DATE: December 14, 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

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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. Approved Reach Code Ordinances
C. Sierra Club-Climate Action Plan Assessment Form
D. CalRecycle SB 1383 Compliance
E. Reuse During COVID-19 Guide
F. Reuse Update- Upstream Product and Packaging Source Reduction Policy

ENVIRONMENTAL COMMISSION

2020/21 Targets & Work Plan

December 14, 2020

Targets	Projects	Assignments	Target Date	City Priority related to	Status
Climate Action Plan	Building and Electric Vehicle Reach Codes	• Subcommittee -Don Weiden, Laura Teksler and Lei Yuan	Council Approved November 2020	CAP Goals	• Reach Code community webinar held April 29, 2020 • 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 approved at the November 10, 2020 Council meeting • Reach Codes submitted to the CEC (California Energy Commission) for approval
	Update of City's CAP	• Subcommittee- Don Weiden, Bruno Delagneau, Raashina Humayun to work with staff and consultant	Monthly	CAP Goals	• 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 working on executing the contract agreement with the consultant • Contract negotiation with consultant in process
Water Conservation & Stormwater Management	Green Infrastructure and Other Environmental Plans	• 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	• 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	• Subcommittee- Don Weiden, Laura Teksler and Bruno Delagneau	Agreement executed April 2020	Solid Waste Disposal	• The Mission Trails Waste System (MTWS) Contract was approved by City Council on Oct. 22, 2019 • 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	• Subcommittee- Don Weiden, Laura Teksler and Bruno Delagneau	Monthly	Recycling	• 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 held Sustainability Webinar on Sept. 9, 2020 • Draft ordinance presented at EC meetings of September 14, 2020 and October 12, 2020 • Staff presented Food Service Ware ordinances (option 1 and 2) to Council on November 10, 2020 • Council decided to put ordinance adoption on hold due to COVID-19
Community Outreach & Education	Develop program in collaboration with the Los Altos History Museum	• Environmental Education Fund held by LACF • David Klein	June 2020	Public outreach and education	• 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	• David Klein	Ongoing	Public outreach and education	• 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	• Laura Teksler	Ongoing	Public outreach and education	• 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	• Don Weiden	Ongoing	Public outreach and education	• 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	• Reach Code webinar was held April 29, 2020
	Assist staff with various outreach and education efforts	• 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 October 27, 2020 and was thereafter, at a regular meeting held on November 10, 2020 passed and adopted by the following vote:

AYES:	Council Member Bruins, Vice Mayor Fligor and Mayor Pepper
NOES:	Council Members Enander and Lee Eng
ABSENT:	None
ABSTAIN:	None

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Andrea Chelemengos, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2020-470A, adopted by the Los Altos City Council on November 10, 2020 by the following vote:

AYES: BRUINS, FLIGOR, PEPPER
NOES: ENANDER, LEE ENG
ABSTAIN: NONE
ABSENT:

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: November 4, 2020 and November 18, 2020. Said ordinance shall be effective December 11, 2020

Dated this 23 day of November, 2020.

Andrea M. Chelemengos

Andrea M. 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 1, 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 October 27, 2020 and was thereafter, at a regular meeting held on November 10, 2020 passed and adopted by the following vote:

AYES:	Council Members Bruins, Enander, Lee Eng, Vice Mayor Fligor and Mayor Pepper
NOES:	None
ABSENT:	None
ABSTAIN:	None

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos

Andrea Chelemengos MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Andrea Chelemengos, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2020-470B, adopted by the Los Altos City Council on November 10, 2020 by the following vote:

AYES:	BRUINS, FLIGOR, ENANDER, LEE ENG, PEPPER
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: November 4, 2020 and November 18, 2020. Said ordinance shall be effective December 11, 2020

Dated this 23 day of November 2020.

Andrea M. Chelemengos

Andrea M. Chelemengos, MMC
City Clerk

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 October 27, 2020 and was thereafter, at a regular meeting held on November 10, 2020 passed and adopted by the following vote:

AYES: Council Members Bruins, Enander, Lee Eng, Vicde Mayor Fligor and Mayor Pepper
NOES: None
ABSENT: None
ABSTAIN: None

Janis C. Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS) SECOND READING/ADOPTION

I, Andrea Chelemengos, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2020-470C, adopted by the Los Altos City Council on November 10, 2020 by the following vote:

AYES: BRUINS, FLIGOR, ENANDER, LEE ENG, PEPPER
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: November 4, 2020 and November 18, 2020. Said ordinance shall be effective December 11, 2020.

Dated this 23 day of November, 2020.

Andrea M. 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 October 27, 2020 and was thereafter, at a regular meeting held on November 10, 2020 passed and adopted by the following vote:

AYES:	Council Members Bruins, Lee Eng, Vice Mayor Fligor and Mayor Pepper
NOES:	Council Member Enander
ABSENT:	None
ABSTAIN:	None

Jan Pepper, Mayor

ATTEST

Andrea Chelemengos MMC, City Clerk

STATE OF CALIFORNIA	)	
COUNTY OF SANTA CLARA	)	CERTIFIED COPY OF ORDINANCE
CITY OF LOS ALTOS	)	SECOND READING/ADOPTION

I, Andrea Chelemengos, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2020-471, adopted by the Los Altos City Council on November 10, 2020 by the following vote:

AYES: BRUINS, FLIGOR, LEE ENG, PEPPER
NOES: ENANDER
ABSTAIN: NONE
ABSENT: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: November 4, 2020 and November 18, 2020. Said ordinance shall be effective December 11, 2020.

Dated this 23 day of November, 2020.

Andrea M. Chelemengos

Andrea M. Chelemengos, MMC
City Clerk

SIERRA CLUB
LOMA PRIETA CHAPTER
San Mateo, Santa Clara and San Benito Counties

August 18, 2020
City of San Carlos
600 Elm Street
San Carlos, CA 94070

Via email to: Adam Lokar, Management Analyst
RE: San Carlos Climate Action Plan

We live in a climate crisis which threatens the survival of organized human life on Earth. Meanwhile, the federal government is weakening environmental regulations and accelerating the construction of fossil fuel projects. However, strong climate policies from Bay Area cities are already influencing state level policy. Time is running out, and our best opportunity for climate action is for cities to lead the way with strong local policies.

According to a 2018 study by San Mateo County,[1] San Carlos is projected to lose property valued at $885 million due to inundation by the Bay from just 3 feet of sea level rise, a level that scientists believe we may see as early as 2070.[2] That translates into 14% of San Carlos' land area and 11% of the total assessed value of the City's real estate.

The only certain way to mitigate climate change and delay and minimize sea level rise is to dramatically reduce greenhouse gas emissions (GHG). To this end, we recommend that San Carlos set GHG reduction goals well beyond the current state targets and focus its Climate Action Plan (CAP) on feasible mitigation policies that are, as advised by the UN's Intergovernmental Panel on Climate Change (IPCC), "rapid, far-reaching and unprecedented." In addition, San Carlos must strengthen itself against climate impacts[3] by preparing a Vulnerability and Adaptation Plan for sea level rise, extreme heat and wildfires.

