuttle service to BART or bus stations, carpools for employees, and other similar methods that reduce vehicle trips.

To promote pedestrian-oriented neighborhoods, City staff is developing two form-based codes along most segments of Mission Boulevard. The intent of the form-based codes is to ensure that existing and new buildings work together to define pedestrian-oriented space of the streets and other public places. Buildings would be harmonious with each other in scale and character, and create an attractive, walkable neighborhood. To encourage alternate modes of transportation, the form-based codes will not have minimum parking requirements for automobiles. The South Hayward BART/Mission Boulevard Form-Based Code is scheduled to be adopted in July and the Mission Boulevard Corridor Form-Based Code is anticipated to be completed in the first quarter of 2012.

The City strives to promote the safe pedestrian use of City streets. Approximately one million dollars per year is spent on repairing existing sidewalks throughout the City. These improvements include installing or modifying handicap ramps to meet State standards. In addition, one-half million dollars per year is spent on installing new sidewalks.

Every Saturday, year round, there is a farmer's market in downtown Hayward. The market features locally grown produce and a selection of hot foods from nearby restaurants and caterers. The market provides a place to retail locally-grown produce while creating a sense of community.

To help provide access to healthier foods; the City is working with community action groups to expand the use of community gardens and urban farms throughout the City. One of the groups that is trying to promote urban farming within the City is *Urban Farming for Hayward*, which is made up of a group of concerned citizens interested in growing and selling their produce. They have held several meetings over the past few months to find potential farming plots, seek funding to finance their venture, and work with similar organizations in other communities to overcome solutions to the stumbling blocks along the way. Attachment II, "Policy Recommendations Related to Urban Farming," outlines some of the goals the organization wishes to accomplish. By allowing well-managed and maintained urban farming, the City would meet the goal of creating easily accessed healthy foods.

Allowing urban farming and community gardens within the City reduces the trips to the local grocery store and, on a more global scale, reduces the carbon footprint due to the transportation of produce via ships, trucks, and trains. Urban farms and community gardens allow the community to work together while providing a local food source.

A new agency, led Urban Agriculture Advisory Group, is being convened by the City, Hayward Area Recreation and Park District, and Hayward Unified School District. It also includes the Alameda County Office of Education's Project EAT program (school gardens), Stopwaste.org, Bay-Friendly Landscaping & Gardening Coalition, Day Labor Center, and a few people from the current Community Gardens. This group's initial purpose will be to develop a vision and identify assets, gaps, resources, and opportunities relating to urban agriculture in Hayward, including community gardens, urban farming, etc. The ultimate goal here is to convene a new set of key stakeholders to assist with bringing about the community visioning process and revamping of the Hayward Community Gardens and other food production ventures. The first meeting of the group will be June 9, 2011.

*Employee Wellness* - The Hayward Police Department initiated a new health and wellness program for City employees called Pursuit Performance Training. The program allows employees to access a website where they are given daily workout routines, can track weight loss, and have access to advice on how to eat and live a healthier life. The City is also establishing exercise and yoga classes for employees. These classes have expanded beyond the Police Department and are now available throughout the City.

There is also a movement to provide healthier food choices in the vending machines throughout the City. The vending machines will feature healthier snacks, such as granola bars and veggie chips. This will give the employee the ability to make a healthier choice for a snack.

Healthy Food Access - A measure the City could implement, as suggested by the Campaign, is to allow restaurants that remove foods that contain artificial trans fats from their menus to display a Hayward Healthy Eating logo identifying their restaurant as a healthier choice.

## **ECONOMIC IMPACT**

Creating pedestrian-oriented development would allow shoppers to spend their money locally rather than driving to stores located outside City limits. Allowing urban farming could create jobs and additional income for local residents and create a market to sell locally produced fruits and vegetables.

## **FISCAL IMPACT**

Creating the Pedestrian Master Plan as part of the next comprehensive General Plan update, developing form-based codes focused on pedestrian-oriented development, modifying the City's Zoning Ordinance, and working with the Hayward Local Agencies Committee could be done by existing staff and should bear no additional cost over the next fiscal year, other than the costs associated with a General Plan update, which would be significant.

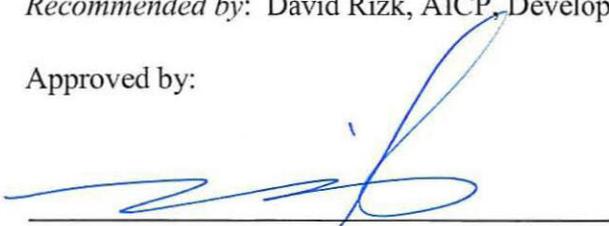
## **NEXT STEPS**

Staff will forward the Committee's recommendation to the City Council. If the attached resolution is adopted, Hayward will become part of the Healthy Eating Active Living Cities Campaign. Planning staff will continue to meet with community groups and various City departments to develop ordinances and policies that would help facilitate a healthier city.

*Prepared by:* Tim Koonze, Associate Planner

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

### **Attachments:**

- Attachment I: Resolution Making Hayward a Healthy Eating Active Living City
- Attachment II: Policy Recommendations Related to Urban Farming in Hayward – prepared by Urban Farming for Hayward

**Attachment I**

HAYWARD CITY COUNCIL

RESOLUTION NO. 11-

Introduced by Council Member

RESOLUTION TO BECOME A MEMBER OF THE HEALTHY  
EATING ACTIVE LIVING CITIES CAMPAIGN

WHEREAS, in 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and utility bills represent a major portion of operating costs for home and business owners; and

WHEREAS, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, in July 2010 the League of California Board of Directors resolved to partner with and support the national *Let's Move Campaign*, and encourages California cities to adopt preventative measures to fight obesity; and

WHEREAS, more than half of California's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and, hypertension; and the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, California Senate Bill 375 and Assembly Bill 32 call on cities to adopt plans to reduce greenhouse emissions which include reducing vehicular miles traveled; and

WHEREAS, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

WHEREAS, by supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby recognized that obesity is a serious public health threat to the health and wellbeing of adults, children and families in Hayward. While individual lifestyle changes are necessary, individual effort alone is insufficient to combat obesity's rising tide. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. To that end, Hayward adopts this Healthy Eating Active Living resolution:

## **I. Built Environment**

BE IT FURTHER RESOLVED that the City of Hayward planners, engineers, community economic and redevelopment personnel responsible for the design and construction of neighborhoods, streets, and business areas, should make every effort to:

- Prioritize capital improvements projects to increase the opportunities for physical activity in existing areas;
- Plan and construct a built environment that encourages walking, biking and other forms of physical activity;
- Address walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail;
- Facilitate the citing of new grocery stores, community gardens and farmers markets in underserved communities to increase access to healthy food, including fresh fruits and vegetables;
- Expand community access to indoor and outdoor public facilities through joint use agreements with the Hayward Unified School District and the Hayward Recreation and Parks District, and/or other partners;
- Revise comprehensive plans and zoning ordinances to increase opportunities for physical activity and access to health foods wherever and whenever possible, including compact, mixed-use and transit-oriented development;
- Include health goals and policies related to physical activity and access to healthy food in the next general plan update;
- Build incentives for development project proposals to demonstrate favorable impact on resident and employee physical activity and access to healthy foods;
- Examine racial, ethnic, and socio-economic disparities in access to healthy foods and physical activity facilities or resources and adopt strategies to remedy these inequities.

## **II. Employee Wellness**

BE IT FURTHER RESOLVED that in order to promote wellness within Hayward, and to set an example for other businesses, Hayward pledges to adopt and implement an employee wellness policy that will:

- Offer employee health incentives for healthy eating and physical activity;
- Establish physical activity breaks for meetings over one hour in length;
- Accommodate breastfeeding employees upon their return to work;
- Encourage walking meetings and use of stairways.

BE IT FUTHER RESOLVED to set nutrition standards for vending machines located in city owned or leased locations;

BE IT FUTHER RESOLVED to set nutrition standards for food offered at city events, city sponsored meetings, served at city facilities and city concessions, and city programs.

### III. Healthy Food Access

BE IT FUTURE RESOLVED that Hayward encourages restaurants doing business in Hayward to:

- Disclose the calorie amount and grams of fat for each menu item listed on a menu or menu board in a clear and conspicuous manner.
- Remove foods containing artificial trans-fat from their menu offering.

BE IT FURTHER RESOLVED that Hayward encourages food retailers doing business in Hayward to prominently feature healthy check-out lanes free of high density foods;

BE IT FURTHER RESOLVED that restaurants and food retailers that promote healthy food choice in the above manners be recognized by the City and will be entitled to display a Hayward Healthy Eating Active Living logo.

### IV. Implementation

BE IT FURTHER RESOLVED that the City shall encourage the Hayward Unified School District (HUSD) and the Hayward Area Recreation and Parks District (HARD) to also become members of the Healthy Eating Active Living Cities Campaign, and that the City will work with HUSD and HARD to jointly promote access to healthy food and the use of well-designed parks within the City.

BE IT FURTHER RESOLVED that the City Council shall receive an annual report regarding steps taken to implement this resolution, additional steps planned, and any desired actions that would need to be taken by the City Council.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2011

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

## Attachment II

*Urban Farm Hayward Policy Subcommittee Purpose: To focus on the policy and political will development required to support Urban Farming in Hayward.*

### **Policy Recommendations related to Urban Farming in Hayward**

1. Studies among Hayward Residents, within the scientific community, and nationally support the value of local food production through farming. Members of the Urban Farming planning committee for Hayward are collecting studies and models and are eager to work with City Staff to craft policies that enhance the health and safety of Hayward.
2. Urban “Farming” is delineated from “Gardening” activities as the produce is raised through farming is for commercial sales.
3. Foods which have additional preparation (ex: cooked or made into preserves) are considered “value added” and are not included in the scope of these suggestions as this process moves the food from agriculture regulations into those related to food safety.
4. Raising animals is not a part of these recommendations at this time.
5. Bee keeping is valuable for healthy food production and should only be undertaken by trained individuals. At this point, bee keeping is not part of these recommendations.
6. City Ordinance, Zoning/Code, etc. should be simple, making compliance easy.
7. Farming should be allowed as a land use “by right” in multiple areas of the city.
8. Zoning/Codes should give the City the tools needed to address nuisances, complaints, and non-conforming farms.
9. The phrase ‘agriculture is permitted until a “better use” is identified’ negates the value of locally produced food, job creation, and blight reduction possible through well-run urban farming efforts and should not be used.
10. Currently, the Alameda County Department of Agriculture requires a “Certified Producer” certificate (a process that includes an application and a site visit) to ensure that the farmer is only selling crops that they grow. Any certified farmers' market association requires this certification plus being named as additional insured on the farmer’s insurance policy. The California Department of Food and Agriculture also offers additional programs to ensure integrity at the marketplace and fair sales practices. These existing processes should continue to be the standards and could be used for oversight so that undue burden is not added to the City. <http://www.cdfa.ca.gov/egov/farmersmarket/>
11. Currently, Alameda County’s Departments of Agriculture and Health have a permitting process for basic food production (which includes an application and certification process to grow and sell crops).
12. Food produced should be sold at existing Farmer’s Markets as they already have licensing and health regulations. Small production farmers should be encouraged to work with the Community Gardens or other cooperative efforts when they are ready to start selling.

