



DATE: November 9, 2020

AGENDA ITEM #2

TO: Environmental Commission
FROM: Emiko Ancheta, Staff Liaison
SUBJECT: Environmental Commission Work Plan

RECOMMENDATION:

Review and take action, as appropriate, on the 2020/21 Environmental Commission Work Plan

BACKGROUND

The Environmental Commission met in a Joint Meeting with the City Council on May 5, 2020 to review the Commission's 2019/20 Accomplishments and Draft 2020/21 Target areas and discussed issues and projects for the upcoming year. Based on this discussion, the targets were finalized, and the 2020/21 Work Plan was developed. The Targets and Work Plan are intended to focus the Commission's agenda items and will serve as a roadmap for projects and actions, as appropriate, during the 2020/21 year.

DISCUSSION

Environmental Commission Targets and resulting Work Plan for 2020/21 are:

1. Climate Action Plan
2. Water Conservation and Stormwater Management
3. Solid Waste Diversion
4. Community Outreach and Education

The Commission will review the targets, projects, and status updates at each of its monthly meetings and act appropriately.

ATTACHMENT:

- A. 2020/21 Targets and Work Plan
- B. Reach Code Ordinances
- C. Revised Food Service Ware Ordinance
- D. SVCE Updates

ENVIRONMENTAL COMMISSION

2020/21 Targets & Work Plan

November 9, 2020

Targets	Projects	Assignments	Target Date	City Priority related to	Status
Climate Action Plan	Building and Electric Vehicle Reach Codes	<ul style="list-style-type: none"> Subcommittee -Don Weiden, Laura Teksler and Lei Yuan 	Fall 2020	CAP Goals	<ul style="list-style-type: none"> Reach Code community webinar held April 29, 2020 EC, Subcommittee and staff revised ordinance, reviewed outreach feedback and recommended All-Electric Building Reach Code Ordinance Reach Code webpage and FAQ updated July 2020 EC presented the Reach Codes to Council on September 22, 2020, Council directed staff to make modifications to the ordinance At the October 27, 2020 Council meeting, Council introduced waived further readings of the Reach Codes and directed staff to make modifications to the EV Infrastructure Reach Code ordinance Reach Codes on Council Agenda for the November 10, 2020 meeting
	Update of City's CAP	<ul style="list-style-type: none"> Subcommittee- Don Weiden, Bruno Delagneau, Raashina Humayun to work with staff and consultant 	Monthly	CAP Goals	<ul style="list-style-type: none"> EC to work with staff and consultant to update the City's Climate Action Plan RFP for consultant released August 10, 2020 Staff and Subcommittee reviewed consultant proposals Staff is currently working with consultant to complete contract agreement
Water Conservation & Stormwater Management	Green Infrastructure and Other Environmental Plans	<ul style="list-style-type: none"> Assist staff in implementation of the Green Infrastructure Plan and development of other Environmental Plans 	Monthly	Storm Water Regional Discharge Permit and other Environmental Related Plans	<ul style="list-style-type: none"> Staff made a presentation of the Green Stormwater Infrastructure Plan to the Environmental Commission on May 13, 2019 This was approved by City Council on July 9, 2019 Manny Hernandez presented IPM policy update to EC at the July 13, 2020 EC meeting City's Integrated Pest Management (IPM) Policy update finalized August 14, 2020

Solid Waste Diversion	Solid Waste Disposal Contract	<ul style="list-style-type: none"> Subcommittee- Don Weiden, Laura Teksler and Bruno Delagneau 	Agreement executed April 2020	Solid Waste Disposal	<ul style="list-style-type: none"> The Mission Trails Waste System (MTWS) Contract was approved by City Council on Oct. 22, 2019 The MTWS Contract extension will be finalized in 2020 The Amended and Restated Collection Service Agreement between the City of Los Altos and MTWS was executed on April 23, 2020 Staff to work with consultant to coordinate communication and public education
	Investigate initiatives on limiting single use plastics	<ul style="list-style-type: none"> Subcommittee- Don Weiden, Laura Teksler and Bruno Delagneau 	Monthly	Recycling	<ul style="list-style-type: none"> Council Priority to address single use plastics with ordinance presented to Council by Dec. 2020 Online and In-Person Survey of food and beverage establishments conducted August 3 – October 20, 2020 LAVA hosted a Sustainability Webinar for businesses on September 9, 2020 Draft ordinance presented to EC at the September 14, 2020 and October 12, 2020 meetings Staff to present ordinance to Council at the November 10, 2020 Council meeting
Community Outreach & Education	Develop program in collaboration with the Los Altos History Museum	<ul style="list-style-type: none"> Environmental Education Fund held by LACF David Klein 	June 2020	Public outreach and education	<ul style="list-style-type: none"> EC coordinates with History Museum for Apricot Stem Fair; EnviroThon Challenge held at the annual Apricot STEM Fair All City events cancelled/postponed for 2020 due to COVID-19 David Klein to follow up on Education fund allocation
	Update environmental measures on the City web site	<ul style="list-style-type: none"> David Klein 	Ongoing	Public outreach and education	<ul style="list-style-type: none"> The City's Public Information's Officer, Sonia Lee will work together with staff and Subcommittee on updating the City's website, including the Environmental Resources Dashboard Reach Code webpage updated
	Continue gas-powered leaf blower (GPLB) ban outreach and education	<ul style="list-style-type: none"> Laura Teksler 	Ongoing	Public outreach and education	<ul style="list-style-type: none"> Linda Ziff gave an update on her team's efforts to educate about the GPLB at the March 9, 2020 EC meeting

