



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Ordinance prohibiting the use of polystyrene and single use plastics in the serving of prepared food at certain City managed events, City run concessions and at certain City sponsored events located on City owned or controlled facilities.

1. Ordinance for Introduction

COUNCIL ACTION

Item Type: Action Item

Approved for March 30, 2021 **calendar**

ADMINISTRATIVE ACTION

Submitted by:

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Approved by:

Roubik R. Golanian, P.E., Interim City Manager

RECOMMENDATION

Staff recommends that the City Council introduce the ordinance based on direction regarding certain ordinance provisions pertaining to the extent of the prohibition on the City's use of polystyrene and single use plastics.

BACKGROUND/ANALYSIS

The City Council approved the motion directing staff to prepare an ordinance which prohibits the use of polystyrene and single-use plastic products in all City facilities, City-managed concessions, City-sponsored events, and City-permitted events that serve prepared food, and directed staff to bring back a staff report that considers prohibiting food and beverage providers within Glendale's City limits from distributing non-marine degradable food service ware.

Single-use plastics are not just a problem in Glendale but across the globe. Locally, single-use plastics are a major source of litter and may contaminate recycling programs as confusion abounds around which forms of plastic are acceptable to discard in recycling bins. Plastic waste frequently winds up in urban runoff channels and accrues in local marine environments, which directly threatens marine life and their natural habitats. These plastic products may take several hundred years to decompose. This fact, coupled with the increased usage of disposable plastic products over the years, means ocean pollution is growing at an alarming rate. The World Economic Forum predicts that by 2050 there will be more plastic in the ocean than fish by weight.

Straws, stirrers, take-out containers, and lids are among the top 10 most common items found on the beach, according to the 2018 Ocean Conservancy. Additionally, Heal the Bay's Marine Debris database shows the number of straws collected during their beach cleanups has increased over 43 percent since 2014. These small items are not only ending up in surrounding marine environments, but also in the streets, in storm drains, on the beach, and in the ocean.

City Council expressed the preference that the City of Glendale should be at the forefront of prohibiting the use of polystyrene and single use plastics. Accordingly, Staff researched and prepared the draft ordinance prohibiting the use of polystyrene and single use plastics at City managed events, City run concessions and at City sponsored events that occur on city owned or controlled facilities. This "City first" approach will enable the City to determine the best ways to implement the prohibition before extending it city wide.

Staff will be preparing a second report that considers prohibiting food and beverage providers within Glendale's City limits from distributing non-marine degradable food service ware.

A prohibition on single use plastics contained in the draft ordinance is as follows:

8.42.030 Prohibition on the use of non-marine degradable disposable food service ware.

- A. Except as otherwise provided in this chapter, all disposable food service ware Food or Beverage Providers use to serve prepared food and beverages at City

Events must be marine-degradable.

- B. The City, its departments, contractors, agents and employees acting in their official capacity, shall not purchase, acquire or distribute for City only employee events and for public use non-marine degradable food service ware for use at City Event.
- C. A Food and Beverage Provider serving food at a City Event shall provide marine non-degradable disposable straws and utensils upon request only.
- D. Food and Beverage Providers may dispense plastic straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services at City Events.

8.42.040 Exemptions

- A. The City Manager or his or her designee may exempt a Food or Beverage Provider from the requirements of this Chapter, in whole or in part, upon a showing by the Food or Beverage Provider that complying with the requirements of this Chapter would cause either a significant undue hardship to the Food or Beverage Provider in the serving of food and beverages at a City Event, or where other governmental requirements, including food safety laws mandate the use of Single Use Plastics or which disallow a substitution to Marine-degradable plastics. Undue hardship includes, but is not limited to, where no alternative to using Single Use Plastics exists; where an alternative to Single Use Plastics is unavailable at a commercially reasonable price; where compliance with this title is unduly burdensome to the Food or Beverage Provider, or where other regulations, including food safety laws conflict with implementation of these regulations.
- B. Food brought by individuals for personal consumption, at a City Event.
- C. Food and Beverage Providers that have entered into contract to purchase non-Marine-degradable food service ware within the year prior to the operative date of this ordinance are exempt from the provisions of this chapter for four (4) months following its effective date.

Staff recommend that the ordinance apply to the following defined events, at which prepared food is served.

- **City-managed events:** Means any event which the City manages either directly through City employees or through a vendor hired by the City.
- **City run concessions:** Means a concession that is run by City employees, that is permitted by the City and run by third-parties, or is a concessionaire hired by the City.
- **City-sponsored events:** Means an event supported in whole or in part by the City that is conducted on city owned or controlled facilities.

Council Direction:

In drafting the ordinance, it became clear that who the ordinance will effect, what food service wares items will be subject to the ordinance, where the ordinance will apply, and how the ordinance will be implemented must be thoughtfully defined. Clearly defining what are “City managed events”, “City run concessions” and “City sponsored events” is necessary to ensure the ordinance does not have unintended consequences, such as

applying to persons or events outside direct control of the City. For example, should the ordinance apply to an external group/organization who may be using a city facility such as a park for a fundraising event that serves food? Or, should the ordinance apply generically to all City sponsored events, regardless of the amount or type of sponsorship, and regardless of where that event occurs? These are some of the issues for which staff is seeking further direction.