13. Anyone wishing to sell to restaurants or outside of the Farmer's Market structure should be able to do so, but must purchase a business license to facilitate compliance with health and safety guidelines, tax codes, and other existing business standards. Such regulation also facilitates a competitive marketplace environment that is fair for all.

**DATE:** June 1, 2011

**TO:** City Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Implementation of Climate Action Plan Update – Transportation Demand Management (TDM) Programs

## **RECOMMENDATION**

That the Committee reviews and comments on this report.

## **SUMMARY**

This report describes the history of employee-based commuter benefit programs in the City of Hayward, describes two existing programs within Alameda County and their costs, and asks several questions that need to be answered before the City should consider re-institution of this program as recommended by the Climate Action Plan.

Staff recommends that the City not undertake this program until such time that:

- sufficient resources become available
- there is significant employee interest;
- free parking for City employees is no longer provided; and
- transit service is established to the point where it becomes a viable commute option.

## **BACKGROUND**

The Climate Action Plan (CAP) was adopted by the City Council on July 28, 2009. The purpose of the CAP is to make Hayward a more environmentally and socially sustainable community by:

- Reducing Greenhouse Gas emissions - the primary contributor to global warming
- Decreasing the community's dependence on non-renewable resources
- Increasing Hayward's potential for "green" economic development
- Enhancing the health of all who live and work in Hayward

The CAP identifies greenhouse gas emissions reduction targets that are consistent with those adopted by the State of California as well as the actions that are needed to achieve the targets. These actions include several that the City itself can take, including transportation demand management, such as reinstating the Employee Commuter Benefits Program, as shown in Action 1.13:

*Reinstate commuter benefits such as Commuter Checks to City employees, and when possible expand or develop other commuter benefits programs such as parking cash-out or parking pricing programs, or taking advantage of the new tax credit for biking to work. The City will amend Administrative Rule 2.26 to reflect current transportation demand management opportunities.*

Between the early 1990s and early 2000s, the City had an Administrative Rule (1.26 and later 2.26) that outlined a number of steps that the City could take to reduce the number of single occupancy vehicle trips traveling to City Hall, first when the City Hall was located on Clawiter Road, then later in downtown. The program was called the STRIDES program. This program provided two major actions – first was a commuter check that was given to employees who used public transit for at least 50% of their home to work trips, and second was a monthly \$50 drawing awarded at random to any of the eligible employees. The program was administered by Engineering and Transportation staff and the annual budget was about \$4,600. This paid for the commuter checks, the administrative fee, and the \$50 monthly drawing.

When City Hall was located on Clawiter Road, there were about 6-8 employees who used public transit on a regular basis, largely because Clawiter Road was not very convenient for public transit users. However, the budgeted amount for the program was always more than adequate.

In January 1998, City Hall opened for business in downtown Hayward, adjacent to the Hayward BART station and the City actively promoted use of BART as a home to work commute option. Ridership spiked to a maximum of 25 users, still very low considering the proximity to BART. Helping to contribute to the low utilization were the (relatively) low gas prices and the availability of free parking for City employees. However, while gas prices have gone up, parking has remained free, and BART fares have also increased.

One major problem with the program was that even though BART utilization increased, funding for the program was kept at the same level as when City Hall was still located on Clawiter Road. As a result, the budgeted amount of \$4,600 was never increased, and in fact was decreased when the \$50 drawing was eliminated. With 25 employees, the program should have been budgeted at a minimum of \$6,300. Consequently, the program ran at a deficit and funds were borrowed from elsewhere to cover the program costs. The program itself was eventually eliminated in the early 2000s due to budget cuts and the City's challenging financial situation that continues to this day. Staff reductions also eliminated the time to administer the program.

In the mid-1990s, there were other regional program components such as a mandatory trip reduction action for local businesses (which required an Employee Trip Reduction Program Coordinator) and a Guaranteed Ride Home Program for those using public transit. SB 437 passed in 1995 which prohibited public agencies such as Air Districts from imposing a mandatory trip reduction program;

therefore the City of Hayward program was discontinued. The only remaining component of the program is the Guaranteed Ride Home Program administered by the Alameda County Transportation Commission. There are less than a half dozen city employees signed up with that program and very few local businesses.

## **DISCUSSION**

Provision of commuter transit benefits is not only encouraged, but provided for at the federal level. The Internal Revenue Service (IRS) allows employers to reduce the cost of commuting via public transportation. The employee can set aside up to \$230 per month of pre-tax income to provide for public transit costs of commuting to work. Employers can also provide employees with a reimbursement of up to \$20 per month for qualified commuting costs for bicycle use, including purchase, maintenance and storage, if the bicycle is used regularly for home to work travel. Unlike the other commuter benefits, the bicycle reimbursement cannot be funded through employee pre-tax income.

If the City were to implement an employee commuter benefit, the cost would be significant and that poses an obstacle due to the current budget challenges and shortfalls. Staff researched commuter benefit programs in other cities and several provide at least some small benefit. Two examples, in varied detail, are described below.

### City of Berkeley

The City of Berkeley provides \$20 per month in commute benefits to those who enroll. There are currently 693 employees enrolled, which represents about half of the City's labor force and represents approximately \$250,000 in annual expenses for the City of Berkeley. Applying that same percentage to the City of Hayward work force, this would be about 400 employees x \$20/month or \$96,000 per year. This would be a significant impact on the General Fund.

However, it is more realistic to consider only those employees who work at the City Hall and perhaps the library, which have the best access to public transit of any City facilities. Therefore, utilization would be closer to 125 employees, about half of those who work at City Hall and the library. Consequently, the cost is more likely to be closer to \$2,500 per month or \$30,000 per year, still a significant amount of General Fund dollars.

Employees are also allowed to take a pre-tax deduction up to the maximum allowable by the IRS, which is \$230 per month. This does not cost the City of Berkeley anything.

However, the City of Berkeley also contracts with a third party administrator to manage each of these two items. The cost is about \$4 per employee per month. For the City of Hayward, this would be 125 employees x \$4/month=\$ 500 per month or \$6,000 per year.

Finally, the City of Berkeley provides an AC Transit Easy Pass for all eligible employees that provides unlimited rides on all AC Transit services. The Easy Pass cost for Berkeley is about \$80 per employee. However, this benefit would cost the City of Hayward about \$10,000 per year, but

would likely have a very small utilization by city employees, since most would take BART (as documented by past utilization in the STRIDES program).

### City of Fremont

City employees can deduct up to a maximum of \$230 per month or \$2,760 per year via payroll deductions. Commuter Checks are ordered online from the organization (Commuter Check Direct) that manages the program which is located in Watertown Massachusetts. Payroll deductions are made from each participating employee. Once Commuter Check Direct has received the check payment, the Commuter Checks are shipped and distributed to employees by department on payday.

The City pays a 3.5% Processing Fee and a \$15 Shipping & Handling Fee. This process of placing the order, maintaining the data base and creating the warrant requisition for signature and submission takes about one hour. The verification, sorting and distribution of the Commuter Checks also take about one hour once the shipment is received via UPS Ground. Currently, there are 19 participants in the Commuter Check Program and 5 participants in the Commuter Checks for Bicycling Program. This constitutes less than 3% of the City of Fremont employee population. Although the staff cost is not known, it is likely under \$1,000 per month.

It is important to note two distinct differences between the City of Berkeley and the City of Fremont. Berkeley has abundant public transit and no free parking. Conversely, the City of Fremont has free parking and a transit service level similar to Hayward.

For any kind of commuter benefits program to be successful, two features must exist- abundant public transit and no free parking. Additionally, although it was estimated that 125 City of Hayward employees might use the program if offered, history shows that at most 25-30 employees will use it. Therefore, while the cost to the City would be commensurately reduced, the question is whether it is a worthwhile expenditure of City funds and effort for a program that will benefit relatively few. Therefore, staff recommends that, before any new program is considered, the level of support and interest from City employees in using the program be gauged.

Before setting up a program, the City will need to research and answer the following issues:

- What kind of program will be set up?
- Is there a demand for such a program?
- How will it be administered?
- And most importantly, how will it be funded?

### Other Strategies

At some point in the future, when downtown or other transit hubs are more fully developed and when free parking ceases to exist in Hayward, it will be appropriate to look at what the City can do to assist businesses, housing developments, and other concentrations of potential transit users to

develop their own employer TDM programs such as ridesharing, flex time, telecommuting, carsharing, employee commute benefits, parking management, etc.

## **FISCAL IMPACT**

As noted above, for a program like the one in Berkeley, the cost to enroll and administer 125 employees in an employee commute benefits program would be about \$46,000 or ten times the amount budgeted when the program was originally in place for Hayward. This is a significant impact on the General Fund.

If the Fremont model were to be followed, the only net cost to the City would be the service charge and processing fees, as well as the staff time involved. The cost is not clear but the Finance Department would need to make the determination as to whether resources exist to implement the program. However, it should be noted that the resources no longer exist in Engineering and Transportation (and city-wide for that matter) to manage the program as it existed under Administrative Rule 2.26 and described above.

Grant funds (such as Transportation For Clean Air Funds) are not available to implement an employee-only program. The Air District, which generates the funds, requires a program that is available citywide.

## **PUBLIC CONTACT**

The topic of commuter benefits was discussed during the preparation of the Climate Action Plan, which was a public process in 2008 and 2009. While a commuter benefit program for City employees would have little impact on the community, any programs designed for employees outside the City organization would be done with input from local businesses.

## **SCHEDULE**

If recommended by Committee and directed by City Council, depending on type of program selected and available funding, it could be in place and implemented in FY2013. This program would need to be weighed against other City priorities as to its benefit to the public.

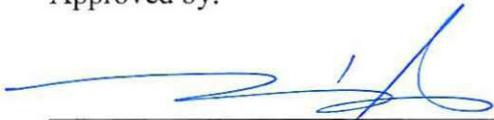
However, staff recommends that the City not undertake this program until such time that:

- sufficient resources become available;
- there is significant employee interest;
- free parking for City employees is no longer provided; and
- transit service is established to the point where it becomes a viable commute option.

Prepared by: Morad Fakhrai, Deputy Director of Public Works/City Engineer

Recommended by: Robert Bauman, Director of Public Works

Approved by:



---

Fran David, City Manager

**DATE:** June 1, 2011  
**TO:** Mayor and City Council Sustainability Committee  
**FROM:** Development Services Director  
**SUBJECT:** Commercial Energy Conservation Ordinance

## **RECOMMENDATION**

That the Committee reads and comments on this report.

## **SUMMARY**

Staff recommends that, similar to the City of San Francisco, the City of Hayward should develop a Commercial Energy Conservation Ordinance (CECO) that requires owners of commercial buildings to benchmark all commercial buildings in Hayward using the U.S. EPA's ENERGY STAR® Portfolio Manager benchmarking tools. The proposed CECO would not require the building owner to make improvements to the building or incur any costs. Instead, it would require building owners to record readily available building information in the US EPA's Energy Star Portfolio Manager tool. Additionally, staff recommends that each owner be required to update the information on an annual basis and that a copy of the building Energy Star Portfolio Manager Statement of Energy Performance be provided to the City on an annual basis.

Staff also recommends that the City of Hayward take the opportunity to "Lead by Example" by having City-owned facilities be benchmarked using the Energy Star Portfolio Manager.

