



NOTICE OF MEETING

CITY OF PACIFIC GROVE
CITY COUNCIL
ERRATA SHEET



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

ERRATA SHEET

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: Sandra Kandell, City Clerk/DEI Coordinator
MEETING DATE: 11/02/2022
SUBJECT: City Council Meeting Agenda- Errata Sheet

Attached is additional information for your consideration at the November 2, 2022 City Council Meeting:

Agenda Item	Information Provided/Corrected
9B	Preliminary ending funding provided. (See attached.)
11A	a) Proposed Ordinance inadvertently not submitted with packet. (See attached proposed ordinance.) b) Regarding current attachment, page 2 - Climatic I, line two, should read "affected" versus "effected." (Will be corrected prior to 2nd read.)
13B	a) Updated Agenda Report Discussion. (See attached.) b) Updated PowerPoint Presentation. (See attached.)

Attachments

Prelim Ending Funding
Proposed Ordinance
Updated Discussion Section
Updated PowerPoint

Agenda Item: 9B

Title: Consider a Lease Financing Agreement for a New Fire Engine

At the Council Meeting on October 19, 2022, staff did not have the preliminary ending General Fund balance. The preliminary ending funding is estimated to be \$12 million. This increase over the initial projection is primarily due to revenue growth in transient occupancy tax and sales tax in the fourth quarter, as commercial property revenues returned to more traditional levels. This increase in the fund balance can also be attributed to budgeted amounts that were not expended; and purchases or contracts that were initiated in Fiscal Year 21/22, but not completed within the fiscal year. When the \$12 million amount is adjusted for carry-forwards, the projected ending Fiscal Year 22/23 fund balance is approximately \$11.4 million. This yields an adjusted reserve requirement of approximately \$10.2 million. The estimated amount of funds available above the reserve levels is approximately \$1.2 million. This \$1.2 million in unprogrammed funds could be allocated towards the new fire engine; however the decision can also be deferred until the mid-year financial report or the proposed budget presentation, as the City has the ability to make prepayments on the lease. This would provide the City Council time to receive updated financial information and assess priorities. The interest rate on the fire engine lease is 4.24%; which is also lower than the interest rate on newly purchased City investments at 4.7%.

Additional financial information will be presented at the second Council Meeting in November.

ORDINANCE NO. 22 –

AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING CHAPTERS 18.04 AND 18.32 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING THE ADOPTION OF BUILDING AND RELATED INTERNATIONAL CODES

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Pacific Grove (“City”) may adopt the provisions of the International Building Code, the Plumbing Code, the Mechanical Code, the Fire Code, the, and the National Electrical Code, to protect the health, welfare and safety of the citizens of Pacific Grove because of local climatic, geological, topographical, and Environmental conditions; and

WHEREAS, this Ordinance is found to be categorically exempt from environmental review, per the provisions of Section 15061(b)(3) of the California Environmental Quality Act (“CEQA”) of 1970, as amended; and

WHEREAS, in accordance with state law, local jurisdictions can incorporate additional regulations that address special circumstances in the community or area provided that they are at least as restrictive as the statewide codes.

WHEREAS, the Pacific Grove City Council hereby finds as follows: Specific amendments have been established by the City which are more restrictive in nature than those sections adopted by the State of California (State Building Standards Code, and State Housing and Community Development Code) commonly referred to as Title 24 and Title 25 of the California Administrative Code. These “Findings of Fact” are submitted and made a part of this Ordinance pursuant to Section 17958.5 and Section 17958.7 of the California Health and Safety Code. Under the provisions of Section 17922.2 of the California Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these situations and shall present the local situation, which either singularly or in combination causes the established amendments to be adopted.

Profile of the City of Pacific Grove: The City of Pacific Grove encompasses an area of 4 square miles of land, with resident population of 15,295 as of the 2012 census. The physical location of the City is between the adjacent lands of the City of Monterey and the City of Carmel.