	Continue anti-idling outreach and education	<ul style="list-style-type: none"> • Don Weiden 	Ongoing	Public outreach and education	<ul style="list-style-type: none"> • On June 10, 2019, the Los Altos HS Survey Results were presented • The EC has been supporting the efforts of Greentown Los Altos
	Continue to support SVCEA community outreach and education		Ongoing	Public outreach and education	<ul style="list-style-type: none"> • Reach Code webinar was held April 29, 2020
	Assist staff with various outreach and education efforts	<ul style="list-style-type: none"> • Climate Action Plan • Water Conservation • Storm Water Management • Solid Waste Diversion • Urban Forest / Trees • Downtown Vision 		Public outreach and education	

ORDINANCE NO. 2020-470A

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 12.22 ENERGY CODE OF TITLE 12 OF THE LOS ALTOS
MUNICIPAL CODE RELATING TO AMENDMENTS TO THE 2019 CALIFORNIA
ENERGY CODE FOR ALL-ELECTRIC SINGLE-FAMILY BUILDINGS, MULTI-
FAMILY BUILDINGS HAVING FROM TWO TO NINE RESIDENTIAL UNITS, AND
DETACHED ACCESSORY DWELLING UNIT BUILDINGS**

WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code, that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City of Los Altos has adopted the 2019 California Building Standards Code with local amendments; and

WHEREAS, the City has adopted the 2019 California Energy Code in the 2019 California Building Standards Code, Part 6 of Title 24 of the California Code of Regulations, which implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards; and

WHEREAS, Public Resources Code Section 25402.1(h)(2) and Section 10-106 Locally Adopted Energy Standards of the California Administrative Code, Title 24 of the California Code of Regulations, Part I, establish a process which allows local adoption of energy standards that are more stringent than the statewide standards, provided that such local standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, the City Council wishes to amend portions of the California Energy Code and affirms that such local modifications are cost effective and will result in designs that consume no more energy than that permitted under the 2019 California Energy Code; and

WHEREAS, the City's Climate Action Plan sets forth the goal to support initiatives that promote environmental sustainability and reduce the City's greenhouse gas emissions.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 12.22 of Title 12 of the Los Altos Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12.22 ENERGY CODE

Section 12.22.010 Adoption of the California Energy Code.

There is hereby adopted by reference as if fully set forth herein, the 2019 California Energy Code, contained in the California Code of Regulations, Title 24, Part 6, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

Section 12.22.020 Amendments for All-Electric Buildings.

- A. Amend Section 100.1(b) of the Energy Code by adding the following definitions to read as follows:

ALL-ELECTRIC BUILDING is a building that has no natural gas or propane plumbing installed within the building.

NEWLY CONSTRUCTED BUILDING (Applicable to Chapter 12.22 Energy Code Section 12.22.020 Amendments) is a building that has never been used or occupied for any purpose and supported by 1) a new structural foundation, 2) an existing, structural foundation where a building has been demolished and removed to floor or below, or 3) a combination of 1) and 2).

PUBLIC BUILDING is a building used by the public for any purpose, such as assembly, education, entertainment, or worship.

SCIENTIFIC LABORATORY BUILDING is a building or area where research, experiments, and measurement in medical, life, and physical sciences are performed and/or stored requiring examination of fine details. The building may include workbenches, countertops, scientific instruments, and supporting offices.

Subchapter 1 Section 100.0(e)2. A. is deleted and replaced to read as follows, based on express finding of necessity set forth of this Ordinance.

- B. Amend Section 100.0(e)2. A. of the Energy Code to read as follows:

2. Newly constructed buildings.

- A. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable and shall be an all-electric building as defined in Section 100.1(b).

Exception 1: Residential Single-Family Dwellings, Detached ADUs (Accessory Dwelling Units), Multifamily Dwellings with two to nine units may install non-electric (natural gas-fueled) cooking and fireplace appliances if the applicant complies with the prewiring provisions, Subsection 12.22.020 B.3.

3. Wiring to accommodate future electric appliances or equipment.

(a) If a non-electric appliance or piece of equipment is allowed to be installed, the appliance or equipment location must also be electrically pre-wired for future electric appliance or equipment installation, including:

- i. A dedicated circuit, phased appropriately, with a minimum amperage requirement for a comparable electric appliance with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
- ii. Both ends of the unused conductor or conduit shall be labeled with the words “For Future Electric appliance or equipment” and be electrically isolated; and
- iii. A reserved circuit breaker space shall be installed in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled for each circuit, an example is as follows (i.e. “For Future Electric Range;”); and,
- iv. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

SECTION 2.

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions:

The City of Los Altos is located in Climate Zone 4 as established in the 2019 California Energy Code. Climate Zone 4 includes Santa Clara County, San Benito County, portions of Monterey County and San Luis Obispo. The City experiences an average of 19 inches of precipitation per year. In Los Altos, January is the rainiest month of the year while July is the driest month of the year. Temperatures average about 80 degrees Fahrenheit in the summer and about 40 degrees Fahrenheit in the winter. These climatic conditions along with the effects of climate change caused by Green House Gas (GHG) emissions generated from burning natural gas to heat buildings and emissions from Vehicle Miles Traveled results in an overall increase in global average temperature. Higher global temperatures are contributing to rising sea levels, record heat waves, droughts, wildfires and floods.

The above local amendments to the 2019 California Energy Code are necessary to combat the ever-increasing harmful effects of global climate change. Implementation of the proposed code amendments will achieve decarbonization and provide an accelerated path to reduce GHG emissions. The proposed Ordinance containing these amendments would ensure that new buildings use cleaner sources of energy which helps meet the goal of cutting carbon emissions in half by 2030.

All-electric building design benefits the health, welfare, and resiliency of Los Altos and its residents.

SECTION 3. CONSTITUTIONALITY.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA.

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Energy Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA.

SECTION 5. PUBLICATION.