In summary, staff is recommending a CECO at this time that would require reporting action on the part of commercial property owners, versus requiring owners to install energy efficiency measures. Staff would recommend that a modified CECO be considered in the next few years that actually requires energy efficiency measures to be installed, after measures are identified based on benchmarking data.

## **BACKGROUND**

The City Council adopted the Hayward Climate Action Plan (CAP) on July 28, 2009. The CAP includes goals to reduce greenhouse gas emissions by 12.5 percent below 2005 levels by 2020

and by 82.5 percent below 2005 levels by 2050<sup>1</sup>. The CAP identifies nine strategies to accomplish reductions in GHG emissions.

The goal of Strategy 3, *Improve Energy Performance of Existing Buildings*, is to reduce GHG emissions in existing buildings using regulations, incentives and education programs. The long term goals of Strategy 3 are to reduce electricity consumption to 65 percent below business-as-usual projections by 2050 and to reduce natural gas consumption to 50 percent below business as usual projections by 2050<sup>2</sup>.

Within Strategy 3, Action 3.3 of the CAP recommends that the City (1) develop a Commercial Energy Conservation Ordinance (CECO) which would require improved energy efficiency and energy conservation in commercial buildings, and (2) continuously update the CECO to ensure buildings become more energy efficient over time<sup>3</sup>.

Climate Action Plan Strategy 3 – Action 3.3					
Action Number	Full Description	Estimated Annual Emissions Reductions (metric tons CO2e)		Percent contribution to target reductions	
		2020	2050	2020	2050
Total GHG reductions if all Strategy 3 actions are implemented		8,723	205,890	5.6%	10.2%
Action 3.3	Develop a Commercial Energy Conservation Ordinance which would require improved energy efficiency and energy conservation in commercial buildings.	5,164	105,152	3.3%	9.8%

In light of the fact that Action 3.3 is targeted to contribute close to ten percent of community-wide GHG reductions by 2050, the success of this action is significant. Although the CECO envisioned in the CAP would be expected to reduce GHG emissions by requiring installation of energy efficiency measures, the initial CECO recommended for consideration is to establish a framework that would result in identification of measures that when installed, would be expected to result in more energy efficiency and GHG emission reductions. The reason that staff is recommending this initial benchmarking approach in a CECO is to increase the likelihood that measures identified to be implemented will actually result in GHG emissions reduction. Staff would recommend that a modified CECO be considered in the next few years that actually requires energy efficiency measures to be installed.

*Commercial Energy Conservation Ordinance in Other Jurisdictions* - According to a survey of CECO ordinances in the United States, six municipalities, five states, and the District of

<sup>1</sup> Climate Action Plan, [http://www.hayward-ca.gov/CAP08/pdfs/2009/CAP\\_Final/Hayward\\_CAP\\_FINAL\\_11-6-09%20-%20full%20document.pdf](http://www.hayward-ca.gov/CAP08/pdfs/2009/CAP_Final/Hayward_CAP_FINAL_11-6-09%20-%20full%20document.pdf), page 27

<sup>2</sup> Climate Action Plan, page 158

<sup>3</sup> Climate Action Plan, page 70

Columbia have CECO ordinances (see Attachment I). Benchmarking<sup>4</sup> is required in four communities, five states and the District of Columbia. One community, Frisco, Texas, requires commercial buildings to install “cool roofs,” shading trees and water conservation measures.

The Cities of San Francisco and Berkeley were among the first cities in the nation to establish CECOs. Each city has had a different experience with CECO, resulting in very different CECO obligations for building owners.

In 1989, the City and County of San Francisco was the first city in the nation to enact a CECO requiring commercial building energy retrofits. Similar to the Berkeley CECO described below, the Ordinance originally required the building owner to make energy efficiency retrofits to the building at the time of sale.

The San Francisco CECO encountered three major obstacles: (1) Building owners raised substantial objections to the ordinance because they did not believe that the benefits resulting from energy efficiency retrofits were cost-effective; (2) City staff who were assigned responsibility to enforce the ordinance had limited knowledge of energy efficiency, the result of which was inconsistent administration of the CECO and resulting building owner resistance; and (3) Almost all commercial real estate transactions in San Francisco involve the sale of ownership interests in legal entities, such as partnerships, not the transfer of title. As a result, the reach of the ordinance was limited because ownership interests in the buildings were being transferred while the actual buildings were not being sold. The result was that the San Francisco ordinance was not readily enforceable. Ultimately, it was not enforced and the ordinance was repealed in 1995.

Lessons learned from this experience led the City of San Francisco to take a different approach to the development of a new CECO, known as the Existing Commercial Buildings Energy Performance Ordinance<sup>5</sup> (“EPO”). The EPO was developed by a Task Force of stakeholders that included property owners, the real estate trade association, the Building Owners and Managers Association (BOMA), planners, consultants and concerned citizens. The result was an ordinance that was passed in December of 2010 with minimal opposition and the active support of BOMA and major property owners.

The City of San Francisco EPO requires commercial building owners to: (1) conduct standardized energy audits based on ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers) standards<sup>6</sup>; (2) benchmark whole building energy performance using the U.S. Energy Star Portfolio Manager<sup>7</sup>; and (3) report energy performance data to the

---

<sup>4</sup> “benchmarking is a process that either compares the energy use of a building or group of buildings with other similar structures or looks at how energy use varies from a baseline.” Energy Star – Benchmarking. [http://www.energystar.gov/ia/business/EPA BUM\\_CH2\\_Benchmarking.pdf](http://www.energystar.gov/ia/business/EPA BUM_CH2_Benchmarking.pdf)

<sup>5</sup> San Francisco Environment Code – Chapter 20. <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o00117-11.pdf>

<sup>6</sup> ASHRAE Level One for buildings that are less than 50,000 sf and ASHRAE Level Two for buildings 50,000 sf and larger. ASHRAE Level 1 audits are required for buildings that are less than 50,000 square feet. The Level 1 audit focuses on low-cost/no-cost energy conservation measures, and provides a list of higher cost energy conservation measures. ASHRAE Level 2 audits are required for buildings that are 50,000 square feet and larger. Level 2 audits identify all appropriate energy conservation measures for a facility, and include a financial analysis of recommended measures based on implementation costs, operating costs, attainable savings, pay-back periods as well as recommendations for changes to operations and maintenance procedures.

<sup>7</sup> Energy Star for Buildings. [http://www.energystar.gov/index.cfm?c=business.bus\\_index](http://www.energystar.gov/index.cfm?c=business.bus_index)

City (see Attachment II - San Francisco Energy Performance Ordinance – Building Owner Compliance Process ). The EPO also directs the San Francisco Department of the Environment to make available to the public summary statistics of building-specific energy performance information collected. Building owners are required to make available to their tenants annual summary reports of the building benchmarking information from data submitted to the City and available to the public. Penalties for non-compliance are modest. Owners of buildings that are more than 50,000 sf are subject to a \$100 per day fine. The fine for large buildings is capped at \$2,500 per year. Owners of buildings smaller than 50,000 sf are subject to a \$50 per day fine. Small building fines are capped at \$1,250 per year. Department of Environment staff are counting on market forces and the threat of pending State regulations to drive building owners to comply with EPO requirements.

According to staff at the San Francisco Department of the Environment, complete implementation of the ordinance (see Attachment III - San Francisco Energy Performance Ordinance Guideline), will satisfy multiple objectives:

1. Benchmarking provides building owners and other stakeholders information about the energy efficiency of participating buildings.
2. The use of ASHRAE as the measurement tool provides building owners and stakeholders a standardized set of tools for measuring energy efficiency across the spectrum of building owners.
3. The use of Energy Star Portfolio Manager (see discussion below) provides building owners and stakeholders access to data that is reported according to consistent standards and in a consistent format to facilitate comparative analysis.
4. Public information about building energy performance provides parties to a building transaction important information to support business decisions.
5. Making information about building energy performance available to the public supports the development of data-based public policy.
6. The EPO provides building owners a path to compliance with state regulations that are being developed in accordance with the requirements of the State of California AB 1103.

The City of San Francisco considers the EPO to be a significant step forward in their effort to reduce energy consumption and GHG production in San Francisco. As one staff member said: “You can’t improve what you can’t measure.” The information provided by the benchmarking process will provide building owners and officials data about the relationship of specific measures to improvements in energy efficiency. This data can be used to later develop consensus-based, community-wide regulations that would require energy efficiency installations to improve energy efficiency.

The City of Berkeley implemented its Commercial Energy Conservation Ordinance in 1993 and it requires all commercial buildings to meet minimum energy efficiency standards either (1) upon change of ownership or (2) when a significant renovation/addition is made to the property. In the first case, energy efficiency upgrades must be made before the title transfers to the new owner; otherwise, compliance responsibility transfers to the buyer. In the latter cases, upgrades are triggered through the building permit application process by which the applicant is required to install conservation measures to the entire building if the renovation or addition increases the conditioned area of the building by more than 10 percent or if the value of the renovation exceeds \$50,000.

The Berkeley process requires the owner of any commercial building undergoing renovations exceeding \$50,000 in cost or of additions comprising more than 10 percent of the conditioned building space to commission an energy audit to determine the potential energy savings and costs for prescribed energy-conservation measures. Such measures could include HVAC system upgrades, water heater insulation, lighting upgrades, cleaning and tuning of refrigeration systems, adding ceiling insulation. The building owner must implement all identified and cost-effective measures up to the lesser of 1 percent of the assessed value of the property, or \$150,000. The maximum total cost of conservation measures required is the lesser of 5 percent of the total renovation construction cost or 1 percent of the assessed value of the entire building.

The Berkeley City Manager oversees implementation of the CECO program and Berkeley's Codes and Inspections Department enforces compliance through building inspections. Berkeley's Office of Energy and Sustainable Development tracks the energy and financial savings resulting from implementation of CECO. Exemptions are available for newer construction or low energy users. Since its inception, more than 130 commercial buildings (10 percent of the city's total) have been improved through the CECO<sup>8</sup>.

*Methods to Monitor Energy Efficiency* - One method that can be used to identify cost-effective energy efficiency upgrade measures is through the benchmarking process. The benchmarking process allows the building manager to verify and track progress of improvement projects, set investment priorities and compare building operations on a number of values against similar buildings. In recognition of the value of benchmarking, the US Department of Energy and the US Environmental Protection Agency developed the U.S. EPA's ENERGY STAR® Portfolio Manager.<sup>9</sup> The US EPA's ENERGY STAR® Portfolio Manager helps building managers track and assess energy and water consumption within individual buildings as well as across their entire building portfolio. Additionally, building managers can benchmark their building energy performance against similar buildings based on a number of variables including building size, building use, and building location. Further, building managers who use Portfolio Manager will be able to assess and evaluate the success of their energy management strategies over time.

In October 2007, the California Legislature passed AB 1103 to require all building owners to benchmark their buildings using EPA Portfolio Manager. Regulations to implement AB 1103

---

<sup>8</sup> City of Berkeley – Office of Energy and Sustainable Development. <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=15474>

<sup>9</sup> Portfolio Manager. [http://www.energystar.gov/index.cfm?c=evaluate\\_performance.bus\\_portfoliomanager](http://www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager)

have not been completed. The City of Hayward has an opportunity to lead by example by benchmarking City-owned buildings through Portfolio Manager, and, like San Francisco, requiring all commercial building owners in Hayward to benchmark their buildings using EPA Portfolio Manager. Initially, the bill was scheduled to go into effect on January 1, 2009. The process of developing implementing regulations for the bill has been delayed due to extensive negotiations between stakeholders. According to information provided by the CEC, the current target date for implementation is July 2012.