The placement of the residential and commercial development within the City of Pacific Grove has generally adopted itself to areas of least resistance, within the confines of ridges, foothills, mesas, and canyons. Other unique environmental characteristics include the flatter plains that contain the shoreline of Monterey Bay, which creates the boundaries that attract the visitor population.

Throughout the City of Pacific Grove are major roadways and highways that create barriers. Other barriers could be considered the military facilities, which include the United States Army, Presidio of Monterey, United States Naval Postgraduate School, and the United States Coast Guard Station as well as the Monterey Peninsula Airport.

The following points were established as causes of concern to the City and are herein established and submitted as the Findings of Fact:

Climatic I: The climate weather patterns within the City of Pacific Grove are considered to be moderately effected by the ocean bodies of the Pacific Ocean and Monterey Bay, which extend the year around growing season of vegetation. The normal year's rainfall is approximately eighteen to nineteen (18-19) inches on the average yearly calendar. Summer conditions, with the prevalent Pacific High Cell create the mid-day fog normally associated with Pacific Grove. This climatic fog assists the natural vegetation in growth.

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition, which has caused grassland and brush land fires in recent years. While normal temperatures usually do not exceed 75-80 degrees, during late summer and early fall (August, September, October) the temperatures can climb to 85 degrees plus. The afternoon winds can move a fire quickly in the hillsides and canyon areas of the City.

Because of weather patterns and population increases, the City of Pacific Grove (like other California cities) has experienced water rationing and water allocation. Due to storage capacities and consumption, as well as climatic conditions, limited water resources are an issue.

While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

Climatic II: The region is within a climate zone that requires compliance with energy efficiency standards for building construction. The amendment adds up-to-date design standards that will add to energy efficiency in construction while maintaining nationally recognized health and safety standards.

Geographical I: Residents and visitors alike appreciate the scenic appeal and geographical features of the City of Pacific Grove. The mountains and canyons accent one another, as they wind around the City. The forested areas along with the lower brush lands give a feel of balance and a sort of backdrop for the City itself. These geographical features establish the roadways and building sites, as well create barriers for accessibility for fire suppression forces.

The forested areas of oak and pines create windbreaks from oncoming winds, while producing fuel from the annual fall leaves, which drop to the ground, as well as from decayed trees and branches. The dry vegetation, mountainous terrain, and minimal water available tend to cause concern and added fire problems.

The City of Pacific Grove has within its boundaries potentially active seismic hazards with respect to the "Navy," "Berwick Canyon," "Chupines" and "Seaside" faults. While systems have been developed to study and monitor the activity of earthquakes, science has not yet been able to predict (with reliability) the potential for activity on these or any active fault.

Seismic activity within the City occurs yearly with little or no damage, although real potential for damage does exist with these four active faults. New construction may be limited by its respective distance to such faults, and replacement of existing structures could be costly.

The geographical layout of the forested areas creates hazardous conditions when a storm of gale-force winds causes trees to fall onto roadways used for access by Fire Department equipment and personnel. The growing pattern and inherent nature of the

Monterey Pine lends itself to being blown over easily. This is due in part to the shallow root system associated with the Monterey Pine tree.

Landslides have also been experienced within the City of Pacific Grove, due to excessive land cuts associated with the roadway systems designed within the City. While stabilization can sometimes be provided, heavy rainfalls have caused failures. These failures have closed roadways within the City, again making accessibility impossible until properly cleared.

Mountains and hills surrounding and within the City of Pacific Grove, create slopes in excess of 60% with an overall average of between five to ten percent throughout (if an average slope were to be accessed). The City of Pacific Grove has a start at sea level and extends to areas in excess of 600 feet above sea level. The elevation change caused by the mountains and hills creates the geographical foundation on which the City has built and will continue to build. With much of the flatlands already built upon, it can be anticipated that future growth will occur on steeper slopes and with greater contrasts in terrain.

Geographical II: The region is located in an area of high seismic activity as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activity has indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. Activities have indicated the need for increased levels of safety in buildings systems, including but not limited to means of egress, wiring systems, and fire protection systems.

