



ENVIRONMENTAL COMMISSION REGULAR MEETING AGENDA

6:00 PM - Wednesday, September 11, 2024

Via Video Conference and In Person

IN-PERSON PARTICIPATION: Members of the public may participate in-person at the Los Altos Community Center in the Sequoia Room located at 97 Hillview Ave., Los Altos, CA.

REMOTE MEETING PARTICIPATION: Members of the public may attend the meeting virtually via the link below, but will not be permitted to provide public comment via Zoom or telephone.

<https://losaltosca-gov.zoom.us/j/81672879521?pwd=qD1zGXbDdkYaXQ7nntFUb1hLNAdroE.1>

Telephone: 1-669-444-9171 / Meeting ID: 816 7287 9521 / Passcode: 479222

PUBLIC COMMENT: Public comments can be made verbally, in-person at the public hearing or submitted in writing prior to the meeting. Written comments can be mailed or delivered in person to the Development Services Department or emailed to ECPublicComment@losaltosca.gov.

Correspondence must be received by 2:00 p.m. on the day of the meeting to ensure distribution prior to the meeting. Comments provided after 2:00 p.m. will be distributed the following day and included with public comment in the Environmental Commission packet.

Public comment cannot be taken via Zoom or telephone.

PLEASE NOTE: Vice Chair Humayun will participate in the meeting via videoconference from the site listed below. The meeting agenda will be posted at the videoconference site, which is accessible to the public. Anyone wishing to address the Commission from the videoconference site will be provided with an opportunity to do so.

Location: 3rd Floor, 301, Delphi A Wing, Hiranandani Business, Hiranandani Gardens, Panchkutir Ganesh Nagar, Powai, Mumbai, Maharashtra 400076, India

AGENDA

ESTABLISH QUORUM

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Members of the audience may bring to the Commission's attention any item that is not on the agenda. The Commission Chair will announce the time speakers will be granted before comments begin. Please be advised that, by law, the Planning Commission is unable to discuss or take action on issues presented during the Public Comment Period. According to State Law (also known as "The Brown Act") items must first be noted on the agenda before any discussion or action.

ITEMS FOR CONSIDERATION/ACTION

1. **Meeting Minutes:** Approve minutes of the regular meeting of August 14, 2024.

INFORMATIONAL ITEMS

2. **Staff Presentation:** City staff will provide the Commission with updates on various sustainability projects.

DISCUSSION ITEMS

3. **EV Fair**
Status update by Commissioner van Reis.
4. **Single-use Plastic Foodware Ordinance:** Discuss and provide comments on the proposed Single-use Plastic Foodware Ordinance.
5. **Community Outreach:** Discuss different ways to increase the commission's engagement with the community on important sustainability and environmental topics.

COMMISSIONERS' REPORTS AND COMMENTS

6. **Council Meetings:** Report out on topics discussed at Los Altos Council Meetings relevant to the Environmental Commission.
7. **Ad Hoc Subcommittee Reports**
 - b. Building Electrification
 - c. Dark Skies/Bird Safety

POTENTIAL FUTURE AGENDA ITEMS

1. SVCE Update (FALL)
2. CAL Water Update (FALL)

ADJOURNMENT**SPECIAL NOTICES TO PUBLIC**

In compliance with the Americans with Disabilities Act and California Law, it is the policy of the City of Los Altos to offer its programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact department staff. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Agendas, Staff Reports and some associated documents for the Environmental Commission items may be viewed on the Internet at <http://losaltosca.gov/meetings>.

MINUTES OF THE MEETING OF THE ENVIRONMENTAL COMMISSION OF THE CITY
OF LOS ALTOS, HELD ON WEDNESDAY, AUGUST 14, 2024, AT 6:00 P.M. IN PERSON
AND TELECONFERENCE

ESTABLISHING QUORUM

PRESENT: Chair Hecht, Vice Chair Humayun, Commissioner Delagneau, Commissioner van Reis, and Commissioner Teksler (Virtual), Commissioner Lu

ABSENT: Commissioner Weiden

ATTENDEES: Tania Katbi (Sustainability Management Analyst)
Nick Zornes (Director of Development Services)

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Alice Mansell provided public comment.

