



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

**STAFF REPORT –
ALAMEDA COUNTY COMMUNITY CLIMATE ACTION PLAN
(CCAP)**

TO	Members of the Castro Valley Municipal Advisory Council
HEARING DATE	October 25, 2010

GENERAL INFORMATION

Climate change due to human activities and Greenhouse Gas (GHG) emissions has been studied since the late 19th century. Until the 1970s, concern about this phenomenon was confined largely to the scientific climatological and environmental communities; however, as the data collection and analysis techniques became more powerful with remote sensing and computer technology, and more substantial information about the scale and implications of the problem became available, concern has become widespread throughout the world's societies. The United States, State of California and Alameda County have all initiated or passed legislation to attempt to curtail and adapt to the effects of global climate change before these effects can have adverse effects on individuals, the global economy and the natural environment. Examples of these actions include the following.

State Action

California has adopted executive orders and enacted legislation for reducing the State's GHG emissions. Key statewide emission reduction legislation and actions include:

- *Executive Order S-3-05 (2005)*
In June 2005, Governor Schwarzenegger signed Executive Order S-3-05, which established targets for total GHG emissions which include reducing GHG emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.
- *Assembly Bill 32 (2006)*
In September 2006, Governor Schwarzenegger signed Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce statewide GHG emissions to 1990 levels by 2020.
- *California's Climate Change Scoping Plan*
Pursuant to AB 32, in December 2008, the Air Resources Board (ARB) approved the Climate Change Scoping Plan (Scoping Plan). The Scoping Plan prescribes strategies to reduce 169 million Metric Tons (MT) CO₂e, approximately 28 percent, from the State's projected 2020 emission level under a "business-as-usual" scenario. The Scoping Plan also includes ARB-recommended GHG reductions for each sector of the State's GHG inventory. ARB encourages local governments to adopt GHG reduction targets for community-wide emissions that parallel the State's climate protection efforts. ARB has also provided guidance for cities and counties to reduce GHG emissions to 15 percent below 2005 levels by 2020.

- *Senate Bill SB 375*
This law requires regional land use, housing and transportation plans to comply with regional GHG emission reduction targets – in other words, to conform to the 15% required reduction by the Year 2020.
- *Assembly Bill (AB) 1493 (Pavley)*
This passed bill will reduce GHG emissions from passenger cars, light trucks and sport utility vehicles by more than 15%.
- *Low Carbon Fuel Standards (LCFS)*
This State standard requires a further GHG reduction of about 10% for all vehicles.
- *Renewable Energy Portfolio Standard (RPS)*
The CARB’s adopted Renewable Energy Portfolio Standard (RPS) requires PG&E and other major electric providers to derive 33% of their energy from renewable sources.

Local Government Roles & Responsibilities

The State recognizes the role local government must play an important role in achieving California’s long-term GHG reduction goals. Cities and counties have jurisdiction over many factors that will affect GHG emissions within the transportation, housing, industry, forestry, water, agriculture, electricity, and natural gas emission sectors.

Alameda County has a long history of promoting environmental sustainability and adopting actions that help to reduce greenhouse gas emissions.

- *County Climate Change Leadership Resolution*
In 2006, the Board of Supervisors voted unanimously to adopt the Climate Change Leadership Resolution (R-2006-20). This resolution commits the County to take steps to reduce GHG emissions and adapt to the effects of climate change, and calls for integrating climate protection into the County’s planning, budgetary, and other processes.
- *Cool Counties Initiative*
In 2007, the Board of Supervisors voted unanimously to sign the Cool Counties Climate Stabilization Declaration (R-2007-336), which committed the County to work towards achieving an 80 percent reduction in greenhouse gas emissions by 2050.
- *Strategic Vision*
In 2008, the Board of Supervisors adopted the Alameda County Strategic Vision, which identifies the environment and sustainability as key County priorities. The values expressed in the document support the County’s climate protection initiatives.

STAFF RECOMMENDATION

Staff recommends that the CVMAC review the second draft of the Community Climate Action Plan (CCAP), accept the staff report and analysis, take public comment, and provide staff with a recommendation to the Planning Commission and Board of Supervisors regarding the Draft Community Climate Action Plan.

STAFF ANALYSIS

The Community Climate Action Plan (CCAP)

Currently in its second public draft form (September 21, 2010) and with major changes compared to the first draft of March 2010, the Alameda County Community Climate Action Plan (CCAP, simply pronounced "kap") is part of the County's response to the federal, state and county actions that have preceded it. The CCAP intends to:

- Provide clear guidance to County staff regarding when and how to implement key provisions of the plan;
- Demonstrate County commitment to comply with State GHG reduction efforts;
- Inspire citizens to participate in community efforts to reduce GHG emissions.