In order to support your development of a strong CAP, we invite you to complete the attached **Climate Action Plan Assessment Form**, which lists the elements of a CAP that we consider most critical. We recommend that San Carlos streamline its CAP to focus on the measures that will achieve the largest

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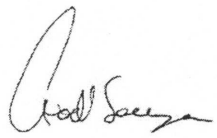
[1] County of San Mateo Sea Level Rise Vulnerability Assessment, March 2018, p. 154, https://seachangesmc.org/wp-content/uploads/2018/03/2018-03-12_SLR_VA_Report_2.2018_WEB_FINAL.pdf
[2] Rising Seas in California, An Update on Sea Level Rise Science, April 2017, p. 31, http://www.opc.ca.gov/webmaster/ftp/pdf/docs/rising-seas-in-california-an-update-on-sea-level-rise-science.pdf
[3] An example action plan: https://www.opc.ca.gov/webmaster/ftp/pdf/2020-2025-strategic-plan/OPC-2020-2025-Strategic-Plan-FINAL-20200228.pdf

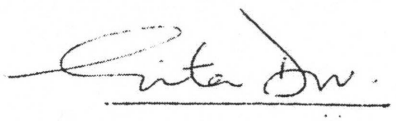
reductions in greenhouse gas emissions and also consider adopting an abbreviated format,[4] so that the document is more accessible to all readers, including decision makers and members of the public. We strongly encourage you to create a clear plan for tracking the actions in your CAP, measuring progress publicly at least quarterly.

We appreciate the opportunity to present San Carlos with recommendations for climate action and are available for any further clarification. We look forward to working with San Carlos to create the strongest Climate Action Plan possible.

Respectfully Submitted,



Gladwyn d'Souza, Co-Chair, Conservation Committee, Loma Prieta Chapter, Sierra Club



Gita Dev, Co-Chair, Sustainable Land Use Committee, Loma Prieta Chapter, Sierra Club

Kristel Wickham, Climate Action Leadership Team, Loma Prieta Chapter, Sierra Club

Cc James Eggers, Executive Director, Loma Prieta Chapter, Sierra Club

[4] For an example of an abbreviated Climate Action Plan, see City of Menlo Park 2030 Climate Action Plan, July 2020, https://menlopark.org/ArchiveCenter/ViewFile/Item/11486

Climate Action Plan Assessment Form

Please complete the form below for your City's proposed Climate Action Plan and send it to the Sierra Club Loma Prieta Chapter's Climate Action Leadership Team at dashiell.leeds@sierraclub.org.

Action #	Description	Included in CAP?	Comments
1	**Adopt a bold goal** to reduce community-wide GHGs by at least [80%] by 2030, given that scientific findings now show California's goal of a 40% reduction is no longer sufficient to address the severity of the crisis.[5]	☐	
2	**Specify all resources** required to implement each action in the plan, including dollar amounts, staff hours and task owners.	☐	
3	**Identify approximately 10 easy-to-track metrics** to help Council members and the public gauge success of the plan and define a reporting frequency for those metrics.	☐	
4	**New buildings:** plan to immediately stop the expansion of natural gas infrastructure, which can be accomplished by enacting a strong "San Mateo County-style" All Electric Reach Code requiring all new buildings to be 100% electric.	☐	
5	**Existing buildings: create a plan to reduce 80% of GHG emissions from existing buildings by 2030,** which can be accomplished with a "Burnout Ordinance" paired with rebates that together aim to phase out the burning of natural gas in existing buildings, as was recently proposed in Menlo Park's CAP.[6]	☐	
6	**Create a plan for reducing vehicle miles traveled by 25%,** which can be accomplished by a) rezoning to encourage higher density near transit and b) creating a Green Streets network[7] that makes the City easier and safer to navigate without a car.[8]	☐	
7	**Create a plan for increasing access to electric vehicle (EV) charging,** especially for those living in multi-family housing and where charging can be done during the day, when clean solar energy is abundant on California's electric grid.	☐	
8	**Create a plan to replace 100% of the City's municipal assets that currently use fossil fuels** with efficient electric alternatives, including but not limited to: Gas pool heating equipment, gas and diesel municipal fleet vehicles, gas furnaces, gas water heaters and gas-powered landscaping equipment.	☐	
9	**Create a climate adaptation plan** focused on protecting areas of the community vulnerable to wildfires, extreme heat events, flooding and sea level rise, as forecasted by the National Oceanic and Atmospheric Administration (NOAA) and County agencies.	☐	
10	**Create a citizen's advisory commission** to support the development and implementation of a CAP, and then to monitor staff progress on the CAP.	☐	

[5] Palo Alto has adopted a goal of 80% GHG reduction by 2030 and Menlo Park has adopted a goal of 90% GHG reduction by 2030.

[6] City of Menlo Park 2030 Climate Action Plan, July 2020, https://www.menlopark.org/ArchiveCenter/ViewFile/Item/11486

[7] Sierra Club Guidelines for a Green Streets Network: https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u4142/Sierra%20Club%20Loma%20Prieta%20Open%20Streets%205-1-20.pdf

[8] For an example of a City that has implemented Green Streets, see Oakland's Slow Streets Program, https://www.oaklandca.gov/projects/oakland-slow-streets

SB 1383 Compliance Process

California Department of Resources Recycling and Recovery

CalRecycle

CalRecycle Compliance Assistance

California's effort to reduce super pollutants builds on the state's shared commitment to reduce greenhouse gas emissions, improve human health, and create clean jobs that support resilient local economies. Implementing a state-wide plan (SB 1383, Lara, Chapter 395, Statutes of 2016) to reduce short-lived climate pollutants, harmful super pollutants with significant warming impacts, is essential to achieving California's climate goals.

CalRecycle will provide compliance assistance to jurisdictions, including:

- Implementation Checklists
- Training and Guidance
- Model Implementation Tools (Model: Franchise Agreement, Edible Food Recovery Agreement, Enforcement Ordinance, Procurement Policy)

CalRecycle Enforcement Discretion

The SB 1383 enforcement structure allows CalRecycle to focus on compliance assistance first and dedicate enforcement efforts to serious offenders. Regulations allow for flexibility and deadline extensions in some instances when there are extenuating circumstances causing compliance issues despite a jurisdiction's substantial efforts, such as the COVID-19 pandemic and natural disasters.

While the regulations become effective Jan. 1, 2022, the enforcement process is an escalating process and the timelines are not triggered until a Notice of Violation (NOV) is issued.

- CalRecycle has discretion to address compliance issues with a jurisdiction through compliance evaluations prior to moving to enforcement proceedings.
- CalRecycle will consider the totality of circumstances surrounding a jurisdiction's compliance prior to issuing NOVs.
- CalRecycle has discretion to issue NOVs and, depending on circumstances, not seek penalties.

