



CITY OF GLENDALE, CALIFORNIA REPORT TO THE SPECIAL CITY COUNCIL

AGENDA ITEM

Introduction of an Ordinance adding Chapter 8.46 to Title 8 of the Glendale Municipal Code in connection with regulations for the Distribution of Disposable Foodware Accessories.

1. Ordinance for Introduction
2. Resolution adding administrative fines and fees in conjunction with enforcement of the Disposable Foodware Accessory regulations.

COUNCIL ACTION

Item Type: Action

Approved for _____ September 14, 2021 **calendar**

ADMINISTRATIVE ACTION

Submitted by:

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

Prepared by:

David Jones, Sustainability Officer

Reviewed by:

Michele Flynn, Director of Finance

Michael J. Garcia, City Attorney

Approved by:

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

RECOMMENDATION

Staff recommends the City Council introduce an ordinance to regulate the use of Disposable Foodware Accessories in the City of Glendale, and adopt the resolution adding certain administrative fines and fees in connection with enforcement of the Disposable Foodware Accessory regulations.

BACKGROUND/ANALYSIS

City Council at their January 26, 2021 meeting asked staff to review “Skip-the-Stuff” provisions and provide a report back to City Council on the applicability of either amending the City’s prohibition on use of single use plastics ordinance, or preparing a separate ordinance regulating the use of disposable foodware accessories. City Council directed staff to bring “Skip-the-Stuff” provisions to the Sustainability Commission for review, and for the Sustainability Commission to recommend actions for the City Council to consider.

On June 3, 2021, the Sustainability Commission heard a staff informational presentation on the regulation of distribution of disposable foodware accessories requirements. At that meeting the Sustainability Commission directed staff to review the County of Los Angeles Single-Use Foodware Accessories Upon Request ordinance, the City of Los Angeles Single Use Foodware Accessories Upon Request ordinance and to prepare a comparison analysis between what staff proposes versus what is included above mentioned ordinances. The ordinances are attached hereto as Exhibit 1. In addition, the Sustainability Commission directed staff to propose a more compressed timeline for the potential implementation of an ordinance regulating disposal foodware accessories.

At the July, 1 2021 Sustainability Commission meeting the Commission recommended that the City Council direct staff to prepare an ordinance to regulate the use of disposable foodware accessories in the City of Glendale. The Sustainability Commission recommended the ordinance follow the language of the City of Los Angeles Single-Use Foodware Accessories Upon Request ordinance, where:

1. No food and beverage facility shall provide self-serve disposable foodware accessories dispensers.
2. Require food and beverage providers to provide an opt-in provision for online and take-out orders.
3. Require food and beverage facilities to prompt the customer to ask for disposable foodware accessories.
4. Ensure that the definition of “Food or Beverage Facilities” includes food trucks.
5. Prepare an exemption of Healthcare facilities.
6. Require that notices be placed in food and beverage facilities informing customers of the requirements of the ordinance.

7. Provide a phone number or contact if there are concerns or questions about the regulations.
8. Prepare a separate stand-alone ordinance.

At the August 10, 2021 City Council meeting staff provided Council a report outlining the recommendations of the Sustainability Commission. At that meeting City Council directed staff to prepare an ordinance to regulate the distribution of Disposable Foodware Accessories.

Background

Single use food service or foodware accessories are typically provided to customers that do not need them thus creating unnecessary waste that has to be managed and can be an unnecessary cost to food service operators. A large amount of foodware accessories are problematic in the waste stream because they are hard to recycle and are discarded to landfills as waste.

As referenced in an April 2021 report to the Los Angeles City Council, (attached hereto as Exhibit 2), the use of foodware accessories and single use plastics in general has increased during the Covid-19 pandemic due in part to CDC guidelines and the increase in takeout and online ordering during this period. The report indicated that the number of accessory items wasted has skyrocketed by an estimated 250-300% since the beginning of the pandemic. The research also indicated that approximately 82% of take out a delivery meals are consumed at home; most people which already have non-disposable silverware and serving utensils at home.

In April 2021 City Council passed an ordinance prohibiting the use of polystyrene and single use plastic products in the serving of prepared food at certain City managed, City run concessions or at City sponsored events located on City owned or controlled facilities. The aim of the ordinance was to reduce the use of single use plastics

As Glendale emerges from the pandemic City has an opportunity to re-open its businesses in a more sustainable fashion. An ordinance regulating the distribution of Disposable Foodware Accessories only upon request would enhance the City of Glendale's initiatives to reduce the generation of unnecessary waste and reduce the use of single use plastics within City facilities and the City as a whole.

The ordinance regulating the distribution of Disposable Foodware Accessories would include disposable items such as utensils, condiment packages disposable plastic drinking straws, stirrers, splash sticks, cocktail sticks, toothpicks, napkins, wet wipes, cup lids, cup sleeves and beverage trays. The proposed ordinance would apply to food and beverage

providers located within the City of Glendale, third party delivery services, online orders and would affect dine in customers, drive through customers and take out customers.