SPECIAL PRESENTATION

1. **Presentation on Tree City USA**

GreenTown's summer interns provided a presentation on steps to take to become a Tree City USA.

ITEMS FOR CONSIDERATION/ACTION

2. **Environmental Commission Minutes**

Approved minutes of the June 12, 2024, meeting.

Action: Upon a motion by Chair Hecht, seconded by Commissioner Delagneau, the Environmental Commission approved the meeting minutes with edits.

The motion was approved (6-0) by the following vote:

AYES: Delagneau, Hecht, Humayun, Teksler, van Reis, Lu

NOES: None

ABSENT: Weiden

3. **Building Electrification Subcommittee Recommendations**

Action: Motion by Chair Hecht, Seconded by Vice Chair Humayan to approve all recommendations and direct the Subcommittee to work with City staff to refine the project list and determine the best sequence for implementation.

The motion was approved (5-0) by the following vote:

AYES: Delagneau, Hecht, Humayun, Teksler, Lu

ABSTAIN: van Reis

ABSENT: Weiden

The following members of public spoke during Public Comments:

- Gary Hedden
- Connie Miller
- David Cain

INFORMATIONAL ITEMS

4. **Budget Update**

Assistance City Manager, Land Use, Nick Zornes provided an update on the Sustainability budget for 2024 and 2025.

DISCUSSION ITEMS

5. **2025 EV Fair**

Commissioner van Reiss informed the commission that no community organization has committed to hosting the EV Fair in 2025.

COMMISSIONERS' REPORTS AND COMMENTS

1. **Council Meeting Report Out**

Commissioners provided updates from the June City Council meetings.

2. **Ad Hoc Committee Reports**

a. **Dark Skies/Bird Safe Ordinance**

No updates.

b. **Single-Use Plastics**

Presentation by Isabelle Thyfault, City Intern, on Single-use Plastic Foodware Ordinance Business / Community Outreach.

c. **Building Electrification**

The subcommittee presented their recommendations.

STAFF UPDATES

No updates.

POTENTIAL FUTURE AGENDA ITEMS

1. SVCE Update (FALL)
2. CAL Water Update (FALL)
3. General Outreach (September)

ADJOURNMENT

Chair Hecht adjourned the meeting at 8:30 pm.

CHAPTER 6.XX - REGULATIONS ON DISPOSABLE FOODWARE

Sections:

- 6.XXX. Definitions.**
- 6.XXX. Reusable Foodware Required for On-premises Dining.**
- 6.XXX. Compliant Disposable Foodware for Off-premises Dining.**
- 6.XXX Distribution of Polystyrene-based Disposable Foodware.**
- 6.XXX. Recordkeeping and Inspection.**
- 6.XXX. Exemptions.**
- 6.XXX. Administrative Penalty.**

Section 6.XXX. Definitions.

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

- A. "Aluminum foil-based" means any disposable foodware composed entirely of aluminum, including but not limited to aluminum tray liners, aluminum foil, and aluminum foil baskets.
- B. "Biodegradable Products Institute" or "BPI" is a multi-stakeholder association of key individuals and groups from government, industry, and academia, which promotes the use and recycling of biodegradable polymeric materials (via composting). BPI maintains and certifies a list of products that demonstrate that they meet the requirements of ASTM D6400 or D6868, based on testing in an approved laboratory.
- C. "Compostable" means an item or material is accepted in the City's available organics collection program as fully compostable, as determined by the City's Development Services Department, and is listed, described, or referenced on the Sustainability Division website as compostable. The City shall list only items or materials that are Fiber-based and will break down into, or otherwise become a part of, usable compost (e.g., soil conditioning material, mulch) in a safe and timely manner. Products or packages made with plastics, either petroleum or biological based, and made with fluorinated chemicals shall not be considered compostable. Only items and materials certified to meet these standards by the Biodegradable Products Institute, Compost Manufacturing Alliance, and/or other third party recognized by the City shall be considered compostable.
- D. "City" means the City of Los Altos.