If CalRecycle takes enforcement action, it can consider **extenuating circumstances** as well as **substantial efforts** made by a jurisdiction and place the entity on a Corrective Action Plan (CAP). CalRecycle has enforcement discretion to allow for a longer timeline for compliance.

- Low population and rural waivers also delay or exclude implementation of certain requirements for jurisdictions, or portions of jurisdictions, in particular circumstances.

Regulations allow for extended timelines (under certain circumstances), giving jurisdictions **up to 3 years** to come into compliance before penalties are issued.

SB 1383 Enforcement Process Timeline

Notice of Violation - If CalRecycle determines a jurisdiction is violating one or more requirements and decides to take enforcement action, it must issue an NOV:

- A jurisdiction will have **90 days** to correct the violation.
- That timeframe can be extended an **additional 90 days** to a **total of 180 days** if the department finds that additional time is necessary.

Corrective Action Plan (CAP) - For violations due to barriers outside a jurisdiction's control (**extenuating circumstances**) and when a **substantial effort** is made towards compliance:

- Jurisdictions can be placed on a Corrective Action Plan, allowing up to **24 months** (from the date of the NOV issuance) to come into compliance.
- A CAP issued due to inadequate organic waste recycling infrastructure capacity may be **extended for a period of up to 12 months** if the jurisdiction has demonstrated **substantial effort** to CalRecycle.

Extenuating circumstances are:

- Acts of God such as earthquakes, wildfires, flooding, and other emergencies (such as pandemics) or natural disasters.
- Delays in obtaining discretionary permits or other government agency approvals.
- An organic waste recycling infrastructure capacity deficiency requiring more than 180 days to cure.

Substantial effort is where a Jurisdiction has done everything within its authority and ability to comply. **Substantial effort does not include** circumstances where a decision-making body of a jurisdiction has not taken the necessary steps to comply with the chapter, including, but not limited to:

- Failure to provide adequate staff resources to meet its obligations, or
- Failure to provide sufficient funding to meet its obligations, or
- Failure to adopt the ordinance(s) or similarly enforceable mechanisms.

If a jurisdiction does not demonstrate that they have made a **substantial effort**, they would not be eligible for the 2-3 year extended compliance deadlines. However, CalRecycle will consider the totality of circumstances surrounding a jurisdiction's compliance prior to issuing NOVs.

Penalties are imposed after all other compliance actions have failed.

- If a jurisdiction does not meet NOV or CAP deadlines, CalRecycle has another opportunity to exercise enforcement discretion by determining when to commence an action to impose penalties.
- When CalRecycle commences an action to impose administrative civil penalties, it shall serve an accusation and hold a hearing—if requested by the respondent (roughly, a 180-day process).

AB 939's Good Faith Effort vs. SB 1383's Compliance Determination

AB 939 established a specified waste diversion target for each jurisdiction.

- A ***Good Faith Effort*** determination relies upon a suite of indicators to determine if a jurisdiction is actively trying to implement programs and achieve its targets.

SB 1383 establishes a statewide target and prohibits a target for each jurisdiction.

- SB 1383 requires a more prescriptive approach and state minimum standards.
- Jurisdictions must demonstrate compliance with each prescriptive standard.
- Legislators amended SB 1383 to remove the requirement that CalRecycle use the AB 939 ***Good Faith Effort*** requirement for its enforcement for SB 1383.
- The 75 percent organic waste diversion target in 2025 will not be reachable with the longer compliance process under the ***Good Faith Effort*** standard.

COVID-19 PANDEMIC

PRECAUTIONS AND RECOMMENDATIONS

For Reusable Food Service Ware

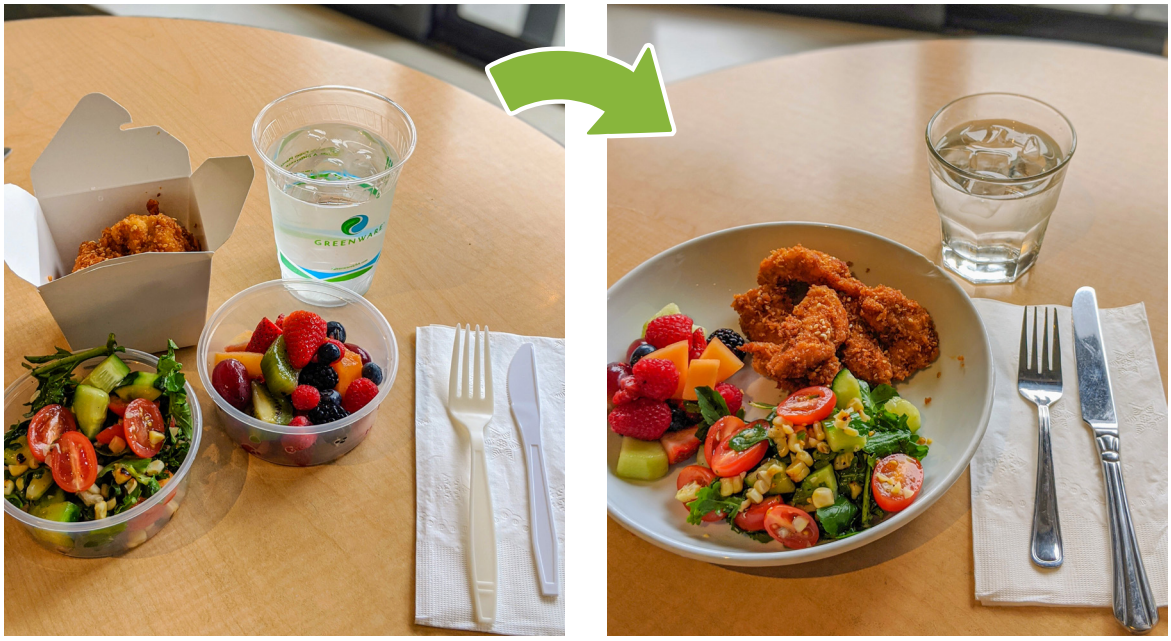
CLEAN WATER ACTION
CLEAN WATER FUND

ReThink Disposable
STOP WASTE BEFORE IT STARTS

TLDR? Here's the bottom line.

The CDC has confirmed no cases from surface contact and does not suggest that disposable items are safer than reusables.

Using sanitized reusable foodware for orders instead of disposables can save a restaurant on average $3,000 – $7,000 annually, while also preventing harm to the environment.



Restaurant Reopening

This guide specifically addresses what you need to know regarding the safety of reusable foodware. The CDC, FDA, OSHA, and state and local authorities have issued guidelines for safety during the COVID-19 pandemic for re-opening restaurants following the end of Shelter in Place orders. These guidelines detail best practices for the following:

- Social distancing (staff and customers)
- Systems to reduce contact and cross contamination
- Hand washing
- Disinfecting surfaces
- Face coverings

The CDC's guide for how to incorporate these into your business practices should be followed, however, their considerations are meant to supplement — not replace — any state, local, territorial, or tribal health and safety regulations. **Practices should be implemented based on what is practical and acceptable to each community.**

Your guests (even the illustrated ones) are excited to dine out again. Elevate their experience with safe, sanitary, and money-saving resusable service ware.

