



SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA
www.palmsprings-ca.gov www.yoursustainablecity.com

December 18, 2018
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
Carl Baker	David Freedman
Jennifer Futterman	Greg Gauthier
John Goins	Robert McCann
T Santora	(Vacant)
Grant Wilson	

Staff representatives: Jay Virata, Director of Community & Economic Development; Dan DeGarmo, Program Coordinator; 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

ROLL CALL

ACCEPTANCE OF AGENDA

CITY MANAGER / STAFF COMMENTS

(5 MINUTES)

COMMISSION and STUDENT LIAISON REPORTS - As available.

(5 MINUTES)

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 – Oswit Canyon Development – Jane Garrison

C. MEETING MINUTES

(5 MINUTES)

November 20, 2018 Regular Meeting Minutes

D. RECYCLING REPORT - Gary Calhoun

(10 MINUTES)

E. OLD BUSINESS

(10 MINUTES)

1. Status of the Leaf Blower Brochure and Informational Campaign – Director Virata.
2. Plastic straw and food ware ban for the City of Palm Springs - **MOTION: Food or beverage products supplied by commercial food providers shall not be sold, packaged, distributed, or consumed**

with food service ware made of EPS foam, rigid polystyrene #6, and non-recyclable and non-compostable material in the City of Palm Springs. "Commercial Food Provider" means a person or place that provides or sells food within the City to the general public, including but not limited to grocery stores, supermarkets, sit-down or fast-food restaurants, drive-throughs, cafes, coffee shops, snack shops, public food markets, farmer's markets, convenience stores, mobile food vendors, caterers, and food trucks.

F. NEW BUSINESS

(30 MINUTES)

1. **Motion:** The Sustainability Commission will offer a rebate to Palm Springs residents for exchanging a working gas-powered leaf blower and producing a receipt for a new electric (corded or battery) leaf blower. Maximum rebate 40% of purchase price or \$100 maximum. Budget \$10,000.
2. Discussion on regulating Electric Scooters for the City of Palm Springs- staff.
3. "Green Mondays" Initiative per request of Councilmember Holstege.

G. COMMITTEE AND COMMISSIONER REPORTS

(15 MINUTES)

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman and Goins
2. Standing Subcommittee on Waste Reduction - Commissioner McCann, Vice Chair Clark
3. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Wilson, Gauthier, Futterman
4. Ad Hoc Subcommittee on Film Festival Programs - Commissioners Futterman and Gauthier
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling - Jim Flanagan
6. Wellness - Commissioner Baker
7. Water - Commissioner Freedman
8. Outreach - Commissioner Futterman

H. COMMISSIONER COMMENTS

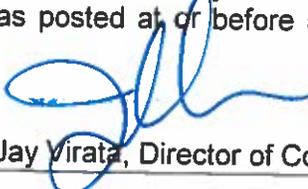
(5 MINUTES)

1. **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 15, 2019, 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 13, 2018, as required by established policies and procedures.


Jay Virata, Director of Community and Economic Development



SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES

Tuesday, November 20, 2018 Palm Springs City Hall, Large Conference Room

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

ROLL CALL: A quorum was present for this Special Meeting of the City of Palm Springs Sustainability Commission.

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

	<u>This Meeting</u>	<u>Present to Date</u>	<u>FY 2018/2019 Excused Absences</u>	<u>FY 2018/2019 Unexcused Absences</u>
Joe Jackson	X	64		
Roy Clark	X	28		
Grant Wilson	X	65		
David Freedman	X	38	1	
Jennifer Futterman	X	25	1	
Greg Gauthier	X	19		
John Goins	E	16	2	
Robert McCann	X	26		
T Santora	X	8		
Carl Baker	X	8		

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, Daniel DeGarmo, Program Coordinator, Gary Calhoun, Recycling Coordinator.

CITY MANAGER / STAFF COMMENTS – Mr. DeGarmo attempted to show a portion of the City Council meeting of November 14, 2018 showing the presentation from Desert Learning Academy regarding the damage plastic straws can make on the environment. The video did not have audio, so the clip was not shown. Director Virata reported on Senate Bill 946 Safe Sidewalk Vending Act and the City’s action on this law. Per the City Attorney, the City is reviewing the act but no action has been taken as to the direction the City will take. Director Virata also reported on the re-naming of the Community Garden in honor of former Sustainability Manager Michele Mician stating that the Parks and Recreation Commission has formed an Ad Hoc Subcommittee to discuss policy on criteria for re-naming City parks.

COMMISSION LIAISON REPORTS – None.

PUBLIC COMMENTS – None

A. WELCOME AND INTRODUCTIONS – Chair Jackson welcomed all in attendance.

B. MEETING MINUTES

October 22, 2018 Special Meeting minutes approval: Motion by Commissioner Santora to approve as presented, second by Commissioner Baker and approved unanimously by an open vote with Commissioner Freedman abstaining.

