



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

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

TO	Members of the Alameda County Planning Commission
HEARING DATE	November 15, 2010

PREVIOUS SESSION OF THE PLANNING COMMISSION HEARING

At the Planning Commission meeting of November 1, 2010, the present members of the Commission received the staff analysis and heard testimony from interested parties on the proposed County Community Climate Action Plan (CCAP). The basis for the discussion was the September 21, 2001 Revised Draft CCAP, which Staff had recommended for adoption along with some revisions as outlined in the November 1 staff analysis (attached).

Along with this discussion, and in response to a set of proposals put forth by the Castro Valley Municipal Advisory Council (CVMAC), the Planning Commission allocated the bulk of the November 1st public hearing to discussing the two recommendations to achieve what they believed to be an effective balance. After deliberation, for some measures, the Commissioners selected the Staff recommendation, sometimes with minor revisions; in other cases the Commissioners chose the CVMAC recommendations, again, at times with minor revisions. For several measures, the Commissioners crafted either a different approach or a compromise measure.

All of the measures that were settled by the Planning Commissioners are described below, along with the measures recommended by Staff from the previous staff analysis that were otherwise not altered. This list provides the complete current set of revisions to the September 21, 2010 draft of the CCAP. After discussion with the project consultant, Planning Staff is confident that these revisions will allow the County to achieve its target 15% GHG reduction goal, and can recommend these revisions along with the September 21, 2010 Draft CCAP

STAFF RECOMMENDATION

Staff recommends that:

1. The Planning Commission review the second draft of the Community Climate Action Plan (CCAP), and this staff analysis with the recommended revisions;
2. Accept this staff analysis and take public comment;
3. Provide staff with a recommendation to the Board of Supervisors regarding the Draft Community Climate Action Plan. Options for the Commission to consider include:
 - a. To the Board, recommend adoption of the CCAP as drafted in the attached September 21, 2010 draft, with changes as proposed by the Planning

Commission (at its meeting of November 1, 2010) and Planning Staff and as outlined on pages 3 - 7 of this staff analysis and as described in the attached staff resolution (**STAFF RECOMMENDATION**, *achieves necessary 15% GHG target emission reductions*);

- b. Recommend a new proposal crafted by the Commission;
- c. Recommend disapproval.

STAFF ANALYSIS

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 recommends below 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). 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 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%.

A complete discussion of the new Draft CCAP from September 21, 2010 is discussed in the November 1, 2010 Staff analysis (attached).

The Complete Set of Revisions to the September 21, 2010 draft CCAP proposed by the Planning Commission members on November 1, 2010 and Planning Staff

The list below contains all of the recommendations of the Planning Commission (as recorded by staff) from the November 1, 2010 public hearing, along with the remaining staff recommended modifications to the Draft CCAP. In many instances, these recommendations are also in agreement with the attached CVMAC Resolution.

Introduction - Acknowledgements: The name of "Mona Mena" is misspelled as "Mina;" This should be corrected.

Page 5 – In the right hand column, the third bullet point citing a "250-kw Photovoltaic system" is not a policy, and should be relocated to the next section below as an action already accomplished.

Page 8 – The Graphic "2005 Community-Wide Greenhouse Gas Emissions Inventory" should make clear through retitling that this is for the Unincorporated Area, rather than the more ambiguous "Community-Wide."

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, has been significantly altered from its original levels of implementation by the new PC recommendation.

The Planning Commission has recommended that the threshold for bicycle parking/showers be area-based rather than employee-based, and that the number of square feet be 75,000. The text should reflect this, and also note that this corresponds to roughly 375 employees.

Table 2.3 is to be changed to read “For new development” but the County remains tasked to seek out places for bike racks; and Implementation Action B should be rewritten to reflect this intent – “County shall...”

In Table 2.3, for multifamily housing, it should be noted that bike parking spaces can include storage inside apartments.

T-14 (Parking Management) – Planning Commission, CVMAC and Staff recommend that language be added to Implementation Action B that requires County, as part of its study, to “ensure that neighborhoods are not adversely affected” by shared parking for mixed use and TOD, and that actual requirements for mixed use parking are accurately evaluated. The sentence or phrase “County Planning shall work with Redevelopment to evaluate the shared parking requirements, and bring the analysis to public review” should be added.