Safety of Reusables

According to the CDC, COVID-19 is mainly spread through respiratory droplets from talking, coughing, or sneezing when people are in close proximity. While surface contact is low risk, health experts still suggest that you should avoid touching your face after touching any potentially contaminated surface and that washing and sanitizing surfaces and hands reduces this risk further.

The CDC has confirmed no cases from surface contact and does not suggest that disposable items are safer than reusables.

The CDC has confirmed no cases from surface contact and does not suggest that disposable items are safer than reusables. It is important to note that just because single-use foodware items have not been previously used, they still may have been exposed to COVID-19, may not be sanitary, and cannot be washed and sanitized. The supply chain following disposable products is often harder to track than the path of a reusable from the sanitizing machine/dishwasher to the consumer. Properly cleaning, sanitizing, and handling reusable foodware items allows you to best control potential exposure.

Standard Operating Regulations/Procedures

Restaurants are already required to follow strict health and safety regulations, including safety codes for washing and sanitizing food service items. The CDC's considerations for COVID-19 include additional resources for cleaning and sanitizing hands and surfaces — including reusable foodware items — with EPA-approved disinfectant products. The FDA's best practices also state that hot water can be used in place of chemicals to sanitize equipment and utensils in manual ware-washing machines and recommend verifying that your ware-washing machines are operating at the required wash and rinse temperatures and with the appropriate detergents and sanitizers. **The FDA does not suggest that single-use disposables are safer than reusables.**

To-Go & Pick-Up Orders

Social distancing is still the best way to stop the spread of COVID-19. Therefore, drive-though, delivery, curb-side pick-up, and take-out are currently the best practices to prevent transmission of the novel coronavirus. This means that many restaurants will need to use a huge amount of take-out containers. Disposable foodware for take-out is not only harmful to the environment but also very costly to restaurant owners (see Appendix B). While a few pilot programs that supply, collect, and sanitize reusable take-out containers (see Appendix A) for restaurants have launched across the country, most take-out orders still rely on single-use disposable products.

For restaurants relying on to-go orders, you can save money and prevent waste by only providing accessory or additional single-use disposables **by request**, or by training your staff to ask before including accessory disposables with orders (i.e., plastic utensils, straws, napkins, condiment packages, etc.).

To-Go drinks and drink mixes at Shakewell in Oakland, CA

Use touchless payment options as much as possible. This is also an opportunity to ask before printing receipts to prevent contact and prevent unnecessary waste.

Some restaurants have implemented reusable systems for their take-out. Some systems expect the customer to either recycle the container or reuse in their own homes. Other systems include an additional deposit fee for the drink/meal in the reusable container. The guest receives the deposit back when the reusable container is returned. Although the upfront cost of purchasing reusable containers may be more expensive than a single-use item, it's beneficial in that it:

- Elevates the dining experience
- Reduces waste generation
- Encourages guests to return as loyal regulars or because they need to return the reusable item to the restaurant

In some areas, grants are available for the purchase of reusable foodware through Clean Water Fund's ReThink Disposable Program. For inquiries or for technical assistance to transition to circular re-use food service ware, contact **rethinkdisposable@cleanwater.org**.

Dine-In Customers

Using sanitized reusable foodware for orders instead of disposables can save a restaurant on average $3,000 – $7,000 annually, while also preventing harm to the environment. As the CDC's guidelines demonstrate, there are completely safe practices for using reusable foodware. With small businesses struggling to stay open because of the COVID-19 pandemic, business owners can use these waste prevention practices to help their bottom line.

Replacing individually wrapped items like condiments, sweeteners, and seasonings with bulk items is also a great way to save money and prevent waste, but this also exposes these items to a lot of contact. For now, COVID-19 precautions prevent this from being an option. To avoid bulk self-serve stations, condiments can be given out upon request from a storage area of limited contact, or staff can add condiments to orders (such as pouring milk for customers) to avoid multiple people touching a container.

- ► *Replace disposable foodware with reusable foodware for on-site dining (i.e., plates, bowls, trays, cups, mugs, cutlery, etc.)*
- ► *Eliminate accessory disposable items or make them available upon request only (i.e., straws, stirrers, food wrap, etc.)*
- ► *Always ask if a meal is "for here" or "to go". If it's "for here", prioritize reusable foodware for the order*
- ► *Educate staff on the new reuse-centric policies and practices*
- ► *Display signage indicating changes made and customer options*

Shared items like menus may also be a concern. If possible, make sure they can be sanitized between uses. If this is not possible, instead of using disposable paper menus, you can encourage your customers to use digital menus or order ahead of time for contactless ordering.

Personal Bags and Cups

Charging for disposable cups or offering and advertising an incentive (such as a discount) for customers to bring their own (BYO) reusable cup, container, or bag is an effective way to save money and avoid single-use items. Based on a Clean Water Fund survey of 95 café owners in the eleven districts in San Francisco and 461 customers in the eleven districts of San Francisco, the most fair and appropriate charge that would motivate customers to BYO was between $0.10 and $0.25 per cup. These practices are still possible during the COVID-19 pandemic as long as businesses employ systems in which there is no contact between the reusable item and retail surface areas or employees. The CDC has confirmed no cases from surface contact, but this is a precautionary measure to protect workers.

Sample COVID-19 Reuse Systems

Sanitation Station:

A sanitation station pictured below is used at a zero-waste cafe in Oakland, CA: MudLab. Customers are able to BYO Mudlab glass jars *(right)* that come with a lid and washable/reusable sleeve. The sanitation station is set up at the front entrance for customers to sanitize and rinse their BYO cup. Instead of folks bringing in their reusables for immediate use, they drop reusables in a collection station where MudLab employees or a third party dishwashing service (depending on the day) will then process/sanitize them for future use. Guests leave the cafe with a reusable jar that has already been sanitized.

Third Party Dishwashing:

For some cities and states, third party dishwashing is necessary as the COVID-19 Pandemic continues. One way to coordinate this is to have a collection box/station outside of the establishment, and in this way, staff are protected from touching reusables until they have been professionally sanitized. Staff should always wear gloves and masks to touch reusables.

Some Third-Party Dishwashing services include:

Dispatch Goods: https://dispatchgoods.com/home
Dishcraft: https://dishcraft.com/
SudBusters: https://sudbusters.com/
Vessel: https://vesselworks.org/

In-Store Sanitation Model:

This system requires more logistics, however it keeps long-term costs down and helps create loyal regular (and returning) customers. Staff are protected from touching reusables until they have been professionally sanitized.

