



SUSTAINABILITY COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA
www.palmsprings-ca.gov www.yoursustainablecity.com

January 21, 2019 5:00 PM	REGULAR MEETING AGENDA	Palm Springs City Hall Large Conference Room 3200 E Tahquitz Canyon Way Palm Springs, CA 92262
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COMMISSIONERS		
Roy Clark, Chair	David Freedman	Greg Gauthier
Robert McCann, Vice Chair	Jennifer Futterman	John Goins
Carl Baker	Sandra Garratt	Lani Miller
Jim Flanagan		

Staff representatives: Patrick Tallarico, Manager, Office of Sustainability; Dan DeGarmo, Program Coordinator; Gary Calhoun, Recycling Coordinator

City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world-class desert community where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and enhance our natural desert beauty. We are committed to providing responsive, friendly, and efficient customer service in an environment that fosters unity among all our citizens.

Please **MUTE OR TURN OFF** all audible electronic devices for the duration of this meeting. Thank you!

CALL TO ORDER

ROLL CALL

ACCEPTANCE OF AGENDA

CITY MANAGER / STAFF COMMENTS

(15 MINUTES)

1. December 19, and January 9 and 30 City Council Meetings Update
2. Climate Action Roadmap
3. Community Garden Naming Ceremony and Future Plans
4. Airport Turf Replacement (RFP responses)
5. DCE Launch and Outreach
6. GHG Inventory Update

WELCOME AND INTRODUCTIONS

(5 MINUTES)

PUBLIC COMMENTS: This time is for members of the public to address the Sustainability Commission on Agenda items and items of general interest within the subject matter jurisdiction of the Commission. The Commission values your comments but, pursuant to the Brown Act, cannot take action on items not listed on the posted Agenda. Three (3) minutes are assigned for each speaker.

A. PRESENTATIONS

(10 MINUTES)

1. Environmental Film Series

B. MEETING MINUTES

(5 MINUTES)

December 17, 2019 Regular Meeting Minutes

C. RECYCLING REPORT - Gary Calhoun

(5 MINUTES)

D. OLD BUSINESS

(30 MINUTES)

1. Single-use Plastics Ordinance
2. Leaf Blower Ban Enforcement Enhancements
3. EV Charging Locations
4. "Flushable" Wipes

E. NEW BUSINESS

(10 MINUTES)

1. ONE-PS Annual Picnic, March 23 – “MOTION: The Sustainability Commission approves sponsorship of the ONE-PS Picnic, \$500”

F. SUBCOMMITTEE AND COMMISSIONER REPORTS

(45 MINUTES)

1. Standing Subcommittee on Solar and Green Building - Commissioners Freedman and Flanagan
 - a. Building code update
 - b. Potential GHG Reduction Measures (including carbon-free power requirement for commercial businesses and cannabis facilities)
2. Standing Subcommittee on Waste Reduction – Manager Tallarico, Vice Chair McCann, Chair Clark, Commissioner Miller
 - a. Cultural Center Project Update
 - b. Signage
 - c. Potential GHG Reduction Measures - Methane From Water Treatment Operations
3. Standing Subcommittee on World Environment Day – Commissioners Futterman, Gauthier, Garratt
4. Ad Hoc Subcommittee on Earth Day – Commissioner Baker
 - a. ONE PS Neighborhood Challenge
 - b. Green Citizen and Student Awards
5. Ad Hoc Subcommittee on Walkability & Pedestrian Planning - Commissioners Gauthier, Futterman
 - a. Tree Inventory
6. Ad Hoc Subcommittee on Crosswalks and Pedestrian Safety – Commissioners Flanagan, Goins; Christine Hammond
 - a. Ramon Crosswalk Proposal
7. Ad Hoc Subcommittee on Bicycle Routes and Cycling – Commissioner Flanagan
8. Ad Hoc Subcommittee on Night Sky – Vice Chair McCann and Commissioner Flanagan
9. Big Horn Sheep Habitat Protection – Commissioner Flanagan, Manager Tallarico
10. Water Conservation – Commissioner Freedman
11. Wellness – Commissioner Baker
 - a. 3-4-50 Campaign
12. Desert Community Energy, Community Advisory Committee – Commissioners Baker, Freedman, Miller, Goins

G. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT

(5 MINUTES)

- H. ADJOURNMENT** - The meeting of the Sustainability Commission will adjourn to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, February 18, 2020, in the City Hall Large Conference Room, 3200 E Tahquitz Canyon Way, Palm Springs CA 92262. The Sustainability Commission's regular meeting schedule is at 5 p.m. the third Tuesday each month except August unless otherwise noted or amended.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk at (760) 323-8204 at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of Sustainability, City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262. Agenda and staff reports are available on the City's website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of Sustainability at 760-323-8214.

AFFIDAVIT OF POSTING: I, Patrick Tallarico, Manager of the Office of Sustainability of the City of Palm Springs, California, certify this Agenda was posted at or before 5:00 p.m. on January 16, 2020, as required by established policies and procedures.



Patrick Tallarico, Manager of the Office of Sustainability



City of Palm Springs California

OFFICE OF SUSTAINABILITY



Climate Action Roadmap

Introduction

On October 15, 2019, the Palm Springs Sustainability Commission met to discuss how to move forward with discussions and potential further actions to address the impacts of climate change. At that meeting, the group agreed that the City should develop a roadmap to acknowledge the seriousness of our current climate crisis, describe what the City has already done and plans to do to address climate change, and identify potential additional actions.

This document responds to that request and is intended to serve as a focus for further discussions among the Commission and the City Council. It may also serve as an initial step in developing a broader climate strategy to include in a future iteration of the City's Sustainability Plan.

1. Acknowledgement of the Current Climate Crisis

The City of Palm Springs recognizes that climate change is real and is having a dramatic impact on our environment, our economy, and our way of life. Globally, we know that sea levels are rising, polar ice is retreating, permafrost is melting, and fires are increasing. Here in the Coachella Valley, climate change is and will continue to manifest itself in the form of longer periods of drought; more frequent, above-average storm events; longer summers; and higher temperatures. We also know that changes in climate are having a significant impact on our local habitat. Staff at the Coachella Valley Association of Governments has indicated that populations of mammals and arthropods nearly crashed during recent droughts and dry spells. Although we experience some rebounds during wetter weather, we know that further change is inevitable and could be irreversible.¹ National scientists have also noted that the nearby iconic Joshua trees are threatened and may not last through this century.²

Our weather and environment are a key factor in why people come to Palm Springs and other Desert Cities to live, work, and play. Changes in our environment will have a significant impact on our economy and quality of life. The City recognizes that we need to redouble our efforts to strategically address our contribution to climate change and mitigate the impacts we are already seeing and expect to see in the future.

¹ Email from Kathleen Brundige at Coachella Valley Association of Governments. September 25, 2019.

² Iconic Joshua trees may disappear—but scientists are fighting back. National Geographic. October 15, 2018. <https://www.nationalgeographic.com/environment/2018/10/joshua-trees-moths-threatened-climate-change-scientists-seek-solutions/>

2. Existing Goals and Plans

The City's current goal as stated in the **Sustainability Plan** is to **reduce greenhouse gas emissions to 1990 levels by 2020, 80% below 1990 by 2050, and achieve carbon neutrality for municipal emissions by 2030**. This is consistent with the target identified by the state in AB 32 – California Global Warming Solutions Act. When the City conducted a baseline greenhouse gas inventory for 2010 (published in 2013), the results indicated that we had already achieved that level of emissions. The City has experienced significant growth since that time, and these emissions may have increased. The City has not done another inventory since that time to assess progress.