To this end, the CCAP includes draft policy measures designed to help Alameda County reduce its emissions of GHGs back to the Year 1990 levels, as required by State Laws AB 32 and SB 375. This is a 15% decrease from 2005 levels, the base year for GHG emissions used in the CCAP. Using a wide range of probable policy tools in six major categories – Land Use, Transportation, Energy Conservation, Green Infrastructure, Water Conservation and Waste Reduction – and allowing credit for GHG reductions from key Statewide Initiatives, staff believes that this reduction is achievable.

Changes in the Second Draft CCAP (September 2010) Compared to the First Draft

The September 2010 revised Draft CCAP contains extensive changes in all sections of the document. The introduction has been slightly modified, numerous policies have changed, and three policies have been either removed or made optional (staff will recommend that these three policies be placed in a new appendix entitled "Measures Considered but Not Recommended").

Statewide Initiatives.

The most significant change comes from the addition of a small but important "Statewide Initiatives" section (Page 80 CCAP). Originally, staff understood that the County was unable to rely upon certain state-adopted programs in the CCAP for any degree of GHG reduction credit. Thus, the Revised CCAP was to contain a number of changes based on the results of earlier hearings and three Roundtable meetings that were scheduled (see description below); some measures may have been removed from consideration, and others would have been reworked as a range of alternatives of varying strength. However, most of the full-strength measures would have been retained as alternatives for the Board to consider, giving the Board the ability to balance economic interests against the 15% GHG reduction goal in its consideration.

However, during the summer it became apparent to Staff and the consultant that local agencies could successfully incorporate the beneficial effects of State Initiatives to reduce GHG emissions, and take credit for reductions that would occur within their jurisdictions. The California Air Resources Board (CARB), BAAQMD, and California Air Pollution Control Officers Association (CAPCOA), to varying degrees, have provided guidance concerning how to treat these initiatives, which include AB 1493 (Pavley), the Low Carbon Fuel Standards

(LCFS), and the Renewable Energy Portfolio Standard (RPS), all described above. Each of these state regulations has the benefit of being able to attack the emissions of GHG “at the source” and is thus an efficient and powerful measure to reduce GHG. The result of being able to allow credit for these measures is dramatic. These new allowances can reduce in-County GHG emissions by almost 163,000 metric tons/year (MT/y), which is almost 2/3 of the County’s necessary reduction. The net result is that GHG reductions from all other categories – government actions, voluntary actions and mandatory actions (ordinances) can be reduced by 65 to 75%. This is shown for *each of six topic areas* in Table 1, and graphically for *government, voluntary and mandatory actions* in Figure 1 (Page 5).

Table 1: Comparison of Changes in GHG Reduction Necessary for each Category

15% required GHG reduction (Delta 2005-1990) = 139,500 MT/y

Total required GHG reduction (Delta 2020-1990) = 238,200 MT/y

CATEGORY	1ST DRAFT CCAP (2020)	2ND DRAFT CCAP (2020)
<i>Transportation</i>	99,809 MT/y	22,433
<i>Land Use</i>	20,555	18,058
<i>Building Energy</i>	114,966	37,626
<i>Water Conservation</i>	14,257	7,470
<i>Waste & Recycling</i>	2,495	2,510
<i>Green Infrastructure</i>	330	1,500
<i>Statewide Initiatives:</i>		
AB 1493 (Pavley)	-0-	83,260
LCFS	-0-	44,500
RPS	-0-	35,100
<i>Total GHG Reductions (2020)</i>	252,412	252,457
<i>Total GHG Reductions (2005)</i>	147,870	153,500
<i>% Reduction (2005)</i>	15.9%	16.5%