In-store sanitation stations for those cities which allow customers to sanitize their own jars

Customer Training

Signage:

- Signage at several locations in the store are necessary to help customers understand the new system
- Signage can be translated into several **languages**
- Signage should include **graphics** depicting the system
- Signage should seek to **gently remind** customers of the negative effects of single-use plastics on the environment
- Signage can remind customers of downstream impacts of single-use plastics

Reminders:

- Reminders about returnable foodware systems (before ordering, during an order and before leaving) can help customers internalize the new system
- Reminders to bring back their jars should be friendly, patient, and kind

Incentive Systems:

- Discount for bringing a reusable (staff trained to remember EVERY time)
- Small charge for using a single-use disposable cup
- “Pay it Forward System” rewards people who bring reusables with free drinks or other incentives — folks just buy drinks for the next person in line

Collection and Reuse of Jars:

Cafes can benefit from the "return-a-jar systems" of companies such as Straus Milk. They not only redeem value when they return jars, but they also position themselves as low-waste to their customers and community. Additional benefits include reduced cost of trash removal from the business. Trash hauling is expensive and milk containers are bulky!

Straus Milk Jars ready for return (sanitized and returned to store for deposit) from MudLab.

APPENDIX A: Helpful Links

FoodWare Calculator: http://www.rethinkdisposable.org/foodware-calculator
Use this link to determine the cost of your disposables.
Cost Benefit Calculation of Disposable vs Reusable: https://blog.get-melamine.com/reusable-vs-disposable-dinnerware-cost-benefits

Health Expert Statement Addressing Safety of Reusables and COVID-19:
https://www.upstreamsolutions.org/blogs/reuse-safety

CDC Guidance:
https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDC-Activities-Initiatives-for-COVID-19-Response.pdf#page=53

FDA Best Practices:
https://www.fda.gov/food/food-safety-during-emergencies/best-practices-retail-food-stores-restaurants-and-food-pick-updelivery-services-during-covid-19

Grants For Transitioning To Reusables
Use Reusables: http://usereusables.org/
ReThink Disposable: http://www.rethinkdisposable.org/

Helpful Websites For Plastic Reduction
How to Start a Jar Library: http://iquitplastics.com/blog/how-to-start-a-mug-library
How to Go Plastic Free: https://myplasticfreelife.com/plasticfreeguide/
Ocean Friendly Foodware Guide (Surfrider): https://drive.google.com/file/d/1V14s9afy3M-9a8VT8EjCXypIClYjLOsj/view?ts=5f20b505

As you re-open, Clean Water Action/Fund is here to help you thrive. Feel free to reach out to our ReThink Disposable Business and Zero Waste Specialists at rethinkdisposable@cleanwater.org for sustainable foodware recommendations.

SOURCES:

Contra Costa County General Requirements for Restaurants during COVID-19: https://813dcad3-2b07-4f3f-a25e-23c48c566922.filesusr.com/ugd/84606e_f81737a415c84225b565587aa22c8868.pdf

Best Practices for Retail Food Stores, Restaurants, and Food Pick-Up/Delivery Services During the COVID-19 Pandemic

https://beyondplastics.org/article/ask-your-store-to-bring-back-reusables-refillables-during-covid/

https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDC-Activities-Initiatives-for-COVID-19-Response.pdf#page=53

https://www.cleanwateraction.org/

https://coronavirus.marinhhs.org/appendix-c-1-additional-businesses-permitted-operate

https://www.countyofnapa.org/DocumentCenter/View/17688/Stage-2-Business-Ops-FAQs-ENGLISH?bidId=

https://deh.acgov.org/deh-assets/docs/Covid19%20Guidance%20for%20Food%20Facilities%20-%20English.pdf

https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Grocery-Stores.pdf

https://oceanic.global/wp-content/uploads/2020/07/Oceanic-Global-COVID-19-Reopening-Guidelines.pdf

https://www.productstewardship.us/general/custom.asp?page=5-easy-steps-reduce-plastic-benefit-business

https://www.sccgov.org/sites/covid19/Pages/learn-what-to-do.aspx#outdoor-dining

https://sf.gov/resource/covidoutdoordining

https://www.smcgov.org/sites/smcgov.org/files/ho_c19-5f_appendix_c1_additional_businesses_permitted.pdf

http://sonomacounty.ca.gov/Health/Environmental-Health/Food-Program/Coronavirus-Guidance-for-Food-Facilities/

https://storage.googleapis.com/planet4-international-stateless/2020/06/26618dd6-health-expert-statement-reusables-safety.pdf

https://www.surfrider.org/coastal-blog/entry/how-to-reopen-restaurants-while-safely-using-reusables

The "New Normal": Outdoor, socially distanced seating with masks (and reusables!)

APPENDIX B: ReThink Disposable Resources

CLEAN WATER ACTION FACT SHEET

Business Cost Impacts
from disposable food service items

The cost breakdown* of disposable food service ware items used for typical to-go meals, based on case studies of *ReThink Disposable* certified food businesses

Café Coffee To-Go meal packaging:	
ITEM	COST
16 oz. Hot Cup	$0.06
Hot Cup Lid	$0.04
Sleeve	$0.03
Lid plug/stirrer	$0.03
3 Sugar Packets	$0.03
2 Creamers	$0.08
TOTAL COST: $0.27	

Taqueria Meal To-Go meal packaging:	
ITEM	COST
Plastic Bag	$0.01
Foil	$0.02
Paper Bag for chips	$0.02
3 Plastic Sauce Cups for salsa	$0.06
3 Plastic Sauce Cup Lid	$0.06
6 Napkins	$0.01
16 oz. Cold Cup	$0.05
Cold Cup Lid	$0.01
Straw	$0.01
TOTAL COST: $0.25	

**Costs of individual items rounded to the nearest whole cent.*

Chinese Food To-Go meal packaging:	
ITEM	COST
Plastic Bag	$0.01
2 Paper Boxes	$0.25
2 Large Plastic Clamshells	$0.38
4 Condiment Packets	$0.10
6 Napkins	$0.01
Wooden Chopsticks	$0.03
Plastic Fork, Knife, Spoon	$0.03
Sauce Cup	$0.02
Sauce Cup Lid	$0.02
TOTAL COST: $0.85	

Hamburger/Fries To-Go meal packaging:	
ITEM	COST
Plastic/Paper Bag	$0.01
6 Napkins	$0.01
5 Condiment Packets	$0.13
8x8x3 Fiber Clamshell for Hamburger	$0.23
6x6x3 Fiber Clamshell for Fries	$0.13
16 oz. Cold Cup	$0.05
Cold Cup Lid	$0.01
Straws	$0.01
TOTAL COST: $0.58	

Greek Food Meal To-Go meal packaging:	
ITEM	COST
Plastic Bag	$0.01
6x6x3 Fiber Clamshell	$0.13
Large Plastic Clamshell	$0.19
Small Plastic Clamshell	$0.10
3 Sauce Cups	$0.06
3 Sauce Cup Lids	$0.06
6 Napkins	$0.01
Foil	$0.02
Food Wrap	$0.01
16 oz. Cold Cup	$0.05
Cold Cup Lid	$0.01
Straw	$0.01
Fork, Knife, Spoon Packet	$0.03
TOTAL COST: $0.69	