Page 32 & 37, Maps – These maps should be removed; each requires much explanation, and in their present forms neither facilitates easy understanding of the measures that follow.

L-1 (Smart Growth, VMT Fees on new Home Construction) – Staff recommends inclusion of two possible approaches, as long as each approach garners the same approximate level of GHG reduction.

1 – Exempt all Single Family Residences and demonstrably ag-related buildings; or

2 – Implement the program/ordinance on the basis of new subdivisions – that is, when a subdivision is approved, any home built on the new parcels (not including the original parcel) would pay this fee.

Overall, state that new units built within a certain distance of transit or major employment/commercial centers (for example, Castro Valley downtown or Pleasanton/Livermore) would be exempt; that certain distance should not be specified, but should be liberally determined to be the maximum in which persons could be expected to use alternative transportation. Units built outside that radius would be charged a fee on a sliding scale depending on Vehicles Miles Travelled (VMT); Exemptions or reductions in fee could also be awarded if people are willing to construct to Tier II standards as encouraged in Measure E-9. If E-9 is used, incentives may be included to streamline or advance the project.

The PC also recommends that “low-carbon” terminology be changed to “VMT program”; and to retain the fee language but also add incentive programs to the proposed ordinance (or Staff suggests the words “and/or programs for incentives...”).

L-2 (Transit Oriented Development) – Insert the word “new” TOD into Performance Indicator (PI) ii at the bottom on page 34. Instead of a rigid 50-50 balance, change the PI to reflect “approximate equal balance of uses suitable to the characteristics of the location...” or similar language.

L-3 (Transit Oriented Development, Second Units) – in Implementation Action B on page 35, the measure should be changed to read “Revise parking requirements for additional second units to one space per additional unit”.

L-4 (Mandatory Business Improvement Districts) – This measure is written such that it could be construed as mandatory; Planning Commission and Staff propose to sufficiently revise the language to ensure that it encourages voluntary participation in tenant improvement programs. The First sentence in Paragraph 2 should be rewritten to “The County will work with the business community to develop incentive programs...” to provide recognition that the business community retains primary responsibility for working with its members on this matter.

E-1 (Smart Grid Technology, Mandatory Element in New Construction) – Staff recommends that Paragraph 2 be changed to read:

“The County will work with PG&E and other neighboring cities to encourage full implementation of smart grid technologies. PG&E is already planning to install Smart Meters, a key component of the larger smart grid, in all homes and businesses in the Bay Area by 2010. As of September, 2010, 86 percent of homes and buildings in Alameda County (both incorporated and unincorporated) have had Smart Meters installed, with the remainder scheduled for installation in the near future. However, the real value of the smart grid does not end at the meter; its full value is realized when it enables County residents and businesses to access the technology to manage their energy use to optimize savings. In order to ensure that County residents and businesses are able to take full advantage of the smart grid, the County and its partners will promote the use of smart appliances in homes and businesses through outreach and incentives. The County will also consider an ordinance to require smart grid-compatible major appliances (e.g., heating, ventilation, air conditioning) in new construction when technologies are available.”

Also, the Planning Commission recommends addition of the words “...and/or a program that incentivizes...” in Implementation Action C.

E-4 (Low Cost Financing Programs for Energy Efficiency) – Staff recommends rewrites to ensure that this measure is implemented on a voluntary basis. The beginning of Paragraph 4 should be rewritten to read:

“A property owner could voluntarily participate in a County-wide program where homes could obtain an energy audit by a certified specialist at the point of sale who could calculate the estimated energy efficiency improvement cost.”

Other language changes would be made to assure that this measure is to be implemented on a voluntary basis.

E-6 (Landlord Utility Reporting Ordinance) – Planning Commission recommends removal of Implementation Action C.

E-8 (Tier I energy requirements in new construction) – Change standard to reflect the County's Green Building Ordinance. The PC recommends the following revision:

Change Implementation Action A to read, "Amend the County's Green Building Ordinance to update along with the 2010 State CalGreen standard, and readopt the County Green Building Ordinance without future sunset clause(s)."