Source: AECOM, 2010

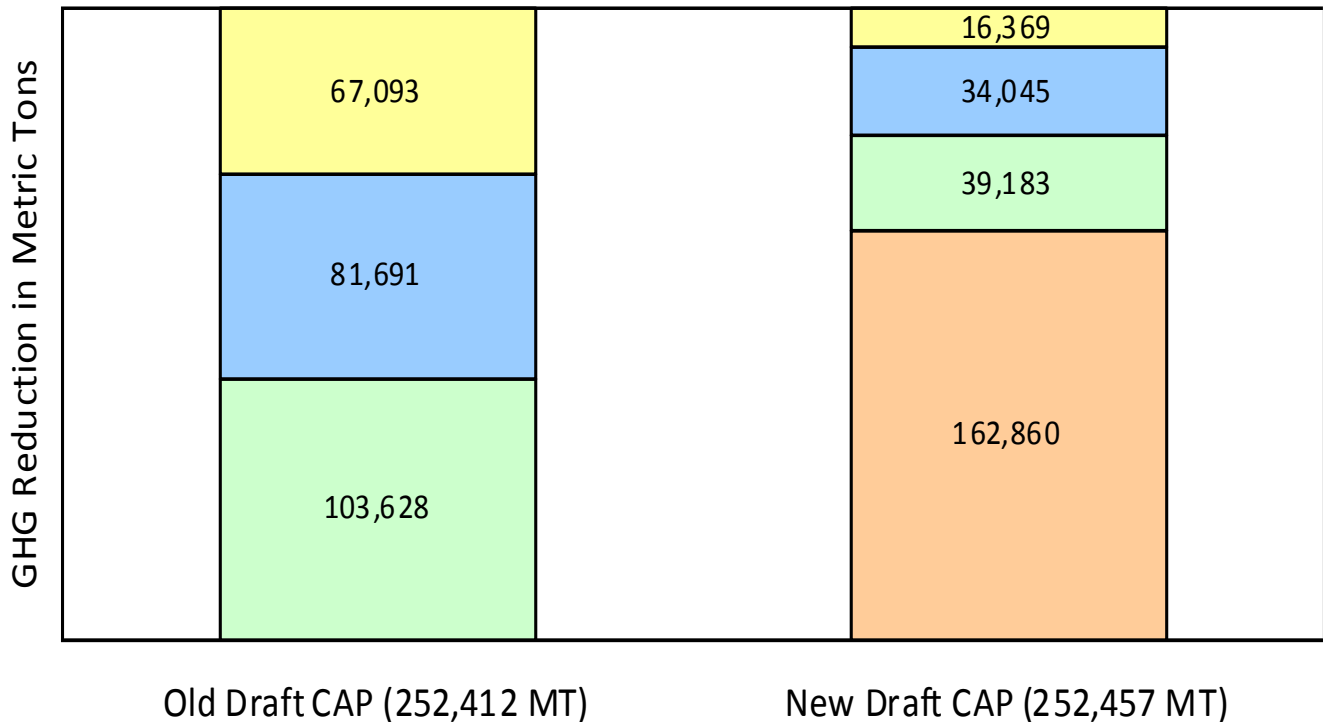
For a full accounting of the GHG Reduction Measure Performance in the Revised CCAP, please refer to the Summary Table on Page 81 of the CCAP.

Changes to Policy Measures

Along with the addition of the Statewide Initiative section, there are numerous policy changes large and small. Some of the more important ones in this second draft include:

- Former Measure T-14, Commercial Parking Fee – This measure is omitted from the draft; recommended for new appendix entitled “Considered but Not Recommended” by staff.

**Figure 1:
Comparison of GHG Reduction by Category**



State Initiative
 County Action
 Voluntary
 Mandatory

- Measure L-1 - Formerly mandatory GHG mitigation fee for all new construction, now exempts single home construction and residences for agricultural use. Staff may suggest further changes to this measure – please see [Additional Proposals](#) below.
- Former Measure E-4 Residential Energy Conservation Ordinance (RECO) and E-9 Commercial Energy Conservation Ordinance (CECO) – These proposed point-of-sale requirements have been designated as optional; however, staff proposes to place these in a new appendix entitled “Considered but Not Recommended”.
- Measure E-8 (formerly E-10) – Formerly recommends Tier II building standards for new construction; now reduced to Tier I standards, with Tier II made voluntary with incentives (Measure E-9). This may also change depending on investigation into the relationship between Tier I and the County Green Building Ordinance.
- New Measure E-16, Green Jobs Corps Program, has been added.

The document has numerous other minor changes to content, analysis, reevaluation and quantification. Most of the measures have changed content and discussion, clarification and modified provisions. Most of the quantified measures have had their relative effects adjusted downward to reflect an easing of the requirements (due to the addition of the Statewide Initiatives), although numbers for a few government-sponsored and voluntary measures have been able to be increased. A complete summary listing of revisions to the document is found in Table 2 below.