ReThink Disposable
STOP WASTE BEFORE IT STARTS

Tel. (415) 369-9160 ext 308
ReThinkDisposable@cleanwater.org
www.rethinkdisposable.org

CLEAN WATER ACTION
CLEAN WATER FUND

CLEAN WATER ACTION FACT SHEET

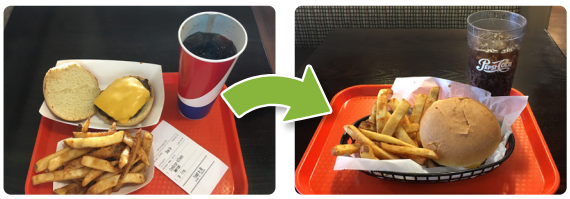
Net Cost Impact* of switching from disposable to reusable food ware items for dine-in

Numbers are based on case studies of *ReThink Disposable* certified food businesses.

J&J Hawaiian invested $557 to replace:

- Disposable Paper Food Clamshells with Reusable Plates & Bowls
- Disposable Paper Food Trays with Reusable Baskets
- Disposable Plastic Utensils with Silverware
- Disposable Wooden Chopsticks with Reusable Plastic Chopsticks
- Disposable Plastic Water & Paper Soda Cups with Reusable Glasses
- Disposable Plastic Sauce Cups & Lids with Reusable Sauce Cups

ANNUAL NET COST SAVINGS: $20,517



Kirk's Steakburgers invested $220 to replace:

- Disposable Paper Trays with Reusable Baskets
- Disposable Paper Soda Cups with Reusable Cups
- Disposable Plastic Water Cups with Reusable Cups

ANNUAL NET COST SAVINGS: $3,981

New York Pizza invested $170 to replace:

- Disposable Paper Plates with Reusable Metal Pizza Trays
- Disposable Plastic Utensils with Reusable Silverware
- Disposable Plastic Water Cups with Reusable Glasses

ANNUAL NET COST SAVINGS: $3,043

Rene Rose invested $636 to replace:

- Disposable Plastic Plates with Reusable Plates
- Disposable Plastic Bowls with Reusable Bowls
- Disposable Plastic Sauce Cups & Lids with Reusable Sauce Cups
- Disposable Plastic Water Cups with Reusable Glasses

ANNUAL NET COST SAVINGS: $22,122

Shish Grill invested $80 to replace:

- Disposable Foam Cups for soda and water with Reusable Glasses
- Disposable Plastic Sauce Cups with Reusable Sauce Cups

ANNUAL NET COST SAVINGS: $974

Net Cost Impact takes into account any upfront and ongoing costs associated with the purchase and care of reusable items and capital improvements needed to carry out ReThink Disposable's recommendations. Net cost savings are based on avoided disposable foodware purchases.

NOTE: With the exception of Kirk's Steakburgers, the above restaurants had no mechanized dishwashing.

This guide was created through a collaboration between Clean Water Action/Clean Water Fund, Mudlab, and UC Berkeley Department of Environmental Science, Policy, and Management.

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STOP WASTE BEFORE IT STARTS

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CLEAN WATER ACTION
CLEAN WATER FUND

ReThink Disposable is a program of Clean Water Action and Clean Water Fund conducted in partnership with local businesses and government agencies. Generous support is provided by a changing list of public and private funders. To learn more about the program, its partners, and funders, visit: **www.rethinkdisposable.org**.

UPSTREAM
There's a better way than throw-away

Product and Packaging Source Reduction Policy for the 2021 Legislative Session

Date: Nov. 5, 2020

Miriam Gordon, Policy Director, UPSTREAM

What we mean by "source reduction"

UPSTREAM focuses on promoting source reduction through product policies. Formerly, as the Product Policy Institute, we advocated for source reduction through Extended Producer Responsibility (EPR). These days, we are thinking broadly about how to accomplish source reduction through product policy.

Various definitions have been applied to source reduction over the years. For UPSTREAM, source reduction is eliminating waste at the source; moving UPSTREAM in the chain of product production and stopping the waste before it starts. Basically, it is about waste prevention. It means not creating or generating a product that has to be managed in the waste stream, including recyclable or compostable products. **Reduce**, **reuse,** and **refill** are the core components of source reduction.

Reducing single-use products can be things like, not giving out straws unless requested. That results in fewer straws being used. Or finding ways to sell products "unpackaged" such as bulk products systems. Shifting to **reusables** and **refillables** is another way to eliminate single-use products and packaging.

Policy Challenges to Date

Challenge #1: Source reduction is a theoretical priority that never happens. It's at the top of every waste management hierarchy. But the quantity of waste being generated keeps increasing and prevention isn't happening. Why?

Historically, "source reduction" gets mixed in with recycling in waste management, circular economy, plastic pollution, and EPR policy frameworks. California's proposed SB 54/AB 1080 Circular Economy and Plastic Pollution Reduction act is a recent example: Section 42050(a)(2) provides:

...the department shall achieve and maintain, by January 1, 2032, through the regulations adopted by the department and implemented by producers pursuant to this chapter, a statewide 75-percent reduction of waste generated from single-use packaging and priority single-use products offered for sale, sold, distributed, or imported in or into the state through source reduction, recycling, and composting.

Because current systems do not exist for providing products either without the package or in reusable or refillable formats, the source reduction piece gets dropped. EPR for packaging aims to prevent packaging waste. But it has never succeeded in doing so. In waste management policies in the U.S., like in California's AB 341, which established the goal that not less than 75% of solid waste generated by source be reduced, recycled, or composted by 2020, no progress is being made on source reduction.

SOLUTION: policies for source reduction should be stand-alone. By putting forward source reduction policies on their own, we can raise awareness about the benefits of this approach. We need to have conversations with constituents and their legislators about the benefits of reducing single-use products at the source. But these conversations are drowned out by the focus on recycling. There are many benefits to discuss. Less waste to manage reduces costs to taxpayers and local government, litter does down, resources are saved (like trees, and the petroleum stays in the ground), and health improves because fewer products means less pollution.

Stand-alone policies eliminate the possibility of the source reduction part being ignored by regulators who are only familiar with managing waste. They will have to become waste prevention experts.

Challenge #2. Policies don't specify the solutions that drive source reduction- REDUCE AND REUSE. Diving into EPR for packaging, we have not yet seen any examples of EPR for packaging that have achieved source reduction. One of the key challenges has been a lack of targets for source reduction. But another key challenge has been measurement. It's a weight based waste system. Measuring waste reduction based on weight builds in a preference for lighter-weight materials- mostly plastic.

The policies should specify the solutions. For too long, policies have stated that source reduction as an intention. But they have failed to identify the actual methods for accomplishing it. Policies that clearly set out expectations, targets, and performance measures for the regulated community are more likely to succeed. They need to specify REDUCE and REUSE. Recommendation #1 addresses this suggestion.