The ordinance would require that food and beverage facilities only distribute Disposable Foodware Accessories, where:

- A. Disposable Foodware Accessories be provided only upon request
- B. Provide that customers “opt-in” to receive Disposable Foodware Accessories with online and takeout orders
- C. Food and Beverage Facility may ask a Drive-through Customer or Delivery Customer if the Customer wants any Disposal Foodware Accessories
- D. Food and Beverage Facility choose whether to provide specific disposable foodware accessories to prevent spills or for safe transport/delivery

The ordinance would be supported with a ninety (90) day outreach and education campaign (“Education Program”). The Education Program will target food and beverage providers within the City, third party delivery/online ordering platforms and any food and beverage provider restaurant associations and chambers of commerce representing Glendale businesses.

The Education Program that will consist of:

- Virtual workshops on the ordinance
- Development of Rules and Guidelines
- Social media campaign explaining the ordinance
- Mailing of flyers explaining the ordinance

The implementation of the ordinance will be phased in as follows:

- Phase I: within 90-day (or 180 days if extended) from ordinance effective date conduct an outreach and education campaign.
- Phase II: within 120 days of ordinance effective date all food and beverage providers with 26 or more employees, and all third party food delivery services with an online platform shall implement the requirements of the ordinance.
- Phase III: within 150 days of ordinance effective date all food and beverage facilities shall implement the requirements of the ordinance.

If the City Council adopts these regulations, they will be enforced through the administrative citation process set forth in GMC Chapter 1.24. Similar the City of Los Angeles’s enforcement process, Glendale’s enforcement process will consist issuance of warning notices for a first and second violation, thereafter violators would be subject to administrative fine of \$25.00 per day for a third violation and each subsequent violation, up to a maximum of \$300 per calendar year. The proposed fines are set forth in the fee resolution. Code enforcement will be suspended during the Education Program period.

Environment Review

Staff conducted environmental review and determined the ordinance does not require review under the California Environmental Quality Act ("CEQA") and that this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations (the CEQA Guidelines) because the adoption of this ordinance is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may be a significant effect of the environment, therefore the activity is not subject to the requirements of CEQA. Further the action is exempt pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), because these regulations involve the imposition of regulations for the protection of the environment through the reduction of Disposable Foodware Accessories, which include non-biodegradable single use plastics, from entering into the waste stream, and from entering into the environment.

FISCAL IMPACT

The fiscal impact to the City from ordinance implementation will be associated with the desired levels and duration of outreach and community education and enforcement. Community outreach and education will be handled by existing City staff and therefore no new cost will be associated with staffing this aspect of implementation. The Education Program will include, but is not limited to, a mailing and electronic media campaign. The mailing campaign will consist of the development and mailing of an informational document to all Food or Beverage Facility Operators in the City who have obtained a BRC permit. The mailer will provide information on the proposed ordinance and will be designed to be placed in the establishment for patrons to view. Mailer design will be done by City staff, and postage for the mailer will be approximately \$300-500.

With respect to enforcement, staff is in the process of gathering data from the City of Los Angeles' and County of Los Angeles' code enforcement efforts, being mindful that some parts of their ordinances do not take effect until later this year or next year. This data will help determine whether the City has sufficient existing resources to respond to violation complaints without adding new personnel. Accordingly, the total potential fiscal impact of implementing this ordinance cannot be definitively determined until data gathering and assessment of existing capacity is complete. Since ordinance enforcement will be suspended during the Education Period (up to 180 days), staff will have sufficient time to complete its assessment and, if necessary, return to the City Council to request resources.

An important aspect of these regulations is the impact on Food or Beverage Facility Operators and others subject to the ordinance. The cost to Food or Beverage Facility

Operators is expected to be minimal, and it is anticipated that the reduced need for Disposable Foodware Accessories will ultimately result in overall cost savings to them.

ALTERNATIVES

Alternate 1: The City Council could request staff provide the Council with the Los Angeles County's form of the Single-Use Foodware Accessories Upon Request ordinance for adoption.

Alternate 2: The City Council may delay introduction of the Ordinance until staff completes public outreach and assessment of fiscal impact.

Alternate 3: The City Council may consider any other alternative not presented by staff.

CAMPAIGN DISCLOSURE

There are no campaign disclosures are required.

EXHIBITS

Exhibit 1: County of Los Angeles Single-Use Foodware Accessories Upon Request ordinance, and the City of Los Angeles Single Use Foodware Accessories Upon Request ordinance.

Exhibit 2: Response to City of Los Angeles' Council Motion 12-0064: Disposable Foodware Accessories Upon Request.