The 2016 Sustainability Plan also outlined some high-level actions such as monitoring and reporting greenhouse gas emissions; developing strategies based on the Climate Action Plan to reach the 1990 levels by 2020; and improving community resiliency to the potential impacts of climate change, including determining what these impacts will be.

The **Climate Action Plan** (Issued in 2013) does not include any additional goals, but rather outlines specific actions that the City could take to reduce its emissions. These actions are organized into the following sectors:

- Residential (where we live)
- Business (where we work)
- Building (how we build)
- Transportation (how we get around)
- Municipal (how we govern)
- Hospitality and Recreation (where we visit and play)
- Education (how we teach and learn)

Although the City is planning to update its Sustainability Plan in 2021, it has not done regular progress reports on the Sustainability Plan or the Climate Action Plan in the past several years. As a result, we do not have a clear picture of how we stand today in relation to our stated goals or identified actions.

3. Past and Ongoing Activities

The City of Palm Springs has always taken climate change seriously. As early as 2008, the City endorsed the U.S. Conference of Mayors Climate Protection Agreement and issued its own Path to Sustainability. Some of the efforts that have already helped the City achieve reductions in greenhouse gas emissions are listed below.

- Launched the Co-generation Facility in 2015 to help offset energy use at City facilities.
- Installed solar arrays at its Wastewater Treatment Plant and at the Convention Center. The Convention Center is able to offset over 60% of its energy use from its solar output.
- Administer commuter incentive programs for rideshare and alternative vehicle to reduce greenhouse gas emissions from employee commuting.
- Implemented LED and energy efficient lighting retrofit projects at City facilities and at street lights.
- Implemented ban on gas-powered leaf blowers and replaced over 500 gas-powered units with electric.
- Implemented a mobile home energy retrofit program that resulted in a reduction of nearly 92,000 pounds of CO₂e.
- Developed a solar zoning policy and now ordinance to facilitate the installation of solar on residential and commercial properties.
- Installed a network of 36 electric vehicle charging stations to help support EV adoption.

4. Roadmap of Future Actions to Address Climate Change and Its Impacts

Near-term Actions

The Office of Sustainability, in coordination with the Sustainability Commission, has identified the following near-term actions to position the City to make additional reductions in greenhouse gas emissions and address the impacts of anticipated climate change.

- **Update the City’s greenhouse gas emissions inventory report.** The Office of Sustainability had planned to conduct a greenhouse gas inventory internally in 2019, but we were not able to complete this with limited staff resources. Funds will be moved around in the Sustainability Budget to hire a consultant early in 2020. This is a critical first step in understanding where we are with our stated goals and to identify the highest priority areas to address. The inventory update will focus on 2018, because it is unlikely that all of 2019 data will be available until later in the year. It is hoped that we can complete the inventory by the end of May 2020. The results will help inform priority areas for action and determine what additional steps will be needed to meet our stated goals.
- **Promote adoption of the 100% Carbon free option as the default for rate payers under Desert Community Energy (DCE).** The launch of DCE has been moved up to April 2020. In 2010, the largest percentage of emissions – over 41% - came from the electricity used to power homes in the City. The City’s decision to shift to carbon-free energy as the default for all residents and businesses will have a significant impact on the City’s greenhouse gas emissions. The City will work closely with DCE staff to communicate the importance of sticking with the carbon-free energy option.
- **Implement Changes in the State Energy Code and Green Building codes effective in January 2020.** The changes in the building codes that will be in effect in January 2020 have several new energy efficiency and clean energy requirements for residential and commercial construction projects. As the Council knows, one of these requirements is that all new residential projects are required to install solar panels. These requirements along with improved energy efficiency and building envelope requirements should have a significant impact on reducing greenhouse gas emissions from new residential and commercial buildings moving forward.
- **Expand the network of EV charging stations.** The market for electric vehicles increased significantly over the past several years since the Climate Action Plan was developed. The City has not needed to promote electric and hybrid alternatives as was described in the Plan. This may be changing as people seem to be reverting to sport utility vehicles, but car manufacturers are also responding with electric and hybrid options. This is leading to an increased need for EV charging stations – something the Office of Sustainability has been working on with Engineering for the past several months. City Staff will continue to work with SCE to identify the infrastructure needed to support this expansion. The City will issue an RFP in January 2020 and install the units starting in Summer 2020.
- **Implement New Incentive Program for Home Energy Labeling.** The Sustainability Commission has approved a new program to provide rebates to residents that conduct a home energy review as part of an approved home energy labeling program. This program will likely begin in 2020. It is hoped that providing home owners with information about how they can reduce their home energy costs will help boost the energy efficiency of existing housing stock. If the program is successful, it is recommended that DCE continue it as one of their energy efficiency programs for homeowners.

- **Promote reusable food ware to reduce emissions from discarded disposables.** City staff have been working with the Sustainability Commission to develop an ordinance to reduce disposable food ware. This is one of our primary contributors to our municipal solid waste and a key contributor to greenhouse gas emissions. The draft ordinance will go before the City Council early in 2020.
- **Expand cooling center services for the homeless.** The City has expanded its programs for cooling centers and services for the homeless to address the impacts of higher summer temperatures. These centers now offer overnight accommodations given that temperatures can stay above 90 degrees.
- **World Environment Day – Climate Action focus.** The Sustainability Commission is currently planning to have climate action as the focus for this year’s World Environment Day event.

Longer-term Actions

The City is also researching additional potential additional actions to reduce greenhouse gas emissions and address climate change impacts, including the following:

- **Develop ordinance to require carbon-free energy for commercial buildings.** The Sustainability Commission is researching whether and how to require carbon-free energy for commercial buildings. This research can only proceed when DCE sets its rates as the most expedient path for any business to comply with such an ordinance is by adopting the 100% carbon free option from DCE. The draft ordinance will be developed in the February time frame.
- **Investigate capture technologies for greenhouse gas emissions from wastewater treatment plant.** Wastewater treatment plant emissions were the single largest municipal emissions source in the 2010 GHG Inventory. The City may be able to further reduce its direct greenhouse gas emissions by incorporating emissions control technologies that capture emissions from the wastewater treatment process for use as fuel. The Sustainability Commission is working with the water treatment plant operators to investigate whether this idea is feasible.
- **Implement new organics waste management requirements.** One of the challenges that the state continues to have in managing greenhouse gas emissions broadly is managing emissions from landfills – much of which is generated by organic waste. The State is working on a new law – SB 1383 – that is designed to reduce the amount of organics going to landfills. The City is currently working with PSDS to anticipate and respond to this new law. This will help the city reduce its greenhouse gas emissions by reducing the amount of waste sent to landfills.
- **Development of a Walkability and Safe Routes to School Master Plan.** The Master Plan will help promote pedestrian safety and increase pedestrian traffic to reduce transportation-related emissions.
- **Update the General Plan to reflect climate adaptation strategies.** The City is starting the process of updating its General Plan to include climate adaptation strategies. As part of this update, the General Plan will include a greenhouse gas emissions analysis and forecast. This may help the city strategize on new areas to address based on anticipated growth and other changes.

5. Next Steps

The Sustainability Commission and City staff continue to identify opportunities for improvements in greenhouse gas emissions reductions and looks forward to additional discussions with Council, especially following the results of the emissions inventory.



SUSTAINABILITY COMMISSION - REGULAR MEETING MINUTES

Tuesday, December 17, 2019 Palm Springs City Hall, Large Conference Room

CALL TO ORDER: Chair Clark called the meeting to order at **5:00** p.m.

ROLL CALL: A quorum was present for this Regular Meeting of the City of Palm Springs Sustainability Commission.

AGENDA APPROVAL: The agenda was presented by Chair Clark. A motion to approve was made by Commissioner Gauthier and seconded by Commissioner Flanagan and unanimously carried by an open vote.