C. RECYCLING REPORT, Recycling Coordinator Gary Calhoun reported that he met with Nima Pauline of Eco Manufacturing. She will be starting a block chaining process to take towels and sheets from Hotels for the process. Mr. Calhoun also stated that Palm Springs Disposal will participate in some manner with the January 12, 2019 shredding event. Details to come. Lastly, Mr. Calhoun attended the Desert Arc Recycling Facility in Indio. He commented on how well run the facility is. Comments and questions from the

commissioners were presented and discussed.

D. OLD BUSINESS

1. Status of the Leaf Blower Brochure and Informational Campaign – Director Virata reported that until we know more from AQMD, the flyer is on hold. The new program is being developed for Economic Justice area. At this time we do not know if Palm Springs is in an Economic Justice area.
2. Report on status of hiring a manager for the Office of Sustainability – Director Virata reported that an offer was made and accepted by Mr. Patrick Tallarico. He is coming from Virginia and will be starting on January 14, 2019.

E. NEW BUSINESS

1. Consideration of a Commissioner liaison in the area of Climate Change. Chair Jackson stated that Climate Change has been presented to the Commission in the past and asked if anyone would like to be a liaison to climate change. Commissioner Freedman stated that the Standing Subcommittee on Green Building and Solar is following a number of climate change issues in connection with the adoption of the 2019 Energy Code.
2. **Motion:** *The Sustainability Commission endorses the ten points listed in the Oct 22, 2018 Wellness Report regarding a Clean Air and Regulation of Smoking and Tobacco Product Use Ordinance.* Made by Commissioner Baker. Chair Jackson described the process by which the Commission will discuss the above motion. He stated if the Commission accepts the document as written with all ten points then the Commission would proceed with the motion. If there is not a majority for accepting the document as presented, then a discussion of each of the ten points (Attachment A) individually will proceed. A second was made by Commissioner Santora. Commissioner Baker presented background information on the motion. Chair Jackson asked for a show of hands for those who supported the document as written. The result was 2 Aye and 6 No. Chair Jackson then proceeded to request a vote for each point 1 - 10. Discussion on point 1 regarding the exclusion of cannabis as included in the State Business and Professions Code Section 22950.5 definition of tobacco led to Commissioner Santora rescinding his second on the stated motion. Chair Jackson requested if someone else would like to make a second. Vice Chair Clark made the second. Chair Jackson then requested a show of hands for or against each of the 10 points. Discussion on several of the points was presented. The results of the voting are as follows:

<u>Point</u>	<u>Ayes</u>	<u>Noes</u>
1	2	6
2	1	7
3	3	5
4	4	3
5	3	4
6	6	1
7	5	2
8	4	1
9	6	0
10	1	6

Chair Jackson stated that points 4,6,7,8 and 9 are narrowly supported and points 2 and 10 are not supported by the widest margin. Commissioner Santora requested more information on what the City can and cannot change without changing existing state laws. Commissioner Baker stated that the proposed ordinance is based on what other California cities are already doing. Comments and questions followed. Chair Jackson then called for a vote on the motion as presented. Motion failed by a vote of 1 Aye to 7 Noes. Commissioner Freedman encouraged Commissioner Baker to come back to the Commission with an updated proposal.

3. Discussion on providing a rebate to Palm Springs residents for exchanging a gas-powered leaf blower for an electric leaf blower. Director Virata explained that Palm Springs residents have contacted the City asking if the City would be providing any incentives to residents for purchasing an electric leaf blower due to the upcoming ban on gas-powered leaf blowers. A possible exchange program was

presented and discussed using the AQMD model that was presented to the Commission. Processes and rebate amounts were discussed along with a possible budget for the program. Chair Jackson asked if anyone would like to make a motion. No motion was made at this time but the Commission would like to have the issue brought back at a later time.