- E. “Disposable” means designed to be discarded after a single or limited number of uses and not designed or manufactured for long-term multiple reuses.
- F. “Foodware” means food contact products used for serving, distributing, holding, packaging, and/or transporting prepared food including, but not limited to plates, cups, bowls, trays, clamshell containers, boxes, utensils, straws, lids, and food contact paper (e.g., wraps, bags, tray liners, etc.). The term “foodware” includes foodware accessories and standard condiment in disposable packaging.
- G. “Foodware accessories” includes different types of foodware such as straws, stirrers, cup spill plugs, cup sleeves, condiment cups and packets, utensils, cocktail sticks/picks, toothpicks, napkins, and other similar accessory or accompanying foodware used as part of food or beverage service or packaging. Detachable lids for beverage cups and food containers are not considered a foodware accessory.
- H. “Food facility” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food to the public for human consumption, as defined by California Health and Safety Code Section 113789 or successor. "Food facility" includes, but is not limited to, restaurants, retail food establishments, caterers, cafeterias, stores, shops, sales outlets, grocery stores, pubs, coffee shops, convenience stores, liquor stores, supermarkets, delicatessens, fraternal clubs serving the public, itinerant restaurants, mobile food vendors, vehicles or carts, or roadside stands. It includes both permanent and temporary food facilities. Public schools are exempt from the provisions of this chapter.
- I. “Healthcare facilities” means places that provide healthcare to the public. Healthcare facilities include, but are not limited to, hospitals, clinics, outpatient care centers, nursing homes, psychiatric care centers, medical offices, hospice homes, mental health and addiction treatment centers, orthopedic and other rehabilitation centers, urgent care, birth centers, etc.
- J. “Non-compostable” means not meeting the definition of compostable set forth in this chapter.
- K. “Non-reusable” means an item that is designed to be used once and discarded, and is not specifically designed and manufactured for repeated cleaning, disinfecting, and reuse over an extended period of time.
- L. “Fiber/natural fiber-based” means a plant or animal-based, nonsynthetic fiber, including but not limited to products made from paper, sugarcane, bamboo, wheat

stems/stalk, hay, wood, etc. Fiber-based items do not include or contain petroleum-based or biologically-based polymers of any kind.

- M. "Perfluoroalkyl and Polyfluoroalkyl substances (PFAS)" means a class of fluorinated organic chemicals containing at least one (1) fully fluorinated carbon atom.

- N. "Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Free" means either of the following:
 - 1. PFAS has not been intentionally added to a product or product component.
 - 2. The presence of PFAS in a product or product component is below one hundred (100) parts per million, as measured in total organic fluorine.

- O. "Polystyrene-based" means and includes expanded polystyrene, which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam (expanded polystyrene (EPS)) and clear or solid polystyrene known as oriented polystyrene.

- P. "Prepackaged food" means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.

- Q. "Prepared Food" means food or beverages that undergo a cooking or food preparation technique on the food facility's premises for consumption by the public. Cooking or food preparation technique includes but is not limited to the following:
 - 1. Cooking methods, utilizing the application of heat, such as steaming, microwaving, simmering, boiling, broiling, grilling, frying, or roasting.
 - 2. Beverage preparation, such as blending, brewing, steeping, juicing, diluting, or pouring.
 - 3. Food preparation techniques, such as defrosting, rinsing, washing, diluting, cutting, portioning, mixing, blending, assembling, coating, dipping, garnishing, decorating, or icing.

Prepared Food does not include raw eggs or raw butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance.