Legislative Ideas for 2021- Local, State, and Federal Government

REDUCING ALL SINGLE-USE PRODUCTS

1. **Establish Reuse/ Refill Targets Retail Sectors that Rely on Single-Use + Meaningful Consequences for Failure to Achieve the Targets-** *for state or federal legislation*

We recommend a policy for reducing the quantity of single-use products and packaging that tells industry / producers / retailers what solutions must be implemented. This can be part of an overall EPR approach, or a stand-alone policy.

- Regulate the each retail industry sector that sells the products in single-use formats:
    - bottled beverages
    - transportation packaging / boxes
    - coffee pods or capsules
    - packaged grocery items
    - personal care products
    - prepared meals in take-out and delivery
    - take-out beverages in single-use cups
    - dry cleaning bags and packaging
    - health care/ medical devices
    - add here.....any other single-use item for which there is a reusable, refillable, or unpackaging option

- Set a reduce/ reuse target for each retail product sector. For example, each of these product sectors will sell 25% of their products in bulk without a package (that's the *reduce* option) or in returnable sector-funded (free to the customer) *reusables* or *refillables* within 5 years from adoption of the policy. Within 10 years the producers will achieve a 50% reduction in single use packaging through reduce or reuse systems. Deposit systems can work well here. But the policy doesn't need to be prescriptive on how the systems work. It only needs to require reporting to show that the goal was achieved.

- How to measure the reduction? Producers will have to report a baseline of the number of packaged or single-use products they sell into the jurisdiction each year. They will need to report year by year to a regulatory agency the percentage of the products that are sold in single-use formats as a percentage of overall products sold.

- Consequences for failure to meet the targets are necessary for the policy to be effective. If the sector fails to meet the target, impose charges for the single-use product and use the $ to make reusable and refillable options available to the customer. Two possible ways for this work.

  1) **Fees charged on each single-use item sold.** A surcharge on each single-use product they put into the marketplace will go into effect. The retailer keeps the $. It must be a visible charge to the customer. There is also a mandate that a returnable/ reusable option be provided by the company, such that customers have a way of avoiding the charge. This is essential, otherwise there is a perverse incentive to the company to promote single-use.

  2) **A penalty paid by the company.** The single-use charge is not necessarily visible to the customer. It is paid by the retailer and the monies collected would go into a fund operated by the state. The $ would go into a state operated fund. The fund would be used to expand the reuse/ refill sector- i.e. create jobs in the new reuse economy and allow reuse to compete with single-use products in the marketplace.

REDUCING SINGLE-USE IN FOOD AND BEVERAGE PACKAGING

2. Reduce Single-Use in Food Service- Mandate Reusables for On-Site Dining- *for local, state, or federal legislation*

Single-use food packaging is the number one component of plastics entering the marine environment from land-based sources. It's high on the list of plastic pollution activists to reduce single-use foodware. And this waste stream is hard to recycle. Once contaminated with food, food and beverage packaging - even if recyclable- gets sorted from collection programs and sent to landfill and incineration. These are problem products in the waste stream.

In 2019, Berkeley, CA became the first jurisdiction in the world to ban the use of single-use food service ware at restaurants. Basically, they said no more sitting at restaurants and eating on all throw-away packaging. Similar policies were enacted in 3 other California jurisdictions (Arcata, Fairfax, San Anselmo) and more introduced in 2020 (San Francisco, Marin County). Many cities were considering this policy. But COVID-19 has decimated restaurants.

Restaurants save money by transitioning to reuse.[1] Although reuse requirements could help existing restaurants save money, few politicians will want to champion policies that regulate existing restaurants that are struggling to survive. Those that do, can emulate the Berkeley policy. But another option exists.

New restaurants will open up during the recovery from the pandemic. Let's ensure that new ones that open in the future are designed for reuse from the start. The requirements mandating reuse for onsite dining would be part of obtaining a new business license from the city. New restaurants have to demonstrate that they have the dishwashing capacity (either on-site or off-site) to comply with the reusables mandate.

UPSTREAM has a model ordinance to share for this concept. Please contact us for a copy.

3. Reduce Single-Use in Take-out- Cups Charges- *local, state, or federal legislation*

In 2019, Berkeley, CA became the first jurisdiction in the world to levy a charge on single-use cups in take-out. The charge is $0.25 per cup. The policy is now enacted in 6 California jurisdictions (Arcata, Berkeley, Fairfax, San Anselmo, Santa Cruz City, Santa Cruz County, Watsonville) and the city of Vancouver, B.C. Countries like Ireland, Scotland, and France have considered similar "latte levies" and we believe this is a policy that will be more widely enacted by countries that have made major commitments to reduce single-use plastics. Ireland is planning to enact this in 2021.

Customers can avoid the charge by bringing their own reusable cup or using a reusable cup provided by the vendor. These returnable reusable cups programs are becoming increasingly available in cities across the U.S. and other areas of the world. It's a growing industry and provides jobs. These programs are growing where cups charges are being enacted.

UPSTREAM has a new and improved model ordinance for this policy. Please contact us for a copy.

4. Ban the Sale of Single-Use Water Bottles at Government-Sponsored Facilities or Events- *local, state, or federal legislation*

Communities all across the country want to ratchet down the sales of single-use plastic water bottles. Nearly a dozen cities in California and Massachusetts have banned them for government facilities and some are banning their sale throughout the city (Concord, Mass being the first). At UPSTREAM, we worry about the single-use paperboard and aluminum formats that take their place. In the midst of a climate crisis, we believe, we need to work harder to stop cutting the trees or mining the bauxite for aluminum. The production of aluminum has 5 times more climate impact than plastic, and there will always be at least 40% virgin aluminum in every can or bottle produced. Our proposal, therefore, is to stop the single-use habit for water altogether. And we can start by making government facilities the model. Water fountains, and water refill stations and BYO reusable can take the place of selling water in

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[1] **Replacing just 20% of single-use plastic packaging with reusable alternatives offers an opportunity worth at least $10 billion-** see Ellen MacArthur Foundation, (2019) Reuse: Rethinking Packaging, New Plastics Economy. Retrieved on Jan. 7, 2020 from https://www.ellenmacarthurfoundation.org/assets/downloads/Reuse.pdf.

A café could save over $6,000 per year with 10 reusable cups used per hour, while significantly decreasing environmental impact- see Alliance for Environmental Innovation: A Project of Environmental Defense and The Pew Charitable Trust. (2000). Report of the Starbucks Coffee Company/ Alliance for Environmental Innovation Joint Task Force**. In the Rethink Disposable program, 100% of the 166 businesses and 11 five institutional dining programs that participated to date documented that switching from single-use to reusable saved money, accounting for the costs of new products, labor, and increased dishwashing. Cost savings for small businesses fall between $3,000-$22,000. While initial investments are needed to purchase reusable products, cost savings are usually realized within a few months and always within a year.**

single-use bottles. In areas that lack access to clean and safe drinking water,this may not be a viable policy.