Topographical: The topographical element of this report is associated closely with the geographical element noted above. While the geographic features create the topographic conditions, the findings in this section are caused by the construction and design of the City of Pacific Grove, due to the elevation changes, as well as mountains and hills, that dissect the City.

The water supply (domestic and fire flow) system is directly affected by the topographic layout. The distribution system consists of water lines that carry the water from storage tanks and dammed areas to the public via pipes. These street mains create lift-zones where the pressure and flows are adequate at lower elevations and minimal, sometimes critical supplies at the top. Water supplies within the City of Pacific Grove vary from less than 250 gallons-per-minute to flows in excess of 5,500 gallons-per-minute. This wide variation may cause problems to development, as well as fire suppression forces.

The roadway system is designed around the topography with respect to narrow, windy, steep grades and overhanging tree branches. The grades on the roadway surfaces exceed 25% and widths of less than twelve (12) feet for access are not uncommon. Due to traffic congestion on many streets, especially the commercial downtown area, vehicles double park for loading and unloading purposes. This creates barriers that reduce response time of fire equipment.

The topography also makes construction more restricted to the level portions of the City with higher concentrations of building in these areas. The existing structures are being removed and replaced with larger, more cost effective buildings. Those existing structures which remain cause concern to the Fire Department because of their lack of

adequate fire protection (firewalls, fire extinguishing systems, etc.). The hazard exposure created by these structures poses a separate and significant problem.

It is not uncommon to see a single or two-story building torn down and replaced with a two-story building. For practical and cost reasons, these new structures are built of wood (Type V). The potential for conflagration exists with the high build out of the various specific areas of Pacific Grove. The concentrated commercial, as well as residential occupancies cause concern regarding the exposure elements of building-to-building and building-to-grassland areas of this City.

The topographical nature of Pacific Grove also lends itself to power failures caused when trees and tree limbs damage sections of electrical transmission lines. These power failures cause the electrical pumps to become inactive, interrupting water supplies. Vehicular accidents also have been known to interrupt this pumping operation, due to the narrow streets, which are congested with residents and visitors.

The natural rocky shorelines of Pacific Grove create a situation by which access to the building can only be made from the street. The front of the building is essentially the only accessibility point for responding firefighters. Built property-line to property-line, these structures create an element of construction of nearly nine blocks of continuous construction. Residential as well as commercial occupancies can be found along the entire shoreline of Monterey Bay.

Lastly, while possibly not being within the “topographical” context of Findings of Fact, the historical significance is a major visitor draw for the City of Pacific Grove. Buildings and roadways have been preserved to create a lasting reminder of what has been. While many of the historical structures are small and surrounded by landscaped courtyards, etc., some buildings are constructed closer than would be presently allowed under the International Building Code. Construction methods were also less restrictive than would be required today. These structures and settings create barriers, which firefighters must work around and protect from exposure. Forty-four to fifty historical buildings, dating back to the early 1800’s are irreplaceable.

These Findings of Fact, which identify the various “climatic, geographical, and topographical” conditions, are considered reasonably necessary to modify the requirements established pursuant to Health and Safety Code Section 17922 based upon local conditions.

While it is clearly understood that the adoption of these regulations may not prevent the incidence of fire or building related accidents, implementation of these various regulations and/or requirements may serve to reduce the severity and potential loss of life and property.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds each recital set forth above to be true and correct, and by this reference incorporates each as an integral part of this Ordinance.

SECTION 2. Section 18.04.010 of the Pacific Grove Municipal Code is amended by with the text set forth below as follows:

18.04.010 Adoption of Building Codes.

Except as otherwise amended by this Chapter and Chapter 18 of the Pacific Grove Municipal Code, the following amended Model Codes are hereby adopted by reference and are incorporated in this chapter as if fully set forth herein:

ARTICLE 1 – GENERAL PROVISIONS

Pursuant to Government Code Sections 50020 et seq., and the charter powers of the City of Pacific Grove, the following amended Model Codes are hereby adopted by reference as if set forth fully herein:

18.04.010 Adoption of building codes.

Except as otherwise amended by this chapter and this title, the following amended model codes are hereby adopted by reference and are incorporated in this chapter as if fully set forth herein, as authorized by Government Code Section [50020](#) et seq. The city manager may enforce these codes in accord with the enforcement procedures and remedies set forth in Chapter [1.19](#) PGMCM, in addition to any other provision of law.