- R. “Reusable” means foodware and foodware accessories that are manufactured of durable materials and specifically designed and manufactured to be washed and sanitized and to be used repeatedly over an extended period of time and are safe for washing and sanitizing according to applicable regulations.
- S. “Standard condiment” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, and includes different types such as ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, and sugar/sugar substitutes.
- T. “Takeout food” means prepared food that is purchased to be consumed off a food facility’s premises. Takeout food includes prepared food delivered by a food facility or by a third-party takeout food delivery service.
- U. “Takeout food delivery service” is a service for online food ordering and delivery of prepared food from a food facility to a customer. This service can be provided directly by the food facility or by a third party.
- V. "Vendor" means any store or business which sells or offers goods or merchandise, located or operating within the city of Los Altos.

Section 6.XXX Reusable Foodware Required for On-premises Dining

Effective 12-months after ordinance adoption:

- A. Food Facilities shall only serve Prepared Food for On-premises Dining with Reusable Foodware except as otherwise provided in subsection B of this section.
- B. Food Facilities may provide the following Non-reusable Foodware Accessories: straws, stirrers, cocktail sticks/picks, toothpicks, napkins, wrappers, and liners so long as they are compostable.
- C. Standard Condiments provided for on-site consumption shall not be served in disposable, individual-serving packets.
- D. Nothing in this section shall prohibit a food facility from offering, upon a customer’s request, Non-reusable Foodware for takeout food or to take away leftover food after dining on the premises.
- E. New building permits and new or renewed business licenses for Food Facilities applied for, and/or deemed complete after XXX shall only be granted to Food Facilities that can demonstrate adequate capacity to comply with Section 6XXX.

- F. Food Facilities subject to the requirements of subsection A that do not have onsite or off-site dishwashing capacity, or are unable to contract for services to wash, rinse, and sanitize Reusable Foodware, in order to comply with applicable provisions of the California Health and Safety Code, may petition the City Manager for an exemption or extension as outlined in section 6.XXX (exemptions).

Section 6.XXXX Compliant Disposable Foodware for Off-premises Dining.

Effective 6-months after ordinance adoption:

- A. Food Facilities may provide Prepared Food in Disposable Foodware for Off-premises Dining (e.g., takeout food, grocery delicatessen/hot bar, catering off site, take away leftover food, etc.) provided that:
 - 1. On or after July 4, 2014, Food Facilities shall not use Polystyrene-based Disposable Foodware.
 - 2. Disposable Foodware and Accessories shall be Compostable, recyclable glass, or Aluminum Foil-based and PFAS Free.
- B. Disposable Foodware Accessories shall be provided only upon request.
 - 1. Food Facilities shall provide Disposable Foodware Accessories or Standard Condiments to customers for takeout and delivery orders only when specifically requested by the customer. Takeout and delivery orders include orders made directly with the Food Facility and orders made using digital ordering/point of sale platforms.
 - 2. Disposable Foodware Accessories and Standard Condiments shall not be bundled or packaged in a manner that prohibits a take-out customer from taking only the specific Disposable Foodware Accessory and/or Standard Condiment desired without also having to take a different Disposable Foodware Accessories and/or Standard Condiment.
 - 3. Disposable Foodware Accessories shall not be individually wrapped and may be provided to customers using refillable dispensers that dispense items one at a time.
 - 4. Takeout Food Delivery Services that utilize digital ordering/point of sale platforms, including but not limited to the internet and smart-phone, shall only offer Disposable Foodware Accessories by providing clear options for customers to affirmatively request these items separate from orders for food and beverages. The default option on the digital ordering/point of

sale platforms shall be that no Disposable Foodware Accessories are requested. Each individual Disposable Foodware Accessory (e.g., each fork, knife, condiment packet, napkin, etc.) provided with Prepared Food must be specifically requested by the customer in order for a Food Facility to provide it.