	<u>This Meeting</u>	<u>Present to Date</u>	<u>FY 2019/2020 Excused Absences</u>	<u>FY 2019/2020 Unexcused Absences</u>
Roy Clark, Chair	X	40		
Robert McCann, Vice Chair	X	38		
David Freedman	X	50		
Jennifer Futterman	E	35	2	
Greg Gauthier	X	30	1	
John Goins	E	25	2	
Carl Baker	E	17	1	
Jim Flanagan	X	9	1	
Lani Miller	X	9		
Sandra Garratt	X	5		

X = Present

E = Excused (notified Chair and Staff of absence)

L = Late

U = did not notify of absence

CITY STAFF PRESENT: Patrick Tallarico, Manager, Office of Sustainability;
Gary Calhoun, Recycling Coordinator

CITY MANAGER / STAFF COMMENTS – Manager Tallarico reported on the following:

- At the December 4, 2019, Council meeting, the second reading of the solar zoning ordinance went through without comment.
- On December 5, 2019, there was a Special Council meeting on the construction of an arena by the Agua Caliente Tribe of Cahuilla Indians. Comments focused primarily on traffic, but some participants also mentioned environmental concerns and business impacts associated with the downtown location.
- At the upcoming December 19, 2019 Council meeting there will be two presentations. Manager Tallarico will be presenting on the signage for the new Downtown Trash and Recycling cans and a brief presentation on the naming ceremony dedication of the Community Garden in honor of Michele Mician. One agenda item of note will be the new building codes going into effect January 1, 2020.
- Manager Tallarico also reported that the request for proposal (RFP) for the Airport Turf Conversion project was issued. Responses are due in January 2020.
- The Bike Share RFP resulted in one response, and the response was shared with the Business Retention subcommittee who requested more information before moving forward.

PUBLIC COMMENTS – None.

A. WELCOME AND INTRODUCTIONS

B. PRESENTATIONS

1. Desert Community Energy (DCE), Katie Barrows

Ms Barrows provided information on Desert Community Energy (DCE), which will provide carbon-free electricity for Palm Springs residents. She explained that although DCE will be providing the electricity, Southern California Edison (SCE) will still deliver the electricity and will still bill customers. Enrollment for Palm Springs residents will begin in April 2020. An opt-out option will be available for

those who wish to stay with SCE. DCE will be sending letters to all Palm Springs residents in February.

2. Resident Mark Rock – Leaf Blowers

Mr. Rock spoke on the impact that leaf blowers (which he refers to as dirt blowers) have on a person's hearing and health. He stated that the blowers also create particulate clouds that spread unhealthy materials through the air which are breathed in by the public. He described how the blowers also harm the environment by emitting harmful emissions. He is requesting a comprehensive ban on all leaf blowers in the City of Palm Springs. He would also like to see stronger enforcement including having police officers issue citations to gardeners when they see an infraction. He also suggested that it may be helpful to have a citizen patrol to assist with enforcement efforts.

C. MEETING MINUTES

November 19, 2019 Regular Meeting minutes approval: Motion by Commissioner Freedman to pass with editorial changes provided to Manager Tallarico before the meeting, second by Commissioner Garratt. Motion passed unanimously.

D. RECYCLING REPORT, Recycling Coordinator Gary Calhoun reported on the following:

- Mr. Calhoun met with Chris Cunningham at PSDS and was informed that the City has hired a firm HF&H to assist in the development of the City's response to the changes expected with SB 1383.
- The next shredding and e-waste event is scheduled for Saturday, January 18, 2020.
- Mr. Calhoun picked up batteries and used toner cartridges from Police and Fire Departments and sent them off for recycling.
- The recycling number from Desert Recycling this month was 2,253 tons, most of which was construction and concrete.
- In support of AB341, 87 businesses have been visited to discuss their compliance requirements. Mr. Calhoun plans to continue these visits and complete the 63 remaining.
- Commissioner Flanagan asked the status of the City's recycling markets. Manager Tallarico reported that Burrtec that processes the City's recycling has found outlets for most materials that are collected, although some of these markets are in Asia, and it is less certain how the materials are managed when they get there. Commissioner Miller noted that not all of the materials that go into bins are recyclable due to contamination or the fact that they are not really recyclable. These materials as well as other materials that are too small to process end up going to landfill.

E. OLD BUSINESS

Commissioners discussed the following items.

1. Single-use Plastics Ordinance:

Manager Tallarico reviewed the changes to the ordinance, including the name of the ordinance which now is "The code regarding reusable food service ware and plastic waste reduction". Some definitions were changed also. Additions were made to the prepared food category to include City facilities and contractors.

Commissioner Miller asked about the reality of recycling foil given that it needs to be clean and flat. Manager Tallarico agreed to remove the reference to the requirement to accommodate foil recycling.

Commissioner Freedman asked if catering requirements could be made clearer.

Other content that was added included: eliminating the retail sale and distribution of polystyrene foam and rigid forms of polystyrene food ware based on feedback from the last meeting; prohibiting use of plastic bags for takeout; a twenty-five cent charge for a disposable cup to promote the use of reusable cups; a faded-in charge for other disposables such as other foodware to encourage people to use other types of reusable food ware.

Commissioner Garrett noted concerns about the use of latex gloves in food preparation. Manager

Tallarico stated that this will not be addressed in the ordinance at this time.

Although the ordinance would apply to providers of food at no cost to the recipient, there are exceptions that could be considered.

Restrictions on City food ware purchases and plastics purchases was also included in the updated version of the ordinance.

The ordinance will be updated and sent to the City Attorney for review. It will then go to City Council for review in February.

The Commission agreed that the City should move forward with developing the ordinance as presented noting the clarification mentioned.

2. Community Garden Naming Ceremony and Tree Planting:

Manager Tallarico reported that the preparations for the ceremony are going well. A fig tree that the Commission had requested was planted. Plaques were installed with the new garden name. Any plots that are not rented will be cleaned before the ceremony. About 30 – 40 people are expected.

3. Climate Action Plan Roadmap:

Manager Tallarico reported that no changes have been made to the roadmap since it was last presented. The roadmap will be presented to the City Council in February 2020. The staff report will include a statement on what some other cities are doing as part of their Climate Action plans in terms of energy codes.

4. Leaf Blower Ban Enforcement Enhancements:

Nothing new to report.

F. NEW BUSINESS

1. Pedestrian and Safe Routes to School Master Plan

Manager Tallarico stated that SCAG is still in the process of selecting a consultant, so there is nothing new to report. Ideas for projects have been submitted and will be given to the consultant.

2. EV Charging Locations

Manager Tallarico stated that he met with Maintenance and Facilities to discuss locations, which resulted in some changes to planned locations. SCE has been given the changes, and the City is waiting on their feedback.

3. Sustainable Film Series. "MOTION: The Sustainability Commission approves sponsorship of the 2020 Sustainable Film Series at the Palm Springs Cultural Center in the amount of \$2,000."

After confirming the amount of the sponsorship, Commissioner Miller made the motion as stated with a second from Commissioner Garratt. Commissioner Freedman asked what day of the week the films will be presented. Manager Tallarico and Chair Clark discussed that the exact day and time has not been determined. The motion passed unanimously.

4. Discussion of next steps with "flushable" wipes

Manager Tallarico discussed the challenges that the Waste Water Treatment Plant has with products referred to as "flushable" wipes. The City Attorney was asked if financial support could be given to an organization requesting support for AB1672, which will ban the labeling of products as flushable when in fact they are not. The City Attorney stated that because the organization did work that was somehow beneficial to the City, the City could provide financial support for their efforts. Discussion ensued on whether or not the funding was for joining the organization by paying dues, or if the funding could be given in other ways. More information on the organization was requested before a recommendation could be made. The issue will be placed on a future agenda for discussion. Commissioner Miller will take the responsibility for obtaining the requested information.