This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date. The City Council’s findings of cost-effectiveness and energy savings will be filed with the California Energy Commission pursuant to Title 24 Chapter 10-106 before this ordinance takes effect.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2020 and was thereafter, at a regular meeting held on _____, 2020 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

ORDINANCE NO. 2020-470B

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 12.22 ENERGY CODE OF TITLE 12 OF THE LOS ALTOS
MUNICIPAL CODE RELATING TO AMENDMENTS TO THE 2019 CALIFORNIA
ENERGY CODE FOR ALL-ELECTRIC MULTI-FAMILY RESIDENTIAL
DEVELOPMENTS HAVING TEN (10) OR MORE UNITS**

WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code, that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City of Los Altos has adopted the 2019 California Building Standards Code with local amendments; and

WHEREAS, the City has adopted the 2019 California Energy Code in the 2019 California Building Standards Code, Part 6 of Title 24 of the California Code of Regulations, which implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards; and

WHEREAS, Public Resources Code Section 25402.1(h)(2) and Section 10-106 Locally Adopted Energy Standards of the California Administrative Code, Title 24 of the California Code of Regulations, Part I, establish a process which allows local adoption of energy standards that are more stringent than the statewide standards, provided that such local standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, the City Council wishes to amend portions of the California Energy Code and affirms that such local modifications are cost effective and will result in designs that consume no more energy than that permitted under the 2019 California Energy Code; and

WHEREAS, the City's Climate Action Plan sets forth the goal to support initiatives that promote environmental sustainability and reduce the City's greenhouse gas emissions.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 12.22 of Title 12 of the Los Altos Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12.22 ENERGY CODE

Section 12.22.010 Adoption of the California Energy Code.

There is hereby adopted by reference as if fully set forth herein, the 2019 California Energy Code, contained in the California Code of Regulations, Title 24, Part 6, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

Section 12.22.020 Amendments for All-Electric Buildings.

A. Amend Section 100.0(e)2. A. of the Energy Code to include the underlined language as follows:

2. Newly constructed buildings.

A. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable and shall be an all-electric building as defined in Section 100.1(b).

Exception 1: Residential Single-Family Dwellings, Detached ADUs (Accessory Dwelling Units), Multifamily Dwellings with two to nine units may install non-electric (natural gas-fueled) cooking and fireplace appliances if the applicant complies with the prewiring provisions, Subsection 12.22.020 B.3.

SECTION 2.

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions:

The City of Los Altos is located in Climate Zone 4 as established in the 2019 California Energy Code. Climate Zone 4 includes Santa Clara County, San Benito County, portions of Monterey County and San Luis Obispo. The City experiences an average of 19 inches of precipitation per year. In Los Altos, January is the rainiest month of the year while July is the driest month of the year. Temperatures average about 80 degrees Fahrenheit in the summer and about 40 degrees Fahrenheit in the winter. These climatic conditions along with the effects of climate change caused by Green House Gas (GHG) emissions generated from burning natural gas to heat buildings and emissions from Vehicle Miles Traveled results in an overall increase in global average temperature. Higher global temperatures are contributing to rising sea levels, record heat waves, droughts, wildfires and floods.

The above local amendments to the 2019 California Energy Code are necessary to combat the ever-increasing harmful effects of global climate change. Implementation of the proposed code amendments will achieve decarbonization and provide an accelerated path to reduce GHG emissions. The proposed Ordinance containing these amendments would ensure that new buildings use cleaner sources of energy which helps meet the goal of cutting carbon emissions in half by 2030.

All-electric building design benefits the health, welfare, and resiliency of Los Altos and its residents.

SECTION 3. CONSTITUTIONALITY.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA.

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Energy Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA.

SECTION 5. PUBLICATION.

This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date. The City Council’s findings of cost-effectiveness and energy savings will be filed with the California Energy Commission pursuant to Title 24 Chapter 10-106 before this ordinance takes effect.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2020 and was thereafter, at a regular meeting held on _____, 2020 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

DO NOT COPY

ORDINANCE NO. 2020-470C

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 12.22 ENERGY CODE OF TITLE 12 OF THE LOS ALTOS
MUNICIPAL CODE RELATING TO AMENDMENTS TO THE 2019 CALIFORNIA
ENERGY CODE FOR ALL-ELECTRIC NON-RESIDENTIAL BUILDINGS,
SCIENTIFIC LABORATORY BUILDINGS, AND PUBLIC BUILDINGS**

WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code, that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the City of Los Altos has adopted the 2019 California Building Standards Code with local amendments; and

WHEREAS, the City has adopted the 2019 California Energy Code in the 2019 California Building Standards Code, Part 6 of Title 24 of the California Code of Regulations, which implements minimum energy efficiency standards in buildings through mandatory requirements, prescriptive standards, and performances standards; and

WHEREAS, Public Resources Code Section 25402.1(h)(2) and Section 10-106 Locally Adopted Energy Standards of the California Administrative Code, Title 24 of the California Code of Regulations, Part I, establish a process which allows local adoption of energy standards that are more stringent than the statewide standards, provided that such local standards are cost effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, the City Council wishes to amend portions of the California Energy Code and affirms that such local modifications are cost effective and will result in designs that consume no more energy than that permitted under the 2019 California Energy Code; and

WHEREAS, the City's Climate Action Plan sets forth the goal to support initiatives that promote environmental sustainability and reduce the City's greenhouse gas emissions.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 12.22 of Title 12 of the Los Altos Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12.22 ENERGY CODE

Section 12.22.010 Adoption of the California Energy Code.

There is hereby adopted by reference as if fully set forth herein, the 2019 California Energy Code, contained in the California Code of Regulations, Title 24, Part 6, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

A. Amend Section 100.0(e) 2. A. of the Energy Code is amended to include the underlined language as follows:

2. Newly constructed buildings.

A. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable and shall be an all-electric building as defined in Section 100.1(b).