Proposed AB 1103 regulations would require building managers to disclose to their utility providers the findings shown by their Portfolio Manager Statement of Energy Performance (see Attachment IV). Building managers would also be required to disclose information shown on a form (see Attachment V) developed by the California Energy Commission (CEC), called the California Energy Commission Nonresidential Building Energy Performance Report (see Attachment VI)<sup>10</sup>, and require building managers to disclose both reports to prospective buyers, lessees and lenders prior to closing the transaction.

*Benchmarking* - Similar to Energy Guide labels on appliances that show where an appliance fits into the range of similar appliances from the most efficient to the least efficient, benchmarking can be used to create a ranking system for the energy performance of commercial buildings to be analyzed using the EPA's ENERGY STAR® Portfolio Manager.

Benchmarking differs from energy-related building codes because benchmarking analyzes performance while building codes presume performance. Design-based codes are based on assumptions of how certain materials and construction standards will affect energy consumption, while benchmarking rates buildings using actual measured energy consumption. The result is that while compliance with energy-related buildings codes can generally assure a basic level of energy-efficiency, benchmarking can help building managers identify best-practices to get the greatest benefit from energy efficiency measures.

Benchmarking takes into account some of the most significant factors in building energy consumption: the behavior of operators and occupants as well as the performance of equipment in the building. For example, the performance of well-designed buildings may not meet energy efficiency standards because they have not been commissioned properly. Benchmarking the building against buildings of similar age, use, design, climate and operating conditions could reveal this oversight and lead the owner to take actions that will convert a well-designed building that is performing poorly into a high-performance, low-energy building.

While the action of benchmarking provides the data to support action, the true value of benchmarking lies in the action taken in response to information provided by benchmarking. Based on information provided through benchmarking, building owners can decide how much to invest according to where their building lies on the energy-efficiency continuum. Tenants and prospective investors can use benchmarking information to make leasing and valuation decisions based in part on the energy efficiency and the potential operating and capital costs of the building.

---

<sup>10</sup> <http://ab1103.wordpress.com/2010/09/20/ab-1103-%E2%80%93-how-you-can-benefit/#more-11>

Finally, benchmarking can be used by policy makers to develop and analyze alternative proposed regulations for new building and building retrofit standards that support policy objectives such as reducing energy consumption and GHG production.

*Staff's Recommendations* - Staff recommends that similar to the City of San Francisco, the City of Hayward should develop a Commercial Energy Conservation Ordinance that requires owners of commercial buildings to benchmark all commercial buildings in Hayward using the U.S. EPA's ENERGY STAR® Portfolio Manager benchmarking tools. The information developed by benchmarking the building should be disclosed to PG&E. Additionally, staff recommends that that each owner be required to update the information on an annual basis and that a copy of the building's Energy Star Portfolio Manager Statement of Energy Performance be provided to the City on an annual basis. Staff recommendations are based on the following rationale:

1. It appears that in due time, the State of California will require owners to benchmark their buildings using the U.S. EPA's ENERGY STAR® Portfolio Manager Statement of Energy Performance and to report benchmarking information to their utilities. The City of Hayward can support its business community by encouraging them to have their building benchmarked before the State law takes effect.
2. The process of benchmarking will require resources, but if building owners participate in the PG&E Automated Benchmarking Service, their building benchmark information will be automatically updated each month by PG&E at no cost to the owner<sup>11</sup>. Participation in the PG&E's Automated Benchmarking Service will provide building owners accurate, objective and timely information about their building's performance. Most importantly, the data provided will help building owners identify which of their energy efficiency initiatives will have the greatest impact on their ability to save money through building energy efficiency.
3. According to the Climate Action Plan, Hayward's commercial sector is responsible for over 238,000 tonnes of CO<sub>2</sub>e or 20 percent of total GHG emissions<sup>12</sup>. Information derived from benchmarking reports can help building owners and City staff work cooperatively to identify and reduce the production of greenhouse gases in the City of Hayward.
4. Outreach and education to the community of building owners about the value of benchmarking can be a source of positive relations between City officials and building owners will be necessary. Helping building owners unlock value in improved energy efficiency practices can help improve operations and earnings.

---

<sup>11</sup> PG&E Automated Benchmarking Service. [http://www.pge.com/includes/docs/pdfs/mybusiness/energysavingsrebates/incentivesbyindustry/fs\\_abs.pdf](http://www.pge.com/includes/docs/pdfs/mybusiness/energysavingsrebates/incentivesbyindustry/fs_abs.pdf)

<sup>12</sup> Climate Action Plan, pages 125-128

Finally, staff recommends that the City of Hayward take the opportunity to “Lead by Example.” Staff recommends that City-owned facilities be benchmarked using the Energy Star Portfolio Manager. The City’s Facilities Manager is attending benchmarking classes to develop the ability to perform this service. This benchmarking initiative should be publicized and highlighted to the building and business community.

### **ECONOMIC IMPACT**

Costs to businesses for implementing benchmarking should be minimal. Benchmarking calls for building owners to assemble currently available information, which is typically available. Analysis of the information will be made more simple by reviewing consistent benchmarking reports provided by the EPA and PG&E using information provided by the building owner.

### **FISCAL IMPACT**

Fiscal impacts associated with implementing a CECO may be low to moderate. Staff time devoted to promoting the program and compiling and analyzing benchmarking data submitted to the City may have a moderate fiscal impact. The process of benchmarking a building can range from one hour, if all required information is readily available, to one week if information has to be assembled from multiple sources. As a result, staff time devoted to initial benchmarking of City-owned buildings could be significant. After initial benchmarking, there will be no staff time devoted to updating benchmarked information because the information will be updated automatically by PG&E. Staff time devoted to analysis and reporting of information provided by PG&E can be limited to one month per year.

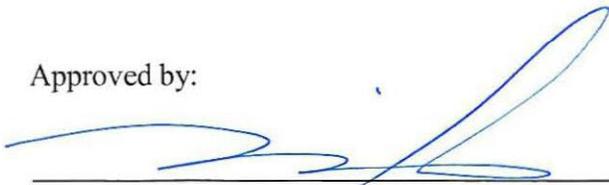
### **NEXT STEPS**

1. Identify resources to benchmark municipal buildings for the City of Hayward.
2. Establish a task force of commercial building owners, real estate professionals, trade association professionals and staff of the City of Hayward to identify effective ways to address upcoming state obligations to benchmark commercial buildings. The Climate Action Management Team may be able to staff the task force.

*Prepared by:* Marc McDonald, Sustainability Coordinator

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I:	Commercial Energy Conservation Ordinances in the U.S.
Attachment II:	San Francisco Energy Performance Ordinance – Building Owner Compliance Process
Attachment III:	San Francisco Energy Performance Ordinance Timeline
Attachment IV:	ENERGY STAR Statement of Energy Performance
Attachment V:	CEC Performance Disclosure - Process Steps
Attachment VI:	California Energy Performance Disclosure Report



**ATTACHMENT II**  
 San Francisco Energy Performance Ordinance –  
 Building Owner Compliance Process

**Existing Commercial Buildings Energy Performance Ordinance Timeline**

**1. Energy Benchmark**

	Up to 120 Days after Approval	October 1, 2011	April 1, 2012	April 1, 2013	2014 and beyond
<b>Disclose Energy Benchmark</b>	Educate property owners about upcoming requirements. Support early action.	All buildings >50k sq feet benchmark First year data is confidential	All buildings >25k sq feet benchmark Public disclosure for >60k sq ft	Require all buildings >10k square feet to benchmark Public disclosure for >25k sq ft	Continue benchmarking. Re-evaluate options for buildings <10k sq. ft. Public disclosure for >10k sq ft
<b>Lead By Example in Public Facilities</b>	Communicate \$35M 10-year ongoing investment in energy efficiency in public facilities	City facilities benchmarked, with performance made public on the same timeline as private sector facilities. (Energy performance is currently reported at the department level for Climate Action Plans.) Ongoing investment in energy efficiency in municipal facilities.			

**2. Energy Efficiency Audit**

	Up to 120 Days after Approval	Preparation	Audits Due July 1, 2012 for First Group	Audits Due April 1, 2013 for Second Group	Audits Due April 1, 2014 for Final Group	2015	2016	2017
<b>Energy Audit</b>	Dept of Environment notifies building owners of energy efficiency audit requirement.	12 months before first energy audit due date	Approximately 33% of buildings must obtain an energy audit.	Deadline for second 33% of buildings to obtain an energy efficiency audit.	Deadline for third 33% of buildings All buildings >10,000 sq ft have clear plan for saving energy	-	-	20% complete a new energy efficiency audit, identifying remaining cost-effective opportunities

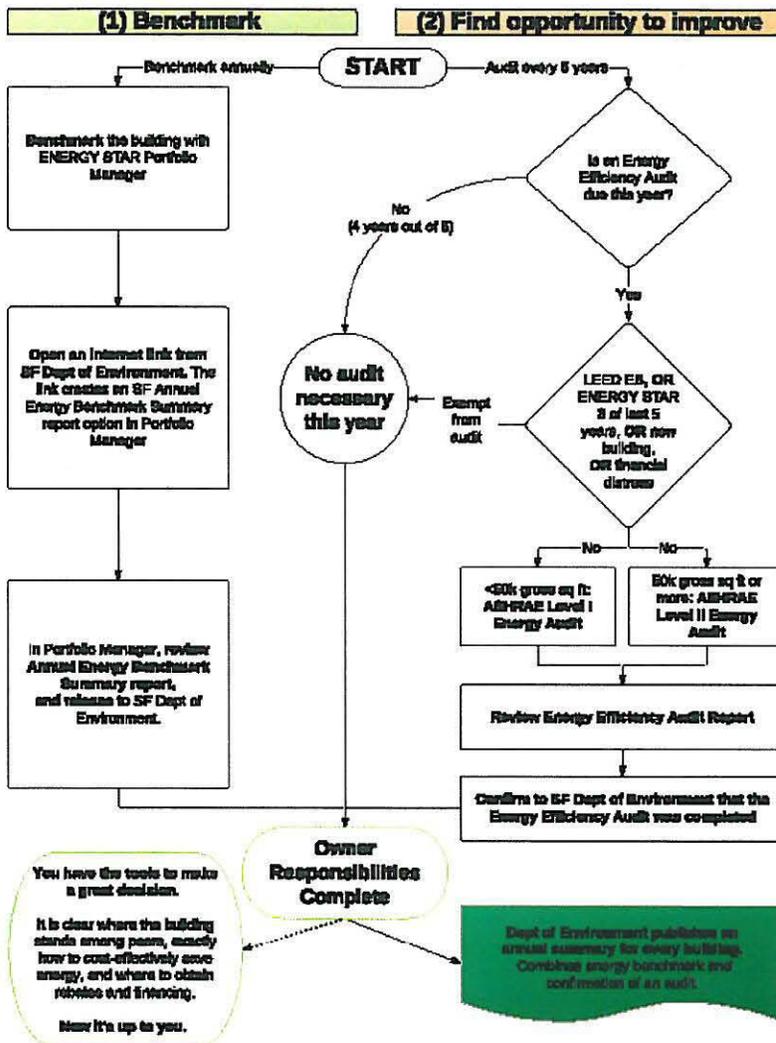
**Support for Action**

<b>Incentives</b>	SF Energy Watch and PG&E programs provide rebates for energy efficiency improvements Federal incentives include accelerated depreciation and 179D tax deduction for qualifying improvements
<b>Training</b>	Free benchmarking training is available from Pacific Energy Center ( <a href="http://www.pce.com/energystates">www.pce.com/energystates</a> ) and EPA ENERGY STAR ( <a href="http://www.energystar.gov/benchmark">www.energystar.gov/benchmark</a> )

(Energy audit due dates may be revised prior to public notice. Benchmarking dates are explicit in the ordinance.)