G. SUBCOMMITTEE AND COMMISSIONER REPORTS

1. Standing Subcommittee on Solar and Green Building –
 - a. Building code update: Commissioner Freedman reported that the City Council will consider an ordinance and hold a public hearing on the building standards codes in December and January.
 - b. Solar Zoning Ordinance: The Solar Zoning Ordinance was adopted by City Council on December 4th.
 - c. Potential GHG Reduction Measures: As part of the Climate Action Plan, a suggestion has been made that commercial buildings get all of their energy from renewable sources. This can be accomplished by the commercial building staying with DCE. Commissioner Freedman also stated that some Northern California cities have gone beyond the Energy Code requirements and are limiting natural gas in new construction. Whether or not this will occur in Palm Springs will be up to the City Council, but this is not being recommended by the Committee this time.
 - d. Street coatings to reduce heat island effects: Commissioner Flanagan stated that the issue has been tabled until more definitive research is available.
2. Standing Subcommittee on Waste Reduction.
 - a. Signage update: Manager Tallarico showed the signage that has been developed for the downtown trash and recycle containers. He will be presenting the designs to the City Council in December. He also mentioned that the containers will begin being installed next week. Concrete pads will be added after the containers are placed on sidewalk pavers. It was suggested that the trash images be “dirtier”.
 - b. Cultural Center project: Manager Tallarico and Chair Clark met with the Center regarding their reusable products. The discussion included moving them away from their polystyrene plastic ware. They will stay with a disposable plastic for their wine and cocktail drinks, but it will be made from PET, which is more readily recycled. In addition, because the Center generally only serves clear liquids, it may be easy to develop a process for recycling the empty plastic glasses.
3. Standing Subcommittee on World Environment Day – Commissioner Garratt reached out to Greta Thunberg to see if she would be available for a video chat or message on World Environment Day.
4. Ad Hoc Subcommittee on Earth Day – Commissioner Baker was not present at this meeting. Manager Tallarico stated that he met with Commissioner Baker and discussed giving the neighborhood groups a menu of challenges to do for Earth Day. DWA is also interested in participating.
5. Ad Hoc Subcommittee on Walkability & Pedestrian Planning – No report.
6. Ad Hoc Subcommittee on Crosswalks and Pedestrian Safety – Chair Clark stated that work is in progress on a traffic calming study on the Ramon corridor. Concerns with pedestrian safety prompted the study. Commissioner Flanagan also discussed the idea of converting all cross walks to “no button required” status. This would mean that any time a light turned green, the walk sign would also illuminate.
7. Ad Hoc Subcommittee on Bicycle Routes and Cycling – No report.
8. Ad Hoc Subcommittee on Night Sky – Commissioner Flanagan stated that he and Vice Chair McCann met with John McCoy, a landscape and outdoor lighting designer. A proposed list of goals was developed with possibly using ordinances from other cities as an example. Manager Tallarico requested that the subcommittee discuss how to proceed based on the research they conducted and come back to the Commission with a recommendation before developing a draft ordinance.
9. Big Horn Sheep Habitat Protection – Commissioner Flanagan stated that the volunteer Trail Ranger program was the subject of a story in the Desert Sun. The Trail Rangers have been able to educate many of the hikers who were unaware of the ordinance. Commissioner Flanagan stated that a set of guidelines will be developed for the volunteer Trail Rangers.
10. Water Conservation – Commissioner Freedman reported that at a signing ceremony in Las Vegas, that DWA now has water rights to the Colorado River until 2030. There was a 13.1% water reduction in November from the 2013 baseline, with 19.5% cumulative savings for the year and 17.3% since June 2016 when targets were established
11. Wellness – No report.
12. Desert Community Energy, Community Advisory Committee – Commissioner Freedman stated that CAC members will meet on Thursday, December 19th to see a presentation by Lift to Rise related

to the CARE/FERA program. Manager Tallarico stated that the program will be moving forward quickly now and that he is requesting Mayor Kors come to next month's ONE-PS meeting to give a brief presentation on what to expect and encourage everyone to stay on the 100% green energy option.

H. COMMISSIONER COMMENTS AND UPCOMING AGENDA DEVELOPMENT –

- Commissioner McCann stated that Oswit Canyon has been saved. The funds necessary to purchase the land have been obtained.
- Commissioner Miller stated that she appreciated all of the work that Vice Chair McCann has done for the Oswit Canyon initiative.

I. ADJOURNMENT - The meeting of the Sustainability Commission adjourned at 7:23 PM by a motion from Commissioner Flanagan and seconded by Vice Chair McCann and approved by a unanimous vote. They adjourned to the Regular Meeting of the Sustainability Commission to be held at 5:00 p.m. on Tuesday, January 21, 2020, in the Large Conference Room at the Palm Springs City Hall. The Sustainability Commission's regular meeting schedule is at 5:00 p.m. the third Tuesday each month except August unless otherwise noted or amended.

Respectfully Submitted,

Patrick Tallarico, Manager, Office of Sustainability

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.XX TO TITLE 5 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING REUSABLE FOOD SERVICE WARE AND PLASTIC WASTE REDUCTION

WHEREAS, The City has a goal of diverting over 90% of its solid waste from landfills.

WHEREAS, The production and disposal of single-use disposable food and beverage packaging has significant environmental impacts, including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels, greenhouse gas emissions, and the increased clean-up and end of life management costs; and

WHEREAS, Food and beverage packaging comprises approximately one quarter of California's disposed waste stream annually,¹ accounts for 14 of the top 20 marine plastic items,² and an estimated 70% of street litter³; and

WHEREAS, Plastics released to land, waterways, and oceans break down into smaller pieces that are not biodegradable and can be easily consumed by animals and people; and

WHEREAS, Plastics contribute to greenhouse gas emissions because they are derived from petroleum products and because they release methane emissions when they degrade; and

WHEREAS, Polystyrene foam food and beverage service ware is a distinctive litter concern because it is lightweight, easily blown into streets and waterways, and floats in water; and

WHEREAS, Polystyrene foam food and beverage service ware breaks apart easily into small pieces, is difficult to collect, and is often mistaken as food by birds, fish, and wildlife; and

WHEREAS, Styrene used to manufacture polystyrene products is identified by the State of California as a carcinogen under Proposition 65 chemicals, the state advises that individuals limit consumption of hot food and beverages from polystyrene containers, and containers made from alternative materials that are reusable, recyclable, or compostable are readily available.⁴

WHEREAS, The market for alternative forms of disposable food and beverage packaging and food service ware continues to evolve, and there is no ideal replacement for all current plastic disposable food ware.

WHEREAS, Reusable food ware, packaging, and products are more environmentally sound alternatives to disposables and saves businesses money.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES ORDAIN AS FOLLOWS:

¹ CalRecycle Packaging Reform Workshop Background Document (2017) citing CalRecycle waste characterization study entitled "2014 Disposal Facility-Based Characterization of Solid Waste in California."

<https://www2.calrecycle.ca.gov/PublicNotices/Documents/8345>

² Better Alternatives Now, List 2.0. UPSTREAM. <https://www.upstreamsolutions.org/reports>

³ Clean Water Fund (2012), Taking out the Trash: Identifying Sources of Trash in the Bay Area- <http://www.rethinkdisposable.org/resources>

⁴ <https://www.p65warnings.ca.gov/fact-sheets/styrene>

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference as material findings in support of this Ordinance.

SECTION 2. Chapter 5.XX is hereby added to Title 5 of the Palm Springs Municipal Code to read as follows:

5.XX.001 Definitions

For the provisions of this Chapter, the following definitions shall apply:

“City” means the City of Palm Springs, California.