Table 2:

Changes Between Old and Revised Draft Climate Action Plans

Old Measure Number	New Measure Number	Text Revised in New Draft	GHG Reduction Potential Changed - decreased + increased
T-1	Same		-
T-3	Same	X	
T-4	Same	X	-
T-7	Same	X	+
T-8	Same	X	-
T-13	Same	X	-
T-14	Not Recommended		
T-15	T-14		
L-1	Same	X	
E-1	Same	X	-
E-4	Not Recommended		
E-5	E-4	X	-
E-6	E-5		
E-7	E-6		
E-8	E-7	X	-
E-9	Not Recommended		
E-10	E-8	X	-
E-11	E-9	X	
E-12	E-10	X	
E-13	E-11		
E-14	E-12	X	
E-15	E-13		-
E-16	E-14	X	-
E-17	E-15	X	-
--	E-16 (New)	New	
WT-1	Same	X	-
WT-2	Same	X	+
WT-3	Same	X	
WS-1	Same		+
G-1	Same		+
G-2	Same		+

One note: Although the addition of the Statewide Initiatives has made the goals of the CCAP easier to reach, in several ways it has also made the CCAP intrinsically less effective in its ability to allow Alameda County to reduce its greenhouse gas emissions. The removal of several quantifiable measures and the softening of several others mean that Alameda County's own internal efforts to reduce GHG emissions are less than they otherwise could be. The Statewide Initiatives would take place with or without the CCAP; thus, the CCAP would not do all that it could to mitigate the problems associated with GHG emissions.

Public Outreach

Public outreach on the CCAP has been extensive; many of the changes found in the Revised CCAP are a direct outgrowth of comments and information gleaned during outreach activities. The following is a summary of all outreach activities to date, as well as hearings and meetings to come.

- *Website:* A dedicated CAP webpage was developed on the main County website to provide an introduction to the CAP, and has served as a repository for community meeting information, supporting documents, and presentations related to the CAP. It is currently up-to-date and contains meeting minutes and CCAP revisions.
- *Survey:* The County developed a survey to gauge public interest and willingness to implement climate protection measures and actions. It was sent to targeted County residents and businesses, stakeholder groups and community organizations during the initial phases of the CAP development, and was available at the initial community meetings and on the website. A total of 386 surveys were completed.
- *Community Meetings:* Four community meetings were held during the CCAP development process in both West and East County venues, in which a total of 61 individuals participated with representatives from 25 agencies, organizations and schools. The initial meetings provided an opportunity for the community to provide ideas relating to potential GHG reduction strategies. The second meeting sought public comment on the proposed measures and policies in the draft CAP.
- *Other Outreach Channels:* Community meeting notifications were published in eight local newspapers and other relevant publications (such as East Bay Bicycle Coalition and Castro Valley Chamber of Commerce), and emailed to community groups and list serves. Targeted community, agency and organizational stakeholders were also contacted directly by phone and email. Finally, direct outreach efforts occurred at two BART stations during the weekday commute and at two Saturday farmer's markets in order to obtain survey responses and advertise the first community meetings. Statistics on the outreach methods and the survey results are provided in Appendix D of the document.
- *Public Hearings:* Beginning in March 2010, about the time of release of the first draft document, a series of legally-noticed public hearings were held before various advisory bodies in the County, including:
 - Alameda County Agricultural Advisory Committee
 - Sunol Citizens' Advisory Committee
 - Castro Valley Municipal Advisory Council
 - The Unincorporated Services Committee of the Board (two meetings)

- Planning Commission
- Castro Valley Sanitary District

Staff also made a presentation at a Board of Supervisors' retreat with all members in attendance. Staff noted that during the public hearings, considerable controversy and divergent opinion arose over many of the measures contained in the first draft of the CCAP. The reasons for objections to the measures were varied, but the most commonly-cited reason for objections was the concept that the measures would place additional economic burdens on specific businesses and homeowners during a time when the general economy of the nation is in recession and having difficulty improving. Staff believed then, as now, that the measures are stated in flexible terms, and are merely general guidelines for implementation. Moreover, these measures are neither unique nor significantly more advanced than measures being discussed and implemented in other jurisdictions; all have precedent in other locations where they have been adopted, including other Bay Area jurisdictions. However, staff also recognized that there may be ways to adjust the measures to better fit a possible sluggish economic curve and still achieve the substantial necessary GHG reductions.

- *Roundtable Sessions:* Out of the public hearing process, a public roundtable process was initiated by Board and Planning Staff to bring together a set of community stakeholders, including private citizens, business owners and affected business organizations, as a focus group to work with staff to discuss modifications to the draft measures that would be less economically onerous than the original set of measures. Two sessions were held, one in June and one in September 2010; a good deal of ground was covered in these sessions, and many of the changes to individual measures in the revised draft CCAP resulted from those sessions. Changes to transportation, land use, energy conservation, water conservation and waste management were effected, and in fact, staff presents some additional changes for the Commissions' consideration below.

An additional Roundtable session was also held with other local agencies that are also affected by GHG regulations, and with whom cooperation would be valuable. As most other agencies also have some responsibility to reduce their GHG emissions and the CCAP urges cooperation among the agencies, no major issues of contention were brought out at this meeting.