5. Introduce Reusables into Food Delivery- *local or state legislation*.

COVID-19 has resulted in a significant boost to an already growing market sector- food delivery. In particular, the delivery of prepared meals. With an additional boost from COVID-19, the global online food delivery market is expected to grow by 12% between 2020 and 2023.[2] These companies are skimming huge amounts of profit away from the struggling restaurant industry by charging between 10-30% in commissions on each order on their platforms. Legislators are taking action by limiting the commissions that can be charged- policies have already been enacted to cap commissions during the pandemic in NYC and other locales and several others are being introduced, like in San Francisco.

This market sector is ripe for disruption. The company, Dispatch Goods has teamed up with Doordash to offer a reusable take-out option in San Francisco. Customers pay an additional $1.50 for pizza delivery in a reusable tray that covers the cost of the pick-up and washing. Several other other reusable companies are getting into the delivery space. The policy we are iterating will propel the growth of this business sector and add jobs in jurisdictions that enact it. The idea is this:

- The delivery company charges customers for meals delivered in single-use foodware.
- Restaurants using the platform can opt-into providing meals in returnable reusable containers. They don't have to participate.
- For the restaurants that do participate in the reusables program:
    - no disposables charges are levied on customers that choose the reusable option;
    - monies collected from the delivery company through the single-use charges get apportioned to all the restaurants that offer reuse as an option; and
    - the restaurant can provide a returnable reusable container or contract with a third party (like Dispatch Goods) to do it for them.
- For take-out and delivery direct from the restaurant, they can charge the customer for disposables as long as they provide the reuse option.

Contact UPSTREAM for details on this policy model.

6. Reduce Single-Use Accessories in Take-out and Delivery- local, state or federal legislation

So many unnecessary accessory foodware items are included in take-out and delivery. Most of us have napkins and ketchup at home and probably don't need the straw to drink a beverage in our home or office. Many jurisdictions have enacted ordinances that require restaurants to "ask first" whether the customer needs accessory items. Some also allow these items to be available at the self-serve station as an alternative to handing them out automatically. The main point of these policies is to ensure that the default practice of food businesses is not to provide accessories unless the customer has specifically opted in. And the new policy model that UPSTREAM has been working with others to create demands that the opt-in on delivery and online-ordering platforms is specific to or customized to exactly what the customer needs, so that we aren't opting into a whole packet of accessories- just the specific items we need.

UPSTREAM has a model ordinance to share for this concept. Please contact us for a copy.

[2] Research and Markets.com, Online Food Delivery Services Global Market Report 2020-30: COVID-19 Growth and Change- published May 2020- https://bit.ly/2AeZR7Q

REDUCING SINGLE-USE IN THE HOSPITALITY INDUSTRY

7. Reduce Single-Use in the Hotel Industry- *state or federal legislation*

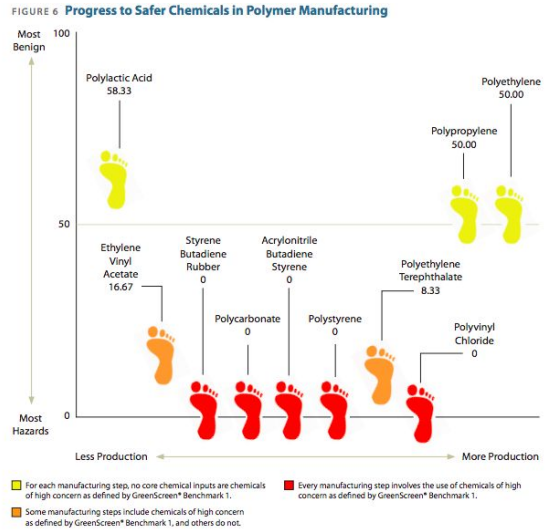
In 2019, California enacted AB 1162 (Kalra), a law that prohibits the use of single-use plastic bottles and packaging for toiletries in hotel rooms. The law goes into effect January 1, 2023, for lodging establishments with more than 50 rooms, and January 1, 2024, for lodging establishments with 50 rooms or less.

SAFER PACKAGING

8. **Reduce toxic chemicals in food packaging and make packaging more recyclable-** local, state or federal legislation.

The recommendation is to solve the health threats and recycling issues of single-use plastics by ensuring that only the safest most recyclable plastics are being used. Here we recommend fee structures that incentivize the use of polypropylene (PP) and polyethylene (PE). And also to ban certain chemicals for use in food packaging.

Safer Plastics. This is about looking at the lifecycle impacts of specific polymers. UPSTREAM contributed to this report about the life cycle impacts.[3] In addition, the BizNGO Plastics Scorecard provides a prescription for reducing the least safe plastics. Two of the safer ones, PP and PE, are the most recyclable. Polylactic Acid (PLA) is problematic from an environmental perspective- it is a bioplastic that can be certified as compostable but is considered a contaminant by many commercial composters because it doesn't degrade quickly enough. It also contaminates recycling systems.



https://www.biznGO.org/images/ee_images/uploads/plastics/chapter3_chemical_footprint.pdf

Banning chemicals in food packaging. According to a recently published Scientific Consensus from the UNWRAPPED project, approximately 12,000 chemicals are used in food contact/ food packaging and many of them are hazardous to human health and migrate into our food and beverages. Our federal

[3]https://www.ciel.org/wp-content/uploads/2019/02/Plastic-and-Health-The-Hidden-Costs-of-a-Plastic-Planet-February-2019.pdf

FDA-run programs for direct and indirect food additives is weak and badly in need of an overhaul. In the meantime, activists are working at the state level to eliminate the known bad actor chemicals.

Several states have enacted laws that ban bisphenol A (BPA) in children's products, like baby bottles, infant formula cans, and sippy cups (California, Connecticut, Delaware, Maine, Illinois, Maryland, Minnesota, Nevada, Vermont, Washington, Wisconsin). Heavy metals in food packaging are banned in a number of states as well (California and New Jersey). For the most up to date list, see Safer State's Bill Tracker. Children's product protections are easier to pass and certainly raise awareness about the dangers of substances like BPA.

There are several groups of chemicals that have been flagged as the most concerning for food packaging. In the UNWRAPPED project, UPSTREAM and our partners are targeting to ban from food packaging: **bisphenols** (the whole class of chemicals), **phthalates**, **poly and perfluoroalkyl substances (PFAS), toxic heavy metals**, **perchlorate, and styrene.**

The most comprehensive legislation enacted at the state level to date is Maine's **LD 1433** which prohibits the sale of food packaging with intentionally added toxic heavy metals, PFAS, or phthalates. *(Adopted in 2019.)* Vermont's law, H. 777, which was introduced in 2020 but not yet enacted, goes even further. It restricts the manufacture, sale, and distribution of food packaging to which perfluoroalkyl and polyfluoroalkyl substances, phthalates, or bisphenols have been added.