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

F. COMMITTEE AND COMMISSIONER REPORTS

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman and Goins – Commissioner Freedman stated that the Sustainability Workshop for the NUSA conference in May 2019 has been accepted. A video produced by the City on Solar installations was also shown to the Commissioners. The video will also be shown at the NUSA Desert Renewable Energy Tour. Commissioner Freedman also stated that the Energy Code Training was successful and that there was no cost to the Commission. Plans for another energy event next year are in the works, but we will outsource the planning of the event to those who actually do the training. Also, plans are being made to bring the Energy Code Coach program to the Coachella Valley. A voluntary Reach Code process is also being discussed. Commissioner Freedman also updated the Commission on progress of the Solar ordinance and the Modernism Week presentation.
2. Standing Subcommittee on Waste Reduction - Commissioner McCann and Vice Chair Clark. Commissioner McCann reported that the Construction and Demolition Waste ordinance is still with the City Council subcommittee. Director Virata stated that Staff is finishing up with surveying other cities on their C&D policies. Commissioner McCann also reported on the polystyrene and plastic straw ban that is ongoing with research being made on what bans are in place in other California cities. Commissioner McCann also reported on the Anaergia project for diverting organic waste. A more comprehensive proposal was requested and received on November 13, 2018. The report was forwarded to stakeholders and City Council and he is waiting on replies. A motion will be forthcoming to approve up to \$67,000 for a comprehensive proposal to install the OREX system. Also reported was that the grant paperwork for the battery recycling grant was not received by CalRecycle and that a replacement package was sent to CalRecycle.
3. Ad Hoc Committee on Walkability and Pedestrian Planning - Commissioner Wilson stated that he met with Measure J Commission liaison Christine Hammond and discussed additional Complete Streets planning options beyond the current SCAG grant currently under implementation. Commissioner Wilson also met with Lyndon Calerdine about possible liaison with the planning commission where Commissioner Calerdine presented his ideas about streetscape improvements for Indian Canyon Drive. All subcommittee members gathered for a pedestrian survey of Indian Canyon Drive between Alejo and Camino Parocela in response to the City project's emphasis on street improvement over sidewalk design. The subcommittee in particular noted a lack of adequate lighting and will provide more information in a written report for next month's meeting. Commissioners Futterman and Wilson also participated in SCAG webinars on smart growth and pedestrian planning—each provided brief oral descriptions.
4. Ad Hoc Subcommittee on Film Festival Programs – Commissioner Futterman stated they met with Tim Rains and Megan Goehring of the Palm Springs Cultural Center and they are interested in partnering with the Commission on the Wild and Scenic Film Festival. A suggested date is October 4-5, 2019 to coordinate with the opening of the Farmers Market at the Cultural Center. An opening night with an evening reception and a film is being considered. Also, possibly having a pop-up art exhibit at the reception.
5. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Jim Flanagan reported that he met with former Commissioners and others to come up with a list of goals for the Subcommittee to consider for action items. He is requesting feedback from the Commissioners on how to proceed. Mr. Flanagan also reported that he has been in contact with the Engineering Department regarding the goals and that he will be meeting with them soon.
6. Wellness – No further report.
7. Water - Commissioner Freedman requested Staff to have Facilities Department check the sprinklers at the Mizell Center as they are spraying over the sidewalks. He also requested status on the Victoria Park turf conversion project with DWA. Current numbers for water conservation are at 5% in September and 12% in October with a cumulative savings of 16%.
8. Outreach – Commissioner Futterman stated that an application has been submitted to the Parks and

Recreation Department for use of the Pavilion on June 2, 2019 for World Environment Day. An agenda item is requested for the December meeting for the Commission to determine the amount of participation for the World Environment Day event. Commissioner Futterman also mentioned that outreach for the event can be held at the Sustainability Film series.

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

G. COMMISSIONER COMMENTS -

Chair Jackson mentioned that there will be two vacancies on the Commission in January. Discussion was held on whether to hold elections in December or January. Consensus was to hold elections in December.

H. ADJOURNMENT - The meeting of the Sustainability Commission adjourned at 6:41 PM by a motion from Commissioner Santora and seconded by Vice Chair Clark and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, December 18, 2018, 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



Standing Subcommittee on WASTE REDUCTION (SSCowR) REPORT

TO: The Palm Springs Sustainability Commission

Palm Springs City Council

SUBJECT: Report on municipal bans of straws and polystyrene-composed packaging and food-service ware by food service facilities when providing prepared foods for on-site or take-away consumption.

DATE: Nov 29, 2018

SUMMARY

This report provides background information on municipal bans on plastic straws and extended polystyrene-composed packaging and food-service ware. The report covers history, impact, and best-practices associated with such bans to assist with development and acceptance of a similar ban by the City of Palm Springs.

BACKGROUND

Plastic Waste

Worldwide, over 400 million tons of plastic products are produced each year. About half of this total is composed of consumer products destined for disposal after only a single use. These “throw-away” products include straws, liquid stirrers, cups, lids, extended polystyrene (“Styrofoam”) food containers, disposable plates, eating utensils, and shopping bags. Due in part to serious barriers to recycling this material (see Footnote 1), approximately 80% of it ends up either in landfills or as litter. There, most of the waste photodegrades into particles of 5 mm or less. Being

nonbiodegradable, this “microplastics” material then accumulates in our planet’s various “collection bins”, such as our oceans, where over 8 million tons of plastic waste is added every year. It has been estimated that the sea now contains some 51 trillion microplastics particles, and if this amount is not reduced, there will be more plastic than fish by 2050, and 99% of all the seabirds on the planet will have consumed some.