**ATTACHMENT III**  
San Francisco Energy Performance Ordinance Timeline

**Existing Commercial Buildings Energy Performance Ordinance:  
Overview from the Perspective of a Building Owner**



**ATTACHMENT IV**  
**ENERGY STAR Statement of Energy Performance**

OMB No. 2060-0347



**STATEMENT OF ENERGY PERFORMANCE**  
**Office Sample Facility**

Building ID: 2005550  
 For 12-month Period Ending: April 30, 2010<sup>1</sup>  
 Date SEP becomes Ineligible: August 28, 2010

Date SEP Generated: July 02, 2010

**Facility**  
 Office Sample Facility  
 1234 Main Street  
 Arlington, VA 22201

**Facility Owner**  
 Sample Owner  
 1500 Test Avenue  
 Charlotte, NC 28227  
 555-555-5555

**Primary Contact for this Facility**  
 Jane Smith  
 1500 Test Avenue  
 Charlotte, NC 28227  
 555-555-5555  
 jsmith@jasmith.com

Year Built: 2000  
 Gross Floor Area (ft<sup>2</sup>): 53,232

Energy Performance Rating<sup>2</sup> (1-100) 90

**Site Energy Use Summary<sup>3</sup>**

Electricity - Grid Purchase(kBtu)	2,288,770
Natural Gas (kBtu) <sup>4</sup>	1,228,009
Total Energy (kBtu)	3,516,779

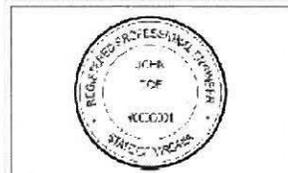
**Energy Intensity<sup>5</sup>**

Site (kBtu/ft <sup>2</sup> /yr)	66
Source (kBtu/ft <sup>2</sup> /yr)	168

**Emissions (based on site energy use)**  
 Greenhouse Gas Emissions (MtCO<sub>2</sub>e/year) 413

**Electric Distribution Utility**  
 Dominion - Virginia Electric & Power Co

<b>National Average Comparison</b>	
National Average Site EUI	114
National Average Source EUI	289
% Difference from National Average Source EUI	-42%
Building Type	Office



**Professional Engineer Stamp**

Signature: \_\_\_\_\_

Based on the conditions observed at the time of my visit to this building, I certify that the information contained within this statement is accurate and in accordance with the Licensed Professional Guide.

**Meets Industry Standards<sup>6</sup> for Indoor Environmental Conditions:**

Ventilation for Acceptable Indoor Air Quality	Yes
Acceptable Thermal Environmental Conditions	Yes
Adequate Illumination	Yes

**Professional Engineer**  
 License Number: 0000001  
 State: VA  
 John Doe  
 333 Old Sample Lane  
 Arlington, VA 22201  
 555-555-1234

**Notes:**

1. Application for the ENERGY STAR must be submitted to EPA within 4 months of the Period Ending date. Award of the ENERGY STAR is not final until approval is received from EPA.
2. The EPA Energy Performance Rating is based on total source energy. A rating of 75 is the minimum to be eligible for the ENERGY STAR.
3. Values represent energy consumption, annualized to a 12-month period.
4. Natural Gas values in units of volume (e.g. cubic feet) are converted to kBtu with adjustments made for elevation based on Facility zip code.
5. Values represent energy intensity, annualized to a 12-month period.
6. Based on Meeting ASHRAE Standard 62 for ventilation for acceptable indoor air quality, ASHRAE Standard 55 for thermal comfort, and IESNA Lighting Handbook for lighting quality.

The government estimates the average time needed to fill out this form is 6 hours (includes the time for entering energy data, Licensed Professional facility inspection, and reviewing the SEP) and welcomes suggestions for reducing the level of effort. Send comments, including OMB control number, to the Director, Collection Strategies Division, U.S. EPA (2022), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460.

EPA Form 5900-16

Tracking Number: SEP201007020001044613



ATTACHMENT VI

**California Energy Performance Disclosure**

In conformance with California Code of Regulations, Title 20, Article 9 (2010)



Building Information

Building Name: **Grass Valley Office Center**  
 Building Owner: **Joe B. Owner**  
 Address: **1234 Rolling Hills Rd.**  
 City: **Grass Valley**  
 Zip Code: **95945**  
 Building ID Code: **001234**  
 Building Type: **OFFICE**  
 Gross Floor Space: **63,900 sq. ft.**

Energy Use Index

Actual: **125 kBtu/sf-yr**  
 Weather Normalized: **130 kBtu/sf-yr**

Energy Use Information

Annual Electricity Usage: **591,760 kWh**  
 Annual Natural Gas Usage: **13,288 therms**  
 Other Annual Energy Usage: **None**  
 Total Site Energy Usage: **3,347,902 kBtuh**  
 Renewable Energy Production: **None**  
 Percent of Electricity from Renewables: **0%**

The Energy Performance Ratings reported here were determined for this building based on recorded energy consumption, building floor area and the following default or actual building characteristics:

Default	Building Data	Building Characteristic
<input type="checkbox"/>	<u>70</u>	Weekly operating hours
<input type="checkbox"/>	<u>450</u>	Number of occupants
<input type="checkbox"/>	<u>500</u>	Number of computers
<input type="checkbox"/>	<u>70</u>	Percent floor area cooled
<input type="checkbox"/>	<u>70</u>	Percent floor area heated

Building Owner Verification

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

**DATE:** June 1, 2011

**TO:** Mayor and City Council Sustainability Committee

**FROM:** Development Services Director

**SUBJECT:** Update on Education/Outreach Efforts.

### **RECOMMENDATION**

That the Committee reads and comments on this report.

### **SUMMARY**

Hayward's Climate Action Plan (CAP) places a significant emphasis on public education and outreach as a means to achieve effective reductions in greenhouse gas emissions. This report summarizes recent efforts to work with the community to implement the CAP, including staff coordination of the Climate Action Management (CAM) Team. Staff seeks feedback from the Committee on the responsibilities and membership of the CAM Team as well as opportunities to maximize the City's limited resources available for climate action outreach.

### **BACKGROUND**

The City Council adopted the Hayward Climate Action Plan (CAP) on July 28, 2009. The CAP includes goals to reduce greenhouse gas emissions by 12.5 percent below 2005 levels by 2020 and by 82.5 percent below 2005 levels by 2050<sup>1</sup>. The CAP identifies nine strategies to accomplish reductions in GHG emissions.

The goal of Strategy 9, *Engage and Educate Community*, is to maximize community participation in efforts to reduce emissions and to harness residents' sense of commitment to environmental responsibility. According to the CAP, the large number of variables associated with climate change actions makes it difficult to quantify emissions reductions associated with community engagement and education. However, the successful implementation of each action presented in the CAP depends on community participation. As a result, the City committed in the

---

<sup>1</sup> Climate Action Plan, <http://www.hayward-ca.gov/CAP08/CAP08.shtm>, page 27

CAP to focus on improving access to information on energy and climate-related issues, and on improved communication between government, residents, and businesses<sup>2</sup>.

The CAP noted some of the challenges to effective public engagement on climate issues, including:

- Establishing and maintaining communication – generally people are more receptive to communication if they are engaged in an environment where they feel comfortable.
- Sending a clear and concise message to help people identify what they should do to reduce emissions.
- Calling for action or spelling out exactly what the City is asking for and explaining how this action will benefit the community and individuals.
- Addressing the issue of concerns about cost by providing information on the costs of participation in specific programs, financing opportunities and the cost savings associated with reduced energy use.
- Leadership by example – residents will likely be more receptive to make changes if they see prominent people in the community making changes.
- Empowering people to make informed decisions.

Within Strategy 9:

- Action 9.1 of the CAP recommends that the City create a stand-alone Green Portal, or website, that would serve as the City’s hub for all things green;
- Action 9.2 recommends that the City develop and implement a plan that aims to engage residents in the City-wide effort to reduce emissions;
- Action 9.3 recommends that the City develop and implement an outreach plan to engage local businesses in climate-related programs.

*Action 9.1 – Create a stand-alone Green Portal -* The City of Hayward has a Green Portal or website that does a good job of providing current information about the City’s green policies and green initiatives<sup>3</sup>. While the site offers good functionality, it is not a “hub” for all things green in Hayward.

The City of Hayward Water Conservation site<sup>4</sup> is a very good site. The site provides engaging and current information about the City’s water conservation initiatives. Visitors to the site are engaged to take actions, both simple and complex, to conserve water, get information and to make an immediate, tangible difference.

Staff has reviewed sustainability-related pages from several other cities to develop ideas for Hayward’s website. Each year, the Web Marketing Association<sup>5</sup> accepts nominations for the best websites in a variety of categories, including “Government.” Entries are judged on the criteria of Design, Innovation, Content, Technology, Interactivity, Copywriting and Ease of use.

---

<sup>2</sup> Climate Action Plan, page 97

<sup>3</sup> Green Hayward. <http://www.hayward-ca.gov/CAP08/CAP08.shtm>

<sup>4</sup> City of Hayward Water Conservation Site. <http://www.hayward-ca.gov/Water-Conservation/>

<sup>5</sup> Web Marketing Association. [http://www.webaward.org/winners\\_result.asp](http://www.webaward.org/winners_result.asp)

The 2010 winner of the Web Marketing Association's best government website was the City of West Hollywood, California. The West Hollywood "Environment" page<sup>6</sup> is simple, easy to read and easy to navigate. The type face is large. The space between lines of text is also large. The main body of the page does three things: first, it tells a story that explains why a person should do something about the environment; second, it gives the visitor simple tips about how to make a difference by doing simple things each day, like "carrying your lunch in reusable containers rather than paper bags"; and, third, the side bar contains links to specific departments and initiatives where detailed information is available. The result is a simple webpage that is easy to navigate.

Frisco, Texas<sup>7</sup>, the 2008 Web Marketing Association winner, follows a conceptually similar design at its "Green Living" website. Still photos and accompanying stories about "green" related activities rotate on the main page to tell success stories of how people are doing something about the environment. Text is minimal and easy to read. The top bar contains links to specific departments and initiatives where detailed information is available.

The website for the City of Santa Rosa has not won awards for its design. However, it shares similarities with the award winners. The main body of the City of Santa Rosa Environmental Stewardship<sup>8</sup> web page tells the story of what the City of Santa Rosa is doing about climate action. Links are provided below the main story to sites that provide resources and information about how to take action. Links on each side of the page connect the visitor to specific initiatives and departments where detailed information is available.