- *Upcoming Public Hearings:* Beyond the present CVMAC meeting, at least three more public meetings in 2010 are scheduled:

October 26 – Unincorporated Services Committee of the Board

November 1 – Planning Commission

December 7 – Full Board of Supervisors

Each public hearing will be an opportunity for additional public input. Staff expects to have another final draft available by late November for final review.

The Revised Draft CCAP, then, is the result of a collaborative effort between Planning Staff, staff of the County General Services Agency, the County's consultant AECOM, Inc., and numerous members of the public who attended the workshops in late 2009, public hearings

and roundtables in 2010, and provided feedback on the measures suggested at those times for public consideration.

Policy Categories

Along with the new Statewide Initiatives, the six major policy categories of the CCAP include measures that address GHG reductions from a number of technical angles, and many of the measures would work in symbiosis with other complementary measures, as well as with state and federal efforts. The majority of these measures are government-sponsored or incentive-based and voluntary, and are designed to take advantage of every practical method to give people an easy opportunity to make changes to their homes, businesses and transportation habits. There remain some measures that would place requirements on citizens and businesses through ordinances; even with the Statewide Initiatives, staff has not found other ways to reach the specified goals of the CCAP without some level of compliance required of individuals and businesses. Measure categories include:

- Transportation improvements for bicycles and pedestrians in both the public and private sectors, especially infrastructure and safety improvements;
- Enhancing availability of, and access to public transit, improving schedules, infrastructure and convenience;
- Implementing modified parking requirements for applicable land uses;
- Actively implementing policies for smart growth and transit-oriented development in core areas and near major transit stops.
- Supporting expansion and enhancement of quality neighborhood commercial uses;
- Supporting efforts to help people become more knowledgeable about energy use and ways to conserve;
- Implementing programs to improve energy conservation in new/existing buildings;
- Supporting to the extent possible the installation of renewable energy systems;
- Providing both incentives and limited mandates for reducing wasteful water use;
- Enhancing waste reduction and diversion programs, and expanding programs to those who are currently underserved, with an ultimate goal of virtually zero waste;
- Encouraging producers and sellers to manufacture and market goods of recycled materials, to help complete the waste reduction cycle;
- Improving opportunities for green infrastructure – greenways, street trees, local agricultural parks, community gardens – and establishing additional local farmers’ markets.

The complete set of these measures in all areas, with summary descriptions, is found in Section II of the CCAP.

Mandatory Policies of Significant Interest

There are a modest number of proposed measures and policy concepts that remain as mandatory requirements on homeowners, business owners and citizens. The number and strength of these measures have been significantly reduced overall, but would nonetheless be considered for ordinance amendment should the Board of Supervisors adopt the CCAP as it is currently drafted. In Staff's opinion, these measures are sensible steps, each with a demonstrable nexus to the concept of maintaining responsibility for the mitigation of GHG emissions.

T-3 (Bike Shower Requirements) – This measure, which as written would require bicycle parking for all new multifamily, commercial, industrial and transit construction with auto access; and affect new construction, or businesses locating in new construction with 50 employees or more, by requiring bicycle parking and a modest shower facility, is a reasonable step toward encouraging the use of alternative transportation going into the future, and would mesh well with the numerous other bicycle-friendly measures proposed in the CCAP. Staff does not believe that requirement for a relative handful of bike parking stalls or the inclusion of a one- or two-stall shower facility with small changing room and lockers (\$15,000 to \$30,000 estimated cost delta) would be onerous for developments of the size suggested. Staff can consider adjusting the number of bike spaces recommended for each land use type. It has been suggested that use of new floor space (rather than employee numbers) be the criterion for shower provisions, and that the bar could be set at 75-80,000 sq ft level to be "more realistic" and place a smaller requirement on smaller office development; staff will consider this idea in development of an ordinance. Any of these components could be modified at the time of the required ordinance amendment; Staff recommends retention of this measure in substantial form.

L-1 (Smart Growth, VMT Fees on new Home Construction) – This measure is not popular with the homebuilding industry, especially those who construct single family homes and homes in rural locations. However, the concept of both discouraging and mitigating the generation of new GHG is a sound one within the framework of the CCAP and State and Local law. The one-time fee would either be very low or nonexistent for homes built near employment, services and transit, and would rise as the general commute distance increases. Inclusion of substantial energy efficiency in construction could reduce or waive the fee. This measure has been rewritten to consider exemptions for new single dwellings or dwellings for families who are in the agricultural business.