Specifically, Staff is seeking Council input and direction on the following issues:

1. “City owned or controlled facilities”. The ordinance defines a “City Facility” as any building, structure, property, park, open space, or vehicle, owned or leased by the City. Food service wares used at City managed events at City facilities must be marine degradable.
 - As drafted, the ordinance would apply to the City hall campus, Fire Department facilities, GWP facilities, among others owned and controlled by the City, but it would also apply to all City parks, and to City-owned properties leased to third parties, such as Trader Joe’s in Montrose, All for Health, Health for All at Cedar House and Pacific Community Center, the Dad’s Club and American Golf operating at Scholl Canyon. The ordinance would also apply to property leased by the City for City use.
 - Staff is recommending that the ordinance not apply to City owned property leased to third parties, or permittees such as private groups or individuals who, for example, obtain permits from Community Services and Parks in order to use City facilities for weddings, birthday parties, company picnics and various meetings.
 - Staff is recommending that the ordinance apply to City licensees using City property, such as at the Sports Complex, Babe Herman Field, and facilities at Edison Pacific, and tennis concessionaires operating at Fremont and Glorietta parks who are engaged in serving meals where single use plastic is likely to be used.
 - “Streets & Sidewalks”: Staff is also seeking Council direction on whether it is appropriate to include streets and sidewalks in the definition of “City owned or controlled facilities” as it pertains to events that are City managed or City sponsored. This would include, for example, Cruise Night, the Montrose Christmas Parade, Montrose Farmer’s Market.
 - Staff does not have a specific recommendation on whether streets and sidewalks should be included in the definition of City owned or controlled facilities, but because many City Sponsored events, do occur on streets and sidewalks, whether to includes such events within the ambit of this ordinance needs to be considered.
2. “City Sponsored Events” are defined as any event supported in whole or in

part by the City that is conducted on a City owned or controlled facilities. Staff is seeking Council direction on whether “City Sponsored Events” should be defined as those that are 100% City funded/supported and entirely located on a City owned or controlled facility – or whether a “City Sponsored Event” should include events that receive partial funding or support and may be located elsewhere.

For example, there are City Sponsored Events that occur on City Owned or Controlled property that are partially sponsored by the City through discounts/waivers of facility or equipment rental fees, and then there are events that the City sponsors (as defined) that take place at facilities owned by others, such as GUSD, e.g. City career fair at GUSD, where the City pays for everything related to the event, the Mayor’s Prayer Breakfast and State of the City, which are sponsored through discounts and are typically located at a non-City owned or controlled facility, and the City’s Health Festival funded by the City and typically located on City property. Staff needs direction on whether the ordinance should apply to these situations.

Further, staff is seeking direction on the level of sponsorship that determines whether the ordinance applies to the event.

- Staff recommends that the ordinance apply to City Sponsored Events whether or not they are located at a City Owned or Controlled Facility if the City is responsible for the cost of purchasing or procuring food service ware at these events.

Implementation Schedule:

Timing/Proposed Dates	Item
3/30/2021	Seek Council direction regarding draft ordinance. Ordinance is introduced or modified per Council direction.
04/06/2021	Ordinance adopted.

FISCAL IMPACT

For City Facilities, City Managed Events, City Concessions, and City-sponsored Events, that will have to purchase alternatives to polystyrene and single-use plastic food service items there will be a fiscal impact. Depending on items purchased there can be considerable cost difference. An example is straws. Plastic straws are bought in cases of 10,000 at a per unit item cost of \$0.004. The paper straw alternate can be bought in cases of 3,000 with a per unit item cost of \$0.02. Other alternate items do not have such an extensive cost difference. For example, plates made from wheat straw which is

Marine-degradable cost the same as single use plastic plates.

A further analysis of cost differences is provided below.

Table 1: Unit prices for common single use plastic food service ware and alternatives

Item/Material	Hot Cup (16 ounce)	Cold Cup (16 Ounce)	Clamshell	Bowl	Plate
PET	\$0.05	\$0.05	\$0.20	\$0.05	\$0.06
Alternatives					
Paper	\$0.07	\$0.07	\$0.49	\$0.11	\$0.06
Bagasse	N/A	N/A	\$0.18	\$0.07	\$0.07
Wheat straw	N/A	N/A	\$0.31	\$0.05	\$0.06
Percent Change	40% +	40% +	From 72% to 172% +	From 0% to 125% +	From 0% to 16% +

Table 2: Unit prices for common single use plastic food service ware and alternatives

Item/Material	Utensils	Straws	Stirrers
PET	\$0.09	\$0.004	\$0.0012
Alternatives			
Wood	\$0.07	N/A	\$0.005
Bamboo	\$0.11	N/A	\$0.004
Edible	\$0.4	N/A	N/A
Paper	N/A	\$0.02	N/A
Pasta	N/A	\$0.04	N/A
Hay	N/A	\$0.05	N/A
Percent Change	From 28% to 471% +	From 400% to 1,150% +	From 233% to 316% +

Potential Cost Mitigations

Several cost mitigations have been identified which may potentially help offset the cost to the City and food service providers.

Bring Your Own (“BYO”) Campaign

The City may wish to implement a “BYO” outreach campaign educating staff and customers to bring their own reusable food service ware for use at events where prepared food is served. LA County has implemented such a campaign with the messaging tagline of “Anywhere you go...BYO” in which BYO is an acronym for “bring your own.”

Utensils Upon Request

Another measure that can be implemented by food service providers to reduce costs is to provide utensils only upon request.

Strawless Campaign

As with utensils, food providers can reduce costs by providing straws only upon request.

ALTERNATIVES

1. Council may direct staff to prepare the ordinance prohibiting the use of polystyrene and single use plastics just at city-managed events and city run concessions on city owned or controlled properties, excluding leased properties.
2. Council may direct staff to not consider the ordinance as drafted until staff have completed the staff report determining the feasibility of prohibiting the use of polystyrene and single use plastics aimed at food and beverage providers within Glendale's City limits.
3. The City Council may consider any other alternative not presented by staff.

CAMPAIGN DISCLOSURE

Not applicable.

EXHIBITS

None