Exception 1: Residential Single-Family Dwellings, Detached ADUs (Accessory Dwelling Units), Multifamily Dwellings with two to nine units may install non-electric (natural gas-fueled) cooking and fireplace appliances if the applicant complies with the prewiring provisions, Subsection 12.22.020 B.3.

Exception 2: Non-residential Buildings containing for-profit restaurant open to the public may install gas-fueled cooking appliances. The applicant shall comply with the pre-wiring provision of Subsection 12.22.020 B. 3.

Exception 3: Non-residential buildings, Scientific Laboratory Buildings and Public Buildings may apply to the Building Division of the Los Altos Community Development Department for an exception to install a non-electric fueled appliance or piece of equipment. The Building Division of the Los Altos Community Development Department shall grant an exception if they find the following conditions are met:

- i. The applicant shows that there is a public or business-related need that cannot be reasonably met with an electric fueled appliance or piece of equipment.
- ii. The applicant complies with the pre-wiring provisions to the non-electric appliance or piece of equipment noted at Subsection 12.22.020 B. 3.

The decision of the Building Division of the Los Altos Community Development Department shall be final unless the applicant appeals the decision to the City Manager or his or her designee within 15 days of the date of the decision. The City Manager's or his or her designee's decision on the appeal shall be final.

SECTION 2.

The following findings support that the above amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions:

The City of Los Altos is located in Climate Zone 4 as established in the 2019 California Energy Code. Climate Zone 4 includes Santa Clara County, San Benito County, portions of Monterey County and San Luis Obispo. The City experiences an average of 19 inches of precipitation per year. In Los Altos, January is the rainiest month of the year while July is the driest month of the year. Temperatures average about 80 degrees Fahrenheit in the summer and about 40 degrees Fahrenheit in the winter. These climatic conditions along with the effects of climate change caused by Green House Gas (GHG) emissions generated from burning natural gas to heat buildings and emissions from Vehicle Miles Traveled results in an overall increase in global average temperature. Higher global temperatures are contributing to rising sea levels, record heat waves, droughts, wildfires and floods.

The above local amendments to the 2019 California Energy Code are necessary to combat the ever-increasing harmful effects of global climate change. Implementation of the proposed code amendments will achieve decarbonization and provide an accelerated path to reduce GHG emissions. The proposed Ordinance containing these amendments would ensure that new buildings use cleaner sources of energy which helps meet the goal of cutting carbon emissions in half by 2030.

All-electric building design benefits the health, welfare, and resiliency of Los Altos and its residents.

SECTION 3. CONSTITUTIONALITY.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA.

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Energy Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA.

SECTION 5. PUBLICATION.

This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date. The City Council's findings of cost-effectiveness and energy savings will be filed with the California Energy Commission pursuant to Title 24 Chapter 10-106 before this ordinance takes effect.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2020 and was thereafter, at a regular meeting held on _____, 2020 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

ORDINANCE NO. 2020-471
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 12.26 GREEN BUILDING STANDARDS CODE OF TITLE 12
OF THE LOS ALTOS MUNICIPAL CODE RELATING TO AMENDMENTS TO THE
2019 CALIFORNIA GREEN BUILDING STANDARDS CODE FOR ELECTRIC
VEHICLE (EV) INFRASTRUCTURE

WHEREAS, the City of Los Altos has seen significant sales of both electric vehicles (EV) and plug-in hybrid electric vehicles (“PHEV”); and

WHEREAS, the interest in EVs has grown alongside greater EV model availability, increased vehicle range, and expanded EV charging infrastructure in the region; and

WHEREAS, EV charging infrastructure available at locations they frequent, including one-and two-family dwellings, multi-family residences, and commercial properties is important for continued adoption of EVs; and

WHEREAS, the installation of the electric vehicle supply equipment (EVSE) is made cost effective when the infrastructure is installed during the initial construction phase as opposed to retrofitting existing buildings to accommodate the new electrical equipment; and

WHEREAS, the City of Los Altos supports this nascent industry for plug-in electric vehicles and its efforts in constructing EV charging infrastructure as this further supports the City’s sustainability goals; and

WHEREAS, the California Building Standards Commission adopted and published an updated Title 24 of the California Code of Regulations, known as the 2019 California Building Standards Code, that became effective statewide on January 1, 2020; and

WHEREAS, California Health and Safety Code Sections 17958.5, 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Los Altos has adopted the 2019 California Building Standards Code with local amendments; and

WHEREAS, the City has adopted the 2019 California Green Building Standards Code in the 2019 California Building Standards Code, Title 24, Part 11, which enhances the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices; and

WHEREAS, the City Council wishes to amend portions of the California Green Building Standards Code and affirms the modifications are determined to be reasonably necessary because of local climatic, geological or topographical conditions, ensure that new buildings can charge a greater number of electric vehicles beyond state code requirements and reduce greenhouse gas emissions.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE. Chapter 12.26 of Title 12 of the Los Altos Municipal Code is hereby amended in its entirety to read as follows:

Chapter 12.26 CALIFORNIA GREEN BUILDING STANDARDS CODE

Section 12.26.010 Adoption of the California Green Building Standards Code

Section 12.26.020 Amendments, Additions or Deletions

Section 12.26.030 Definitions

Section 12.26.010 Adoption of the California Green Building Standards Code

There is hereby adopted by reference as if fully set forth herein, the 2019 California Green Building Standards Code, contained in the California Code of Regulations, Title 24, Part 11, published by the International Code Council, and each and all of its regulations and provisions. One copy is on file for use and examination by the public in the office of the Building Official.

