

Natural Resources Commission Minutes
November 26, 2018; 6:30 p.m.

Present: John Johnston, Anya McCann, Alan Pryor, Evan Schmidt, Steven Westhoff

Absent: Mark Braly

Staff: Kerry Daane Loux, Sustainability Coordinator, Community Development & Sustainability

1. **Approval of Agenda** – Approved unanimously 4-0 (Pryor/Westhoff, McCann, Schmidt. Johnston not yet in attendance).
2. **Brief Announcements from Staff, Commissioners, and Liaisons** – Staff noted that Commissioners are invited to an Ethics training course and may opt to attend. Staff noted the email from John McNerney included in the packet stating that the Annual IPM Report for 2017 will be combined with 2018 and presented to the Commission in February 2019.

Steve Westhoff noted that for Commissioners leaving the NRC, there is a requirement to fill out a File 700 upon leaving. The City Clerk’s office will provide more detail.

John Johnston noted that Sacramento and West Sacramento have jointly created a new Mayors’ Commission on Climate Change with the goal of drastically cutting greenhouse gas emissions in the two cities to achieve Carbon Zero, by 2045. The non-profit Local Government Commission will administer the effort and provide staff support. During discussion, the NRC asked if City of Davis could be part of this effort.

Anya McCann noted that she would like to see an item for discussion of requiring planet friendly food at City events on the NRC’s Long Range Calendar.

3. **Public Communications** – Greg Miller stated he is a renter in Davis, and is concerned about air quality due to wildfires. He recommends that Davis should consider minimum air filter standards for rental properties. During the recent Camp Fire air quality impacts in Davis, he checked the air filter at his rental and found that it was only a MERV 7, which is 10% efficient. The Commission noted that a discussion of recommended air filtration standards for addition to existing rental standards should be added to the NRC’s Long Range Calendar.

Dick Bourne spoke to the Commission about the need for building electrification and to eliminate natural gas in new construction. He has recently published a series of opinion editorials in the Davis Enterprise recommending net zero electricity, and would encourage the NRC to take action soon.

Lise Smidth spoke in support of more stringent restrictions on wood burning in Davis and in support of initiating a public information campaign on the air quality and health hazards of wood burning. Sam Brewster supported these comments.

4. **Consent Calendar**
 - A. Minutes – September 24, 2018. Pryor/McCann Approved 4-0-1; Pryor, McCann, Schmidt, Johnson Aye; Westhoff abstained)
 - B. Annual Water Loss Audit (2017) Pulled for discussion by Pryor
Pryor asked what are we using audit for, and requested more information on what are the benchmarks and what the water loss numbers mean. Adrienne Heinig responded that this is a new state requirement, in its second year, with a state mandate to report losses. Some of these losses are ‘paper losses’, i.e. a

meter that is not recording, or losses due to financial records. Dawn Calciano also discussed how some losses are ‘real losses’, due to actual loss of water, such as a broken pipe. These are the water audit statistics that need to be actively addressed. The Commission asked for an item to be added to the NRC’s Long Range Calendar to address more information about water audit issues and leakage. Following discussion, the Commission approved the item on consent calendar. Pryor/Westhoff, 5-0

5. Regular Items

A. Nonresidential Reach Code

Greg Mahoney, City of Davis Chief Building Official and Assistant Director, Community Development and Sustainability, presented the final draft ordinance for non-residential building standards for approval from the Commission before presentation to City Council on December 18, 2018. Discussion of this item started a year ago with a comparison of current Building Standards to LEED Gold equivalency. The recommendation includes eliminating LEED as a standard and meeting equivalency with reach code measures using CALGreen, Davis Municipal Code and California Energy Code related to reduction of greenhouse gas emissions and energy efficiency improvements.

In addition to current nonresidential building standards, this ordinance includes

- a. Enacting an energy efficiency and green “reach code” for nonresidential and high-rise residential projects that requires 10% compliance margin per a cost effectiveness study prepared by TRC, dated July 2017.
- b. Codification of Davis EV Charging Plan adopted by City Council resolution in 2017.
- c. Requirement for installation of photovoltaics to offset 80% of energy used on site, as supported by cost effectiveness study prepared by TRC, dated September 2017.
- d. Adoption of ICC Cx (Commissioning) Guideline to require enhanced commissioning.

Previous additional Commission requests for consideration of water conservation and metering standards; reuse of non-potable water for irrigation and building greywater uses; incorporation of on-going upgrades to organics, solid waste and recycling standards; stormwater requirements; alternative transportation (bicycling, pedestrian and transit); all-electric development standards; and separate electric metering for each resident, tenant or business were addressed in the attached staff report. Many of these sustainability and environmental issues are currently incorporated and/or would be best addressed through the planning review process, and will be discussed separately by the Commission at a later time.

Mahoney stated that the next steps for the ordinance, following NRC recommendations, are to take the ordinance to City Council on December 18, 2018 for approval, followed by review by the Energy Commission.

Public comment on this item was made by Greg Miller. He stressed the importance of addressing water and energy efficiency, including landscape irrigation, to meet goals of greenhouse gas emissions reduction and energy efficiency improvements.

Following a motion by Pryor, seconded by Johnston to approve the staff recommendations on the Nonresidential Reach Code Ordinance, discussion included some errata in the ordinance language. With amendments as noted, motion was approved Pryor/Johnston, 5-0.

B. AquaHawk program

Dawn Calciano gave a presentation on the newly implemented AquaHawk program in Davis, an online customer water use portal where water customers may view their hourly water consumption, manage their water usage and set and customize usage alerts.

Ceremonial Break: The Commission took a brief break to celebrate the service of three Commissioners who are leaving the Commission at the end of 2018. Former Chair Steve Westhoff, Commissioner Anya McCann and Commissioner Mark Braly (not in attendance) were given Certificates of Appreciation from Chair John Johnston for their years of service on the Natural Resources Commission.

C. Woodsmoke Ordinance

Staff gave an overview of the current woodburning complaint statistics from PD Code Enforcement, and the history of the woodsmoke ordinance since original adoption in 2012. The ordinance is currently part of a Nuisance Abatement Ordinance related to Nuisance Burning. Although no one was able to attend from the Police Department, staff noted that after the NRC materials packet, including the Woodsmoke Staff Report was distributed, a correction was provided by Police Chief Darren Pytel, as follows:

“This should be added/changed to the Staff Report. When the original ordinance was drafted, it was carefully worded so that it could be enforced under specific legal constraints relating to searches of private residences. Any change to the ordinance may render it unenforceable due to those specific constraints. The typical process for complaints regarding woodsmoke are as follows:

- Community member calls the Davis Police Department business line at (530) 747-5400. Alternatively, a complaining party can file a complaint online (information is below). Complaints can be made at any time.
- The Police Department response depends on whether the responsible party has been previously warned of a violation and whether a responsible address can be identified.
 - If the caller is unable to determine the origin of the smoke, a police officer may, subject to availability, be dispatched in order to locate the responsible address.
 - For the first complaint regarding a specific address:
 - The resident will receive a written notice informing them of the ordinance and reported violation. The template for this letter is attached.
 - Unless further violations are reported, no further action will be taken.
 - The address is tagged in the police records management system as having received a warning notice.
 - For the second and subsequent complaints regarding a specific address:
 - When the dispatcher receives the call, they will dispatch a police officer to verify whether there is a violation. If there is a violation, the officer will notify code enforcement and an administrative citation can be issued (see below).
 - If no smoke is visible, and/or it is not possible to otherwise identify the source of the smoke, no action is taken.”

During discussion of the implementation of the current ordinance, Commissioner Pryor noted that this has been a long-standing issue, and that the current ordinance does not work in Davis. He pointed to ordinances in San Francisco and the Bay Area Air Quality Management District (BAAQMD), the Sacramento AQMD, and the San Joaquin AQMD. Although everyone in the community can be impacted by smoke and poor air quality, the recent extended period of hazardous air quality due to the Camp Fire had particular negative impacts for sensitive receptors.

It was noted that there are new technologies available to test air quality, such as the laser monitor provided by ‘Purple Air’ and other available instruments that can measure heat in chimneys to indicate that the fireplace is in use, even if smoke is not visible. The Commission discussed an approach that could include ‘citizen scientists’ to help identify and quantify data in Davis.

The following motion was made and approved by Pryor/Westhoff (Approved 5-0—Johnston, McCann, Pryor, Schmidt, Westhoff)

The recent hazardous air quality concerns due to the Camp Fire and other fires around the state have reminded everyone of the public health impacts of poor air quality. Considering these issues, and continuing anecdotal information that woodsmoke continues to be of concern to Davis residents, the Natural Resources Commission recommends to the Davis City Council the following actions relating to public education and data-gathering:

- 1) Immediately restart the city's web-based program advising residents of the dangers of local wood burning to citizens (particularly seniors, children and those with respiratory conditions). This program was suspended two years ago.
- 2) Implement other proactive outreach, educational and data-gathering efforts such as:
 - Providing educational information in utility bill inserts.
 - Coordinating with partner agencies to disseminate information, such as Yolo Solano Air Quality Management District (YQAMD), Davis Joint Unified School District (DJUSD) and others.
 - Adding woodsmoke nuisance (or hazard) to the existing GO DAVIS web-based citizen request management system. This would facilitate better data-gathering on the extent of this continuing problem.
 - Supporting 'citizen scientist' efforts to develop reliable and objective woodsmoke and air quality data in addition to the GO DAVIS request component by supporting the purchase of a number of low cost laser monitoring devices (such as those available from Purple Air www.purpleair.com for approximately \$250). These could be made available in a 'lending library' for Davis residents. These instruments can instantly measure PM2.5, store data for several months, and transmit readings to an internet website, which is then information which is accessible to all.
- 3) Improve consistent record-keeping protocols for all complaints related to wood smoke so that data is easily accessible, thorough and accurate.
- 4) Require annual reporting on woodsmoke code compliance data to the Natural Resources Commission (possibly in March or April each year at the end of the burning season).

D. Joint Meeting with City Council

Staff noted that the Natural Resources Commission will have a joint meeting with the City Council on March 19, 2019. The Commission will discuss this further in January after new Commissioners have been appointed on December 6, 2018. The main purpose will be to inform and discuss the big long-term NRC issues with City Council, including but not limited to the needed update to the Climate Action and Adaptation Plan (CAAP), Integrated Pest Management (IPM) policy, residential energy efficiency (including single family and multi-family, owner occupied and rental properties), electrification, solid waste, wood smoke, etc. It was also noted that the Commission could ask City Council for regular attendance by a City Council Liaison.

E. Subcommittee Updates –
None

6. Commission and Staff Communications

a) Long Range Calendar/Future Agenda Items

In addition to three items noted in the minutes above, Commissioners requested additional

discussion items to be added to the 2019 Long Range Calendar:

- A waste, composting and recycling report related to restaurants and commercial uses, especially fast food restaurants by Conservation Coordinator Jennifer Gilbert.
 - Follow up on status of the Litter in the Streets (LITS) program restaurants by Conservation Coordinator Jennifer Gilbert.
 - Follow up on status of the Reclaimed Water Study by Water Quality Coordinator Josie Tellers
 - Institute a training opportunity for new Commissioners about the NRC goals, objectives and subcommittee work. This could be a living document to be added to and amended year by year to help introduce new Commissioners and other stakeholders to the work of the Commission.
 - A discussion of sustainability and environmental issues, outside of those addressed by the Residential and Nonresidential Building Reach Codes, that are not currently incorporated in the planning review process, such as Standard Development Agreement Items and Conditions of Approval
- b) Upcoming meeting items/events.

7. **Adjourn:** 9:55 p.m.