“City-sponsored event” includes any event, activity or meeting organized or sponsored, in whole or in part by the City or any department of the City.

“Compostable” means any product that meets the standards of ASTM D6400 or ASTM D6868 for compostability, as adopted or subsequently amended by the American Society for Testing and Materials (ASTM) and is certified by the Biodegradable Products Institute or a different third party as specified by the City.

"Non-reusable" means products that do not meet the definition of “Reusable” as defined in this section.

“Non-reusable cup” is a beverage cup that does not meet the definition of “Reusable” that is used to serve beverages, such as water, cold drinks, hot drinks, alcoholic beverages, and other drinks.

“Fluorinated Chemicals” means perfluoroalkyl and polyfluoroalkyl substances or fluorinated chemicals, which for the purposes of food packaging are a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

“Food Service Ware” means all containers, bowls, plates, trays, cups, lids, and other like items that are used for consuming prepared foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by prepared food vendors.

“Food Service Ware Accessory” means all types of single-use items usually provided alongside Prepared Food in single-use plates, containers, bowls, or cups, including but not limited to utensils, chopsticks, napkins, cup lids, cup sleeves, food or beverage trays, condiment packets and saucers, straws, stirrers, splash sticks, cocktail sticks, and toothpicks designed for a single use for Prepared Foods.

“Packing Material” means material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.

“Person” means any individual, trust, firm, joint stock company, corporation including a government corporation, partnership or association.

“Plastic” means a synthetic material made from fossil fuel based polymers such as polyethylene, polystyrene, polypropylene, and polycarbonate that can be molded or blown into shape while soft and then set into a rigid or slightly elastic form.

"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to rigid polystyrene and expanded polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all polystyrene food service ware, regardless of whether it exhibits a resin code.

“Polystyrene foam” means and includes blown polystyrene and expanded and extruded foams (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of expanded polystyrene insulation) which are thermoplastic petrochemical materials 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, foam molding, and extrusion blow molding (extruded foam polystyrene). Polystyrene foam is commonly made into disposable food service ware products. Polystyrene foam does not include clear or solid polystyrene (oriented polystyrene).

“Prepared Food” means food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, poured, or otherwise prepared (collectively “prepared”) for individual customers or consumers. Prepared Food does not include raw eggs; raw, butchered meats, fish, and/or poultry sold from a butcher case, a refrigerator case, or similar retail appliance; or food that is prepared and packaged on site such as breads, baked goods, and deli items that are not intended for immediate consumption.

"Prepared Food Vendor" means any person or place that provides or sells Prepared Food within the City to the general public to be consumed on the premises or for take-away consumption. Prepared Food Vendor includes but is not limited to: a grocery store, supermarket, restaurant, fast-food restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers market, convenience store, or similar place where prepared food is available for sale on the premises or for takeaway consumption, and any mobile store, food vendor, caterer, food truck, or similar mobile outlet. This includes Prepared Food Vendors at City facilities and City contractors and lessees acting pursuant to a City contract, lease, or permit at a City Facility.

“Prepackaged” means food or beverages that are properly labeled and arrive at the premises of the food seller, vendor, or server in a container or wrapper in which the food or beverage is wholly encased, enclosed, contained or packaged and is not removed from such container or wrapper (other than an outer container or wrapper that encloses multiple units of food) before its sale or provision at the premises. Prepackaged food and beverages may be sold, vended, or served in the same container (e.g., ramen noodles in a foam cup).

“Reusable” means products designed and manufactured to maintain its shape and structure and be materially durable to be washed and sanitized and to be used repeatedly over an extended period of time, and is safe for washing and sanitizing by mechanical and/or manual ware washing methods that meet the requirements of the California Retail Food Safety Code for cleaning and sanitizing of equipment and utensils.

“Reuse System” means a closed loop service or program provided by a third party to a Food Vendor that includes the provision of Reusable Food Ware and the collection, cleaning, and redistribution of the Reusable Food Ware to said Food Vendor or other Food Vendors. Any operative third party Reuse System provider in the City of Palm Springs shall meet regulatory requirements that the City of Palm Springs may set forth in guidelines or regulations with a public hearing.

"Takeout food" means Prepared Food requiring no further preparation which is purchased to be consumed off a Prepared Food Vendor's premises. Takeout Food includes Prepared Food delivered by a Prepared Food Vendor or by a third-party delivery service.

5.XX.002 On-Site Food and Beverage Consumption

- a) Prepared Food Vendors shall use Reusable Food Service Ware and Reusable Food Service Ware Accessories for Prepared Food served for on-site food and beverage consumption, unless the Food Vendor qualifies for a waiver as described in Section 5.XX.008. This requirement does not prohibit a Prepared Food Vendor from providing leftover Prepared Food in Non-reusable Food Service Ware and Non-reusable Food Service Ware Accessories that are compliant with Section 5.XX.003 of this Chapter when requested by a customer.
- b) Non-reusable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; and paper tray and plate-liners shall be allowed for on-site food consumption.
- c) All Prepared Food Vendors offering condiments must offer those items in either bulk dispensers or individual paper packaging for on-site food and beverage consumption. Individual plastic condiment packages are prohibited for on-site use.
- d) Although Reusable options are preferred, Prepared Food Vendors may use Non-reusable straws, stirrers, cocktail sticks, and toothpicks that are not Plastic for on-site food consumption. Straws shall be made available only upon request.
- e) Any Non-reusable Food Service Ware and Food Service Ware Accessories that are Compostable shall be free of added Fluorinated Chemicals as certified by the Biodegradable Products Institute or another independent organization authorized by the City.

5.XX.003 Food Service Ware for Off-site Food and Beverage Consumption

- a) No Prepared Food Vendor may use any Non-reusable Food Service Ware or Food Service Ware Accessories made in whole or in part from Polystyrene or Polystyrene Foam.
- b) Non-reusable straws shall not be made of Plastic.

- c) Any Non-reusable Food Service Ware and Food Service Ware Accessories that are Compostable shall be free of added Fluorinated Chemicals as certified by the Biodegradable Products Institute or another independent organization authorized by the City.
- d) Prepared Food Vendors shall provide, sell, or otherwise distribute only those Food Service Ware Accessories that comply with this Section, and only (1) upon a customer's specific request for such items, (2) in a self-service area or dispenser – except for Non-reusable straws, which shall be made available by request only, or (3) when Prepared Food is assembled for delivery, to accommodate for safety and to prevent spills.
- e) Food prepared for off-site consumption or leftovers of partially consumed food on premises shall not be provided to customers in single-use plastic bags.
- f) All Prepared Food Vendors must allow for the use of customer-supplied Reusable Food Service Ware consistent with California Food Retail Code.
- g) Prepared Food Vendors and Takeout Food delivery services must provide options for customers to affirmatively request Food Service Ware Accessories separate from orders for food and beverages across all ordering/point of sale platforms, including but not limited to web, smart phone and other digital platforms, telephone and in-person.

5.XX.004 Food Service Ware for Retail Sale

- a) No Person may sell, offer for sale, or otherwise distribute for compensation within the City any Non-reusable Food Service Ware or Food Service Ware Accessories made in whole or in part from Polystyrene or Polystyrene Foam.

