



**MINUTES OF THE REGULAR MEETING OF
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 25, 2009, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:32 p.m. by Chair Lavelle.

ROLL CALL

Present: COMMISSIONERS: McKillop, Márquez, Mendall, Peixoto, Loché
CHAIRPERSON: Lavelle
Absent: COMMISSIONER: Thnay

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Pearson, Philis

General Public Present: 8

PUBLIC COMMENTS

Ernest Pacheco, Main Street resident, reminded the Commission that Russell City Enter Center is "not a done deal" and will produce at least 3.5 billion pounds of CO₂ a year. He encouraged the Commission to stop its development.

PUBLIC HEARING

1. **Climate Action Plan** – The Climate Action Plan is a policy document that identifies long-term greenhouse gas emissions reductions targets and the actions necessary to achieve the targets

Senior Planner Erik Pearson introduced John Deacon, the consultant from HDR who helped prepare the Climate Action Plan (CAP), and gave the report noting changes had been made to the original report and those changes were included in an Executive Summary that was provided to the Commission with copies made available to the public.

Commissioner Mendall had questions regarding Strategy 5.3 that incorporates a renewable energy requirement into the Private Development Green Building Ordinance and the Residential and Commercial Energy Conservation Ordinance. He was glad to hear that implementation had been moved up from 2028 to 2019, but if this was one of the top priorities, and a funding mechanism could be put in place within the next couple of years, he asked why the City would wait until 2019 to make it a requirement.

Senior Planner Pearson said it could be made a requirement sooner. Rather than move the deadline up now, he suggested giving staff time to put the funding mechanism in place and reevaluate the requirement start time at that time.

Commissioner Mendall asked if there was a particular reason 2019 was chosen. Mr. Pearson said no, the City just wanted to give itself time to work out the financing program. When the City decided on 2019, staff didn't know how fast the funding would kick in at both the County and State level. He said the funding is coming forward faster than was anticipated.

Commissioner McKillop complimented the thoroughness of the report and pointed out that predictions regarding global warming are changing every day. She understands that the City is going through tough economic times right now, but she said the creation of the Sustainability Coordinator position he mentioned, to monitor the CAP, will be really important over the next 5 or 6 years. She hopes the position can be filled and asked staff how confident they were that the position would be created through a funding source.

Senior Planner Pearson said if the block grant money doesn't come through to fund the position he didn't know if the position will be available. He said some aspects of the CAP are being implemented with the current staff but to fully monitor the City's process the City would need a dedicated staff person.

Commissioner McKillop said it's a great plan; well documented and well thought-out, she just hopes they can find the resources necessary to fund the position.

Commissioner Peixoto complimented the clarity of the report. He said that as a lay person it was difficult to understand some of the methodologies. He asked staff to explain some of the assumptions the scenarios were based on, for example, the Greenhouse gas emissions increase based on population; types of jobs and housing. He said he would think the emission increases would be disproportionately larger, rather than proportionate, with population increases. He asked if the assumptions were based on scientific evidence.

Senior Planner Pearson said the models were created using the baseline inventory prepared by the organization Ickly and they used a 1:1 ratio between population growth and emissions growth, which he thinks is the standard. If you look at where the emissions are coming from, building energy use from homes, vehicle miles travelled, etc., the ratio makes sense.

Commissioner Peixoto asked if the grant money for the Coordinator position was competitive. Mr. Pearson said no, the grant money is a formula based allocation. The City just had to complete an application and provided the requested information to the Department of Energy. Hopefully, he said, it's just a matter of time before the City receives the funding, but he didn't know how long that would take.

Commissioner Márquez asked how the study regarding rising sea levels, not due out for several more months, would impact the results of the Climate Action Plan if the Commission recommends adoption of the Plan now.

Senior Planner Pearson said the CAP already accommodates a rise in sea level and said the study would not impact the actions recommended. Commissioner Márquez asked if any stimulus money was available to study the results of the study of rising sea levels and staff said not that he was aware of.



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Commissioner Márquez then asked what would determine whether the inventory was monitored every three years or five years. Senior Planner Pearson said the City left that option open. Monitoring will definitely take place on the target years, he said, but in between the City could make that determination.