The ecological threat posed by microplastics is not limited to the oceans. For land-locked communities, such as Palm Springs, studies have estimated that fully one-third of microplastic waste material ends up in soils, lakes and riverbeds [1]. Among other results of this ground-based accumulation, there is already evidence that microplastics are contaminating human food supplies. It’s not only fish and other marine wildlife that are ingesting thrown-away plastic waste. It’s us!

Efforts to Reduce Plastics Waste

The environmental threat posed by plastic waste has been recognized for decades, and concrete steps to reduce the amount generated and then disposed of have been taken across the world. Last year, the United Nations declared war on ocean plastic with a “CleanSeas” campaign. Thirty countries have now joined the campaign, including the UK, Canada, France, Indonesia, Sierra Leone, Brazil, Norway, Italy, Costa Rica, Kenya and Peru. In June of this year, over 40 prominent companies in the United Kingdom signed the UK Plastics Pact, pledging (among other things) to “eliminate difficult or unnecessary single-use plastic packaging through redesign, innovation, or alternative delivery models”. Notwithstanding these international efforts, the bulk of the effort to reduce plastics waste has been at more local levels. In the United States, 150 cities and counties have adopted ordinances banning or restricting the use of plastic consumer products, over 100 of these initiatives have been passed in California alone. These municipal ordinances typically prohibit food and food-service businesses from providing plastic straws (except, in some cases, on request), using extended polystyrene (EP; brand name Styrofoam) containers for take-out food, and utilizing plastic cups, stirrers, plates, utensils, cupholders, and related forms of food ware.

Effectiveness.

Studies indicate that municipal bans are quite effective at reducing plastics waste. For example, quoting from a 2017 study carried out by California's Center for Sustainable Energy, "San Francisco experienced a 41 percent decrease in EPS litter over the three years following passage of its ordinance. In a case study of the City of San Leandro, it found there was a 61 percent decrease in EPS food container litter after the passage of their ordinance." [2].

Plastics Waste in Palm Springs.

Extrapolating from national figures, approximately 75,000 plastic straws, and over 10,000 extended polystyrene (Styrofoam) cups, are used and discarded in Palm Springs *every day*. The total amount of disposable food service ware generated by the City is approximately 500 tons per year.¹ Nationwide, estimates are that 90% of such waste ends up either in landfills or is injected directly into the environment in the form of litter. The corresponding figure for the City of Palm Springs, however, is fully 100 per cent, as even the plastic material that residents and businesses source-separate into their recycle bins goes to landfill [3].² Meanwhile, at odds with Palm Springs' stated goal of being a model community for sustainability, most local food-service providers, ranging from high volume fast-food outlets such as Panda Express to prominent full-service sit-down restaurants such as Billy Reeds, continue to package take-home food in extended polystyrene (Styrofoam) containers.

NEED FOR AN ORDINANCE

The simplest and easiest way to reduce plastic waste would be for the public to "refuse to use" single-use plastic straws for their beverages, and for food and beverage-serving (FBS) businesses to voluntarily switch to biodegradable or compostable alternatives to plastic food containers and other plastic food-service related ware. Although public attitudes to plastic straws are changing [5], the high daily volume of plastic straw usage in this

¹ Although 500 tons is only 1% of the total municipal solid waste stream by weight, plastics materials are largely lightweight containers, and therefore contribute disproportionately to the *volume* of material that goes into landfill (see footnote 2). Some estimates are that plastics cans, bottles, and the like represent up to 30% of a municipal waste stream by volume [4]. Volume, rather than weight, is the critical metric when calculating how long it will take to fill up our landfill facilities.

² This is due to the fact that there is currently no customer for plastic and other recyclable products, and the warehouses where this material is being stored are getting full. Thus, plastics material collected from both trash and recycle containers is going to landfill.

country reflects the fact that members of the public still rarely turn down plastic straws when provided. Meanwhile, although some Palm Springs FBS businesses have started using alternatives to plastics products, they are the exception rather than the norm. This is largely due to the simple fact that plastic products are generally less expensive than the more environmentally friendly alternatives. Not surprisingly, therefore, the track record of municipal efforts to convince businesses to switch to non-plastic products voluntarily is not encouraging. For example, the City of Santa Cruz, CA established a voluntary program to encourage local FBS businesses to switch from EPS foam takeout food service containers to more environmentally friendly alternatives. Although the program featured extensive ongoing education and outreach, after 18 years of effort, the voluntary reductions did not meet the target goals. The City then decided to adopt mandatory restrictions. [2]

Conclusion: Adapting a municipal ordinance to ban plastics products from food-service businesses in the City of Palm Springs would provide many benefits, including:

- Assisting the City with complying with increasingly stringent state requirements and City goals to reduce the volume of city waste that ends up in landfill.
- Reducing the amount of plastics in our litter stream.
- Reducing the buildup of microplastics in our soils and waterways.
- Promoting the City's reputation as a leader in sustainability practices and policies.