Staff proposes the following alternative ways to consider this measure:

- As written, with exemptions and fee charged at the time of building permit; or
- On a subdivision basis, in which no new building on any existing lot would be charged the fee, but any new structure built on a parcel subdivided after the adoption of the ordinance would require the fee. A fee waiver or reduction for energy efficiency improvements would still apply. This method would have the advantage of automatically exempting new homes on ordinary and agricultural parcels, but would capture new construction that actually results in increased density in more remote areas. This method would also be easier to implement.

Staff recommends keeping this measure in one of the above forms.

L-4 (Mandatory Business Improvement Districts) – Although this measure is written as though mandatory, Staff proposes to remove the mandatory language and encourage voluntary participation in the tenant improvement programs.

E-1 (Smart Grid Technology, Mandatory Element in New Construction) – Staff sees the value of Smart Grid Technology and the use of Smart Grid appliances in saving energy and reducing GHG emissions; however, Staff is also uncomfortable with taking this approach too far, as it represents a potential intrusion into normal day-to-day life and business. The existing measure would require all new construction to use Smart Grid compatible major appliances – HVAC, major lighting – when the technology becomes available. Existing building stock, while receiving Smart meters, would be under no mandatory requirements, but would be encouraged through outreach and incentives to consider Smart Grid appliances. The ordinance recommended to implement the mandatory component of this measure is a mid-term recommendation, 2-5 years.

On the basis that only new construction would be affected when the technology becomes available, Staff recommends that the measure be retained and that the County should aim toward the long side of this implementation period to allow time for a better understanding of how this program would work in practice.

E-6 (Landlord Utility Reporting Ordinance) – This measure would have the County adopt an ordinance that requires a landlord to report average per-unit utility costs to the County and existing/potential tenants. The ordinance could easily be just a once-annually exercise, and the information would be data that each landlord would have at his immediate disposal. For common-metered residential or commercial properties, staff believes this measure would be useful and add a trivial amount of work and expense by landlord. Staff does recognize that for units already submetered and billed separately, this would be considerably more difficult, and so recommends keeping this measure, but adding that the ordinance should apply only to common-metered facilities; submetered facilities would not be affected.

E-8 (Tier I energy requirements in new construction) – This is presented in the CCAP as a mandatory requirement for new construction and would be a step up from the County's current (and largely optional/voluntary) Green Building Ordinance which uses comparable but differently-applied standards. However, it represents a significant decrease in severity over the original measure that would have required Tier II energy construction requirements. Staff believes that this ordinance could be written to exempt small additions or interior remodel projects on existing buildings. This measure would be a definitive step toward better building practice in general and would yield lower energy bills during the lifetime of the construction. Improvements like these are already incentivized as much as possible in the CCAP, and as new opportunities open up, CDA will try to identify and publicize them.

An alternate approach would be to make existing optional GBO requirements mandatory; it would provide slightly less (about 20% less) GHG reduction benefit compared to Tier I, but this approach would keep existing County ordinance language and implementation in place. Staff can recommend either of these approaches, with a nod to the latter.

E-10 (Recycled content in new construction) – This measure to adopt an ordinance requiring 10% recycled content has been controversial; most concerns have arisen based on cost of the materials, which can range from comparable with new materials up to much more expensive. Other concerns have included availability and whether the materials meet

specifications. Staff agrees that these are issues to deal with, but also believes that an ordinance can be written to account for these variables. Staff would not recommend a building ordinance to force builders to use defective or substandard products, or require materials that are unavailable. This measure would be an important step in closing the recycling loop, and Staff continues to recommend this measure as written.

E-11 (Shade/Solar Panels/High Albedo Materials and Coatings on New Large Parking Lots) – This measure would undoubtedly add some cost to a new parking lot. It would, however, also reduce temperatures in the lots and adjacent to climate controlled areas, trees (some of which are already proposed in the draft Design Guidelines for the County) would enhance the attractiveness of the area, and if solar panels were chosen, electric consumption from the grid would also be reduced. Staff will consider some variations in tree cover requirements; however, this measure remains recommended by staff.

E-12 (Utility Submeters) – There has been some concern over the costs and logistics of this measure, especially for water metering. Staff agrees, and recommends modifying this measure to require submetering only for gas and electric utilities on new multitenant construction, and for electrical at major electrical renovation on all facilities; and encouraging / incentivizing gas submetering at major renovations. Staff research has suggested that although initial funding may be high for gas submetering, the payback period is rapid, usually about one year to 18 months, and the revenue recovery is ongoing; energy savings per year can surpass the initial cost. Moreover, property value improvements can also be realized (<http://www.allbusiness.com/real-estate-rental-leasing/real-activities-related-to-real/680669-1.html>, AllBusiness.com, 2010).