City of Hayward Development Services, Public Works and Technology Services staff are collaborating on development of a Hayward Green Portal site to consolidate public access to all of the City's green initiatives. As the Hayward Green Portal website is updated, the "best practices" of other websites will be taken into account. Staff anticipates completing the reorganization/redesign of the Green Portal this summer.

*Action 9.2. Develop and implement a plan to engage residents in the City-wide effort to reduce emissions* - Development of a plan to engage residents has been accomplished. The City of Hayward Climate Action Communications Plan, developed by *Circle Point* consultants, provides valuable advice about how to communicate the Climate Action Plan message to the community. However, implementation of the plan has been hindered by lack of resources.

The plan envisioned significant participation from the Climate Action Management Team (CAM Team) to execute the specific tasks of branding, messaging, coalition building and outreach. However, the effectiveness of the CAM Team in executing these tasks has been hampered by a low level of participation from members.

In light of the critical role envisioned for the CAM Team in the implementation of the Climate Action Plan communication outreach, a review of CAM Team responsibilities and membership is in order, which staff anticipates completing in the next month or two.

---

<sup>6</sup> West Hollywood Environment web page. <http://www.weho.org/index.aspx?page=624>

<sup>7</sup> Frisco, Texas Green Living. <http://www.friscogreenliving.com>

<sup>8</sup> City of Santa Rosa. Environmental Stewardship. [http://ci.santa-rosa.ca.us/environmental\\_stewardship/Pages/default.aspx](http://ci.santa-rosa.ca.us/environmental_stewardship/Pages/default.aspx)

Staff is engaged in efforts to inform the community about opportunities to reduce emissions:

- The City's Green Team held a Green Expo on Friday, March 11, 2011. The Green Team is a group of City staff representing various Departments, whose focus is on greening internal City operations. Approximately 300 people attended the Green Expo. There was a good response from City employees. In their evaluation of the success of the event, the Green Team noted that trying to target both employees and the public was a challenge. Public participation could probably be enhanced by holding the event on a weekend – preferably Saturday when the Farmers Market is open. The Green Team is exploring the possibility of holding another event this fall.
- The City's Development Services Director routinely participates in the City's Neighborhood Partnership Meetings to inform the community of the City's Residential Energy Efficiency Rebate Program.
- Staff is working with Energy Upgrade California to publicize the City's Residential Energy Efficiency Program. Additionally, staff is working with Energy Upgrade California to leverage access to PG&E rebate programs and access to contractors certified to make PG&E rebate eligible energy efficiency upgrades.
- Staff is working with East Bay Energy Watch (EBEW) Business Energy Services Team (BEST) to publicize the City's Non-Profit Energy Efficiency Rebate Program. Additionally, staff is working with EBEW BEST to leverage access to PG&E rebate programs and access to contractors certified to make PG&E rebate eligible energy efficiency upgrades.
- Staff is working with PG&E marketing staff to make direct contact with non-profits in the City of Hayward. This is a "boots on the ground" effort in which PG&E is providing marketing staff to identify and contact non-profits in Hayward to encourage them to participate in the City's Non-Profit Energy Efficiency Rebate Program.
- Staff is working with other City departments, including the Social Services Planning Manager, to encourage participation of non-profits in the City to participate in the City's Non-Profit Energy Efficiency Rebate Program.
- Staff has established a working relationship with Engage 360<sup>9</sup>, an education and outreach program that is funded by the California Energy Commission. The Engage 360 grass roots staff is focused on educating the public about direct actions it can take to reduce energy consumption in homes. Engage 360 staff offer information ranging from simple actions to advanced educational and outreach actions for people who are passionate about conservation and are looking for ways to take the next step. Staff is leveraging this relationship to increase the visibility of the energy efficiency programs and the Climate Action Plan.
- Staff is also involved in the process of setting up meetings with larger homeowners associations, the faith community, realtors and education professionals, with the goal of leveraging these relationships to bring the community information about energy efficiency and the Climate Action Plan.

---

<sup>9</sup> Engage 360. [http://www.engage360.com/index.php?option=com\\_content&view=article&id=365&Itemid=318&lang=en](http://www.engage360.com/index.php?option=com_content&view=article&id=365&Itemid=318&lang=en)

Action 9.3 - recommends that the City develop and implement an outreach plan to engage local businesses in climate-related programs.

Staff is working with PG&E marketing staff to make direct contact with large energy users in the City of Hayward to identify and encourage participation in the City's Large Energy Users Energy Efficiency Rebate Program. To date, close to \$145,000 of the program's \$250,000 in funding has been requested by large energy users in the City of Hayward. Relationships established with local businesses through this program will be leveraged to engage the business community in the message of the CAP.

## **ECONOMIC IMPACT**

The economic impact of the actions taken to implement Strategy 9 will be difficult to quantify. Successful outreach may result in local hiring to implement greenhouse gas reduction measures. Money saved from implementation of energy efficiency measures would be expected to provide residents with discretionary funds that could be spent locally.

## **FISCAL IMPACT**

The fiscal impacts to the General Fund would be expected to be significant to low depending on the types of outreach programs implemented. Costs associated with development and production of marketing collateral, events and incentive programs could be substantial. Staff time as well as costs associated with equipment rental and purchases used to implement outreach and publicity programs could be substantial. If staff is successful in leveraging relationships, volunteer efforts, CAM Team participation and equipment currently owned by the City, many of the fiscal impacts may be offset.

## **NEXT STEPS**

- Review CAM Team responsibilities and membership with the goal of maximizing "Active Participation."
- Identify and encourage opportunities for staff to leverage existing relationships, resources and events to engage the community to participate in actions recommended by the City's Climate Action Plan.

*Prepared by:* Marc McDonald, Sustainability Coordinator

*Recommended by:* David Rizk, AICP, Development Services Director

Approved by:

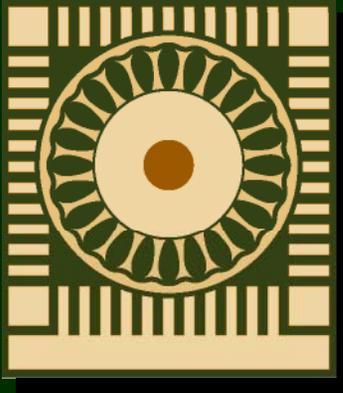


Fran David, City Manager

## Sustainability Committee Monthly Meeting Topics for 2011

Presenting Department	Date	Topics	Climate Action Plan Action Number (Community-Wide Action Priority per Appendix D in the CAP)
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	Residential Energy Conservation Ordinance (RECO)	3.1 (11)
DS	March 2	Residential Energy Conservation Ordinance (RECO)	3.1 (23)
PW	April 6	Update on Food Scraps Programs	6.2 (26)
PW		Senate Bill 7 – Water Conservation	
DS		Annual Review of CAP Implementation and Priorities	
DS	May 4	Green Building – Requirements for Commercial Buildings, Parking Requirements, and Solar Requirements	4.1 (20), 4.2 (18), 5.3 (19)
DS		Local Food Production/Healthy Eating	
PW	June 1	Transportation Demand Management (TDM) Programs/Strategies	1.1 (36)
DS		Commercial Energy Conservation Ordinance (CECO)	3.3 (2)
DS		Update on Education/Outreach Efforts	9.1 (15), 9.2 (16), 9.3 (17)
PW	July 6	Report on Public Transportation	1.4 (30)
		Update on Sea Level Rise Studies	Strategy 8
Finance		Environmentally Preferred Purchasing	6.10 (14*)
	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 (28), 6.2 (26), 6.3 (14), 6.6 (34), 6.7 (11), 6.8 (16*), 6.9 (13*)
DS		CECO Update	3.3 (3)
DS	October 5	Update on Property Assessed Clean Energy (PACE) and Energy Upgrade California (EUC)	5.1 (29), 5.2 (8), 3.7 (6), 3.8 (7), 3.9 (1)
DS		Update on Green Team Efforts	
DS	November 2	Multi-Family RECO (introduce topic)	3.2 (24)
DS		Discussion of Topics for 2012	
PW	December 7	Plastic Bag Ordinance	6.4 (40)

\*Municipal Actions Priority per Appendix D in the CAP



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**COMMERCIAL ENERGY CONSERVATION  
ORDINANCE**  
**June 1, 2011**

Marc S McDonald, *Sustainability Coordinator*

Planning Division  
Development Services Department



# Action 3.3 – Develop a Commercial Energy Conservation Ordinance

Climate Action Plan Strategy 3 - Action 3.3					
Action Number	Full Description	Estimated Annual Emissions Reductions (metric tons CO2e)		Percent contribution to target reductions	
Total GHG reductions if all Strategy 3 actions are implemented		2020	2050	2020	2050
Total community-wide actions Strategy 3 actions implemented and long-term Strategy 3 goals achieved		8,723	205,890	5.6%	10.2%
Action 3.3	Develop a Commercial Energy Conservation Ordinance which would require improved energy efficiency and energy conservation in commercial buildings.	5,164	105,152	3.3%	9.8%



# Alternate Measure Development Models

## Staff Designed

- Design - Implement - Measure
- Design by Model
- Model Based Administrative Process

Berkeley Ca.; San Francisco, Ca.; Frisco, Tx

## Measurement Designed

- Measure - Design - Implement
- Design by Experience
- Experience Based Administrative Process

Seattle, Wa.; New York, NY.; Austin, Tx.



# “You can’t Improve What you can’t measure”

- CAP requires individual building improvement
  - No method or metrics for measurement.
- EPA Energy Star Portfolio Manager provides method for measurement.
- Benchmarking provides comparative performance as a metric.
- Benchmarking information will be used to identify locally quantifiable measures to meet CAP goals.



# Benchmarking Required

- AB 1103 will require will require building owners to benchmark their buildings.
  - Likely to go into effect July 2012.
  - Phased in over 3 years based on building size.
- Hayward can encourage owners to be a State leader in benchmarking.
  - PG&E Automated Benchmarking Service provides free annual updating of reports.
- Hayward is leading by example by benchmarking its buildings with Staff and East Bay Energy Watch resources.