5. XX.005 Promoting the Use of Reusable Beverage Cups and Food Containers

- a) No Food Vendor shall provide a Non-reusable Beverage Cup to a customer who is paying for a beverage, unless the Food Vendor charges the customer a Non-reusable Cup Charge of at least \$0.25 per cup. A Food Vendor shall provide notice of this charge to each customer prior to completing the customer's order. Within one year of a determination by the City that economically and geographically feasible Reusable Cup Return Systems are available to Food Vendors, Food Vendors will provide-Reusable Cups to customers with a return system in place at a cost no greater than \$0.10.
- b) Beginning January 1, 2022, No Food Vendor shall provide a Non-reusable Food Container to a customer paying for Prepared Food unless the Food Vendor charges the customer a Non-reusable Food Container Charge of at least \$0.25 per Non-reusable Food Container, with the maximum charge per order not to exceed \$0.50. A Food Vendor shall provide notice of this charge to each customer prior completing the customer's order. Within one year of a determination by the City that economically and geographically feasible Reusable Food Container Return Systems are available to Food Vendors, Food Vendors will provide Reusable Food Containers to customers with a return system in place at a cost no greater than \$0.10.
- c) The \$0.25 Non-reusable Cup and Non-reusable Food Container charges and Reusable Cup and Reusable Food Container charges imposed under subsections (a) and/or (b) of this Section shall be retained by the Food Vendor. Third-party food delivery services that

process and/or deliver orders on behalf of Food Vendors and collect payment on behalf of Food Vendors shall remit the \$0.25 charge to the Food Vendor.

- d) Controller's Report. No earlier than 18 months, and no later than 24 months, after implementation each of subsections (a) and/or (b) of this Section 6, the Controller shall perform a separate assessment and review of the economic impact on Food Vendors, both large and small, of the Non-reusable Cup Charge and/or the Non-Reusable Food Container Charge. Based on such assessment and review, the Office of Sustainability shall submit an analysis to the City Council of each charge type. Each analysis shall be based on criteria deemed relevant by the Office of Sustainability, but shall include a survey of whether and how the charge specifically has impacted Food Vendors' profits and losses.
- e) The amount(s) charged pursuant to subsections (a) and (b) shall each be separately stated on any receipt provided to the customer at the time of sale and shall be identified respectively as the Non-Reusable Cup Charge and/or the Non-Reusable Food Container Charge.

5.XX.006 Waivers and Exemptions

- a) Section 5.XX.005 Subsections (a) and (b) do not apply to Food Vendors when they are providing Prepared Food to a customer who receives state assistance as part of the Special Supplemental Food Program for Women, Infants, and Children (CITE THE STATE CODE – for example, Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code), or the (California Department of Social Services) Food Stamp Program, or MediCal.
- b) The City Manager may waive the provisions of this Chapter if:
 - 1. The applicant demonstrates a feasibility based hardship. The person seeking the waiver must demonstrate to the City Manager's satisfaction that no reasonably feasible alternative exists to a specific non-compliant product.
 - 2. The applicant demonstrates compliance is unreasonably financially prohibitive. The person seeking the exemption must demonstrate to the City Manager's satisfaction that with respect to each specific non-compliant product, there is no suitable and reasonably affordable alternative product available, including, but not limited to, good faith efforts to obtain a substantially similar complaint item at a non-prohibitive price.
 - 3. Strict application of the specific requirement would create an undue hardship, or practical difficulty, not generally applicable to other persons in similar circumstances, and good cause is shown.
- c) An applicant seeking a waiver under subsection a must submit a written application on a form approved by the City Manager or designee. The City Manager or designee may require the applicant to submit additional information or documentation to make a determination regarding the waiver requested. The City Manager or designee shall review requests for waivers on a case-by-case basis, and may grant the waiver in whole or in part, with or without conditions, for a period

of up to twelve (12) months. An applicant for renewal of a waiver must apply for a new waiver period no later than sixty (60) days prior to the expiration of the then-current period to preserve a continuous waiver status. The City Manager or designee shall review each application anew and base his or her determination on the most current information available. In no case shall a waiver be retroactive or continue past January 1, 2021.

- d) Nothing in this chapter shall restrict the availability of single-use plastic straws, cups, or containers to individuals who may require and request them due to disability or other medical or physical conditions or circumstances. Prepared Food Vendors that customarily offer plastic straws, cups, or containers may maintain a small supply of plastic products to accommodate such requests.

5.XX.010 Violation

- a) Any Person, firm or corporation violating any provision of this chapter shall be guilty of an infraction for such violation and shall be subject to penalties as provided in **Section 1.01.155.**

SECTION 3. CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The City Council hereby finds that under Section 15061(b)(3) of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. The City Council also finds the Ordinance is exempt from the requirements of CEQA pursuant to State CEQA Guidelines Sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

SECTION 4. Severability. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary of the same to be published in the official newspaper of the City of Palm Springs within fifteen (15) days following its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of **XXXXXX**, 2019, by the following vote:

AYES:

NOES:

Ordinance No. _____

Page 8

ABSENT:
ABSTAIN:

MAYOR GEOFF KORS

ATTEST:

Anthony J. Mejia, MMC
City Clerk

APPROVED AS TO FORM:

Jeff Ballinger, City Attorney

DRAFT

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PALM SPRINGS)

I, Anthony Mejia, City Clerk, hereby certify that the attached is a true copy of Ordinance No. _____, introduced by the City Council of the City of Palm Springs, California, at a City Council meeting held the ___ day of **XXXXXX**, 2019. Ordinance No. _____ was passed, approved and adopted at a regular City Council meeting held at the ___ day of **XXXXXX**, 2019.

WITNESS my hand and official seal of the City of Palm Springs this ___ day of **XXXXXX**, 2019.

Anthony J. Mejia, MMC
City Clerk

DRAFT



COMMITTEE REPORT

PRESENTED FOR COMMISSION MEETING DATE: 01/21/20

SUBMITTED BY: David Freedman

COMMITTEE NAME: Standing Committee on Solar and Green Building

SUBMITTED DATE: 01/13/20

COMMITTEE MEETING DATE: 01/07/20

NEXT COMMITTEE MEETING DATE: 02/04/20, 10 am

Committee Meeting Goals:

- Council Meeting Agenda Items
 - Palm Springs Solar Zoning Ordinance Administrative Regulations
 - New Building Codes, including 2019 Energy Code
 - Climate Action Roadmap Discussion
- Climate Action Plan implementation
 - Renewable Energy for Commercial Buildings Ordinance
 - Reach Code measures
- Home energy audit program
- EV charger update

Summary:

- Council Meeting Agenda Items

Manager Tallarico noted that he is continuing to work with Glenn Mlaker of the Planning Services Department on the Administrative Regulations requested by Council when they approved the Solar Zoning Ordinance. Manager Tallarico has asked that more details be added to the draft.

At its January 9 meeting, Council approved on second reading an ordinance adopting the 2019 state Building Standards Codes, effective January 1, 2020. The code package includes the 2019 Energy Code, which, among other things, requires solar energy systems on all new residential development three stories and under. Commissioner Freedman made a public comment at the Council meeting supporting the ordinance and noting that the Sustainability Commission is continuing to work on renewable energy and greenhouse gas reduction measures. Commissioner Freedman will draft a resolution for consideration at the January 30 Council meeting repealing Council's January 2018 solar policy resolution, which is now preempted by the stricter Energy Code requirements.

Committee members discussed with Manager Tallarico the draft Climate Action Roadmap, which is to go before the Commission on January 21 and to Council on January 30. Commissioner Freedman asked that the document mention the Sustainability Plan goal to reduce GHG emissions 80% below 1990 levels by 2050 and note that the home energy audit program could be linked to energy efficiency incentives from Desert Community Energy if so decided by the DCE Board.

Manager Tallarico noted that the firm retained to do the General Plan update is working on a GHG inventory as part of that project. Manager Tallarico is working with the Planning Services Department

on the timing, with the objective of having an inventory this spring based on 2018 data, which would then be updated as new data becomes available.