Water submetering is more complex and gets into areas of standard construction and System Capacity Charge (SCC) hookup fees. However, in the most populated portion of the County, the water service provider is EBMUD; EBMUD staff and published literature have told Staff that for any new multitenant construction, individual water meters (for construction three stories or less) or a single water meter (for construction over three stories) is required, and in all cases substantial SCC hookup fees are paid on a per-unit basis. Therefore, there is no need to address the water meter issue in this measure.

Moreover, AB 1975 (Fong), for submetering of all multitenant water service, is currently being considered at the State level; staff therefore recommends removing all water submetering language from this measure and deferring to the State legislative process.

WT-1 (HOA landscape ordinance) – Staff believes that this measure is a sensible way to guarantee a person’s right to conserve water on his/her landscape. At the same time, Staff understands the concern of Homeowner’s Association staff that it would limit their ability to preserve local standards and property values. Staff recommends that the ordinance should be written such that, when a person wants to install a low-water landscape, the HOA would still retain authority to apply minimum standards for appearance, quality and maintenance.

WT-2 (Landscape Water Efficiency) – Staff believes that this “50% potable water reduction in landscape” ordinance is a common sense way to conserve water and energy in a State where water conservation generally is becoming more common every year. Even with energy considerations aside, citizens of California face an ever decreasing water supply for an ever-increasing population. The concept of water conservation has long been important and gains more traction each year for several reasons. The Bay Area is a land of naturally Mediterranean landscapes to match the climate, and mandating landscape water efficiency

for new construction and large landscape projects is rational. Staff continues to recommend this measure.

WS-2 (C&D recycle resolution 75% by 2015) - the ordinance proposed by the draft CCAP would be designed to achieve an overall level of 75% for all C&D within 5 years, where the County ordinance now specifies 75% inert waste / 50% wood/vegetative/scrap metal. This increase may be overly aggressive, since generally about 65% is an upper limit for recycling/reuse of non-inert C&D materials (Conversation with Stopwaste.org staff, October 13, 2010). Some landfill staff have suggested that higher degrees of recycling are possible, although such aggressive levels are not yet proven. The County would not object to landfill operators finding ways to achieve more aggressive C&D recycling.

In light of this information, Staff suggests a variation of this plan, instead aiming for 100% of inert waste and 50% wood/vegetative/scrap metal net of (not including) Alternative Daily Cover (ADC) and unsalvageable material put to other beneficial uses at landfills. 100% recycling and beneficial reuse of inert materials – concrete, asphalt and rock – is generally achievable at modest cost, and this balance would allow a net reduction in GHGs to still be realized. Moreover, this balance of C&D recycling is in line with the draft C&D recycling ordinance currently recommended by Stopwaste.org, and would have the benefit of maintaining consistency with that County-wide recommendation.

WS-3 (Food waste Recycling) – This measure to adopt an ordinance requiring food waste recycling has received some criticism about difficulty of implementation for multitenant residences and also for small restaurants. Conversation with Stopwaste.org staff (October 13, 2001) suggest that, while this waste stream is the biggest single remaining contributor to landfill capacity and an important priority for redirection to composting, it is probably premature to require general recycling of foodwaste for all generators until a solid infrastructure to handle the material (compost facilities, workable and economically viable programs for multitenant and small generator) has been developed. Staff recommends that instead of an ordinance, the County's Waste Management Resolution be amended to encourage food waste recycling with an eye toward future improvements.

G-1 (Green Infrastructure, Public ROW Tree Planting) – There has been concern about this measure to encourage additional street trees and urban forestry; but insofar as the program would be public, would not require participation of citizens who do not wish to participate, and would have numerous coincidental benefits, staff is unclear why this program is controversial. Staff recommends that this recommendation remain as written.

Other Policies of Concern

The following policies have been identified at hearings and the roundtables as measures that may require some additional thought or clarification.

T-14 (Mixed Use Parking) – This measure recommends that the County reduce parking requirements for mixed-use and TOD developments, but after evaluating what those levels should be. The primary comment has been that any reduction in parking requirements should have a minimum level; in smaller mixed use development, a significant problem is designing a project that effectively separates or combines the parking for commercial from residential. If not done correctly, the property owners are forced into a position where they must enforce parking conditions, which is unacceptable. Staff agrees, and will develop language for Measure T-14 that makes accurate evaluation of this issue a priority.