# California Energy Performance Disclosure Report

## California Energy Performance Disclosure

In conformance with California Code of Regulations, Title 20, Article 9 (2010)



### Building Information

Building Name: **Grass Valley Office Center**  
 Building Owner: **Joe B. Owner**  
 Address: **1234 Rolling Hills Rd.**  
 City: **Grass Valley**  
 Zip Code: **95945**  
 Building ID Code: **001234**  
 Building Type: **OFFICE**  
 Gross Floor Space: **63,900 sq. ft.**

### Energy Use Index

Actual: **125 kBtu/sf-yr**  
 Weather Normalized: **130 kBtu/sf-yr**

### Energy Use Information

Annual Electricity Usage: **591,760 kWh**  
 Annual Natural Gas Usage: **13,288 therms**  
 Other Annual Energy Usage: **None**  
 Total Site Energy Usage: **3,347,902 kBtu**  
 Renewable Energy Production: **None**  
 Percent of Electricity from Renewables: **0%**

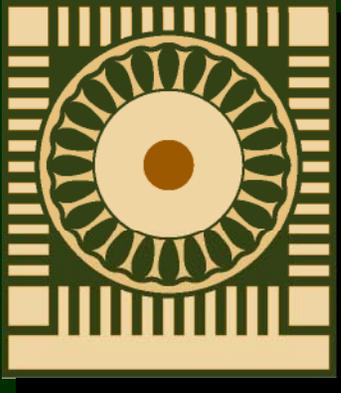
The Energy Performance Ratings reported here were determined for this building based on recorded energy consumption, building floor area and the following default or actual building characteristics:

Default	Building Data	Building Characteristic
<input type="checkbox"/>	<u>70</u>	Weekly operating hours
<input type="checkbox"/>	<u>450</u>	Number of occupants
<input type="checkbox"/>	<u>500</u>	Number of computers
<input type="checkbox"/>	<u>70</u>	Percent floor area cooled
<input type="checkbox"/>	<u>70</u>	Percent floor area heated

### Building Owner Verification

Date: \_\_\_\_\_ Signed: \_\_\_\_\_





CITY OF  
**HAYWARD**  
HEART OF THE BAY

**EDUCATION & OUTREACH**  
**June 1, 2011**

Marc S McDonald, *Sustainability Coordinator*

Planning Division  
Development Services Department



## Strategy 9 - *Engage & Educate the Community*

### *Engage and Educate Community to:*

- Maximize community participation.
- Harness residents' commitment to environmental responsibility.
- Provide citizens access to energy and climate-related information.

### *Why?*

- Successful implementation of each action presented in the CAP depends on community participation.



## Strategy 9 - *Engage & Educate the Community*

- Action 9.1 - Create a stand-alone Green Portal
  - Done - Now being upgraded
- Action 9.2 - Develop and implement a plan to engage residents in the City-wide effort to reduce emissions.
  - Ongoing through multiple initiatives
- Action 9.3 - Develop and implement an outreach plan to engage local businesses in climate-related programs.
  - Ongoing. First initiative underway



# Action 9.1 – City of Hayward Green Portal

THE HEART OF THE BAY :: GREEN HAYWARD :: CLIMATE ACTION PLAN <http://www.cityofhayward.org/DocumentCenter/View/10000/Climate-Action-Plan>



**CITY OF HAYWARD**  
HEART OF THE BAY™

---

City of Hayward Homepage
Calendar | City Staff Directory | Contact Us | Search Website | Site Map

---

GREEN HAYWARD

**Energy Efficiency Incentive Programs**

The City of Hayward has been allocated \$750,000 in federal American Recovery and Reinvestment Act (ARRA) grant funds for programs designed to help Hayward residents and business owners reduce their energy costs. Please click on the links below for more information on the Hayward's energy efficiency programs:

**Residential Homeowners**  
**Nonprofit Organizations & Governmental Agencies**  
**Large Energy Users**

**Quick Links**

**CITY ORDINANCES**  
**CITY "GREEN" INITIATIVES**  
**COMMUNITY INVOLVEMENT**  
**GREEN SERVICES**




**What is your Carbon Footprint?**

**Financing Your Energy Efficiency and Renewable Energy Improvements**

The City of Hayward is participating in the CaliforniaPACE program, which is a property assessed clean energy (PACE) finance program. PACE programs allow property owners to finance the installation of energy improvements on their home or business and pay the amount back as a fee item on their property tax bill.

**Check out the CalPace First Website!**



**Hayward**  
Climate Action Plan

Hayward's Climate Action Plan (CAP) was adopted by the City Council on July 28, 2009. The purpose of the CAP is to make Hayward a more environmentally and socially sustainable community by:

- Reducing greenhouse gas emissions - the primary contributor to global warming
- Decreasing the community's dependence on non-renewable resources
- Increasing Hayward's potential for "green" economic development
- Enhancing the health of all who live and work in Hayward

The CAP identifies greenhouse gas emissions reduction targets that are consistent with those adopted by the State of California as well as the actions that are needed to achieve the targets.

- Climate Action Plan - Full Document - 3.10MB
- Climate Action Plan - No Appendices - 1.47MB
- Appendix - 3.05MB
- Executive Summary and Table of Contents - 390KB

The following Excel file contains the spreadsheets used to estimate the potential greenhouse gas reductions associated with each action:

**CAP Excel File** ←

**Background Reports and Presentations**

←

**Erik Pearson, ACP**  
Senior Planner  
510-563-4210  
[erik.pearson@hayward-ca.gov](mailto:erik.pearson@hayward-ca.gov)

**Green Building Requirements**

- Green Building Ordinance for Private Development
- Green Building Checklist for Single-Family and Multi-Family Residential Development
- Green Building Checklist for Non-Residential Development
- Indoor Water Efficiency Ordinance Handout
- Energy Efficiency Cost Report

**Residential Energy Conservation Ordinance**

The City of Hayward is developing a Residential Energy Conservation Ordinance which would require energy efficiency improvements in existing homes.

[RCECO Project Webpage](#) ←

**Climate Action Management Team**

**Meeting Location:**  
City Hall  
2nd Floor, Conference Room 2A  
777 B Street, Hayward

**Meeting Time:** 7:00 P. M.

**Meeting Dates:**  
The Climate Action Management Team meets on the 1st Wednesday of each month with the exception of August.

The Climate Action Management Team has been established, as recommended in the Climate Action Plan, to support and guide efforts to implement the Climate Action Plan.

**ROUTER** →

**MEETING SCHEDULE** →

**Agendas and Reports - 2011**  
[Select...](#)

**Agendas and Reports - 2010**  
[Select...](#)

← 777 B STREET - HAYWARD, CA 94541 →  
 Contact and Copyright © 1998 - 2009 CITY OF HAYWARD  
[Home](#) | [Calendar](#) | [City Staff Directory](#) | [Contact Us](#) | [Search](#) | [Site Map](#) | [Website](#) | [Webmaster](#)  
[Library Collection Development Statement](#) | [Library Internet and Computer Use Policy](#) | [Website Policy](#)



# Action 9.1 – City of Hayward Water Conservation

:: City of Hayward - The Heart of the Bay :: WATER CONSERVATION

<http://www.hayward-ca.gov/Water-Conservation/>


CITY OF HAYWARD  
HEART OF THE BAY™

City of Hayward Homepage
Calendar | City Staff Directory | Contact Us | Search Website | Site Map

## Water Conservation

Quick Links

[HOW TO READ YOUR WATER METER GOT LEAKS??](#)  
[WATER USE GAUGE](#)  
[REBATE PROGRAMS](#)  
[FREE WATER CONSERVATION DEVICES](#)  
[BASIC WATER CONSERVATION TIPS](#)  
[WATER CONSERVATION](#)  
[LANDSCAPING INFORMATION](#)  
[RECOMMENDED GARDENING BOOKS](#)  
[LANDSCAPE CONTRACTORS](#)  
[NURSERIES & MATERIALS](#)  
[SUPPLIERS](#)  
[TREE CARE SERVICE PROVIDERS](#)  
[ORDINANCES & OTHER LINKS](#)

For Kids!

Fun ways for kids to learn about water conservation. These links contain games, activities, puzzles, and more! See how well you do!

- ◆ Kids grades 4th through 8th >
- ◆ Kids grades K through 3rd >
- ◆ Kids grades 9th through 12th >
- ◆ Kids games and activities >

Water is a precious and vital resource!

All living things need water to survive. California has beautiful blue skies most of the year and a Mediterranean climate that is the envy of many. But we sometimes pay a price for living in this type of environment: little to no rain or snowfall. Without enough rain or snowfall during the year, our reservoirs can dip to dangerously low levels. Since we still need water to drink, manufacture products, and irrigate our crops, the need for water conservation becomes essential. Even in years where our water levels are normal, we need to be educated about our water usage. If you start to practice some simple tips, conservation will become second nature!

What's New

Water Efficient Landscaping classes to be held in April and May

[Drip Irrigation]

Learn what you can do to save water!  
 Visit the Water Saver Home virtual tour. <https://www.h2ouse.org/>  
 Or go to <http://www.saveourH2O.org> for some water saving tips!  
 View "Water Saving Hero: Watering the Yard"

Free Water Wise Gardening CD-Rom

Want to save water and money?

- ◆ **Clothes Washer Rebate Program (Commercial & Residential)**  
 Washing machines can use a fairly large amount of water and energy. Many of the new high efficiency model machines can help save both water and energy. Follow the appropriate link to learn more about available rebate programs.
- ◆ **High-Efficiency Toilet Rebate Program**  
 Older toilets can account for up to 25% of your water bill. To help save water and lower your water & sewer bill, switch over to a new high-efficiency toilet.
- ◆ **Cooling Tower Conductivity Controller Rebate Program**  
 If your conductivity controller is more than 5 years old, it may be losing efficiency. Annual water savings with a new Cooling Tower Conductivity Controller can be as much as 800,000 gallons. This translates into a \$4,000 savings in water and sewage costs per tower.

Need a little help getting started?

- ◆ **Free Water Conservation Devices**  
 Want to do your part to help with water conservation? Pick up some of our free water conservation devices and start saving water today! We have low-flow showerheads, kitchen and bathroom faucet aerators, and for restaurants and other food-related business, pre-rinse spray valves.
- ◆ **Basic Water Conservation Tips**  
 Want to learn some simple ways to help save water around the house? Start conserving today. It's easy!

Water Conservation Landscaping For Homes

Landscaping, especially lawns, can use large amounts of water. As a means to save money on your water bill and help conserve our precious resources, think about replacing your lawn or water hungry landscape with more water efficient alternatives. Take a look at some water conservation landscaping information and learn how to have **healthy soil for a healthy garden, choose plants wisely, practice smart watering, maintain your garden, and save energy!**

— 777 B STREET - HAYWARD, CA 94545 —

Contact and Graphics Copyright © 1998 - 2008 CITY OF HAYWARD

Home | Calendar | City Staff Directory | Contact Us | Search | Site Map | Webmaster

Library Collection Development Statement | Library Internet and Computer Use Policy | Website Policy



# Action 9.1 - Santa Rosa GHG Reduction Program

[http://ci.santa-rosa.ca.us/environmental\\_stewardship/GHG/Pages/AboutGHGReductionProgram.aspx](http://ci.santa-rosa.ca.us/environmental_stewardship/GHG/Pages/AboutGHGReductionProgram.aspx)



## ABOUT GHG REDUCTION PROGRAM

My Title: [Contact](#) | [Footer](#) | [Accessibility](#) | [Translate](#) | [Printer Friendly](#) | [Feedback](#)

[HOME](#) | [VISITORS](#) | [RESIDENTS](#) | [BUSINESS](#) | [GOVERNMENT](#) | [DEPARTMENTS](#)

City of Santa Rosa & Environmental Stewardship > Greenhouse Gas Emission Reduction > About GHG Reduction Program

Search Santa Rosa

### About The GHG Reduction Program

The City of Santa Rosa Greenhouse Gas (GHG) Reduction Program will consist of the following elements:

1. A Climate Action Plan (CAP) that meets the Bay Area Air Quality Management District (BAAQMD) Guidelines for a [Qualified GHG Reduction Strategy](#);
2. A Supplemental Environmental Impact Report (EIR) to the City's recently adopted General Plan EIR and;
3. Integration of these documents with the [City's General Plan](#). The resulting program will define GHG thresholds of significance for new development in Santa Rosa. It will also act as a guide for staff, the community, and elected officials to meet Santa Rosa's adopted GHG reduction targets and comply with state legislation such as AB 32 and SB 375.