- Climate Action Plan implementation

Commissioner Freedman presented the Renewable Energy for Commercial Buildings Ordinance. Manager Tallarico will follow up with the Engineering Services Department to get data on building sizes in the City. Manager Tallarico also noted that there will need to be outreach with the business community and cannabis industry, given the potential cumulative economic effect of sustainability measures that would affect them. Commissioner Freedman will present the draft ordinance together with a cover memo as new business at the January 21 Commission meeting.

Commissioner Freedman noted that the Energy Commission continues to consider local ordinances that exceed the 2019 Energy Code, focusing on building decarbonization and energy efficiency. Commissioner Freedman will prepare a summary of these measures for the staff report to be presented to Council with the Climate Action Roadmap at its January 30 meeting.

- Home energy audit program

Manager Tallarico did not have an update on this matter.

- EV charger update

Manager Tallarico is continuing to work with SCE on EV charger locations. A determination will need to be made on the best business model for the program, which could be City installing the chargers and charging for the electricity, or a third-party vendor doing so. A decision will also need to be made on who will maintain the chargers. This matter will come before the Committee for future discussion.

Recommendation/Request:

Continuing working on energy-related GHG reduction measures to further goals in Climate Action Roadmap.

ACTION ITEMS REQUEST TO COMMISSION	Approve Climate Action Roadmap and draft ordinance setting GHG-free energy requirements for commercial buildings.
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	Work with Planning Services Department on Solar Zoning Ordinance Administrative Regulations. Work with CVAG on launch of DCE in April 2020. Implement EV charger and home energy efficiency label rebate pilot programs.
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	The cost to the City for the EV charger program will be approximately \$250,000, in addition to the \$80,000 that will be covered by grants.



MEMORANDUM

DATE: January 13, 2020

SUBJECT: Renewable Energy for Commercial Buildings Ordinance

TO: Sustainability Commission
Patrick Tallarico, Manager, Office of Sustainability

FROM: David Freedman, Solar and Green Building Committee Member

At the Sustainability Commission's October 15 meeting, the Commissioners discussed implementation of the City's Climate Action Plan (CAP) and provided direction to the Solar and Green Building Committee to continue researching proposals that would assist the City in achieving the goal in the CAP and Sustainability Plan to reduce greenhouse gas (GHG) emissions to 80% below 1990 levels by 2050. Following research into GHG reduction measures that other California cities have recently implemented, the Solar and Green Building Committee is proposing for Commission approval and recommendation to Council for adoption an ordinance requiring certain commercial buildings and cannabis facilities to obtain GHG-free or renewable electricity, as further described below.

San Francisco recently adopted an ordinance to transition private commercial buildings of 50,000 square feet and larger to 100 percent GHG-free or renewable electricity. The legislation calls for the city's commercial buildings of at least 500,000 square feet in gross floor area to procure 100 percent GHG-free or renewable electricity by any combination of on-site generation or purchase from the city's electricity providers by 2022. Starting in 2024, additional buildings will be subject to the requirement, encompassing by 2030 all commercial buildings 50,000 square feet or larger.

This measure would be relatively easy to adopt in Palm Springs, to take effect at the same time as the launch of Desert Community Energy (DCE) in Palm Springs in April 2020. DCE will offer a 100% carbon-free product, and all electricity users in the City will automatically be enrolled in that product unless they opt down to DCE's 50% carbon-free product or opt out of DCE and remain with Southern California Edison (SCE). SCE offers a Green Rate Program under which it purchases renewable energy from independently owned solar farms in California on behalf of the customer, who then purchases this renewable power from SCE. SCE also offers a Community Renewables Program, under which the customer enters into an agreement with a California renewable energy provider to buy a share of their energy output. SCE purchases the electricity that is produced under the agreement – up to 120 percent of the power forecasted to meet the customer's usage needs – and SCE pays the customer directly, via bill credits.

The ordinance proposes a phase-in period for compliance, like the San Francisco ordinance. The largest commercial buildings, 100,000 square feet in gross floor area or larger, would need to procure their energy from carbon-free or renewable sources by December 31, 2020. Commercial buildings 50,000 and 10,000 square feet in gross floor area or larger would have until December 31, 2021 and 2022 to comply, respectively. Commercial buildings less than 10,000 square feet in gross floor area would not be subject to the ordinance. Prior to the ordinance being presented to Council, the Office of Sustainability will work with

the Engineering Services Department to identify the number and percentage of commercial buildings in the City in each size group.

In addition to commercial buildings, the ordinance covers cannabis indoor grow facilities. According to a recent article in the Desert Sun, in the SCE service area encompassing the western side of the Coachella Valley, cannabis cultivation facilities use about 235 megawatts a day, or the equivalent of about 100,000 California homes. The energy used by these facilities could represent 1-2% of overall usage. Indoor cannabis cultivation facilities (which includes all those in Palm Springs) generally use about 25 times what a standard industrial development may need, to power ventilation systems, overhead fans and light bulbs that run 12 to 18 hours a day.

The ordinance also includes a phased-in approach for cannabis cultivation facilities. Type 3A indoor facilities using exclusively artificial lighting and type 3B mixed-light facilities using a combination of natural and supplemental artificial lighting, in each case having a canopy area between 10,001 and 22,000 square feet, would need to procure their energy from carbon-free or renewable sources by December 31, 2020. Type 2A facilities using exclusively artificial lighting and Type 2B mixed-light facilities, which have a total canopy size between 5,001 and 10,000 square feet, would have until December 31, 2021 to comply. Type 1A facilities using exclusively artificial lighting and Type 1B mixed-light facilities, which have a total canopy size no more than 5,000 square feet, would have until December 31, 2022 to comply. There are currently 16 cannabis permit holders operating in the City, four of which hold cultivation licenses in types 3A, 2A, 1A and 1B. There are also non-operating permit holders with indoor and mixed-light cultivation licenses and pending permit applications for facilities that include indoor cultivation.

Given the dynamic nature of electricity rates and energy policy, the ordinance grants authority to the City Manager to modify or suspend any or all the requirements by submitting a written determination to the City Council indicating:

- lack of carbon free or renewable energy market resources available to meet demand, and/or
- the cost of all available carbon free or renewable energy resources options is more than 15% of each energy provider's default program offering, and/or
- the requirement conflicts with or is similar or less comprehensive than a renewable energy requirement adopted by the State of California or the Federal government.

At its January 13 meeting, the DCE Board capped its carbon-free rate for 2020 at 10% more than SCE's base rate. DCE's base rate for its Desert Saver product will be offered at a slight discount to SCE's rate. Although City Council has set an objective of capping the carbon-free rate at 10% more than SCE's base rate, having the threshold for modification or suspension of the requirement at 15% allows for temporary DCE rate increases above the 10% objective.

Assuming approval of the ordinance by the Sustainability Commission, the next step will be outreach to the business community and cannabis industry for their input. This outreach will need to consider other sustainability initiatives that will fall on the business community in the coming months and the new cannabis regulations. The ordinance should also be discussed with the City Council Business Retention Subcommittee (Mayor Kors and Mayor Pro Tem Holstege), prior to being presented to the full City Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 8.30 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO RENEWABLE ENERGY AND DELETING CHAPTER 8.32 OF THE PALM SPRINGS MUNICIPAL CODE.