5. A Food Facility may ask a drive-through consumer if the consumer wants a Disposable Foodware Accessory if the Disposable Foodware Accessory is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.
6. For delivery orders, Food Facilities may choose to include specific accessories, such as cup lids, spill plugs, and trays, in order to prevent spills and deliver food and beverages safely.
7. Notwithstanding any other requirements of this Section, a Food Facility that is a drive-through food service, may ask a customer if the customer wants a Disposable Foodware Accessory if needed to consume or transport ready-to-eat food, or to prevent it from spilling.

Section 6.XXXX Distribution of Polystyrene-based Disposable Foodware.

- A. On or after July 4, 2014, Polystyrene-based Disposable Foodware shall not be sold or provided by any vendor in Los Altos.

Section 6XXXX Recordkeeping and inspection.

- A. Food Facilities shall keep complete and accurate record or documents of the purchase of the acceptable Disposable Food Service Ware evidencing compliance with this Chapter for a minimum period of three (3) years from the date of purchase.
- B. The record shall be made available for inspection at no cost to the City during regular business hours by City staff authorized to enforce this Chapter. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be made available at the Food Facility address.
 1. The provision of false or incomplete information, records, or documents to the City shall be a violation of this Chapter.

Section 6XXX. Exemptions.

- A. Prepackaged Food is exempt from the provisions of this chapter.

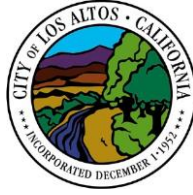
- B. Nothing in this chapter shall conflict or be construed to conflict with the Americans with Disabilities Act or any other applicable law concerning the rights of individuals with disabilities. In particular, nothing in this chapter shall restrict, or be construed to restrict, the provision by Food Facilities of Disposable Noncompostable straws to individuals who may request the use of Disposable Noncompostable straws to accommodate medical needs or disabilities. Healthcare facilities may distribute Disposable Noncompostable straws with or without request by a patient at the discretion of the healthcare facility staff based on the physical or medical needs of the patient.

- C. Disposable Foodware and Accessories banned by Section 6XXX of this ordinance may be used after the effective date of Section 6XXX if the Food Facility demonstrates, in writing, to the satisfaction of the City Manager or their designee, that compliance with the provisions of this Chapter will impose a unique problem not generally applicable to other persons in similar circumstances that will result in an undue economic hardship.
 - i. An undue economic hardship could include but is not limited to: overstocked supplies that cannot be returned to the distributor or used at another store outside the city; or unique Foodware accessory needs for which no suitable alternative exists. The Food Facility must demonstrate that no reasonably feasible alternative exists for a specific and necessary prohibited Disposable Foodware item or Accessory.

 - ii. The City Manager or their designees shall issue a written decision to grant or deny an exemption and may exempt the food provider for no more than one (1) year from the date of the demonstration. The City Manager’s decision shall be final and is not subject to appeal.

Section 6.XXX. Administrative Penalty.

A penalty may be imposed upon findings made by a city's code enforcement officer that any Food Facility has provided "Non-reusable/Non-compostable Foodware" in violation of this chapter. The amount of penalty and the penalty procedures are contained in the Los Altos Municipal Code, Chapter 1.30, entitled "Administrative Citations and Orders."



Meeting Date: January 8, 2023
Subject: Commissioner City Council Assignments
Prepared by: Tania Katbi, Sustainability Coordinator

Commissioner City Council Assignments based on the tentative 2024 City Council meeting calendar:

Meeting Date	Assigned Commissioner
January 9	Delagneau
January 23	Hecht
February 13	Humayun
February 27	Lu
March 12	Teksler
March 26	van Reis
April 9	Weiden
April 30	Delagneau
May 14	Hecht
May 28	Humayun
June 11	Lu
June 24	Teksler
July 9	van Reis
August 27	Weiden
September 10	Delagneau
September 24	Hecht
October 8	Humayun
October 22	Lu
November 12	TBD
December 10	van Reis