(a) General Provisions. The following amended model codes are hereby adopted by reference as if set forth fully herein:

- (1) 2022 California Building Code and Appendices I and J;
- (2) 2022 California Historic Building Code;
- (3) 2022 California Existing Building Code;
- (4) 2022 California Residential Code;
- (5) 2022 California Plumbing Code;
- (6) 2022 California Electric Code;
- (7) 2022 California Mechanical Code;
- (8) 2022 California Fire Code and Appendices Chapter 4, B, BB, C, CC;
- (9) 2022 California Energy Code
- (10) 2022 Green Building Standards Code

(11) 2021 International Property Maintenance Code.

(b) Building Code – Chapter 18 of the Pacific Grove Municipal Code is hereby amended by deleting the current building and related code amendments in its entirety and replacing it to read as follows:

(c) **Residential Code** – Amendments to the California Residential Code.

Section R313.2 is hereby amended to read as follows:

Section R313.2 Existing Group R-3 buildings. Additions, alterations, or repairs which involve the removal or replacement to 50 percent or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code. To qualify as an alteration or repair, the wall must be physically added, removed, replaced or relocated; removal of wall coverings does not constitute an alteration or repair.

(d) **Plumbing Code** – Amendments to the California Plumbing Code.

Section 710.1 is hereby amended to read as follows:

In every case where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer in any new or existing drainage system, approved types of backwater valve, relief vent and cleanout approved shall be installed in the building sewer at the point of lowest elevation of the ground surface of the building site outside of the building or at such other location as is permitted by the Building Inspector, providing that at any such location, the elevation of the ground surface is not less than two below the lowest trap outlet served by the building sewer.

The installation shall consist of an approved fresh air inlet and a Y branch or combination fitting installed in sequence in the line of flow from the building. The vent from this fresh air inlet shall be piped to the ground surface and capped with a vent cap. Provision shall be made by elevation above the ground or by other means for preventing the obstruction of the vent opening or the flow of water therein. The cleanout shall be placed as close to the valve as is practical and shall be piped to within one foot of the ground surface and closed with an approved cleanout plug. Every existing installation which includes a plumbing fixture trap outlet which is less than two feet above the rim of the nearest manhole uphill from the point of connection of the building

sewer to the public sewer is hereby declared to be dangerous, unsanitary and a menace to life, health and property. Whenever it shall come to the attention of the Building Inspector that such an installation exists, he or she is hereby empowered to order and require that such plumbing outlet be immediately plugged or capped, or that the equipment described in the preceding paragraph of this section be installed immediately.

18.04.095 Business district-exterior walls .

This section shall be deleted.

18.32.010 Fire Code- Amendments to the California Fire Code

The California Fire Code as adopted under PGMC [18.04.010](#) is amended and changed in respect of the following sections set forth therein:

Section 101.1 is amended to read as follows:

101.1 Title: These regulations shall be known as the Fire Code of the City of Pacific Grove.

Section 307.1.1 is amended to read as follows:

307.1.1 Prohibited open burning: Open burning shall be prohibited including outdoor rubbish fires and bonfires, unless: 1) the fire is confined to an approved container as defined by the Uniform Mechanical Code and authorized by the Monterey Bay Air Pollution Control District; 2) the open fire is for the explicit purpose of preparation of food, such as in the case of a luau, barbecue, and the like; or 3) a special condition or circumstance exists and written authorization is granted by the Fire Chief.