OBJECTIONS

In general, organizations representing FBS businesses have objected, sometimes strongly, to the adoption of anti-plastics ordinances. [2]. The core of their objection is that alternatives to plastic materials are sufficiently more expensive than plastics that the bans will levy an undue economic hardship on businesses that already operate on razor-thin profit margins.

This concern deserves serious consideration, particularly in light of the fact that Palm Springs hosts a largely tourist-based economy with a disproportionate number of FBS businesses. That being said, existing analyses of the economic impact of plastics bans indicate that the actual impact on their bottom line is smaller than FBS business owners often fear [2]. For example, in 2015, the City of Tacoma Park, Maryland passed a comprehensive ban on food service facilities' use of plastics products. In advance of the ban, the City conducted a comprehensive comparison of the costs of seven common plastics products (food containers, cups, and utensils) versus readily-available biodegradable alternatives [6]. The bottom line from the study was that

“Switching from polystyrene to the cheapest alternative material product resulted in an average increase of \$2.04 per 100 units purchased”.

These numbers may be even lower in California today. In an informal survey of high-volume California retailers (such as Costco) by a SSCoWR member the week of November 25, bulk purchases of plastic straws were found to be available for less than one cent per straw. The cheapest environmentally-friendly alternative, straws made of paper, were selling for just over 2 cents per straw. Three-compartment Styrofoam “clamshells” (take-home food containers), of the sort used by Panda Express, were selling for 9 cents per container at OfficeSupply.com, while the online retailer WebrestaurantStore.com was offering an equivalent 3-compartment takeout container, made of biodegradable, compostable sugarcane/bagasse, for 19 cents each.

While these numbers verify that environmentally friendly alternatives to plastics products cost more than plastics, the cost differentials are not dramatic in an absolute sense. The record shows that businesses have been able to absorb these costs with little disruption. For example, San Francisco passed a plastics ban in 2004, affecting 4500 business. In follow-up inspections involving 4200 of those establishments, the City discovered that only 150 were not in compliance, for a compliance rate of over 96%. Similarly, the City of Seattle, whose 2009 ordinance affected 4000 businesses, reported two years later that less than five percent of those businesses were out of compliance, only six establishments had been fined, and did not observe any establishments going out of business due to the ordinance. [7]

“Best Practices”

With literally decades of experience with crafting and implementing and assessing plastics bans on food ware, there are now clear guidelines for how to craft an ordinance that minimizes the impacts on businesses. In a nutshell, these ‘best practices’ are:

- Community outreach and education. Cities with high compliance rates attribute the success of their ordinances in large part to outreach efforts to stakeholders. For example, the City of San Francisco undertook a diverse and comprehensive campaign to educate business owners via mail and media, but also “direct contact with food vendors at community meetings held at various targeted neighborhoods as well as site visits to all 4,000+ establishments over the course of four years with the assistance of volunteers.” [7]
- Phased implementation. Most municipal bans in California start with city-affiliated functions and contractors, then expand the ban to encompass large sit-down restaurants, and extend again to encompass all FBS establishments.
- Encourage and facilitate co-ops where city FBS establishments can reduce prices for environmentally-friendly single-use products by joining forces for bulk purchases. A good model for such an enterprise is GreenTown Los Altos, a co-op set up in 2011 for that Silicon Valley city through which FBS businesses who join the co-op can purchase environmentally friendly alternatives to plastic ware from online retailer World Centric. World Centric offers members of GreenTown a 25 percent discount on their purchases. The power of cooperative buying brings the cost of biodegradable straws down to approximately 1.5 cents per straw for co-op members, and three-compartment clamshells made of wheatstraw down to 23 cents per container. Most major restaurants in the town have now signed on with the co-op.
- Establish and maintain an online website where businesses can access information on the ban, on environmentally friendly alternatives to plastics products, where to purchase them, and what they cost.

If these measures are followed, the impact to businesses will be minimized, and the experience of Palm Springs businesses should

follow the thousands of food-and-beverage serving-businesses (FBSB) that survived the implementation of bans elsewhere. Since the ordinance applies to all businesses, passing the additional cost on to consumers won't put an individual business at a competitive disadvantage with others.

Plastic Straws: Outright Ban or “On Request Only”?

Should a Palm Springs ordinance ban plastic straws outright, or mandate a “plastic straws on request only” policy? On-request policies are relatively effective; for example, the Alamo Drafthouse Theatre Chain reported recently that adoption of a “request-only” policy in their Denver movie theaters cut plastic straw usage by a full 75%. However, given the high number of straws discarded in the City daily, even a 75% reduction would leave more than 20,000 plastic being discarded daily. Given the modest cost differential (on the order of one cent each) between plastic straws and the least expensive available alternatives, the SSCoWR recommends that the ordinance include a full ban on plastic straws.