Measure L-2 (Transit-oriented development) – This measure would seek to boost development density – in some cases significantly - within ½ mile of CV BART, Bayfair BART, and Hayward Amtrak stations. The target would be 800 new higher-density units in these selected transit hub areas by the year 2020. It is not yet known what proportion of these units could be located in each of these areas. The primary concern raised for this issue is found within Performance Indicator (ii), in which the goal is to establish a 50% even mix of commercial and residential in TOD projects by 2020. Commenters point out that this would be nearly impossible to achieve for existing development; they recommend inserting the word “new” before the term “TOD”. Staff agrees, and proposes to make this small but important change.

Measure L-3 (Reduce restrictions on second units) - In areas where individual yards and parcels could accommodate them, additional second units would be permitted in some spaces where they are currently not allowed by the Zoning Ordinance. Second units increase the vitality of nearby commercial centers by allowing more residents to live within a walkable distance to transit and neighborhood serving businesses, thereby reducing need for vehicle trips. Careful amendment to the Zoning Ordinance and strict adherence to design guidelines would be obligatory.

Concerns surround the idea that reduced parking for 2nd units within ½ mile of transit will exacerbate the situation around the CV BART station. Restricted resident parking has already been instituted near the BART station because BART commuters were using the neighborhood for parking when BART lots filled. Adding 2nd units and reducing parking could worsen this situation; a similar argument is true for north of Castro Valley Blvd.

Staff agrees that, taken by itself, allowing additional density could bring additional auto presence, traffic and resulting lack of parking. There are mitigating factors for this measure, however. The first is that the number of parcels able to take advantage of this allowance would be fairly small – parcels will still need to meet minimum space and setback requirements. Second, these parcels would not become occupied by second units all at once – applications and demand for second unit permits has been relatively low, less than 10 per year across the unincorporated area, and the number would probably increase slowly in any given area whether close to transit or not.

Third, this measure would not operate in a vacuum, but work in tandem with all of the other measures in the CCAP designed to reduce VMT, provide better transit access and improve access for bikes and pedestrian use. Staff believes that the expected slow growth of second units and flexible implementation of the other measures could be coordinated to avoid serious parking problems. Staff continues to recommend this measure.

E-4 (Low Cost Financing options) – Staff has always been under the impression that this measure is designed to be implemented in a voluntary fashion, with programs and incentives for financing of energy efficiency improvements. However, certain language in the measure appears to be ambiguous to some readers, leading to concern about a possible mandatory RECO-style program; therefore, staff proposes to add language removing this ambiguity and ensuring that the measure is implemented as a voluntary program.

RELATIONSHIP TO THE COUNTY GENERAL PLAN:

The CCAP is a policy document designed to fulfill County obligations under the law with respect to GHG reduction; as such, upon final adoption by the Board of Supervisors, it would become a binding document for the County and will eventually be incorporated into the County General Plan. Upon Board approval, adherence to policies in the CCAP would require additional compliance with energy efficiency regulations and stricter building requirements, but it would also help the County to partially streamline the review process where GHG reductions are concerned and provide policy consistency for projects proposed in the unincorporated area. In order to reach this goal, the following process must occur:

- The Board must be able to approve the document as an advisory document, essentially a “policy-in-principle” handbook for the County; this objective is recommended by Staff to be achieved by December 2010.
- The CCAP must then undergo environmental review pursuant to the California Environmental Quality Act (CEQA), which could be a Mitigated Negative Declaration (MND) or a Focused EIR (FEIR). Public review as required by law would be part of this step. This step would be necessary for the document to become certified by the Bay Area Air Quality Management District (BAAQMD) for compliance with its CEQA Guidelines and subsequent use as a standard template for GHG emissions mitigation.
- The CCAP could be incorporated into the General Plan. After this step, policy adherence would be sufficient to mitigate GHG impacts in environmental reviews.

In some ways, the CCAP would mirror existing requirements of the County General Plan; but in many other ways, the requirements of the CCAP would exceed those of the area plans and would build upon the existing policies to attempt to achieve the required 15% GHG reduction by 2020.

CONCLUSION

In April 2010, the Draft CCAP was presented before the Castro Valley Municipal Advisory Council. Concerns were raised that proposed measures of the CCAP would create economic hardship on Unincorporated County community members. Amongst other items, proposed measures such as the Residential Energy Conservation Ordinance, the development impact fee, a commercial area parking fee, or any measure that would result in costs on community members were not well received. Additional hearings further reinforced these concerns, and subsequent roundtables brought together several citizens and business representatives to discuss these concerns in specifics. The original draft CCAP has thus been revised to reflect many of these concerns, and is presented to the CVMAC for its review.

ATTACHMENTS

None

- Prior CVMAC Staff Analysis April 2010
- Revised Draft CCAP, September 21, 2010

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