Section 605.3.1 is added to read as follows:

605.3.1 Spark Arrestors: An approved spark arrestor shall be installed on all chimneys, incinerators, smokestacks or similar devices where the burning of solid fuel conveys smoke, embers and hot gases to the outer air.

Section 901.1.1 is added to read as follows:

901.1.1 Responsibility: The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this code.

903.2 Where Required: Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction.

Exceptions:

(1) Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.

(2) Detached Group U occupancies (private garages, carports, sheds, and agriculture buildings)

The following sections are amended by changing requirements to 500 square feet for fire sprinkler installation, as follows (the complete text of the section is not provided):

903.2.1.1 Group A-1. Change 12,000 square feet to 500 square feet.

903.2.1.2 Group A-2. Change 5,000 square feet to 500 square feet.

903.2.1.3 Group A-3. Change 12,000 square feet to 500 square feet.

903.2.1.4 Group A-4. Change 12,000 square feet to 500 square feet.

903.2.1.5 Group A-5. Change 1,000 square feet to 500 square feet.

903.2.3 Group E. Change 12,000 square feet to 500 square feet.

903.2.4 Group F-1. Change 12,000 square feet to 500 square feet. Change 2,500 square feet for woodworking operations to 500 square feet.

903.2.7-1 Group M. Change 12,000 square feet to 500 square feet.

903.2.7-3 Group M. Change 24,000 square feet to 500 square feet.

903.2.9 Group S-1. Change 12,000 square feet to 500 square feet.

903.2.9.1 Repair Garages. Change 10,000 square feet (2 story buildings) and 12,000 square feet (1 story buildings) to 500 square feet.

903.2.9.2 Bulk storage of tires. Change 20,000 cubic feet to 500 square feet.

Section 903.2.8 is amended to read as follows:

903.2.8 Group R: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all buildings with a Group R fire area, including, but not limited to, one-and two-family dwellings, town homes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the

jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

Section 903.6.1 is added to read as follows:

903.6.1 Existing Group R-3 buildings. Additions, alterations, or repairs which involve the removal or replacement to 50 percent or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code. To qualify as an alteration or repair, the wall must be physically added, removed, replaced or relocated; removal of wall coverings does not constitute an alteration or repair.

Section 907.6.6.2 is added to read as follows:

907.6.6.2 Zone Transmittal: Where required by the fire code official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

Section 907.7.2 is amended to read as follows:

907.7.2 Completion Documents: The following documentation shall be provided at the time of acceptance testing for all fire alarm system installations:

1. A record of completion in accordance with NFPA 72.
2. A contractor's statement verifying that the system has been installed in accordance with the approved plans and specifications, and has been 100% tested in accordance with NFPA 72.
3. A contractor's affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the fire code official.

Section 5704.2.9.6.1 is added to read as follows:

Section 5704.2.9.6.1 Outdoor Storage of Containers and Portable Tanks. Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited except as permitted by the Zoning Ordinance.

Exceptions:

1. For marine fueling operations, a maximum of 2000 gallons of diesel fuel may be stored and dispensed from an above ground tank as approved by the Fire Chief.

2. Storage tanks of 500 gallon maximum capacity may be used only in conjunction with emergency generators as approved by the Fire Chief.

Section 4907.1.1 is added to read as follows:

4907.1.1 Standard Defensible Space Requirements: Remove combustible vegetation from within a minimum of 100 feet or to the property line from structures, whichever is closer. Vegetation shall be no taller than four inches (4") high. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional or alternate fire protection approved by the fire code official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the fire code official and other jurisdictional authorities.

18.32.040 Appeals.

This section shall be deleted.

18.32.060 Penalties.

This section shall be deleted

SECTION 3

This action is exempt from environmental review, per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970 ("CEQA"), as amended.

SECTION 4. This Ordinance shall take effect on January 1, 2023.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS ____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL PEAKE , Mayor

ATTEST:

Sandra Kandell City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

**DISCUSSION POINTS FOR PROPOSED AMENDMENT TO
ORDINANCE 11.98 REDUCTION OF SINGLE USE PLASTICS.**

DISCUSSION

On November 7, 2019, Council approved amendments to Chapters 11.98 and 11.99 of the municipal code regarding prohibitions on single-use plastics and food packaging, which were to become enforceable on April 22, 2020.