CURRENT LEGISLATION

California AB 1884, passed in September 2018, but only requires full service (dine-in) restaurants to have a plastic straw-upon-request-only policy. Most municipal bans go much further to reduce plastic waste.

Recommendation:

The SSCowR recommends that an ordinance similar to the ordinance recently passed by the City of Long Beach (Appendix A) be drafted and submitted to City Council for vote and approval.

RESPECTFULLY SUBMITTED:

Robert McCann

Roy Clark

REFERENCES

1. *Land-based pollution with microplastics an underestimated threat*. Online article published Feb 5, 2018 on Phys.Org website.

<https://phys.org/news/2018-02-land-based-pollution-microplastics-underestimated-threat.html>

2. Heverley, S., Lu, J., Middleton, A., & Ghai, S. *Recommendation for Reducing or Banning Foam Food Service Containers: An analysis of Economic and Environmental Impacts of Polystyrene Policies*. Equinox Project: Center for Sustainable Energy. March, 2017.

https://energycenter.org/sites/default/files/Guide_for_Polystyrene_Reduction_Policies.pdf

3. Personal communication, Chris Cunningham, Palm Springs Disposal Services, November 26, 2018.

4. Chandra, Manu, Kohn, Colin, Pawlitz, Jennifer, and Powell, Grant. *The Real Cost of Styrofoam*. Presented to St. Louis Earth Day, November 22, 2016.

https://greendiningalliance.org/wp-content/uploads/2016/12/real-cost-of-styrofoam_written-report.pdf

5. *Americans in Favor of Limiting Use of Plastic Straws*. Online article, August, 2018.

<https://www.ipsos.com/en-us/news-polls/Attitudes-Toward-Plastic-Straws>

6. Takoma Park Polystyrene Ban: Alternative Material Cost Analysis.

<https://documents-takomapark.s3.amazonaws.com/public-works/polystyrene-ban/PW-20150624-cost-analysis-hand-out.pdf>

7. Nguyen, L. *An Assessment of Policies on Polystyrene Food Ware Bans*. San Jose State University Master's Thesis, 2012.

https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1265&context=etd_projects

Appendix 1: City of Long Beach Ordinance 34 and Supporting Documents.



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-34

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime

DEPUTIES

C. Geoffrey Allred
Richard F. Anthony
William R. Baerg
LaTasha N. Corry
Haleh R. Jenkins
Monica J. Kilaila
Nicholas J. Masero
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Barbara J. McTigue
Lauren E. Misajon
Katrina R. Pickett
Howard D. Russell
Arturo D. Sanchez
Victoria A. Silcox
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

April 17, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Accept categorical exemption No. CE 18-035, and

Declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.63 regulating the use of single-use food and beverage containers made of expanded polystyrene (EPS) foam, rigid polystyrene #6 and non-recyclable and non-compostable material for prepared food distribution in the City of Long Beach, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

At its meeting of October 17, 2017, the City Council requested the City Attorney to develop an ordinance regulating the use of single-use food and beverage containers made of expanded polystyrene (EPS) foam, rigid polystyrene #6 and non-recyclable and non-compostable material for prepared food distribution in the City of Long Beach, and to complete any required review pursuant to the California Environmental Quality Act (CEQA) prior to submitting the ordinance.

Pursuant to the California Environmental Quality Act (CEQA), categorical exemption No. CE-18-035 was prepared and issued. (See Attachment.)

The ordinance is intended to reduce the environmental impacts related to single-use food and beverage containers made of expanded polystyrene foam and non-recyclable and non-compostable material for prepared food distribution in the City of Long Beach.

The ordinance's provisions include the following:

City Attorney

MICHAEL J. MAIS

Assistant City Attorney

MONTE H. MACHIT

Assistant City Attorney

Gan; J. Anderson Charles M. Gale Anne C. Lattime

DEPUTIES

*C. Geoffret J. Allred Richard F. Anthony William R. Baerg LaTasha N. Com; Ha/eh R. Jenkins Monica J. Kilaita Nicholas J. Masero Dawn A. McIntosh Barbara J. McTigue
Lauren E. Misajon Kanna R. Pickett Howard D. Russell Arturo D. Sanchez Victoria A. Silcox Linda T. Vu Amy R. Webber Theodore B. Zinger*

OFFICE OF THE CITY ATTORNEY

Long Beach, California

April 17, 2018

HONORABLE MAYOR AND CITY COUNCIL City of Long Beach
California

RECOMMENDATION:

Accept categorical exemption No. CE 18-035, and

Declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.63 regulating the use of single-use food and beverage containers made of expanded polystyrene (EPS) foam, rigid polystyrene #6 and non-recyclable and non-compostable material for prepared food distribution in the City of Long Beach, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

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The ordinance's provisions include the following:

City of Long Beach, 333 West Ocean Boulevard, Eleventh Floor, Long Beach, California 90802-4664 (562) 570-2200 Fax (562) 436-1579 Workers Compensation Department, Eighth Floor (562) 570-2245 Fax (562) 570-2220

ORD-34

THE CITY CLERK'S OFFICE

- Prepared food or beverages shall not be sold or distributed in any food service ware made of made of EPS foam, rigid polystyrene #6 and non-recyclable and non-compostable material in the City of Long Beach. The ban does not apply to food prepared or packaged outside of the City, provided such food is not altered or repackaged within the City. The ban does not apply to food brought by individuals for personal consumption to City facilities, such as City parks, nor does it apply to raw, uncooked meat, poultry, fish or eggs, unless provided for consumption without further food preparation, nor to fresh produce provided for consumption without food preparation or repackaging.
- Compliance with the ordinance will be phased in. Phase 1 applies to City facilities and City-permitted events three months after adoption (except those with multi-year permits, who must comply within one year of ordinance adoption). Phase 2 takes effect nine months after ordinance adoption, and applies to "large" food providers, defined as seating 101 persons or more, including franchises. Phase 3 applies to establishments seating 100 persons or fewer, and takes effect eighteen months after ordinance adoption.
- The ordinance will ban retail sales of polystyrene ice chests, polystyrene bean bags and polystyrene craft materials eighteen months after ordinance adoption.
- "Food Provider" means a person or place that provides or sells food within the City to the general public, including but not limited to grocery stores, supermarkets, restaurants, drive-throughs, cafes, coffee shops, snack shops, public food markets, farmers' markets, convenience stores, mobile food vendors, caterers and food trucks.
- Utensils (forks, knives, spoons and the like) and straws for take-away food items may be provided by food establishments only upon request.
- The Health Department will check establishments for compliance as part of their inspection process.
- An exemption may be granted for a maximum of one year upon a finding that compliance would create an undue hardship.

The Council's October 17, 2017 action also called for the City to conduct a study during implementation regarding the impacts of the ban; to study the purchase of "Big Belly"-type trash cans; and to explore incentive programs for compliance.

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April 17, 2018
Page 3

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By 

AMY R. WEBBER
Deputy City Attorney

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Attachments: Ordinance
City of Long Beach Categorical Exemption No. CE 18-035

SUGGESTED ACTION:
Approve recommendation.

Very truly yours,
CHARLES PARKIN, City Attorney

By

AMY . WEBBER Deputy City Attorney

Attachments: Ordinance
City of Long Beach Categorical Exemption No. CE 18-035

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COMMITTEE REPORT

PRESENTED FOR COMMISSION MEETING DATE: 12/18/18	SUBMITTED BY: David Freedman
COMMITTEE NAME: Standing Committee on Green Building & Solar	SUBMITTED DATE: 12/12/18
COMMITTEE MEETING DATE: 12/11/18	NEXT COMMITTEE MEETING DATE: TBD

Committee Meeting Goals:

- Follow-up with Center for Sustainable Energy on Energy Code Coach Program
- Update on Desert Community Energy
- Preparation for Modernism Week

Summary:

With CVAG Director of Environmental Resources Katie Barrows participating by phone, the meeting began with a debriefing on the call that Commissioner Freedman and Ms. Barrows had on December 3 with the Center for Sustainable Energy (CSE). Following discussions during the call, CSE will submit a proposal for a pilot project for Palm Springs and Cathedral City to participate in the Energy Code Coach Program, under which a CSE consultant would provide support and training to building and planning department staffs and could also answer questions from the building community. CVAG would be able to provide up to \$20,000 for 2019 from the Coachella Valley Energy Partnership, funded by SCE and SoCalGas. This budget would cover CSE’s presence one day a week in the Coachella Valley, alternating between Palm Springs and Cathedral City. The Commission may be able to provide support for any additional costs for Palm Springs out of its budget. Following receipt of the CSE proposal, Commissioner Freedman will forward it to staff for review, and Ms. Barrows will discuss it with Cathedral City.

Ms. Barrows then provided an update on Desert Community Energy (DCE), the Community Choice Aggregation (CCA) program. The DCE Board will decide by March 2019 whether to launch in 2020, most likely in the spring. Because of a recent decision by the California Public Utility Commission on the exit fee to be paid by CCA customers, it is unlikely that DCE can offer a cost savings compared with SCE. Ms. Barrows stated that there will be outreach in the six months before the launch date. Commissioner Freedman offered to assist on the outreach in Palm Springs, including organizing a presentation to Organized Neighborhoods of Palm Springs (“ONE-PS”).

Finally, Commissioner Goins discussed plans for the Sustainability & Modernism workshop as part of Modernism Week on February 23, 2019. He has already contacted two landscape designers and is also reaching out to other potential panel members. In order to promote the event, Commissioner Goins will speak at the upcoming ONE-PS meeting, and Office of Neighborhoods manager Denise Goolsby will include an event announcement in her weekly Office of Neighborhoods reports. In addition, the City will mention the workshop in its news releases on Modernism Week events.

Recommendation/Request:

Continuing working with stakeholders on Energy Code issues as it moves towards effectiveness.

ACTION ITEMS REQUEST TO COMMISSION	Approve draft Solar Zoning Ordinance and solar policy when presented.
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	Discuss Energy Code Coach program with staff.
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	The Modernism Week workshop is expected to cost \$500 - \$1,000, including brochure printing. There may be a request to support the Energy Code Coach program, but no cost estimate is available yet. These funds have been approved in the Committee's FY 2018-19 outreach budget.



Subcommittee Report

PRESENTED FOR COMMISSION MEETING DATE: Dec 18, 2018

SUBMITTED BY: Robert McCann

SUBCOMMITTEE NAME: Standing Subcommittee on Waste Reduction (SSCoWR)

SUBMITTED DATE: Dec 11, 2018

LAST SUBCOMMITTEE MEETING DATE: Dec 10, 2018

NEXT SUBCOMMITTEE MEETING DATE: TBD

Subcommittee Goal:

Divert 90% of waste generated by the City of Palm Springs from landfill by 2030.

Summary:

1. C&D Waste Ordinance.

- Findings on other cities and their C&D diversion ordinances released Dec 10, 2018.

2. Reducing Single-use Nonrecyclable Plastic Food Ware and Plastic Straws by Food Service Establishments.

- February 14: City of Palm Springs City Councilmember J.R. Roberts asked the Sustainability Commission to
 - Research City Ordinances that ban Extended Polystyrene (EPS) containers.
 - Offer recommendations and suggestions.
 - Provide an update on legislation seeking to provide a statewide ban on EPS containers and plastic straws.
- Oct 2. SSCowR members Roy Clark and Robert McCann met with Councilmembers Kors and Holstege to discuss modifications to the proposed Palm Springs Ordinance in light of the passage of AB 1884. The consensus from the meeting was for the SSCowR to research and report on the impact of more comprehensive ordinances in other CA municipalities that cover all food service establishments and also ban virtually all forms of non-recyclable plastic food ware (cups, stirrers, utensils, straws, clamshell food storage containers, etc).
- Latest Developments:
 - Nov 29: SSCoWR Report completed and released to stakeholders.
 - Dec 10: Councilmember Christy Holstege requested that the Sustainability Commission approve a recommendation to City Council to move forward with a comprehensive ordinance that would ban all forms of nonrecyclable plastic food ware, including plastic straws.
- Sample "core" ordinance language for consideration by Sustainability Commissioners:

Food or beverage products supplied by commercial food providers shall not be sold, packaged, distributed, or consumed with food service ware made of EPS foam, rigid polystyrene #6, and non-recyclable and non-compostable material in the City of Palm Springs. “Commercial Food Provider” means a person or place that provides or sells food within the City to the general public, including but not limited to grocery stores, supermarkets, sit-down or fast-food restaurants, drive-throughs, cafes, coffee shops, snack shops, public food markets, farmer’s markets, convenience stores, mobile food vendors, caterers, and food trucks.

- Commission Motion for Consideration: Recommend City of Palm Springs pass comprehensive Ordinance with similar language to above, and pass Commission report on to the City to develop into a Staff Report.

3. Diverting and Recycling Wet Organic Waste in the City’s Municipal Solid Waste (MSW) Stream From Landfill:

- November 13. Anergia delivered a description of the design package they would produce if funding was provided by the City. Robert McCann forwarded the proposal to City Council members Christy Holstege and Geoff Kors, City Representatives, and other stakeholders.
- Dec 10. In December SSCoWR meeting, Councilmember Christy Holstege recommended, and the SSCoWR concurred, that the Anergia proposal be evaluated in the context of the larger planning exercise currently ongoing for the Palm Springs Wastewater Treatment Facility.

4. Battery Recycling Project

- July 24. The City of Palm Springs was awarded a grant from CalRecycle in the amount of \$35,450.00 for the battery recycling program.
- Nov 30: Authority-to-Proceed granted.
- Dec 10. Commissioners Clark and McCann discussed outreach and educational options with Dan DeGarmo in advance of container ordering in January.

Recommendation/Request

The SSCowR notes that the bright blue recycle containers now in our public parks are currently co-existing with bright blue trash containers that were placed in the parks at the beginning of this year. To avoid confusion and decrease the rate of contamination of the waste stream being placed in our recycle containers, the SSCowR recommends that the bright blue trash containers be replaced with the standard brown trash containers that have been deployed in downtown areas, or that the bright blue trash containers in the city parks be painted brown with “trash only” signage.

ACTION ITEMS REQUEST TO COMMISSION	N/A
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	N/A
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	N/A