Finally, Commissioner Márquez asked when the City would know if the Coordination position could be filled and staff responded that they would know in the next 4-6 months.

Regarding local emission levels, Commissioner Loché asked if there were any financial incentives available to motivate the general public to improve the energy efficiency of some of the older homes in Hayward. Senior Planner Pearson said yes, the City is working with PG&E to offer free improvements for low-income households and grants for higher-income families. Future marketing would mention these programs and encourage homeowners to use the assistance to make larger improvements, he said.

Commissioner Loché also wanted to know how the annual updates for Council regarding the success or failure of the CAP would be made available to the public. Senior Planner Pearson said the information would be available on the City's website, but that staff could work on developing other ways of getting the information out.

Commissioner McKillop said she hopes the City understands how important it is to implement and monitor such a great plan and said funding should be a top priority.

Chair LaVelle encouraged Commissioner McKillop to contact her elected representatives at the national level to ask them to fund the position of Sustainability Coordinator.

Chair LaVelle echoed the other Commissioners' positive sentiments regarding the quality of the Climate Action Plan specifically noting the incorporation of a wide variety of comments and suggestions from the public and interested parties. She asked if the Plan assumes a significant increase in Hayward's population by 2020—the same year the City hopes to lower Greenhouse gases. Senior Planner Pearson said emissions did take into account population increases projected by the Association of Bay Area Governments.

Chair LaVelle said she is most interested in Strategy 1 which encourages people to take public transit, but both BART and AC Transit are struggling financially and talking about raising fares if they haven't done so already. She asked staff what is going to happen to the goals and strategies in the CAP if the availability of public transportation diminishes in the next few years.

Senior Planner Pearson said the City will have to be creative. For example, AC Transit is thinking of including an annual bus pass in the purchase price of homes purchased along bus corridors. He said the City should work on generating similar ideas. Chair LaVelle noted that "creativity is key" for the potential Sustainability Coordinator.

Chair LaVelle asked if the City is trying to reduce the number of enormous trucks travelling

through Hayward as part of the Plan. Senior Planner Pearson said for a large part the City is counting on the State's Air Resources Board and locally, the Bay Area Air Quality Management District, to "clean up" the truck fleet and reduce emissions but staff could work with local companies to encourage newer technologies.

Chair Lavelle opened the Public Hearing at 8:15 pm.

Ernest Pacheco, Main Street resident, displayed the HASBA Map that projects Bay area water levels for the 100-year Flood Zones. He pointed out that the proposed location of the Russell City Energy Center would be under water and encouraged the Commission to do whatever they can to not make the environmental situation worse. Regarding the CAP, he would like the footnote on the Community Choice Aggregation changed to reflect its purpose as not buying Green energy from outside sources, but creating renewable energy here ourselves to save money, create jobs and reduce emissions. He said there is no reason Hayward couldn't reduce emissions by 80% by 2030 using CCA. He pointed out that if you remove the State Highways from Hayward emissions profile, the creation of energy is the highest contributor of Greenhouse gas emissions. He asked that predicted emissions from the Russell City Energy Center should be included in the CAP. He said the amount of CO₂ the City is trying to eliminate is less than what would be created by Russell City which will "swamp" emission levels.

Rob Simpson, Grandview Avenue resident, thanked Senior Planner Pearson and staff for the public outreach conducted in preparing the CAP. He said the process was very transparent and should serve as a model for future reports. Mr. Simpson said Hayward is trying to conform to AB32 as are other local cities. Rather than just conform, he would like to see Hayward take a more aggressive leadership role to receive more State and Federal money. Also, by being a leader the City would demonstrate that this is the place to be and that would attract people and businesses who want to live in a healthier environment. He encouraged the City to set higher goals and enjoy the benefits.

Doug Grandt, Oakes Drive resident, said he intended to read the entire Climate Action Plan but got bogged down in the details. One issue that concerns him is the transportation/State Highways portion of the report that the City doesn't have any control over. He pointed out that if you remove that portion then electricity and gas become the highest generators of emissions. Mr. Grandt said we should eliminate the use of fossil fuels. He suggested that the City focus on the Strategies we can control and then be very aggressive. He said we need to start reducing right now and that the City should treat the Plan as a starting point; we can always do better.