The GHG Reduction Program is funded by the U.S. Department of Energy (DOE) [Energy Efficiency and Conservation Block Grant \(EECBG\) program](#) through the American Recovery and Reinvestment Act (ARRA) of 2009.

#### About the Climate Action Plan (CAP)

A Climate Action Plan (CAP) is a document that will identify ways in which Santa Rosa can reduce greenhouse gas (GHG) emissions and provide guidance for adapting to the anticipated effects of climate change. A CAP outlines transportation, land use, energy, water, agriculture, and waste GHG reduction measures to achieve the reduction target and proposes a timeline for implementation. CAPs are becoming increasingly popular as a way to spread awareness of climate change, reduce an area's impact on the environment, save money on energy bills, and support the goals and policies of [AB 32](#), [The California Global Warming Solutions Act of 2009](#).

The CAP will analyze GHG emissions within the Santa Rosa community within the Urban Growth Boundary. This analysis will quantify the city's GHG emissions released from energy use, vehicle miles traveled, waste production, agriculture, and water usage. From three baseline emissions levels, the City will create an estimate of year 2020 and year 2035 emissions levels based on anticipated population and employment growth, which will help identify which sectors require the most attention.

Many of the goals and measures in the CAP will likely be familiar to you and several may be new. The CAP will draw from other documents including the Climate Protection Campaign's Community Climate Action Plan ([www.ccaplan.org](#)) and the City's General Plan, both of which had extensive community involvement. The CAP will also include new cutting edge policies and measures that will help Santa Rosa to lead the way in addressing GHGs. The goal of the CAP is to put all Climate Change initiatives under one umbrella document, tailor it to the Santa Rosa community, and analyze the greenhouse gas emission outcomes.

#### Frequently Asked Questions (FAQ)

- Who is involved in developing the GHG Reduction Program?
- How can I provide input?
- What is the project schedule?
- What are the City's GHG Reduction Targets?
- What is the City doing already?

#### Who is involved in developing the GHG Reduction Program?

From the City Council and City staff to residents, businesses, and organizations in Santa Rosa, all members of the community will be encouraged to participate in the development of the GHG Reduction Program. City staff and a team of consultants will conduct the majority of the analysis for the CAP, EIR, and General Plan integration. The City will hold community workshops and public hearings during the process. The City has also formed a stakeholder working group comprised of real estate, business, environmental, and public health leaders in the community to help guide the CAP and ensure that the community's interests are accurately portrayed.

#### How can I provide input?

The best way to share your thoughts and provide input to the City is by attending one of the many public meetings planned throughout the coming months. The Community Development Department also welcomes written comment via email to [ghg@ci.santa-rosa.ca.us](mailto:ghg@ci.santa-rosa.ca.us)

#### What is the project schedule?

The GHG Reduction Program will be a year-long process. A public draft Climate Action Plan will be released in late summer/fall 2011. The CAP will be finalized in coordination with the EIR and General Plan Amendment in late 2011/early 2012.

#### What are the City's GHG Reduction Targets?

1 of 2



## Action 9.2 – Engage residents

- Climate Action Management Team - Review
- Events
  - Green Team Expo
- Community Outreach
  - Neighborhood Meetings
  - Mailers
- Relationships
  - PG&E
  - Energy Upgrade
  - Engage 360



## Action 9.3 – Engage businesses

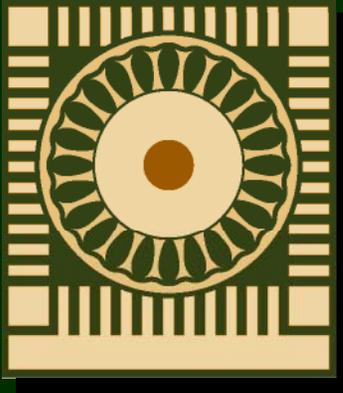
- Large Energy Users Program
  - Successful. 100% of Program Funds reserved.
    - California Auto Dealers Exchange; Thermo Fusion; Southland Mall; Morgan Advanced Ceramics; Shasta Beverage; Pepsi Beverage; Kaiser Foundation
    - Projected savings: Over 2.3 million Kwh or 1,609 metric tonnes CO<sub>2</sub>e.
  - Potential Applicants pending.
- Commercial Conservation Ordinance
  - Imminent launch.



# Conclusion

- Valuable initiatives
- All are not quantifiable





CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **What is the payback for City of Hayward PV Facilities**

Marc S McDonald, *Sustainability Coordinator*

Planning Division  
Development Services Department

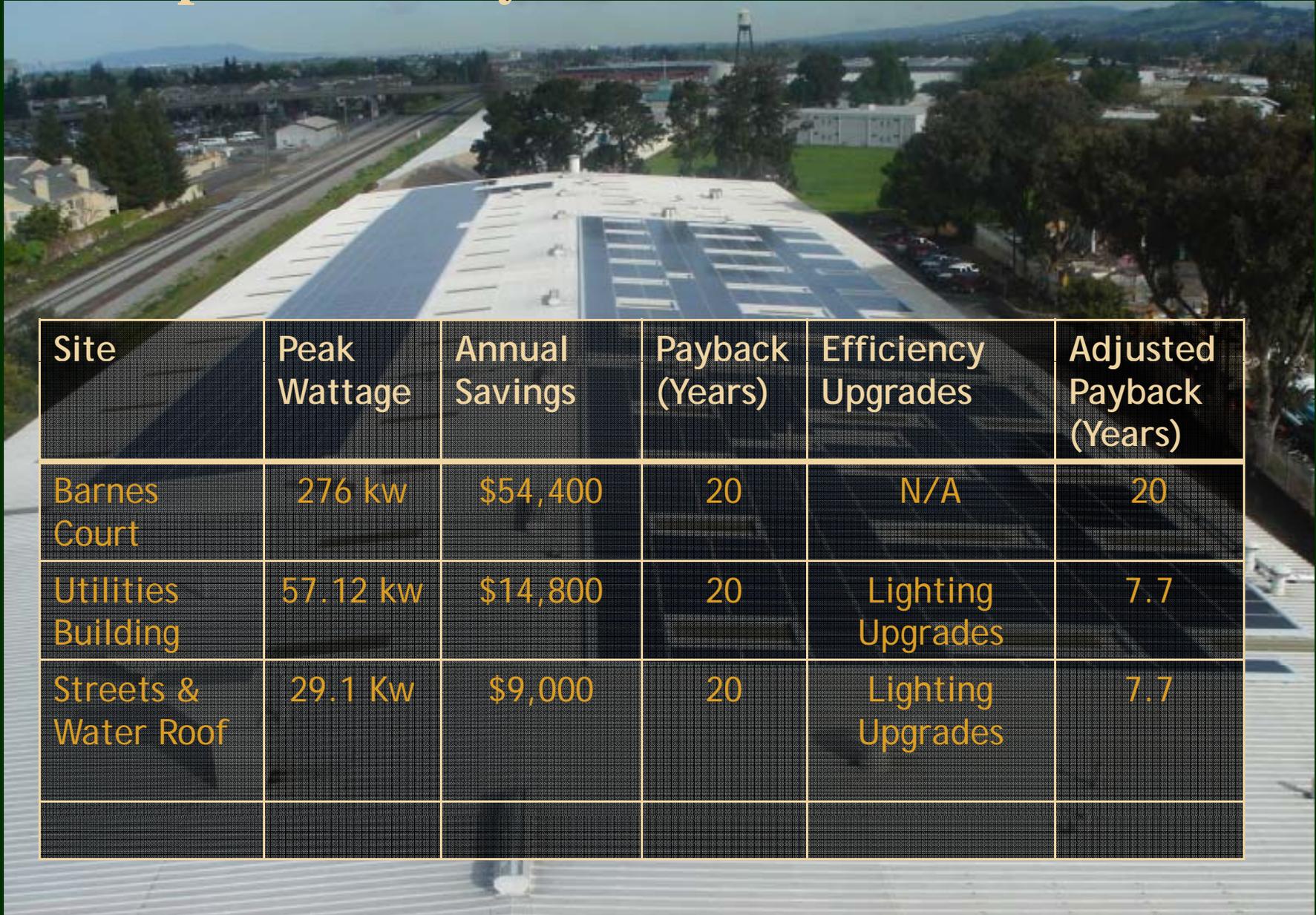


# 1 Megawatt Waste Water Treatment Facility

Solar Farm Payback Analysis	
Project Cost	\$6,288,000
Ann Maintenance Cost	\$10,000
Useful Life (Years)	25
Total Cost per Year	\$264,520
Solar Cost per kwh	\$0.1308
PGE Cost per year (ann escal - 3%)	\$0.1100
Payback (Years)	20



# Rooftop Solar Arrays



Site	Peak Wattage	Annual Savings	Payback (Years)	Efficiency Upgrades	Adjusted Payback (Years)
Barnes Court	276 kw	\$54,400	20	N/A	20
Utilities Building	57.12 kw	\$14,800	20	Lighting Upgrades	7.7
Streets & Water Roof	29.1 Kw	\$9,000	20	Lighting Upgrades	7.7



# Employer Based Commuter Benefits

## *Discussion of Past, Present & Future*



### City of Hayward Sustainability Committee June 1, 2011



- **Former STRIDES Program**
  - City Hall on Clawiter – 6-8 employees enrolled - Annual budget of \$4,600
  - City Hall in Downtown Hayward – 25 Employees enrolled - Budget insufficient to meet demand
- **Why reinstitute the program now?**
  - Reduce vehicle miles traveled and address greenhouse gases
  - IRS allows pre-tax benefit for commuting (\$230 per month and \$20 for bicycles)
- **City of Berkeley**
  - Provides a \$20 per month commute benefit to those who enroll (693 of the 1300 employee work force. Cost to the City: \$166,000 a year
  - Allow employees to deduct up to \$230 per month for commute costs. Cost to the City: \$0
  - AC Transit easy pass all employees. Cost to the City:\$104,000
- **City of Fremont**
  - Provides ability to deduct up to \$230 per month. Cost to the City: 3.5% Administrative fee plus \$15 shipping fee (cost based on those who participate.)
  - About two hours of staff time cost
  - 19 participants in commuter check program; three in bicycle program. 3% of City work force.
- **If Hayward were to participate**
  - Assume same level as Berkeley: Assume half of City Hall & Library (About 125). Cost to the City: \$46,000
  - Assume same level as Fremont: staff time, and administrative fees.
- **Why the difference?**
  - Berkeley has abundant Public Transit and no free parking
  - Fremont has less frequent public transit and free parking.
- **Conclusion** – Since Hayward has a transit service level comparable to Fremont and free employee parking, the level of participation can be expected to be similar to Fremont
- **Questions to ask**
  - If there is to be a program, how will it be set up?
  - Is there a demand for such a program?
  - How will it be administered?
  - And most importantly, how will it be funded?
- **Staff Recommendations – do not implement program until:**
  - Sufficient resources become available
  - There is significant employee interest
  - Free parking for City employees is no longer provided
  - Transit Service is established to a level such that it becomes a viable commute option.