E-10 (Recycled content in new construction) – Staff continues to recommend this measure, with the change that the timetable for Implementation Action A be extended to Medium Term (2-5 years), and that along with ordinance adoption language, the text include words "and/or program to incentivize...".

E-11 (Shade/Solar Panels/High Albedo (Reflectivity) Materials and Coatings on New Large Parking Lots) – Planning Commission recommends that the CCAP raise the new parking lot area threshold to 50,000 square feet (about 200 parking spaces) and require just one method of shading/reflectivity instead of two.

E-12 (Utility Submeters) – All interested parties recommend removing all references and language relating to water submetering measure (still permitting electric and gas submetering as described). Planning Commission recommends removing the wording "majorly renovated" while Staff would prefer that major renovation projects receive improvements in electrical submetering.

E-16 (Green Jobs) – Planning Commission and Staff recommend that this section be rewritten to more generic format, without singling out specific partners (text could still mention them as possibilities or include them as recommended organizations to partner with in Section 3), but to allow for full flexibility in partnering.

Optional measures RECO and CECO – Recommend that these measures be placed into a NEW APPENDIX 'Measures considered but not recommended' along with the already-eliminated parking fee measure, along with an appropriate introductory explanation.

WT-1 (HOA landscape ordinance) – Staff recommends and the Planning Commissioners agreed that the ordinance should be written such that a person may install a low-water or water-efficient landscape, but that the HOA would still retain full authority to apply minimum standards for appearance, quality and maintenance.

WT-2 (Landscape Water Efficiency) – Staff believes that this "50% potable water reduction in new 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. The Planning Commission generally agreed, noting its similarity to Bay Friendly Landscape Guidelines, for which the County is currently considering a policy. Staff continues to recommend this measure as written for landscapes associated with new construction and all landscape projects greater than 2,500 square feet.

WS-2 (C&D recycle resolution 75% by 2015) - Staff recommends, and the Planning Commission agreed with, a variation of the program in the revised CCAP, instead aiming for

100% of inert waste (concrete, asphalt and the extent possible rock) 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 and asphalt – is generally achievable at modest cost, and this balance would allow a net reduction in GHGs to still be realized.

This balance of C&D recycling is approximately consistent with the draft C&D recycling ordinance currently recommended by CalGreen and Stopwaste.org. 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.

WS-3 (Food Waste Recycling) – Planning Commission and Staff recommend that instead of an ordinance, the County's Waste Management Resolution be amended to encourage food waste recycling with an eye toward future improvements; amend Implementation Action B to reflect this change.

Change 2.8 "Green Infrastructure" to another name – One Commissioner suggested that another title would be more appropriate. Staff is open to suggestions.

G-3 (Community Gardens) – Planning Commission recommended changed text to reflect CVMAC proposed language, "Work with EBMUD, EBRPD, HARD and other appropriate entities to develop community gardens wherever practical, along with necessary infrastructure and management policies."

Page 91 (Organizations) – add three organizations to list:

- Oakland Green Job Corps
- California Rental Housing Association
- Bay East Association of Realtors

Upcoming Public Hearings: Beyond the present Planning Commission meeting, the CCAP will be presented at the full Board of Supervisors on December 21, 2010. This public hearing will be an opportunity for additional public input. Staff expects to have another final draft available by late November for final review.

CONCLUSION

In May and November 2010, the Draft CCAP was presented to the Planning Commission. Concerns were raised that proposed measures of the CCAP would create economic hardship on Unincorporated County community members. Among 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 Planning Commission for its review.

In the November 1 session, the Planning Commission worked to reconcile the staff recommendation with a resolution submitted by the Castro Valley Municipal Advisory

Council, and developed the revisions included in this staff analysis. Staff can recommend the Draft CCAP, along with these revisions, to the Board of Supervisors. Finally, it is important to remember that this is a programmatic plan only; nothing requiring mandates in this CCAP would take effect before the individual components would be enacted by the Board of Supervisors. Those processes would provide opportunity for further refinement.

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 - b. Recommend a new proposal crafted by the Commission;
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ATTACHMENTS

- Prior Planning Commission Staff Analysis November 1, 2010
- Staff Proposed Resolution
- Castro Valley MAC proposed Resolution

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