Section 12.26.020 Amendments, Additions or Deletions

The 2019 California Green Building Standards Code referred to in Section 12.26.010 is adopted, together with Chapters 1 Administration, 4 Residential Mandatory Measures, and 5 Nonresidential Mandatory Measures, of the 2019 California Green Building Standards Code, with the following amendments as follows:

Chapter 1 Section 102.4 Scope and Mandatory Compliance is hereby added to read as follows.

Section 102.4 Scope and Mandatory Compliance

- A. This code contains both mandatory and voluntary green building measures. Mandatory and voluntary measures are identified in the appropriate chapters contained in this code. Compliance measures and methods shall be by one of the following measures approved by the Building Official.

The means by which compliance measures are achieved shall be mandatory measures with appendix sections voluntarily applied, building division mandatory check list, whole house Build it Green GreenPoint check list, LEED, other recognized point systems, Title 24 Part 6 Energy Efficiency Standards, or equivalent approved methods. Green Building Compliance measures in addition to checklists shall be incorporated into the project drawings approved by the Building

Official prior to building permit submittal.

Prior to issuance of a building permit, the owner or responsible Registered Design Professional acting as the owner's agent shall employ and/or retain a Qualified Green Building Professional to the satisfaction of the Building Official, and prior to final inspection shall submit verification that the project is in compliance with this ordinance.

Chapter 4 Section 4.106.4 Electric vehicle (EV) charging for new construction thru 4.106.4.2.5 are deleted and replaced to read as follows, based upon express findings set forth in this Ordinance

Section 4.106.4, 4.106.4.1 and 4.106.2 are amended to read as follows:

4.106.4 Electric vehicle (EV) charging for new construction.

New construction shall comply with Sections 4.106.4.1, 4.106.4.2, or 4.106.4.3 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code, Article 625*.

Exceptions:

1. Where there is no commercial power supply.
2. If no additional parking facilities are provided, then Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU).

4.106.4.1 New one- and two-family dwellings and townhouses with attached or detached private garages.

For each dwelling unit, install at least one Level 2 EV Ready Space in the garage. If multiple (two or more) garage parking spaces are provided for a dwelling unit, install at least two Level 2 EV Ready Spaces.

4.106.4.1.1 Identification.

The raceway termination location shall be permanently and visibly marked as "Level 2 EV-Ready".

4.106.4.2 New multifamily dwellings.

The following requirements apply to all new multifamily dwellings:

1. For multifamily buildings with less than or equal to 20 dwelling units, install at least one Level 2 EV Ready Space for each dwelling unit.
2. When more than 20 multifamily dwelling units are constructed on a building site
 - a. 25% of the dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number and not less than 21 spaces.

- b. In addition, each remaining dwelling unit with parking space(s) shall be provided with at least one Level 1 EV Ready Space.

Exception: For all multifamily Affordable Housing, 10% of dwelling units with parking space(s) shall be provided with at least one Level 2 EV Ready Space. Calculations for the required minimum number of Level 2 EV Ready spaces shall be rounded up to the nearest whole number. The remaining dwelling units with parking space(s) shall each be provided with at least one Level 1 EV Ready Space.

Notes:

1. ALMS may be installed to decrease electrical service and transformer costs associated with EV Charging Equipment subject to review of the authority having jurisdiction.
2. Installation of Level 2 EV Ready Spaces above the minimum number required level may offset the minimum number Level 1 EV Ready Spaces required on a 1:1 basis.
3. The requirements apply to multifamily buildings with parking spaces including: a) assigned or leased to individual dwelling units, and b) unassigned residential parking.
4. Local jurisdictions may consider allowing exceptions through their local process, on a case by case basis, if a building permit applicant provides documentation detailing that the increased cost of utility service or on-site transformer capacity would exceed an average of \$4,500 among parking spaces with Level 2 EV Ready Spaces and Level 1 EV Ready Spaces. If costs are found to exceed this level, the applicant shall provide EV infrastructure up to a level that would not exceed this cost for utility service or on-site transformer capacity.
5. In order to adhere to accessibility requirements in accordance with California Building Code Chapters 11A and/or 11B, it is recommended that all accessible parking spaces for covered newly constructed multifamily dwellings are provided with at least a Level 1 or Level 2 EV Ready Spaces.

4.106.4.2.1.1 Electric vehicle charging stations (EVCS).

When EV chargers are installed, EV spaces required by Section 4.106.4.2.2, Item 3, shall comply with at least one of the following options:

1. The EV space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space.
2. The EV space shall be located on an accessible route, as defined in the California Building Code, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the California Building Code, Chapter 11B, are not required to comply with Section 4.106.4.2.1.1 and Section 4.106.4.2.2, Item 3.

Note: Electric vehicle charging stations serving public housing are required to comply with the California Building Code, Chapter 11 B.

Section 4.106.4.2.2 Electric vehicle charging space (EV space) dimensions.

Refer to local authority having jurisdiction for parking dimension requirements.

4.106.4.2.3 Deleted

4.106.4.2.4 Deleted

4.106.4.2.5 Deleted

Chapter 5 Section 5.106.5.3 Electric vehicle (EV) charging thru 5.106.5.3.5 are deleted and replaced to read as follows, based upon express findings set forth in this Ordinance

Section 5.106.5.3 thru 5.106.5.3.5 are amended to read as follows:

5.106.5.3 Electric vehicle (EV) charging.

[N] New construction shall comply with Section 5.106.5.3.1 or Section 5.106.5.3.2 to facilitate future installation and use of EV.

Exceptions:

1. Where there is no commercial power supply.

5.106.5.3.1 Office and Institutional buildings.

In nonresidential new construction buildings designated primarily for office use and institutional buildings, with parking:

1. When 10 or more parking spaces are constructed, 50% of the available parking spaces on site shall be equipped with Level 2 EVCS;
2. An additional 20% shall be provided with at least Level 1 EV Ready Spaces; and
3. An additional 30% shall be at least Level 2 EV Capable.