Andy Wilson, Greenbriar Lane resident, said the City does need to set higher goals. He agrees with the previous speakers that the higher the goals the City sets, the more funding we'll receive. Regarding funding and measurements, Hayward currently has a Bay Area Air Quality Management District (BAAQMD) monitoring station in the Hayward Hills that only measures ozone levels. He would like the City to request a full monitoring system to create a baseline report of all gases before we start reducing emissions. If the Russell City Energy Center does get built, the station could monitor that too. He asked what the City doing to educate students of all levels about what is happening to the Earth's ozone levels.

Commissioner Peixoto asked Mr. Wilson if other cities have a full monitoring station in place. Mr. Wilson said that if a city has a station in place they just have to ask the BAAQMD to expand what



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is monitored. Mr. Wilson said Hayward is the 5th larger city in the Bay Area; we should pursue the BAAQMD to provide a full monitoring station.

Chair Lavelle closed the Public Hearing at 8:30 pm.

Commissioner Mendall commended staff for their work and the readability of report. He thinks the plan is good and it is bold. While he acknowledges it be bolder, in combination with steps already taken, such as the Green Building Ordinance, he said the City has taken a huge step. He pointed out that the CAP is not set in stone and will be revised every couple of years. He expressed satisfaction with the Plan as a great step.

Commissioner Mendall moved, seconded by Commissioner Loché to find that the Plan is categorically exempt from the requirements of the California Environmental Quality Act and adopt the attached Climate Action Plan per the attached findings with one amendment to reschedule start of action from 2019 to 2013 for Strategy 5.3. Commissioner Mendall said that gives the City plenty of time to get the funding mechanism in place. Reading from the report he quoted a section that said the goals set in the Plan are not out of reach, the technology to meet these goals is available today, and the City just has to get it done. He said the Plan lays out the path.

Commissioner Loché said following the development of the Climate Action Plan through its various stages has been an education. A lot of work has gone into the report, but implementation is going to be the hardest part. He said a full monitoring station is crucial and could give the City and residents more and better information. He said the City should look at the feasibility of getting a full station and would like to add to the motion that staff pursues the possibility of a full monitoring station.

Chair LaVelle asked staff to respond to Loché's request and indicate the feasibility of pursuing a full monitoring station. Senior Planner Pearson said staff could ask the Bay Area Air Quality Management District to put a full station here, but pointed out the process would take time.

Commissioner Loché said regardless of how much time it might take, it was worth pursuing.

Chair Lavelle asked for clarification from Commissioner Loché of whether he wanted the pursuit of a full monitoring station be inserted into the Plan or to just make a statement expressing his support for such a station. Commissioner Loché indicated he would like it added to the Plan.

Commissioner Mendall suggested that language under the list of monitoring methods include having staff encourage the BAAQMD to install a full monitoring station in Hayward that measured an array of gases beyond ozone.

AYES: Commissioners McKillop, Márquez, Mendall, Peixoto,
Loché
Chair Lavelle

NOES: None
ABSENT: Thnay
ABSTAINED: None

The motion was approved 6-0-1.

ADDITIONAL MATTERS

2. Oral Report on Planning and Zoning Matters

Planning Manager Richard Patenaude said the July 9th Planning Commission meeting was cancelled, and that the July 23 meeting would be busy. He reminded Commissioners of summer recess for the month of August. When asked if the work session would start at 6:30pm on the 23rd, Mr. Patenaude said yes.

3. Commissioners' Announcements, Referrals

Commissioner Mendall requested that the City find a way for interested parties not able to attend the meeting to make comments on the various Planning Commission reports. Planning Manager Patenaude clarified that those comments would fall under Public Comments section of the meeting and Commissioner Mendall said yes. He said that there should be some way for technology to allow people to participate. Staff said they would look into it.

APPROVAL OF MINUTES

4. Minutes from May 28, 2009 were unanimously approved.

ADJOURNMENT

Chair Lavelle adjourned the meeting at 8:42 pm.

APPROVED:

Rodney Loché, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk