



SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA
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December 19, 2017
5:00 PM

REGULAR
MEETING AGENDA

Palm Springs City Hall
Large Conference Room
 3200 E Tahquitz Canyon Way
 Palm Springs, CA 92262

COMMISSIONERS	
Joe Jackson, Chair	Roy Clark, Vice Chair
David Freedman	Jennifer Futterman
Greg Gauthier	John Goins
Robert McCann	Grant Wilson

Staff representatives: Marcus L. Fuller, Assistant City Manager, Jay Virata, Director of Community & Economic Development, Dan DeGarmo, Clerical Assistant, Gary Calhoun, Recycling Coordinator

City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

- CALL TO ORDER**
- A MOMENT OF SILENCE REMEMBERING MICHELE MICIAN**
- FLAG SALUTE**
- ROLL CALL**
- ACCEPTANCE OF AGENDA**

- CITY MANAGER / STAFF COMMENTS (5 MINUTES)**
 1. Status Report on the Cogen Plant – Staci Schafer, Director of Maintenance & Facilities
 2. Resignation of Commissioner Wangler; Council Liaison Appointment; Sustainability Brochure; Energy, Water, Green Living Summit – Jay Virata, Director of Community & Economic Development

COMMISSION LIAISON REPORTS
 Planning Commission and/or Parks and Recreation Commission: As available.

PUBLIC COMMENTS: This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter jurisdiction of the Commission. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes are assigned for each speaker.

- A. WELCOME AND INTRODUCTIONS (5 MINUTES)**
- B. PRESENTATIONS (30 MINUTES)**
 1. Safe Non-Smoking Public Space and Tobacco Retail Licensing – Bob Heinbaugh, Paul Hinrichsen, Tim Fishback, MD
- C. MEETING MINUTES (5 MINUTES)**
 - November 21, 2017 Regular Meeting Minutes approval

D. RECYCLING REPORT - Gary Calhoun (10 MINUTES)

E. OLD BUSINESS (15 MINUTES)

1. Direct Staff on Construction and Demolition Ordinance – Commissioner McCann, Vice Chair Clark, Staff
2. Ad Hoc Committee on Film Festival Programs – Commissioner Futterman, Chair Jackson
3. Plans for Sustainability Booth at the Farmer’s Market - Commissioner Futterman
4. Continuing Discussion on Sustainability Priorities, Budget, and Activity Plans for FY 2017-18 and beyond.
 - a. Green Jobs – Commissioner Goins
 - b. Eco Travel – Commissioner Futterman
 - c. Water Priorities – Commissioner Freedman
 - d. Product Stewardship – Commissioners McCann and Vice Chair Clark
 - e. Leaf Blower Training – Vice Chair Clark and Chair Jackson

F. NEW BUSINESS (15 MINUTES)

1. Discussion on banning single use polystyrene food containers, per Councilperson JR Roberts
2. “Mayor’s Pledge” regarding Milkweeds for Monarchs – Vice Chair Clark
3. Plans for Remembrances for Michele Mician

G. COMMITTEE AND COMMISSIONER REPORTS (30 MINUTES)

1. Standing Committee on Solar and Green Building - Commissioner Freedman
2. Standing Committee on Waste Reduction - Commissioner McCann and Vice Chair Clark
3. Standing Committee on Active Transportation -Commissioner Wilson, Commissioner Gauthier
4. Wellness - Commissioner Futterman
5. Water - Commissioner Freedman
6. Outreach - Commissioner Futterman

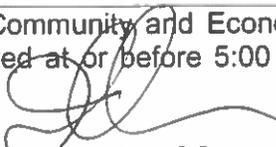
H. COMMISSIONER COMMENTS (5 MINUTES)

- I. ADJOURNMENT** - The meeting of the Sustainability Commission will adjourn to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, January 16, 2018, in the City Hall Large Conference Room, 3200 E Tahquitz Canyon Way, Palm Springs CA 92262. The Sustainability Commission’s regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Agenda and staff reports are available on the City’s website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of Sustainability at 760-323-8248.

AFFIDAVIT OF POSTING: I, Jay Virata, Director of Community and Economic Development of the City of Palm Springs, California, certify this Agenda was posted at or before 5:00 p.m. on December 14, 2017, as required by established policies and procedures.


Jay Virata, Director of Community and Economic Development



REGULAR MEETING MINUTES

Tuesday, November 21, 2017 Palm Springs City Hall, Large Conference Room

CALL TO ORDER: Chair Jackson called the meeting to order at **5:00** p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Goins

ROLL CALL: A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission. Chair Jackson stated that he received a call from Commissioner Wangler in August 2017 stating that he will be resigning from the Commission as he took a job outside of the City of Palm Springs. Commissioner Wangler stated that he wanted to come to the September meeting and state his desire to resign in front of the Commission however, Commissioner Wangler did not show up at that meeting. Chair Jackson will be filing a certification with the City Clerk's Office stating that Commissioner Wangler has three unexcused absences so that the City Clerk can declare a vacancy in the Commission.

AGENDA APPROVAL: The agenda was presented by Chair Jackson. A motion to approve as posted by Commissioner Gauthier and seconded by Commissioner Goins and unanimously carried.

	<u>This Meeting</u>	<u>Present to Date</u>	<u>FY 2017/2018 Excused Absences</u>	<u>FY 2017/2018 Unexcused Absences</u>
Joe Jackson	X	53		
Grant Wilson	L	54		
Roy Clark	X	17		
David Freedman	X	28		
Jennifer Futterman	X	18		
Greg Gauthier	X	8	2	
John Goins	X	9	2	
Robert McCann	X	16	4	
Michael Wangler	U	6	1	2

X = Present

E = Excused (notified Chair and Staff of absence)

L = Late

U = did not notify of absence

CITY STAFF PRESENT: Jay Virata, Director of Community & Economic Development, Gary Calhoun, Recycling Coordinator.

CITY MANAGER AND ASSISTANT CITY MANAGER REPORT –

No report.

COMMISSION LIAISON REPORTS

No reports.

STAFF COMMENTS

Director Virata stated that the City has joined the Coachella Valley Community Choice Aggregation electricity program and that CVAG is reviewing planning processes. He also stated that the Buzz program has been extended for a three-month period. Director Virata also stated that SC Edison has also been in contact with the City for possible storage facilities for battery storage.

PUBLIC COMMENTS

None

A. WELCOME AND INTRODUCTIONS

Dara Shay, as a Palm Springs High School student representative liaison. Ms Shay introduced herself and made a brief statement.

B. PRESENTATIONS

1. Dominique Hargreaves, "WELL Community Standard", International WELL Building Institute Presenter was unable to be present and will be rescheduled.
2. Nima Pauline, Eco Culture Manufacturing (Fabric Recycling) made a presentation on the Textile Recapture Program.
Comments and questions from the commissioners were presented and discussed.

C. MEETING MINUTES

October 17, 2017 Regular Meeting minutes approval: Motion by Commissioner McCann to approve as presented, second by Vice Chair Clark and approved by an open vote. (Chair Jackson requested that the Excused Absence indication for Commissioner Wangler on the September 19, 2017 minutes be corrected to an Un-excused absence.)

- D. RECYCLING REPORT,** Gary Calhoun reported on the Beverage Container Grant received by the City. He also stated that he toured the Desert Arc Recycling Center in Indio with Nick Carsiello. A tour can be scheduled at any time for the Commissioners. The Burrtec facility is also available for tours. Mr. Calhoun also gave an update on the Shredding and E-Waste event and the C&D ordinance staff report.

E. OLD BUSINESS

1. Plans for Sustainability Booth at the Farmer's Market - Commissioner Futterman reported that she spoke with Megan Goehring at the Certified Market and that the Commission is welcome at any time. Chair Jackson and Commissioner Futterman will be looking at which Saturday may be the most ideal.
2. Report on ZNE Shoptalk 2017 – Commissioners Freedman and Goins: Commissioner Freedman reported that the conference was successful with about 75 in attendance. He gave a summary of the event. Commissioner Goins reported on the ZNE event at Modernism Week.
3. Continuing Discussion on Sustainability Priorities, Budget, and Activity Plans for FY 2017-18 and beyond.
 - a. Green Jobs – Commissioner Goins reported on steps to possibly use to promote green jobs in the City.
 - b. Eco Travel – Commissioner Futterman
 - c. Water Priorities – Commissioner Freedman reported that he met with Ashley Metzger at DWA on ways the City can move forward with water conservation programs. He would like to meet with Staff on ways to move forward with some of the projects discussed.
 - d. Product Stewardship – Commissioners McCann and Vice Chair Clark – Commissioner McCann reported that he has renamed his report "Expansion of Medical and Pharmaceutical Waste Disposal Options in the City of Palm Springs". He gave a report on the lack of places available in the City where hazardous household waste can be disposed. He also stated that he is interested in more information on the "At Your Door" services.
 - e. Leaf Blower Training – Vice Chair Clark and Chair Jackson – Vice Chair Clark reported on the status of the Leaf Blower training using a brochure instead of a video. Director Virata reported that an acknowledgement form is now required for Gardeners/Landscapers in order to receive a license. Also that Staff is working on a brochure to be given out to businesses.

Comments and questions on the above from the commissioners were presented and discussed.

F. NEW BUSINESS

1. Proposed discussion on Construction and Demolition ordinance – Commissioners McCann and Vice Chair Clark – Commissioner McCann presented information on the status of an ordinance on C&D requirements. Discussion was held on the issue and direction was given to Staff to move forward with a draft of the ordinance for review by the Commission.
2. Ad Hoc Subcommittee on Film Festival Programs – Commissioner Futterman and Chair Jackson – Chair Jackson reviewed the idea of a film festival and the possibility of an operational partner to host the festival. Commissioner Futterman expanded on the ideas and what can be expected. Chair Jackson requested by a show of hands who thought this was a good idea; 4 said it was, 3 were unsure, Chair abstained.

3. Draft Text for Sustainability Brochure – Chair Jackson reported on the status of a Sustainability brochure. All of the Commissioners have had a chance to comment on the version that was sent out to the Commissioners. Direction to Staff to research sources for graphics and design once final draft has been approved.
Comments and questions on the above from the commissioners were presented and discussed.

G. COMMITTEE AND COMMISSIONER REPORTS

1. Standing Committee on Green Building - Commissioners Freedman and Goins – No further report.
2. Standing Committee on Solar Mandate - Commissioners Freedman – Commissioner Freedman reported on the Solar proposal before the City Council and what if any direction from the City Council may be expected. He also stated that since two members of the committee are now otherwise involved that the solar and green building committees once again be joined as one committee. Chair Jackson declared that the work of the Solar Committee is done and that the two committees will be joined together again.
3. Standing Committee on Waste Reduction - Commissioner McCann and Vice Chair Clark – Commissioner McCann reported that he has nothing further to report on C&D. Vice Chair Clark reported that he has been looking into battery recycling and places that they could be taken for recycling. He also stated that a company called Battery Solutions would be able to assist in setting up a program for recycling household batteries.
4. Standing Committee on Active Transportation - Commissioner Wilson, Commissioner Gauthier. Commissioner Wilson reported that Commissioner Gauthier has researched the \$50,000.00 match from the City may already be a part of the 2010 Tahquitz Creek Trail Plan and that no further action will be necessary to obtain funding. Information regarding this from the Engineering Department is forthcoming.
5. Wellness - Commissioner Futterman – No report
6. Water - Commissioner Freedman – Nothing further to report.
7. Outreach - Commissioner Futterman reported that she has been in contact with Megan Goehring regarding the Sustainability Film Series. She also asked about the possibility of start times be later in the morning. Commissioner Futterman also reported on planning for World Environment Day June 3, 2018.

Comments and questions from the commissioners on the above reports were presented and discussed.

H. COMMISSIONER COMMENTS

Vice Chair Clark commented on further planning for the Monarch Butterflies and the Milkweed plant and getting the Mayor and City Council included.

Chair Jackson reported that there are currently two Commissioner positions available and that interviews have been conducted and possibly the two positions may be filled in December 2017. Chair Jackson also reported on the Community Forum on November 29, 2017. Lastly, he stated that he is pursuing information on whether or not City Councilmember(s) will be appointed as a liaison to the Sustainability Commission. Commissioner Goins asked if an update on the status of the Cogen Plant be made at a future meeting. Director Virata stated he will look into having a report available for the December meeting.

- I. **ADJOURNMENT** - The meeting of the Sustainability Commission adjourned at 6:54 PM by a motion from Commissioner McCann and seconded by Commissioner Gauthier and approved by a unanimous vote. They adjourned to the Regular Meeting to be held at 5:00 p.m. on Tuesday, December 19, 2017 in the Large Conference Room at the Palm Springs City Hall. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

Respectfully Submitted,

Jay Virata, Director of Community and Economic Development, For the Office of Sustainability



WASTE REDUCTION COMMITTEE REPORT

TO: Members of the Sustainability Commission

FROM: Sustainability Commission Waste Reduction Committee

SUBJECT: Proposed Construction and Demolition Waste Management Ordinance for the City Of Palm Springs

DATE: November 26, 2017

SUMMARY

This report is presented to the Sustainability Commission in advance of a vote for the Waste Reduction Committee to recommend a construction and demolition (C&D) waste management ordinance for consideration by the Palm Springs City Council. The ordinance will mandate an increasing proportion of C&D waste from construction projects in the City of Palm Springs be diverted to recycling facilities, and provide a description of the standards, procedures, and requirements for developers to follow and for the City to track compliance with the Ordinance.

BACKGROUND

California's landfill sites are filling up. Current estimates are that the landfill site that accepts waste from the City of Palm Springs will reach capacity in twelve years. By weight, C&D waste is a large contributor to the waste that is hauled to state landfill facilities. Thus, efforts to divert C&D waste from landfill sites to approved recycling facilities have been a priority of both local municipalities and the State of California for several decades.

The California Integrated Waste Management Act of 1989 (AB 939) required each city to divert 50% of all solid waste from land disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities. This 50% diversion requirement was echoed in an early version of the California Green Buildings Standards Code (CGBSC, informally known as "CalGreen"). Partly in response to these statewide regulations, many municipalities approved local ordinances mandating a 50% diversion rate for C&D waste away from landfill sites and toward recycling facilities. For example, the Indio City Council passed Ordinance 1501 unanimously in 2007, consisting largely of detailed specifications for policies and procedures that local developers were required to follow in order to ensure compliance with the 50% diversion regulation. The ordinance required an up-front C&D waste plan, which includes the estimated volume or weight of C&D waste that will be disposed and the estimated weight of such materials that can be feasibly diverted via recycling or reuse, by material type. An up-front

performance security deposit was required, a percentage of which would be returned, up to 100%, depending on how well the plan is met.

The Palm Springs City Council was presented with an ordinance virtually identical to Indio's Ordinance 1501 in 2009. The Council opted not to pass the ordinance because of the recession at that time and the negative impact it would have on development and construction activities. In 2012, citing both AB 939 and the CGBSC, the City of Palm Springs did adopt a municipal Construction and Demolition Waste Management Plan that required a minimum of 50% of nonhazardous construction and demolition waste be recycled or salvaged. The plan required that a Certificate of Implementation be obtained prior to the issuance of a permit for construction projects. The plan was revised in 2016 to require a minimum of 65% of nonhazardous construction and demolition waste be recycled or salvaged. However, the plan lacks enforcement and incentive mechanisms.

In the years since AB 939 first went into effect, requirements have increased steadily for the proportion of total C&D waste generated by C&D activities that must be diverted from land waste facilities to recycle facilities. On October 6, 2011, the State of California adopted AB 341, which set a new goal that not less than 75% of solid waste generated by municipalities be source reduced, recycled, or composted by the year 2020. Section 45.401.8 of the most recent version of the CGBSC, issued in 2016, mandates that construction projects "recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste". The 65% requirement is very likely to be increased in the next revision to the CalGreen document, due in 2019, to bring CGBSC standards in line with the AB 341 requirement for 75% diversion by 2020. Going even further, the Palm Springs Sustainability Plan, approved by the City Council in 2016, seeks to "expand programs to increase land waste diversion, recycling, and composting to recover 90% of all waste generated by 2030."

From January 2014 through July 2017, Palm Springs Disposal Services hauled approximately 130,000 tons of waste from Palm Springs to the Edom Hill landfill transfer station. During that period, approximately 54,000 tons of waste were self-hauled to the station. It is estimated that approximately 45,000 tons of the 54,000 tons were from haulers that have no account at the transfer station. An unknown but likely significant percentage of that tonnage was C&D waste that could have been diverted to a recycling facility, such as Desert Recycling, or salvaged.

To achieve compliance with future statewide regulations, and to reach the 90% diversion goal adopted in the Palm Springs Sustainability Plan, the Waste Reduction Committee recommends that a modified version of the 2009 C&D Waste Ordinance be reconsidered by the Palm Springs City Council. The 2009 ordinance should be modified to:

1. Include a "sliding" requirement for percentage of C&D waste that must be diverted from landfill to fall in line with the increasing requirements contained in AB 341 and in the 2019 and subsequent revisions to the CalGreen document. This could be accomplished by including the requirement in the City building code, which is updated every three years.
2. Include enforcement mechanisms consistent with those in the Indio ordinance.
3. Include an incentive provision in the form of a "Preferred Construction and Demolition Hauler Program" similar to the program adopted by Desert Hot Springs in 2015.

Participants in the program sign an agreement, with an up-front fee, to use the services of DHS's contractual hauler, Desert Valley Disposal (DVD), to transport C&D waste from their construction and demolition sites to Desert Recycling. Self-hauling is prohibited for developers who sign up for the program. DVD manages all Waste Disposal Operations and reporting requirements.

The objective of the preferred hauler program was to offer individuals performing construction or demolition activities a convenient and cost-effective alternative to DHS's existing detailed requirements to provide a written plan and reporting schedule to ensure compliance with the DHS's municipal code. The program has been deemed highly successful by both the City and by developers. Both project applicants and the City are pleased to be relieved of all monitoring, inspection, and reporting duties. Empirically, 90% of new construction permits are currently going through the program, suggesting that adoption of a similar program by the City of Palm Springs would reduce the amount of undiverted C&D waste from Palm Springs development projects by a dramatic amount.

REQUEST:

The Waste Reduction Committee requests that the Sustainability Commission accept the recommendations in this report and provide direction to develop this report into an official staff report to be included with a Construction and Demolition (C&D) Waste Management Ordinance to be put in front of Palm Springs City Council for their consideration.

ENVIRONMENTAL IMPACT:

Reduction in landfill disposal of C&D waste from projects in the City of Palm Springs.

SUBMITTED:

Robert McCann
Waste Reduction Subcommittee

Roy Clark
Waste Reduction Subcommittee



Construction and Demolition Waste Management in Palm Springs

Robert McCann

Waste Reduction Committee

Palm Springs Sustainability Commission

December 5 2017



History:

The California Integrated Waste Management Act of 1989 (AB 939) required each city to divert 50% of all solid waste from land disposal or transformation by January 1, 2000.

- 50% diversion requirement echoed in an early version of the California Green Buildings Standards Code (“CalGreen”).
- Coachella Valley (possibly CVAG) develops “boiler plate” ordinance for C&D waste disposal.
- consists largely of detailed specifications for policies and procedures that local developers were required to follow in order to ensure compliance with the 50% diversion regulation.



- 2007: Indio City Council passes Ordinance.
- 2009: PS City Council turns down proposal to adopt Ordinance, citing recession.
- 2012: Palm Springs adopts a municipal Construction and Demolition Waste Management Plan that required a minimum of 50% of nonhazardous construction and demolition waste be recycled or salvaged.
- 2016: Plan revised to require a minimum of 65% of nonhazardous construction and demolition waste be recycled or salvaged.
 - However, the plan lacks enforcement and incentive mechanisms.



- 2011: California adopted AB 341,
 - 75% of solid waste be source reduced, recycled, or composted by the year 2020.
- 2016: Calgreen mandates that construction projects “recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste”.
 - 2019: 65% requirement is very likely to increase in the next revision to the CalGreen document, to bring CalGreen standards in line with the AB 341 requirement for 75% diversion by 2020.
- 2016: Palm Springs City Council approves Sustainability Plan
 - Seeks to “expand programs to increase land waste diversion, recycling, and composting to recover 90% of all waste generated by 2030.”



- Current C&D Waste Management Procedures and Stats for City of Palm Springs:
- PS developers have the freedom to either self-haul C&D waste to Edom Hill, or a diversion facility (Desert Recycling) or get PSDS to haul for them.
 - If they elect to use PSDS, they self-identify the kind of waste they have for PSDS to haul.
 - If C&D waste: PSDS hauls it to diversion facility (Desert Recycling).
 - If “mixed” or “trash” waste, PSDS takes it to Edom Hill.
 - PSDS does try to identify “mixed” or “trash” that’s uncontaminated C&D waste, in which case they take it to Desert Recycling.

¹Source: Chris Cunningham, PSDS



- January 2014 through July 2017:
 - PSDS hauled approximately:
 - 130,000 tons of waste to Edom Hill transfer station.
 - 10,416 tons of C&D waste to Desert Recycling (diverted tonnage).
 - Approximately:
 - 54,000 tons of waste was self-hauled to Edom Hill.
 - 45,000 tons estimated to be from haulers that have no account at the transfer station.
 - A “significant percentage” of that tonnage likely C&D waste¹

¹Source: Chris Cunningham, PSDS



- How to increase PS C&D Waste Diversion Rate to meet current and future requirements?
- Adopt updated version of the 2009 Ordinance.
- Include a “sliding” requirement for percentage of C&D waste that must be diverted from landfill to fall in line with the increasing requirements contained in the upcoming 2019 and subsequent revisions to the CalGreen document.
 - This could be accomplished by including the requirement in the City building code, which is updated every three years.
 - Include enforcement mechanisms similar to the mechanisms specified in the Indio Ordinance.
 - Include an incentive provision in the form of a “Preferred Construction and Demolition Hauler Program” similar to the program adopted by Desert Hot Springs in 2015.



- Include an incentive provision in the form of a “Preferred Construction and Demolition Hauler Program” similar to the program adopted by Desert Hot Springs in 2015.
 - Participants in the program sign an agreement, with an up-front fee, to use the services of DHS’s contractual hauler, Desert Valley Disposal (DVD), to transport C&D waste from their construction and demolition sites to Desert Recycling.
 - Self-hauling is prohibited for developers who sign up for the program.
 - DVD manages all Waste Disposal Operations and reporting requirements.
 - Results of Program:



- Benefits of Program:
 - DHS can confirm all waste and recycling material is diverted to the correct landfill or recycling center accordingly, and tonnages accounted for correctly.
 - Relieves contractor of having to do this bookkeeping
 - Prevents and deters illegal dumping of construction material.
 - Increases the City's recycling diversion rate.
 - 2014-22 tons
 - 2015-24 tons
 - 2016-250 tons
 - 2017-360 tons
 - 90% of projects in DHS sign up for the Program.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ADDING CHAPTER 8.07 "RECYCLING AND DIVERSION OF DEBRIS FROM CONSTRUCTION AND DEMOLITION" TO THE PALM SPRINGS MUNICIPAL CODE

WHEREAS, the City of Palm Springs has been and continues to be committed to protecting the public health, safety, and general welfare, as well as the natural environment and resources, and as such, is committed to the reduction of solid waste; and

WHEREAS, the City is actively seeking ways to reduce the amount of landfilled solid waste in order to comply with the California Integrated Waste Management Act of 1989 (Public Resources Code 40000 et seq); and

WHEREAS, the staff of the City of Palm Springs has observed that debris from demolished structures, structures undergoing renovation or alteration, and structures being erected are currently deposited in the landfill without the debris being made available for salvage, reuse or recycling and provided this observation as information to the City Council; and

WHEREAS, the staff of the City of Palm Springs has also observed that business, organizations, and other individuals may be interested in salvaging, reusing or recycling said construction debris and provided this observation as information to the City Council; and

WHEREAS, salvaging, reusing and recycling of said construction debris furthers the City's commitment to reducing landfilled waste to comply with the California Integrated Waste Management Act of 1989.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

The Recitals set forth above are true and correct and are incorporated herein by this reference.

SECTION 2. ADDED CHAPTER 8.07, "RECYCLING AND DIVERSION OF DEBRIS FROM CONSTRUCTION AND DEMOLITION"

Title 8, entitled "Building and Construction" of the Palm Springs Municipal Code is hereby amended to include Chapter 8.07, which shall be entitled "Recycling and Diversion of Debris from Construction and Demolition" and shall read as follows:

**CHAPTER 8.07
RECYCLING AND DIVERSION OF DEBRIS
FROM CONSTRUCTION AND DEMOLITION**

- 8.07.010 Findings and Purpose
- 8.07.020 Definitions
- 8.07.030 Designated Recyclable and Reusable Materials
- 8.07.040 Diversion Requirements for Covered Projects
- 8.07.050 Diversion Requirement Exemptions
- 8.07.060 Construction and Demolition Debris Plan
- 8.07.070 Performance Security
- 8.07.080 Refund of Performance Security
- 8.07.090 Use of Performance Security
- 8.07.100 Forfeiture of Performance Security
- 8.07.110 Reporting
- 8.07.120 On-site Practices
- 8.07.130 Exception Procedure
- 8.07.140 Appeal
- 8.07.150 Preferred Construction and Demolition Waste Hauler Program
- 8.07.160 Public Nuisance
- 8.07.170 Infraction Violation
- 8.07.180 Civil Fines
- 8.07.190 Administrative Citation
- 8.07.200 Administrative Fine
- 8.07.210 Modification, Suspension and/or Revocation of Validly Issued Permit and/or License
- 8.07.220 Additional Penalties

8.07.010 Findings and Purpose

A. The City Council of the City of Palm Springs finds and determines that the City is committed to protecting the public health, safety, welfare, and environment, and that in order to meet these goals, it is necessary the City promote the public purposes served by this Chapter and adopt the following regulations pursuant to these findings.

B. The City finds that the State of California, through its California Integrated Waste Management Act of 1989, Assembly Bill 939 (AB 939, the "Act"), required that each local jurisdiction in the state divert 50% of discarded materials (base year 1990, state methodology) from landfill by December 31, 2000, and thereafter maintain or exceed that diversion rate.

C. The City finds that every local jurisdiction, city and county in California, including the City of Palm Springs faces fines up to \$10,000 a day for not meeting the above mandated goal.

D. The City finds that reusing and recycling construction and demolition debris is essential to further the City's efforts to reduce waste and comply with the goals of the Act.

E. The City finds that construction and demolition debris waste reduction and recycling have been proven to reduce the amount of material that is landfilled, has been proven to increase site and worker safety and to be cost effective.

F. The City finds that the commitment to the reduction of waste and compliance with state law requires the establishment of programs for recycling and salvaging construction and demolition materials.

G. The City finds that requiring demolition and construction debris to be recycled and reused may in some respects add modestly to the cost of demolition and construction and in other respects may make possible some cost recovery and cost reduction.

H. The City finds that, except in unusual circumstances, it is feasible and reasonable for parties who generate debris to divert and recycle construction and demolition debris from construction, demolition, and renovation projects to the maximum extent feasible.

8.07.020 Definitions

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition and/or renovation project within the City.

B. "Compliance Official" means the City Manager or his/her designee, including an agent acting on behalf of the City, assigned to evaluate Construction & Demolition Debris Plans, monitor project progress, and determine compliance or non-compliance with this Chapter.

C. "Construction" means all building, landscaping, remodeling, repair, addition, removal or demolition involving the use or disposal of Designated Recyclable and Reusable Materials as defined in Section 8.07.030.

D. "Construction and Demolition Debris" means and includes the residual and waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements (street, curb, gutter, sidewalk and walkways), residential structures, commercial structures and public infrastructure improvements (dry wells, lift stations, storm water or sewer systems or channel linings) and other structures.

Construction and Demolition Debris includes, but is not limited to, the following items:

(1) components of the building or structure or improvement that is the subject of the construction work including, but not limited to, lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and floor coverings, window coverings, plastic pipe, concrete, fully cured asphalt, heating, ventilating, and air conditioning systems and their components, lighting fixtures, appliances, equipment, furnishings, and plumbing fixtures;

(2) tools and building materials utilized in the course of the construction work including material generated at construction trailers, such as blueprints, plans, and other similar wastes;

(3) cardboard and other packaging materials derived from materials installed in or applied to the building or structure or from tools and equipment used in the course of the construction work; and

(4) plant materials resulting from construction work when commingled with dirt, rock, inert debris or construction and demolition debris.

E. "Construction and Demolition Debris Plan" ("Construction and Demolition Debris Plan") means a plan required to be submitted by applicant to City for approval for the purpose of demonstrating compliance with the requirements of this Chapter.

F. "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, remodeling, repair and demolition operations on pavements, residential and commercial buildings and other structures in the City.

G. "Covered Project" means a construction, demolition, addition, alteration, repair and remodel project within the City requiring a building or demolition permit or a landscaping project requiring a development permit or a grading project requiring a grading permit.

H. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

I. "Diversion" means redirection of material that would previously be disposed into the landfill. Appropriate diversion methods include transfer of materials to licensed recycling facilities, approved on-site re-use techniques, and other waste minimization methods approved by the Compliance Official.

J. "Exempt" means projects described by the criteria outlined in Section 8.07.050 that are exempt from the requirements of this Chapter.

K. "Licensed Recycling Facility" means approved processing facility by City, County, State, or Federal Government

L. "Non-covered Projects" means projects that are not described by the definition of "Covered Projects."

M. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become landfilled solid waste, and returning these materials to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.

N. "Renovation" means any change, addition, or modification to an existing structure.

O. "Residential Standards" means standards that apply to the construction of residential development.

P. "Reuse" means further or repeated use of Construction and Demolition Debris.

Q. "Salvage" means the controlled removal of Construction and Demolition Debris from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

8.07.030 Designated Recyclable and Reusable Materials

A. Recyclable and reusable materials include, but are not limited to, the following:

1. appliances including, but not limited to ovens, stoves, refrigerators, freezers, water heaters, air conditioners, evaporative coolers, washers, dryers, lighting and mechanical equipment;

2. cardboard containers and materials;

3. drywall and plaster materials including drywall, gypsum, and sheetrock;

4. plant materials, which includes tree trimmings, grass, leaves, roots, branches and palm trees to include their fronds and root balls;

5. masonry building materials, including but not limited to, all products generally used in construction (concrete, rock, stone, stucco, brick and the like);

6. all metals including, but not limited to, ferrous (steel, stainless steel, steel piping, roofing, and flashing) and non-ferrous (aluminum, copper, and brass);

7. paving materials including asphalt, brick, concrete, paver blocks and the like;

8. roofing materials including wood shingles as well as asphalt, stone, concrete, metal, roof tiles and slate based roofing material;

9. salvageable materials including, but not limited to

wallboard, door and window frames, doors, windows, plumbing or electrical fixtures, toilets, sinks, bathtubs and mechanical equipment;

10. wood waste includes any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted; and

11. any other Construction and Demolition debris that is non-hazardous and for which an economically feasible market exists.

8.07.040 Diversion Requirements for Covered Projects

A. Any Covered Project shall be subject to the provisions of this Chapter, except for the exemptions noted in Section 8.07.050 and the exceptions noted in Section 8.07.090.

B. It shall be the responsibility of the owner, the general contractor and all subcontractors to divert from the landfill all recyclable, reusable and salvageable debris to the maximum extent feasible and as required in the Construction and Demolition Debris Plan. On-going compliance with this section is a condition precedent to issuance of any Covered Project's permit. For purposes of this section, permit shall include required permits for development, building, demolition, or grading. Salvaged materials may be given or sold on the premises, or may be removed to a reuse warehouse facility for storage or later sale.

8.07.050 Diversion Requirement Exemptions

A. The Compliance Official may determine that a Covered Project is exempt if one of the following criteria is met:

1. work for which a permit is not required;
2. roofing projects that do not include tear-off of existing roof or some portion thereof;
3. remodels, alterations, or additions with total area less than five hundred square feet;
4. work for which only a plumbing, only an electrical, or only a mechanical permit is required;
5. seismic tie-down installation; or

6. installation of pre-fabricated patio enclosures or accessories such as signs or antennas where no structural building modifications are required to complete the entire project.

8.07.060 Construction and Demolition Debris Plan

A. Prior to starting the Covered Project, every applicant shall submit a properly completed "Construction and Demolition Debris Plan" ("Construction and Demolition Debris Plan") to the Compliance Official, in a form as prescribed by that Official, prior to initiating the development, building, demolition, or grading permit process.

B. It is the responsibility of the owner, contractor, or subcontractor to divert waste generated by a Covered Project to the maximum extent feasible, but absolutely no less than required by the currently adopted Green Building Code, and to remain in compliance with the requirements of this Chapter until termination of the Construction and Demolition Debris Plan and completion of the project.

C. Approval of the Construction and Demolition Debris Plan as complete and accurate shall be a condition precedent to the issuance of any development, building, grading or demolition permit for the Covered Project.

D. Approval of the Construction and Demolition Debris Plan shall not be required where emergency demolition is required to protect public health or safety.

E. A Construction and Demolition Debris Plan shall be approved or denied no later than fifteen (15) business days after a complete application is made. The Compliance Official shall only approve the Construction and Demolition Debris Plan if he or she determines all of the following conditions have been met:

1. the Construction and Demolition Debris Plan provides all of the information set forth in this section, or as otherwise prescribed in writing from time to time by the Compliance Official, under terms that conform to this Chapter; and

2. the Construction and Demolition Debris Plan indicates that the diversion requirements of Section 8.07.040 are met in full.

F. If the Compliance Official determines that the Construction and Demolition Debris Plan is incomplete or fails to conclusively demonstrate that the diversion requirements of Section 8.07.040 will be met, he or she shall either:

1. return the Construction and Demolition Debris Plan to the Applicant marked "Disapproved", including a written statement of reasons, and will notify the building department, which shall then immediately stop processing the development, building, grading or demolition permit application; or

2. return the Construction and Demolition Debris Plan to the Applicant marked "Further Explanation Required," with a written statement of the nature of explanation to be submitted.

8.07.070 Performance Security

A. The applicant for a building or demolition permit shall submit a performance security along with the construction and demolition waste plan. This performance security shall be the amount established by Resolution of the City Council.

B. The applicant shall post performance security the form of cash, money order, letter of credit, performance or surety bond.

8.07.080 Refund of Performance Security

A. The Compliance Official may authorize the refund of the performance security which was erroneously paid.

B. The Compliance Official may authorize the refund of any performance security when the building or demolition permit application is withdrawn or cancelled before any work has begun.

C. The performance security shall be returned, without interest, in total upon proof of satisfaction by the Compliance Official that no less than the required percentage of construction and demolition waste tonnage generated by the covered project has been diverted from disposal and has been recycled or reused as set forth in Section 8.07.060. The performance security shall be forfeited entirely if there is failure to comply with the requirements of this Chapter.

8.07.090 Use of Performance Security

A. Monies received by the City as performance security shall be used only for:

B. Programs to divert construction, demolition, and alteration construction waste from the landfill;

C. Programs whose purpose is to develop or improve the infrastructure needed to divert wastes from construction, demolition, or alteration covered projects from landfill disposal;

D. Allocated staff costs set forth in Section 8.07.100.

8.07.100 Forfeiture of Performance Security

A. If the Compliance Official determines that the applicant has not submitted the documentation required by Sections 8.07.060, 8.07.080.07.110, within sixty days of completion of the covered project then the deposit shall be forfeited to the City.

B. If it has been determined through the bi-weekly progress of submitted documentation that the project is failing to meet the criteria of Sections 8.07.040, 8.07.060 and 8.07.070, the City reserves the right to hire appropriate assistance as necessary for the project to achieve compliance. If this occurs, the applicant will be held liable for the costs associated with compliance.

8.07.110 Reporting

A. To the extent practical, as determined by the Compliance Official, all Construction and Demolition Debris, whether landfilled or diverted, shall be weighed in compliance with all regulatory requirements in effect at the time relating to accuracy and maintenance of weighing equipment. For Construction and Demolition Debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the Applicant shall use the standardized conversion rates approved by the City for this purpose.

B. Throughout the duration of the project, the Applicant is required to periodically submit documentation to the Compliance Official that demonstrates compliance with the

diversion and reporting requirements of this Chapter. The documentation shall consist of bi-weekly updates showing waste generated tonnage data, total tonnage, tonnage diverted, and tonnage landfilled supported by original or certified photocopies of receipts, weight tags or tickets or other records of volume or weight measurement from recycling companies, deconstruction contractors, and/or disposal companies or haulers or the landfill where disposed. Receipts and weight tags or tickets will be used to verify whether waste generated from the Covered Project has been recycled, reused, salvaged or landfilled. The Applicant shall make all reasonable efforts to ensure that all recycled, reused, salvaged or landfilled waste is measured and recorded using the most accurate method of measurement available.

C. If the Applicant fails to complete this requirement, the Compliance Official shall:

1. notify the Applicant in writing that the Covered Project does not comply with the terms of this article and has ten (10) days to submit the required report(s); and

2. declare the Covered Project as noncompliant and issue or cause to be issued a "Stop Work" order for the Covered Project.

8.07.120 On-site Practices

To the maximum extent feasible, waste generated from a Covered Project shall be separated on-site. For construction and/or demolition projects, on-site separation shall include salvageable materials (e.g., appliances, fixtures, plumbing, metals, etc.,) and dimensional lumber, wallboard, concrete and corrugated cardboard.

8.07.130 Exception Procedure

A. Prior to commencing demolition or construction, an Applicant wishing relief may seek an exception, partial or complete, from the requirements of this chapter through the process described in this section. This section is supplemental to Section 8.07.050 insofar as it exempts the applicant from compliance with Chapter 8.07.040 under appropriate circumstances. However, the exception procedure involves the exercise of discretion by the Compliance Officer for projects that would otherwise, from their nature and size, fall within the requirements of this Chapter.

B. This exception process shall be initiated by the filing of an exception application with the Compliance Official. The Compliance Official shall determine the completeness of the exception application within five (5) business days of the filing of the application.

C. Following consideration of the exception application, the Compliance Official shall either make the required findings and take action on the application or shall state why the findings cannot be made and deny the application. A decision on the application shall be rendered within ten (10) business days following determination the application is complete.

D. All of the following findings must be made prior to the approval of an exception:

1. there are exceptional or extraordinary circumstances or conditions applicable to the project that do not apply generally to similar projects;

2. granting the application will not constitute a grant of special privilege inconsistent with limitations imposed on like projects; and

3. cost to the Applicant of strict compliance with this chapter is not the primary reason for granting the exception.

8.07.140 Appeal

A. An applicant may appeal any of the following determinations of the Compliance Official by filing a complete and proper appeal with the Compliance Official pursuant to this section:

1. that the applicant has failed to remain in compliance with the diversion requirements of Section 8.07.040;

2. that the applicant has failed to remain in compliance with the reporting requirements of Section 8.07.070;

3. that the applicant has failed to remain in compliance with the Construction and Demolition Debris Plan as required by Section 8.07.060;

4. that the applicant has failed to remain in compliance with on-site practices under Section 8.07.120;

5. denial of an exemption under Section 8.07.050; and

6. denial of an exception under Section 8.07.130.

B. All appeals filed pursuant to this section shall be in writing and shall contain the following information:

1. name(s) of each appellant and their legal or equitable interest in the appeal;

2. a brief statement in ordinary and concise language of the specific items protested, together with any material facts claimed to support the contentions of the appellant;

3. a brief statement in ordinary and concise language of the relief sought and the reasons why the Compliance Official's determination should be reversed, modified or otherwise set aside; and

4. the signatures of all parties named as appellants and their official mailing addresses.

C. A complete and proper appeal as described in this section shall be filed with the Compliance Official within ten calendar days from the date of completion of service of the Compliance Official's written determination. Notice that is personally served is deemed completed at the time of such personal service. Notice that is served by mail is deemed completed on the date said Notice is deposited in the mail. Any appeal not timely filed shall be rejected.

D. A filing fee as established by City Council resolution or any amendments thereto for an appeal filed pursuant to this section must be paid to the City at or prior to the time of the filing of such appeal. Any appeal filed without payment of the filing fee shall be deemed incomplete.

E. Not later than five calendar days from the date the appeal is filed, the Compliance Official or his or her designee shall determine whether the appeal is complete. If the appeal is determined to be incomplete, the Compliance Official or his or her designee shall immediately mail to the appellant a Notice of Incomplete Filing that shall provide a written explanation of each reason why the appeal has been determined to be incomplete. If service of the Notice of

Incomplete Filing is completed within five calendar days from the date the appeal is filed, the ten-day time period within which to file a completed appeal shall not be extended.

F. Failure to timely and properly file an appeal pursuant to this section shall constitute a waiver of all rights to an administrative appeal hearing and adjudication of the Compliance Official's determination, which shall be deemed final on the date that service of the notice of said determination is deemed completed pursuant to this section.

G. Timely and properly filed appeals shall be conducted before an administrative hearing officer in accordance with the provisions of Chapter **XX.XX** of this Code.

H. Enforcement of the appealed determination shall be stayed during the pendency of a timely and properly filed conducted pursuant to this section.

8.07.150 Preferred Construction and Demolition Hauler Program

A. Notwithstanding the foregoing, the City hereby designates its franchised contractor to serve as its preferred hauler of construction and demolition debris for recycling and diversion.

B. An applicant may arrange exclusively with the City's preferred hauler to remove construction and demolition waste for recycling or diversion from a project covered in this Chapter, with written evidence of said arrangement delivered to the City, whereupon certain Chapter 8.07 requirements of applicant shall be waived: (1) submittal of the construction and demolition waste plan required by Section 8.07.060; (2) posting of the security deposit required by Section _____; and reporting as required by Section 8.07.070. In entering into an arrangement with the City's preferred hauler to remove construction and demolition waste for recycling and diversion, applicant agrees to actively and regularly utilize the City's preferred hauler's rules and regulations pertaining to the storage for removal of construction and demolition waste. Self-hauling of construction and demolition waste shall not be permitted when requirements of Sections 8.07.060, 8.07.070, and 8.07.110 have been waived.

C. The City's preferred construction and demolition waste

hauler shall report to the City the recycling and diversion attributed to each applicant and each project.

D. Hauling services performed by the City's preferred construction and demolition waste hauler shall be subject to the rates and charges established by the City.

8.07.160 Public Nuisance

A violation of this chapter by any person responsible for committing, causing or maintaining such violation, shall constitute a public nuisance which shall be subject to the provisions of **Chapter XX.XXX**, including but not limited to the imposition of any and all administrative fines and the provisions of any other applicable regulatory codes, statutes and ordinances heretofore or hereinafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

8.07.170 Infraction Violation

TBD

8.07.180 Civil Fines

TBD

8.07.190 Administrative Citation

TBD

8.07.200 Administrative Fine

TBD

8.07.210 Modification, Suspension and/or Revocation of Validly Issued Permit and/or License

TBD

8.07.220 Additional Penalties

A. Nothing in this chapter shall preclude the City from pursuing the remedies provided by **Chapter XX.XXX**, including but not limited to, as applicable, denial or revocation of

certificates of occupancy, issuance of a stop work orders and injunctive relief.

B. In addition to the above, failure to correct any condition indicated in a notice of violation will permit the City to initiate one or more of the following actions where appropriate:

1. a Stop Work Order under the provisions of Section 8.07.070 herein;

2. refusal to issue future permits until applicant has adequately demonstrated compliance with the notice of violation; and

3. immediate stop to the processing of all pending development, building, grading, or demolition permits until applicant has adequately demonstrated compliance with the notice of violation.

Section 3. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to amend the City's Bail Schedule to conform to the revised penalty provisions established by this ordinance and to cause such amended Bail Schedule to be filed with the local branches of the Superior Court of the County of Riverside.

Section 4. MORE RESTRICTIVE CODE PROVISIONS SHALL GOVERN

To the extent any regulations in this Code impose greater restrictions upon the activities regulated by this Chapter, the more restrictive regulations shall govern.

Section 5. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Rancho Mirage City Municipal Code as heretofore adopted by the City of Palm Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 6. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the

remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 7. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its second reading by the City Council.

[THIS PORTION INTENTIONALLY LEFT BLANK]

Section 8. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2018 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Robert Moon, Mayor

ATTEST:

Kathie Hart, Interim City Clerk

APPROVED AS TO FORM:

Edward Kotkin, City Attorney

CAPITOL OFFICE
STATE CAPITOL, ROOM 2054
SACRAMENTO, CA 95814
TEL (916) 651-4026
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California State Senate

SENATOR
BEN ALLEN
TWENTY-SIXTH SENATE DISTRICT



COMMITTEES
ELECTIONS & CONSTITUTIONAL
AMENDMENTS
CHAIR

BUDGET & FISCAL REVIEW
NATURAL RESOURCES & WATER
TRANSPORTATION & HOUSING
VETERANS AFFAIRS

SUBCOMMITTEES
BUDGET & FISCAL REVIEW
SUBCOMMITTEE NO. 1 ON EDUCATION

JOINT COMMITTEE
JOINT COMMITTEE ON ARTS
CHAIR

November 9, 2017

The Honorable Councilmember J.R. Roberts
City Hall
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Join Our Campaign to Phase Out Polystyrene Food Take-Out Containers

Dear Councilmember J.R. Roberts

Please consider joining our campaign to reduce sources of plastic pollution by phasing out polystyrene take-out packaging.

As you know, plastic pollution is a blight on our communities and is devastating our oceans and marine wildlife. A recent report projects that there will be more plastic than fish in our oceans by 2050. Single use plastics are a primary culprit – products and packaging whose useful life is often measured in minutes, but which remain an often deadly pollutant in our environment for decades.

Expanded polystyrene (also known by its trade name “Styrofoam”) is a ubiquitous source of plastic pollution in our communities and our environment. With little track record of recycling success, expanded polystyrene is uniquely litter-prone, even after being properly disposed. Polystyrene never biodegrades, but breaks into smaller pieces that are often mistaken for food by wildlife, or that coagulate in a toxic soup in the ocean. Small bits of polystyrene are damaging and costly to local storm water systems and virtually impossible to clean up.

That’s why I authored Senate Bill 705 to phase out this packaging statewide. Local governments, environmental and community groups, and even many restaurants, brought broad support to the phase-out effort. But SB 705 fell short of passage on the Senate Floor in the face of a deceptive campaign by chemical and plastics industry interests. I remain committed to a statewide solution, but I need your help.

Plastic marine pollution is a global problem with local solutions. Local governments have shown that restricting plastic packaging can make a difference environmentally and politically. More than 100 other California cities and counties that have already adopted ordinances phasing out polystyrene. I am urging you to join this effort by taking two actions:

- 1) Adopt a resolution supporting SB 705; and



2) Commit to introducing an ordinance phasing out expanded polystyrene in your community.

While my colleagues and I will continue to push for a statewide phase-out, this will not happen without pressure from the local level. Let me know if I can count on your support in this effort.

Sincerely,

A handwritten signature in black ink that reads "Ben Allen". The signature is written in a cursive, slightly slanted style.

Ben Allen
26th Senate District

Polystyrene Phase-Out & Sustainable Packaging Interest Form

City of Palm Springs

Thank you for your City's interest in creating a safer, cleaner, and greener California. Please mark which of the following actions your City is interested in learning more about. Californians Against Waste will follow-up with the contact(s) listed below.

Councilmember: J.R. Roberts

Name: _____

Phone: _____ Fax: _____ Email: _____

Mailing Address: _____

City Representative:

Name: _____ Title: _____

Phone: _____ Fax: _____ Email: _____

Mailing Address: _____

Statewide Actions

- Our City is in support of state legislation to phase-out the use of polystyrene foam in food take-out containers statewide, including SB 705 (Allen, 2017).
- Our City may be listed as an official supporter of such statewide legislation, including SB 705.

Local Actions

- We are interested in phasing-out the use of polystyrene foam in food take-out containers in our community.
 - Please follow-up with us with more information and local ordinance templates.
- We are interested in the exclusive use of sustainable food packaging in our community.
 - Please follow-up with us with more information about how to transition to an all-compostable and recyclable food packaging community.
- We are only interested in phasing-out polystyrene containers in my community if the statewide bill, SB 705, fails to become law in 2018.
 - Please send updates on the status of SB 705 to the email address(es) listed above.
- The City Representative listed above is interested in serving as, or identifying the appropriate, local media contact in our community on this issue.

If you prefer, a digital copy of this form is available at www.cawrecycles.org/sb705allen

Otherwise, please mail or fax a completed copy to Californians Against Waste at
921 11th Street, Suite 420 • Sacramento, CA 95814 • (916) 443-5422 • Fax: (916) 443-3912

National Wildlife Federation Mayors' Monarch Pledge

Mayors and other local and tribal government chief executives are taking action to help save the monarch butterfly, an iconic species whose populations have declined by 90% in the last 20 years. Through the National Wildlife Federation's Mayors' Monarch Pledge, US cities, municipalities, and other communities are committing to create habitat for the monarch butterfly and pollinators, and to educate citizens about how they can make a difference at home and in their community.

1. Take the Pledge

By taking the Mayors' Monarch Pledge, the City of Palm Springs would be committing to both restore habitat in the community and encourage citizens to do the same.

2. Specify Your Actions

NWF will work with the City to identify at least three specific actions that the City will initiate in the next year. Once these specific actions have been identified, progress will be reported quarterly through a simple online survey form.

3. Take Action

Once the City has taken the pledge and specified which actions will be taken over the next year, it's time to start taking action! NWF will share best practices through its online resources section, occasional email updates, social media, and webinars.

4. Report Progress

The City will be asked to fill out a simple reporting form on an annual basis. The data collected will allow the National Wildlife Federation to track the collective outcomes and impact of its work.

National Wildlife Federation
Mayors' Monarch Pledge

Mayors' Pledge Actions

Communications and Convening:

1. Issue a Proclamation to raise awareness about the decline of the monarch butterfly and the species' need for habitat.
2. Launch a public communication effort to encourage citizens to plant monarch gardens at their homes or in their neighborhoods.
3. Communicate with community garden groups and urge them to plant native milkweeds and nectar-producing plants.
4. Convene city park and public works department staff and identify opportunities for revised mowing programs and milkweed / native nectar plant planting programs.
5. Convene a meeting with gardening leaders in the community to discuss partnerships to support monarch butterfly conservation.

Program and Demonstration Gardens:

6. Host or support a native plant sale or milkweed seed giveaway event.
7. Facilitate or support a milkweed seed collection and propagation effort.
8. Plant a monarch-friendly demonstration garden at City Hall or another prominent location.
9. Convert abandoned lots to monarch habitat.
10. Plant milkweed and native nectar plants in medians and public rights-of-way.
11. Launch a program to plant native milkweeds and nectar plants in school gardens by engaging students, teachers and the community.
12. Earn recognition for being a wildlife-friendly city by expanding your action plan to include other wildlife and habitat conservation efforts through a program like the NWF Community Wildlife Habitat program.
13. Create a monarch neighborhood challenge to engage neighborhoods and homeowners' associations within the city to create habitat for the monarch butterfly.
14. Initiate or support citizen-science efforts that help monitor monarch migration and health.
15. Add milkweed and nectar producing plants in community gardens.

National Wildlife Federation
Mayors' Monarch Pledge

16. Expand invasive species removal programs to make it possible to re-establish native milkweed and nectar plants to the landscape.
17. Host or support a city monarch butterfly festival.

Systems Change:

18. Remove milkweed from the list of noxious plants in city weed / landscaping ordinances (if applicable).
19. Change weed or mowing ordinances to allow for native prairie and plant habitats.
20. Increase the percentage of native plants, shrubs and trees that must be used in city landscaping ordinances and encourage use of milkweed where appropriate.
21. Direct city property managers to consider the use of native milkweed and nectar plants at city properties where appropriate.
22. Integrate monarch butterfly conservation into the city's Park Master Plan, Sustainability Plan, Climate Resiliency Plan or other city plans.
23. Change landscape ordinances to support integrated pest management and reduced use of pesticides and insecticides.
24. Adopt pesticides practices that are not harmful to pollinators.
25. California Specific: Pass a resolution to protect over-wintering monarch butterfly habitat on public and private lands.



COMMITTEE REPORT

PRESENTED FOR COMMISSION MEETING DATE: 12/19/17	SUBMITTED BY: David Freedman
COMMITTEE NAME: Standing Committee on Green Building & Solar	SUBMITTED DATE: 12/07/17
COMMITTEE MEETING DATE: 11/27/17	NEXT COMMITTEE MEETING DATES: 12/18/17, 01/08/18

Committee Meeting Goals:

- Follow-up on ZNE Shoptalk at UCR.
- Preparation for Modernism Week Modernism and Sustainability workshop.
- Discussion of priorities for remainder of FY 17-18.

Summary:

At their meeting, Committee members discussed the Zero Net Energy Shoptalk on November 16 at UCR Palm Desert. They agreed that it was a good start, but there were too many topics and some of them were more sales-oriented than informational. Committee members agreed that they would work towards having another ZNE seminar in the fall of 2018, which would focus on some of the key changes in the 2019 Building Codes, such as solar, high performance attics, high performance walls and fenestration. The seminar would be designed to provide practical implementation advice to architects, builders and municipal building and planning officials charged with ensuring compliance with the Building Codes.

Committee members also discussed the Modernism Week Modernism and Sustainability workshop. It will take place on Sunday, February 18, 2018, from 3:30 to 4:30 pm at the Modernism Week CAMP facility on Museum Way in the new downtown area. Tickets are free and are available on the Modernism Week website at <http://www.modernismweek.com/event/250715/>. Committee members will follow up with stakeholders to publicize the event and will have conference calls with the presenters on December 18 and January 8 to continue preparations. A dry run with the presentations will occur during the week of February 5.

Finally, Committee members discussed priorities for the remainder of 2017-18. The focus will continue to be on ZNE, by publicizing new events that may be of interest to stakeholders and posting resource materials as they become available on the Commission’s ZNE landing page as well as on CVAG’s website. Commissioner Freedman will reach out to his contacts at SCE to see if they can do a ZNE training session in the Coachella Valley or a webinar that would be posted on the Commission’s and CVAG’s websites. Solar is being added back to the Committee’s mandate, so other priorities will be assisting in the implementation of Desert Community Energy, the new Community Choice Aggregation electricity program that will go into effect in July 2018, and working with the new City Council on solar policy issues.

Recommendation/Request:

Continuing working with stakeholders on ZNE issues as the State moves towards adopting the 2019 Building Codes.

ACTION ITEMS REQUEST TO COMMISSION	None at this time.
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	Post ZNE materials as they become available. Promote Modernism Week workshop.
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	Based on expenses incurred for the November 16 ZNE shoptalk, another seminar in the fall of 2018 would cost approximately \$5,000. Including other ZNE activities that may occur, a budget of \$10,000 will be requested for the 2018-19 fiscal year.



COMMITTEE REPORT

PRESENTED FOR COMMISSION MEETING DATE: 12/19/17	SUBMITTED BY: David Freedman
COMMITTEE NAME: Water Conservation	SUBMITTED DATE: 12/14/17
COMMITTEE MEETING DATES: 11/30/17	NEXT COMMITTEE MEETING DATE: TBD

Commissioner Freedman met on November 30 with Director of Maintenance & Facilities Staci Schafer to discuss priority water projects for FY 2017-18 and beyond. The following is an annotated list, with responses in italics:

- Conduct walk-around audit of City parks and airport grounds for leaking nozzles (free replacements available from DWA for contiguous zones) and spray onto sidewalks.

This occurs on a regular basis by maintenance staff. Certain sidewalks receive overspray to reach large grassy areas between the sidewalk and the street. Residents are encouraged to report broken sprinklers via the Palm Springs At Your Service App.
- Replace turf around airport entrance fountain with desert landscaping (DWA rebate of \$2 / square foot available with DWA Board approval for highly visible areas).

Turf conversion work is occurring on the median areas of East Palm Canyon Drive, near the Smoke Tree shopping centers. Commissioner Freedman will follow up with the Airport Commission about a possible demonstration water conservation project at the airport.
- Provide incentives for HOAs wishing to carry out turf conversion (e.g., match DWA rebate of \$1 / square foot, waive permit fees).
- Provide incentives for installation of waterless urinals in commercial facilities (e.g., hotels, new stores downtown).
- Provide incentives (e.g., waive building permit fees) for homeowners who wish to install rainwater recapture tanks.

Each of the above incentive programs would need to be funded from the Commission's budget. Commissioner Freedman will prepare a recommendation for consideration by the full Commission, as part of the discussion of the Commission's FY 2018-19 budget.
- Connect Sunrise Park to recycled water system (Prop 1 funding may be available, as park serves nearby Severely Disadvantaged Community).

Commissioner Freedman will follow up with the Engineering Services Department.
- Work with Coachella Valley Regional Water Management Group in its development of a Stormwater Resources Plan (next Planning Partners meeting January 2018) and identify stormwater project for Prop 1 funding application.

Commissioner Freedman will follow up with the Engineering Services Department when the date of the next Planning Partners meeting is set.

- Work with Rios Clementi Hale to ensure that downtown park uses water efficiently (e.g., recycling, rainwater recapture).

Director Schafer will bring detailed plans to the Commission and the Parks and Recreation Commission when the plans are available (most likely, at least a year from now).

- Work with Planning Commission and staff to ensure that any potential cannabis grow facilities use water efficiently (e.g., recycling).
- Work with Planning Commission and staff to ensure that major development landscaping includes opportunities for rainwater recapture (e.g., swales and berms, mulch around plants and trees).

For these above two items, Commissioner Freedman will follow up with the new Planning Commissioner appointed to be the liaison to the Sustainability Commission, replacing Councilmember Middleton.

- Work with DWA to promote its water conservations programs (e.g. putting materials out at City events, making sure staff is aware of programs, etc).

Commissioner Freedman will coordinate with DWA Outreach & Conservation Manager Ashley Metzger for information on DWA's water conservation programs to be available at the Commission's outreach events.



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2018 Landscape + Outdoor Living

Events and presentations focused on midcentury and contemporary landscape architecture and design

February 16

February 17

February 18

February 19



Designing the Disney Landscape

Kelly Comras
landscape architect

Presentation, film
and book signing

2 p.m. • \$12
Annenberg Theater
101 N. Museum Dr.

Shellhorn and Disney, 1955©



Ask a Landscape Designer

30 minute landscape
consultations with
professional landscape
designers from the
Association of Professional
Landscape Designers,
Greater Los Angeles District

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Kristan Browne, APLD LA.



Modernism and Sustainability

Palm Springs Sustainability
Commission Panel

3:30 p.m. • FREE
CAMP Theater
230 Museum Way

Sara Neff, Kilroy Realty Columbia Square



Potted Style: Design Impact with Containers in the Modern Home & Garden

Mary Gray and Annette Goliti
Gutierrez, designers

Presentation and book signing

10 a.m. • \$10
CAMP Theater
230 Museum Way

Potted

February 20

February 21

February 22

February 22



Midcentury Modern Garden Tour: A Revolution in West Coast Garden Design

Donald Olson, author

Presentation and book signing

10 a.m. • \$10
CAMP Theater
230 Museum Way

Kaiser Rooftop Garden; courtesy of Donald Olson



The Work of Roberto Burle Marx

Amelia Lima,
landscape designer

Presentation

10 a.m. • \$10
CAMP Theater
230 Museum Way

Olivia Gomes (old residence), by Haru Ono, image
courtesy of Amelia B. Lima



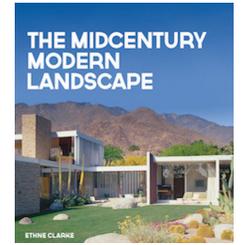
Snøhetta / Beautiful Function – The Willamette Falls Riverwalk

Michelle Delk,
landscape architect

Presentation

9 a.m. • \$12
Annenberg Theater
101 N. Museum Dr.

Riverwalk/Clarifier Landscape and PGE Dam
Promenade/Snohetta



Midcentury Garden Design for the Modern Home

Ethne Clarke, author

Presentation and book signing

10 a.m. • \$10
CAMP Theater
230 Museum Way

Gibbs Smith, publisher

February 23

February 16-18, 23-24



Landscapes for Leisure

Steven Keylon,
landscape historian

Presentation

10 a.m. \$10
CAMP Theater
230 Museum Way

Raymond Loewy House (Albert Frey, 1946);
photograph by Julius Shulman, courtesy of Getty
Research Institute.



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