Calculations for the required minimum number of spaces equipped with Level 2 EVCS, Level 1 EV Ready spaces and EV Capable spaces shall all be rounded up to the nearest whole number.

Construction plans and specifications shall demonstrate that all raceways shall be a minimum of 1” and sufficient for installation of EVCS at all required Level 1 EV Ready and EV Capable spaces; Electrical calculations shall substantiate the design of the electrical system to include the rating of equipment and any on-site distribution transformers, and have sufficient capacity to simultaneously charge EVs at all required EV spaces including Level 1 EV Ready and EV Capable spaces; and service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

Notes:

1. ALMS may be installed to increase the number of EV chargers or the amperage or voltage beyond the minimum requirements in this code. The option does not allow for installing less electrical panel capacity than would be required without ALMS.

5.106.5.3.2 Other nonresidential buildings.

In nonresidential new construction buildings that are not designated primarily for office use, such as those for retail uses:

1. When 10 or more parking spaces are constructed, 6% of the available parking spaces on site shall be equipped with Level 2 EVCS;
2. An additional 5% shall be at least Level 1 EV Ready.
Calculations for the required minimum number of spaces equipped with Level 2 EVCS and Level 1 EV Ready spaces shall be rounded up to the nearest whole number

Exception: Installation of each Direct Current Fast Charger with the capacity to provide at least 80 kW output may substitute for six Level 2 EVCS and five EV Ready spaces after a minimum of six Level 2 EVCS and five Level 1 EV Ready spaces are installed.

5.106.5.3.3 Clean Air Vehicle Parking Designation.

EVCS qualify as designated parking as described in Section 5.106.5.2 Designated parking for clean air vehicles.

Notes:

1. The California Department of Transportation adopts and publishes the California Manual on Uniform Traffic Control Devices (California MUTCD) to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives number 13-01. www.dot.ca.gov/hq/traffops/policy/13-01.pdf.
2. See Vehicle Code Section 22511 for EV charging spaces signage in off-street parking facilities and for use of EV charging spaces.
3. The Governor's Office of Planning and Research published a Zero-Emission Vehicle Community Readiness Guidebook which provides helpful information for local governments, residents and businesses. www.opr.ca.gov/docs/ZEV_Guidebook.pdf.
4. Section 11B-812 of the California Building Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1.
5. It is encouraged that shared parking, EV Ready are designated as "EV preferred."

5.106.5.3.4 [N] Identification.

The raceway termination location shall be permanently and visibly marked as "EV Ready".

5.106.5.3.5 Deleted.**Section 12.26.030 Definitions.**

For the purpose of this chapter, certain words and phrases used herein are defined as follows:

“Affordable Housing” means a housing development project, as defined in Government Code Section 65589.5(h)(2), in which at least forty percent (40%) of the units within the project are required by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document, to be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5, or at an affordable rent as defined in Health and Safety Code Section 50053, to persons and families of low or moderate income as defined by Section 50093 of the Health and Safety Code, lower income households as defined by Section 50079.5 of the Health and Safety Code, very low income households as defined by Section 50105 of the Health and Safety Code, or extremely low income households as defined by Section 50106 of the Health and Safety Code, for a period of 55 years for rental housing or 45 years for owner-occupied housing.

“Automatic Load Management Systems (ALMS)” means a control system which allows multiple EV chargers or EV-Ready electric vehicle outlets to share a circuit or panel and automatically reduce power at each charger, providing the opportunity to reduce electrical infrastructure costs and/or provide demand response capability. ALMS systems must be designed to deliver at least 1.4kW to each EV Capable, EV Ready or EVCS space served by the ALMS. The connected amperage on-site shall not be lower than the required connected amperage per Part 11, 2019 California Green Building Code for the relevant building types.

“Build It Green” means the Build It Green organization. Build It Green is a California professional non-profit membership organization whose mission is to promote healthy, energy and resource-efficient buildings.

“Direct Current Fast Chargers” capable of charging at 20-400kW and delivers DC power directly to the battery and therefore able to charge faster. Examples of this type of charger include Superchargers and DC Fast Chargers currently used at some public and commercial sites.

“Electric Vehicle Charging Station (EVCS)” means a parking space that includes installation of electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes connected to a circuit serving a Level 2 EV Ready Space. EVCS installation may be used to satisfy a Level 2 EV Ready Space requirement.

“EV Capable” means a parking space linked to a listed electrical panel with sufficient capacity to provide at least 110/120 volts and 20 amperes to the parking space. Raceways linking the electrical panel and parking space only need to be installed in spaces that will be inaccessible in the future, either trenched underground or where penetrations to walls, floors, or other partitions would otherwise be required for future installation of branch circuits. Raceways must be at least 1” in diameter and may be sized for multiple circuits as allowed by the California Electrical Code. The panel circuit directory shall identify the overcurrent protective device space(s) reserved for EV charging as “EV CAPABLE.” Construction documents shall indicate future completion of raceway from the panel to the parking space, via the installed inaccessible raceways.

“Green Point Rated” means the rating system developed by Build It Green.

“LEED” means the “Leadership in Energy and Environmental Design” program developed by the U.S. Green Building Council. The U.S. Green Building Council is a National professional non-profit membership organization whose mission is to promote buildings that are environmentally responsible.

“LEED Accredited Professional” means a person or organization determined by the Building Official to be qualified to perform inspections and provide documentation to assure compliance with the U.S. Green Building Council LEED requirements.

“Level 1 EV Ready Space” means a parking space served by a complete electric circuit with a minimum of 110/120 volt, 20-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE).