Awareness outreach and alternate resources had been given via business and community meetings and in person business contact. The outreach was a joint effort of the City of Pacific Grove Public Works, The Chamber of Commerce and local volunteer NGOs (Community for Sustainable Monterey County, Monterey Bay Aquarium, and Monterey Regional Stormwater Education Alliance).

While Chapter 11.98 of the code is in effect, enforcement was postponed due to COVID19. The BNRC Recycling and Litter Reduction Subcommittee has proposed several amendments to Chapter 11.98. In its meeting on September 20, 2022, the BNRC voted to recommend that Council approve such amendments before proceeding with the re-initiation and enforcement of Chapter 11.98. The proposed amendments are described below and shown illustrated on the red-lined draft of Chapter 11.98.

11.98.030

1. Change the minimum requirement of carryout paper bags from 100% to 75% recycled material.
2. Offer paper only at checkout for the cost of \$0.25. All reusable plastic bags, including the 4ml plastic bags, are sold separately and priced similarly.
3. Allow compliant paper bags for carryout of wet items, pharmacy, cards, etc.

11.98.035

1. Prohibit bioplastic PLA and allow non-plastic recyclable packaging such as aluminum and glass.
2. Regarding straws: Remove SUD (which includes single-use paper straws) from the restriction and replace with SUP. Use SUD/SUP consistently throughout the codes.
3. Food service providers will charge a take-out fee for take-out containers, not to exceed \$1.00 per order, but including a fee \$0.25 per for each to go cup to cover the difference in cost from SUDs.

11.98.055

1. BNRC recommends that the city manager or designee grant exemptions under 11.98.055 for the following:
 - A. Meals on Wheels. BNRC recommends that Meals on Wheels be granted an exemption to allow it to continue to use plastic film for sealing MOW meals. There is currently no viable non-plastic alternative film that satisfies required strength and food safety standards.

- B. Dry cleaners. BNRC recommends that dry cleaners be granted an exemption for use of plastic dry cleaning bags. The dry cleaners should be encouraged to recycle used plastic bags for their customers and/or sell reusable dry cleaning bags until a viable non-plastic alternative becomes available.

Additionally, BNRC recommends including a prohibition of balloons and all types of confetti in Chapter 11.98 (11.98.030) and amending all Use/Event permits to clearly include the prohibitions. The prohibitions should be made highly visible on the permit application and website.

Prior to policy changes, it is BNRC's recommendation that a public outreach campaign occur within the business community that will be affected.

SINGLE USE PLASTIC ORDINANCE

RECOMMENDATION

While Chapter 11.98 of the code is in effect, enforcement was postponed due to COVID19. The BNRC Recycling and Litter Reduction Subcommittee has proposed several amendments to Chapter 11.98 because of new developments in waste handling and retail practices.

In its meeting on September 20, 2022, the BNRC voted to recommend amendments to Chapters 11.98 and 11.99 of the municipal code regarding prohibitions on single-use plastics (the “Ordinance”) and submits this presentation and attendant materials to the City Council for its consideration.

Prior to enforcement, it is BNRC’s recommendation that an outreach campaign occur with the public and the business community that will be affected.