“Level 2 EV Ready Space” means a parking space served by a complete electric circuit with 208/240 volt, 40-ampere capacity including electrical panel capacity, overprotection device, a minimum 1” diameter raceway that may include multiple circuits as allowed by the California Electrical Code, wiring, and either a) a receptacle labelled “Electric Vehicle Outlet” with at least a ½” font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum output of 30 amperes.

“Qualified Green Building Professional” means a person trained through the USGBC as a “LEED AP” (accredited professional), or through Build It Green as a GreenPoint Rater, or other qualifications when acceptable to the Building Official. A certified green building professional, architect, designer, builder, or building inspector may be considered a qualified green building professional when determined appropriate by the Building Official.

“Structural Renovations” means existing portions of roof framing and/or exterior walls removed for the purpose of rebuilding and remodeling.

SECTION 3. CONSTITUTIONALITY.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 4. CEQA.

The City Council hereby finds and determines that this Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.) (“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is categorically exempt from CEQA under CEQA Guidelines, § 15061(b)(3), which exempts from CEQA any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the proposed Ordinance would not be an activity with potential to cause significant adverse effect on the environment because the changes made to the California Green Buildings Standards Code within are enacted to provide more protection to the environment, and therefore is exempt from CEQA. It is also exempt from CEQA pursuant to CEQA Guidelines, § 15308 which exempts actions taken by regulatory agencies for the

enhancement and protection of the environment. As such, the Ordinance is categorically exempt from CEQA.

SECTION 5. PUBLICATION.

This Ordinance shall be published as provided in Government Code section 36933.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective upon the commencement of the thirty-first (31st) day following the adoption date.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2020 and was thereafter, at a regular meeting held on _____, 2020 passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Jan Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

ORDINANCE NO. 2020-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE,
BY ADDING CHAPTER 6.48 ENTITLED "LIMITATIONS ON
NON-REUSABLE FOOD SERVICE WARE ACCESSORIES FOR
LITTER AND WASTE REDUCTION"**

WHEREAS, non-reusable food service ware accessories—including utensils, straws, cup lids, napkins, and drink stirrers and plugs—contribute to street litter, ocean pollution, marine and other wildlife harm, and greenhouse gas emissions; and

WHEREAS, food service ware accessories made from plastic polymers may last for hundreds and even thousands of years, and have broad, long-lasting negative impacts; and

WHEREAS, non-reusable plastic breaks apart easily into small pieces, is difficult to collect and control as litter, and is often mistaken as food by birds, fish, and wildlife; and

WHEREAS, plastics in waterways and oceans break down into smaller pieces that are not biodegradable, and are present in most of the world's oceans; and

WHEREAS, the production and disposal of non-reusable food service ware accessories has significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels, greenhouse gas emissions, and the increased clean-up and end of life management costs; and

WHEREAS, it is in the interest of the health, safety and welfare of all who live, work and do business in the City that litter on public streets, parks and in other public places be prevented or reduced; and

WHEREAS, the proposed ordinance requiring food providers to limit non-reusable and ban plastic food service ware accessories is intended to reduce the risk of harm to wildlife and improve water quality in City waterways as required by the Municipal Stormwater Permit; and

WHEREAS, this Chapter is consistent with relevant City plans, including the Climate Action Plan, and the CalRecycle recycling and waste disposal regulations contained in Title 14, Natural Resources and Title 27, Environmental Protection of the California Code of Regulations; and

WHEREAS, the City has a substantial interest in protecting its residents and the environment from negative impacts from disposable food service ware accessories; and

WHEREAS, the City Council does, accordingly, find and declare that it should restrict the use of non-reusable and plastic food service ware accessories by food providers; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3), as well as Sections 15307 and 15308 of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: The Los Altos Municipal Code is hereby amended by adding to Title 6 a new chapter 6.48 entitled “Limitations on Non-Reusable Food Service Ware Accessories for Litter and Waste Reduction.”

CHAPTER 6.48 - LIMITATIONS ON NON-REUSABLE FOOD SERVICE WARE ACCESSORIES FOR LITTER AND WASTE REDUCTION

Section 6.48.010. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following terms shall have the meanings set forth below:

- a. “Beverage Cup” means any cup, vessel, glass, container, and any other items in which a beverage is put or packaged in on a Prepared Food Provider’s premises.
- b. “City” means the City of Los Altos.
- c. “Compostable” means an item or material is accepted by the City’s franchised hauler. Compostable items include natural fiber products, including but not limited to paper, wood, or bamboo. Compostable items do not include Compostable Plastics or Biodegradable Plastics, which are disposable products developed from polylactic acid (PLA), which require a specific set of conditions to compost and/or biodegrade that do not exist in the City or the region.
- d. “Food Service Ware” means any products used for serving or consuming prepared food and includes, but is not limited to, cups, bowls, plates, trays, cartons, boxes, wrappers or liners, hinged or lidded containers (clamshells), and other items used as part of food or beverage service or in which Prepared Food is placed or packaged on a Prepared Food Provider’s premises.
- e. “Food Service Ware Accessory” means any food service item such as straws, stirrers, toothpicks, napkins and utensils; condiment cups and packets; cup sleeves, tops, lids and spill plugs; and other similar accessory or accompanying items used as part of food or beverage service or packaging.
- f. “Non-Reusable” means an item that is designed to be used once and discarded and is not specifically designed and manufactured for repeated cleaning, disinfecting, and reuse over an extended period of time.
- g. “Plastic” means a material derived from either petroleum or a biologically based polymer, such as corn or other plant sources. “Plastic” includes compostable and biodegradable petroleum or a biologically based polymer.
- h. “Prepared Food” means food or beverages that are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises of a Prepared Food Provider for consumption, including, but not limited to, ready-to-eat, dine-in, take-out or complimentary food or beverage.

“Prepared food” does not include: (1) raw eggs and raw, butchered meat, fish or poultry that is sold from a butcher case or a similar retail appliance; or (2) prepackaged food that is delivered to the food provider wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the Prepared Food Provider in the same container or packaging.

- i. “Prepared Food Provider” means any establishment, vendor, business, organization, entity, group, or individual located or operating in the City that offers Prepared Food or beverages, regardless of whether there is a charge for the Prepared Food: (1) to the public for consumption on or off its premises; (2) at a catered event; and/or (3) at cafeterias of schools and places of employment, whether or not such establishments are open to the general public. “Prepared Food Provider” includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, delicatessens, fraternal clubs serving the public, mobile or temporary food vendors, vehicles or carts, or roadside stands.
- j. “Reusable” means Food Service Ware and Food Service Ware Accessories, including plates, bowls, cups, trays, glasses, straws, stirrers, condiment cups, utensils, etc. that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time, and are safe for washing and sanitizing according to applicable regulations.
- k. “Takeout Food Delivery Service” is a third-party delivery service which picks up takeout food from a Prepared Food Provider and delivers it to a customer for consumption off the premises.

Section 6.48.020. Limitations on the provision of Non-Reusable Food Service Ware Accessories.

Effective 12 months after the Santa Clara County Health COVID-19 restrictions are lifted:

- a. Non-Reusable Food Service Ware Accessories shall be provided only upon request by the customer or at self-serve stations.
- b. Prepared Food Providers located in Los Altos and Takeout Food Delivery Services for those Prepared Food Providers located in Los Altos must provide options for customers to affirmatively request Food Service Ware Accessories separate from orders for food and beverages across all ordering/point of sale platforms, including but not limited to web, smart phone and other digital platforms, telephone and in-person. The default selected option shall be that no Food Service Ware Accessories are requested. Each Non-Reusable Food Ware Accessory provided with Prepared Food must be specifically requested by the customer in order for a Prepared Food Provider to provide it, except that for safety reasons, Beverage Cups for delivery may include lids, spill plugs, and sleeves without request.

- c. Prepared Food Providers shall not use, provide, distribute, or sell the following Food Ware Accessories made of either Plastic not qualifying as Reusable or any other material not defined as Compostable or Reusable: beverage straws, utensils, drink stirrers or drink plugs, or food picks and toothpicks. Prepared Food Providers may use, provide, distribute, and sell Compostable or Reusable Food Ware Accessories.
- d. Exception for Disability: Nothing in this Chapter shall restrict, or be construed to restrict, the availability of Non-Reusable plastic straws to individuals who may require and request the use of plastic straws due to disability or other medical or physical conditions or circumstances. Prepared Food Providers that customarily offer straws may maintain a small supply of plastic straws to accommodate such requests.

Section 6.48.030. Exemptions.

- a. Emergency Supplies and Service Procurement. City Facilities, Prepared Food Providers, City contractors and vendors doing business with the City shall be exempt from the provisions of this Chapter in a situation deemed by the City Manager or his or her designee to be an emergency for the immediate preservation of the public peace, health or safety.
- b. Food Service Ware Accessories banned by Section 6.48.020 of this ordinance may be used after the effective date of Section 6.48.020 if the Prepared Food Provider demonstrates, in writing, to the satisfaction of the City Manager or his or her designee, that compliance with the provisions of this Chapter will impose a unique problem not generally applicable to other persons in similar circumstances that will result in an undue economic hardship.
 - i. An undue economic hardship could include, but is not limited to: overstocked supplies that cannot be returned to the distributor or used at another store outside the city; or unique food ware accessory needs for which no suitable alternative exists.
 - ii. The City Manager or his or her designees shall issue a written decision to grant or deny an exemption and may exempt the food provider for no more than one (1) year from the date of the demonstration. The City Manager's decision shall be final and is not subject to appeal.

Section 6.48.040. Administrative Penalty.

A penalty may be imposed upon findings made by a city code enforcement officer that any food provider has provided a "non-reusable food service ware accessory" in violation of this chapter. The amount of penalty and the penalty procedures are contained in the Los Altos Municipal Code, Chapter 1.30, entitled "Administrative Citations and Orders."

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date and implemented 12 months after the Santa Clara County Health COVID-19 restrictions are lifted.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2020 and was thereafter, at a regular meeting held on _____, 2020 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Janis C. Pepper, MAYOR

Attest:

Andrea Chelemengos MMC, CITY CLERK

DIY Home Energy Savings Toolkits Update

Libraries continue to offer the Do-It-Yourself Home Energy Savings Toolkit for check-out during COVID-19. SVCE will start promoting the toolkits again with new incentives and activities, such as a scavenger hunt and prize giveaway available at [SVCleanEnergy.org/diy-toolkits/](https://www.SVCleanEnergy.org/diy-toolkits/). These toolkits can help increase the comfort and energy efficiency of homes in your community, especially as the winter season approaches.

Silicon Valley Clean Energy's Education Fund Now Open

Attention high school and college students in our community– the Education Fund is now open for applications! Silicon Valley Clean Energy's Education Fund provides support to high school and community college student-led projects that address our community's goal to fight climate change by reducing the use of fossil fuels.

If your school club, organization, class or team is working on a project related to climate awareness and reducing local carbon emissions, or if you want to start a new project focused on climate change, you can apply for the Education Fund!

Learn more and apply at www.SVCleanEnergy.org/education-fund .

Attachment: Flyer



Put your bright ideas into action



Receive up to \$10k to support your student-led climate projects!



Apply to the Education Fund at:

**[SVCleanEnergy.org/
Education-Fund](https://SVCleanEnergy.org/Education-Fund)**