AMENDMENT 11.98.030

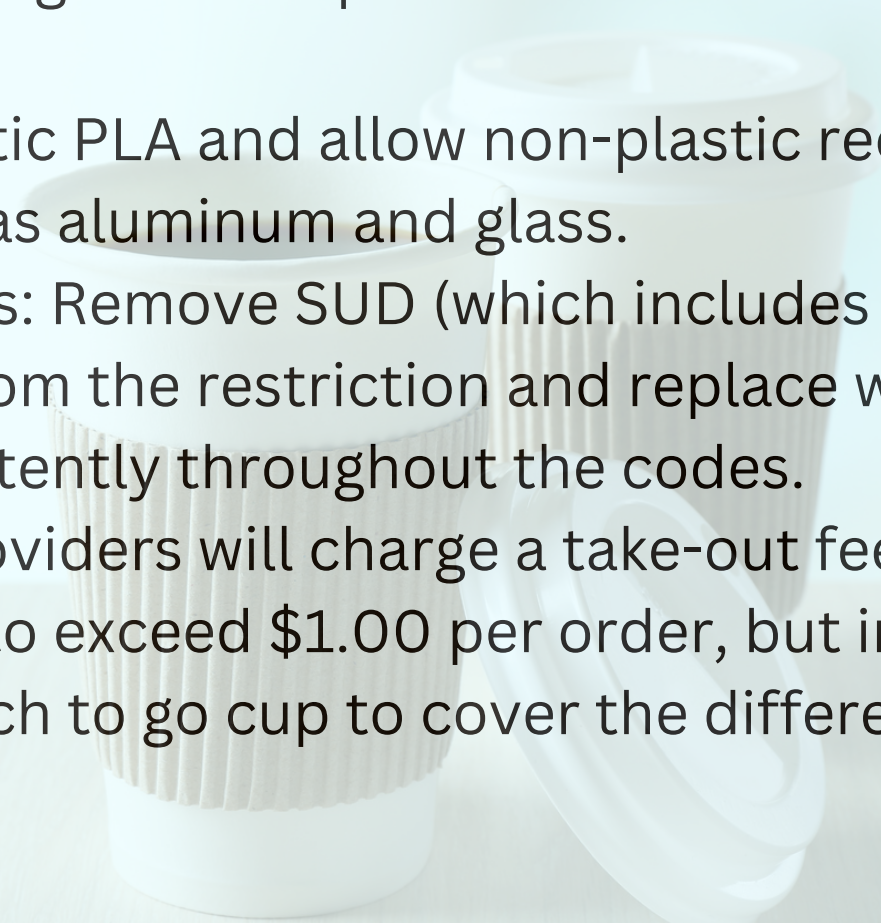
11.98.030 Ban on single-use plastics and plastic bags and charge for paper carryout bags.

1. Change the minimum requirement of carryout paper bags from 100% to 75% recycled material.
2. Offer paper only at checkout for the cost of \$0.25. All reusable plastic bags, including the 4ml plastic bags, to be sold separately and priced similarly.
3. Allow compliant paper bags for carryout of wet items, pharmacy, cards, etc.



AMENDMENT 11.98.035

11.98.035 Ban on single-use disposable food serviceware

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1. Prohibit bioplastic PLA and allow non-plastic recyclable packaging such as aluminum and glass.
 2. Regarding straws: Remove SUD (which includes single-use paper straws) from the restriction and replace with SUP. Use SUD/SUP consistently throughout the codes.
 3. Food service providers will charge a take-out fee for take-out containers, not to exceed \$1.00 per order, but including a fee \$0.25 per for each to go cup to cover the difference in cost from SUDs.

AMENDMENT 11.98.055

11.98.055 Exemptions



The BNRC Subcommittee recommends that the city manager or designee grant exemptions under 11.98.055 for the following:

1. **Meals on Wheels.** Meals on Wheels to be granted an exemption to allow it to continue to use plastic film for sealing MOW meals. There is currently no viable non-plastic alternative film that satisfies required strength and food safety standards
2. **Dry Cleaners.** Dry cleaners to be granted an exemption for use of plastic dry cleaning bags. The dry cleaners should be encouraged to recycle used plastic bags for their customers and/or sell reusable dry cleaning bags until a viable non-plastic alternative becomes available.

AMENDMENT 11.98.030

Balloons and Confetti

Additionally, BNRC recommends including a prohibition of balloons and all types of confetti in Chapter 11.98 (11.98.030) and amending all Use/Event permits to clearly include the prohibitions. The prohibitions should be made highly visible on the permit application and website