City Attorney's Summary

This Ordinance amends and replaces in its entirety Chapter 8.30 of the City's Municipal Code relating to renewable energy. Chapter 8.30 currently grants authority to the City Manager to establish a municipal solar utility. However, such authority is no longer necessary considering the City's participation in Desert Community Energy, which will supply carbon free and renewable energy to electricity customers in Palm Springs. In its place, Chapter 8.30 will establish requirements for the use of carbon free and/or renewable energy by certain commercial buildings and cannabis cultivation sites in Palm Springs. The Ordinance also deletes Chapter 8.32 of the City's Municipal Code relating to municipal solar utility leasehold marketing.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

- A. On January 9, 2020, City Council approved Ordinance No. 20XX adopting the California 2019 Building Standards Code, including the 2019 California Energy Code and the 2019 California Green Building Standards Code. However, Palm Springs is one of the oldest urban areas in the Coachella Valley, and many of its commercial buildings were built before energy efficiency codes were enacted.
- B. The Palm Springs commercial building stock uses electricity partially supplied by fossil-fuel burning power plants and heat that is primarily supplied by the combustion of natural gas - both of which emit carbon dioxide, one of several pollutants that contribute to global warming.
- C. On January 3, 2018, City Council adopted Resolution No. 24354 establishing a policy for the provision of solar photovoltaic systems as part of discretionary approvals for new residential development. This policy has been superseded by the 2019 Energy Code, which among its provisions requires all new residential construction three stories and under to install a solar energy system.
- D. In 2016, City Council adopted the Sustainability Plan setting the following goals:
 - Develop strategies to reduce community-wide contributions to greenhouse gas (GHG) emissions to 1990 levels by 2020 and 80% below 1990 by 2050;

- Encourage the building or retrofitting of one million square feet of green buildings;
- Reduce the total energy use by all buildings built before 2012 by 10%;
- Reduce energy use and carbon use from new homes and buildings;
- Supply 50% of all energy from renewable sources by 2030.

E. In addition, the General Plan adopted by City Council in October 2007 sets the following goals:

- Support and encourage the use of alternative energy in the construction of new buildings and retrofit of existing buildings;
- Encourage and support the incorporation of energy efficiency and conservation practices in subdivision and building design;
- Make the maximum use of solar electric capabilities on an individual and community wide basis.

F. In 2017, Palm Springs was the first City to join Desert Community Energy (DCE), a new locally operated energy provider serving the cities of Palm Springs, Cathedral City and Palm Desert.

G. In June 2019, City Council voted to launch DCE in Palm Springs in 2020 with DCE's Carbon Free energy product as the default choice for residential, commercial and municipal accounts. The Carbon Free energy product consists of 50% renewable energy under the California Renewables Portfolio Standard and the remaining 50% from hydropower.

H. DCE staff estimates that because of Palm Springs selecting the Carbon Free product as the default option, the City's annual aggregate GHG emissions will be reduced by nearly 30%, from 431,000 to 313,000 metric tons following the DCE launch in April 2020. The 1990 GHG emissions level was 432,000 metric tons, demonstrating the City's progress on the goal in the Sustainability Plan of reducing GHG emissions to 80% below 1990 levels by 2050.

I. Moving to carbon free and/or renewable electricity in the commercial building sector is a significant step the City can take to continue reducing GHG emissions and meet the above Sustainability Plan and General Plan goals.

J. The Sustainability Commission of the City of Palm Springs, by vote of ___ to __ at its meeting of January 21, 2020, approved the draft Renewable Energy for Commercial Buildings Ordinance and recommended its adoption by City Council.

K. The proposed Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 *et. seq.*) pursuant to Section 15060(c)(2) and 15060(c)(3) of the State Guidelines, because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as that term is defined in Section 15378 of the State Guidelines.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The findings and determinations reflected above are true and correct and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Ordinance.

SECTION 2. Chapter 8.30 of the Palm Springs Municipal Code is hereby amended to read:

RENEWABLE ENERGY FOR COMMERCIAL BUILDINGS

Sections:

8.30.010 Short Title.

8.30.020 Purpose.

8.30.030 Definitions.

8.30.040 Carbon Free and/or Renewable Energy Usage and Compliance.

8.30.050 Implementation.

8.30.010 Short Title.

Sections 8.30.00 through 8.30.050 may be referred to as the Renewable Energy for Commercial Buildings Ordinance of the City of Palm Springs.

8.30.020 Purpose.

Recognizing that the Sustainability Plan has set a vision of Palm Springs as a high efficiency, renewable energy city, the City Council finds that it is in the public interest to encourage the use of carbon free and renewable energy sources. The purpose of this Renewable Energy for Commercial Buildings Ordinance is to reduce GHG emissions by the businesses and institutions of Palm Springs while protecting the public health, safety and welfare.

8.30.030 Definitions.

For purposes of this Chapter 8.30, the following terms have the following meanings:

“Indoor or Mixed Light Cannabis Cultivation Site” means a cultivation site as defined in Palm Springs Municipal Code Section 5.55.050 corresponding to the following state cultivator license types set forth in California Business and Professions Code Section 26050:

- Type 1A or “specialty indoor”
- Type 1B or “specialty mixed-light”
- Type 2A or “small indoor”
- Type 2B or “small mixed-light”

- Type 3A or “indoor”
- Type 3B or "mixed-light"

“Carbon free or renewable energy resources” means energy resources qualifying as renewable pursuant to California Public Resources Code Chapter 8.6, Section 25741 (a) and California Public Utilities Code Chapter 2.3, Article 16, Section 399.16(b)(1) or (2), as amended from time to time, and from hydroelectric facilities of 30 megawatts or greater, including the Carbon Free product supplied by Desert Community Energy.

“Gross floor area” means the total number of square feet measured between the principal exterior surfaces of enclosing fixed walls.

“Nonresidential Building” means a facility, other than an indoor or mixed light cannabis cultivation site, composed of occupancy types(s) other than residential – including type A, B, E, I-1, I-2, I-3, M, R-1, and S, as defined in Chapter 3 of the California Building Code, as amended from time to time, and where a gross area of [10,000] square feet or more is heated or cooled in its interior.

“Owner” means a person, as defined by California Public Resources Code Section 25116 or any successor law, possessing title to the building.

"Permittee" means a person issued a City permit under Palm Springs Municipal Code Chapter 5.55.

8.30.040 Carbon Free and/or Renewable Energy Usage and Compliance.

A. The date of applicability of the requirements of this Chapter 8.30 to Nonresidential Buildings is as follows, based on gross floor area:

1. Buildings of 100,000 square feet in gross floor area or larger: December 31, 2020;
2. Buildings of 50,000 square feet in gross floor area or larger, but below 100,000 square feet: December 31, 2021;
3. Buildings of 10,000 square feet in gross floor area or larger, but below 50,000 square feet: December 31, 2022.

Nonresidential Buildings of less than 10,000 square feet in gross floor area are not subject to the requirements of this Chapter.

B. The date of applicability of the requirements of this Chapter 8.30 to Indoor or Mixed Light Cannabis Cultivation Sites is as follows, based on state cultivator license types:

1. Type 3A and Type 3B: December 31, 2020;
2. Type 2A and Type 2B: December 31, 2021;

3. Type 1A and Type 1B: December 31, 2022;

C. Each Nonresidential Building and Indoor or Mixed Light Cannabis Cultivation Site subject to this Chapter 8.30 shall, as of the date specified in subdivisions (A) and (B) respectively, ensure that all onsite electricity demands are met through any combination of:

1. on-site generation from carbon free or renewable energy resources, and/or
2. purchase from carbon free or renewable energy resources.

D. In buildings subject to the requirements of this Chapter 8.30, it shall be the responsibility of Nonresidential Building Owners and tenants and Indoor or Mixed Light Cannabis Cultivation Site Permittees to ensure that all meters for which respectively they are the account holder are in compliance with the energy source provisions of this Section 8.30.040.

E. A Nonresidential Building or Mixed Light Cannabis Cultivation Site subject to this Chapter 8.30, as of the date specified in subdivisions (A) and (B) respectively, will be compliant if it is on a waitlist for enrollment in a program satisfying the conditions of subdivision (C).

F. A Nonresidential Building or Mixed Light Cannabis Cultivation Site subject to this Chapter 8.30 will not be considered in violation of this Chapter 8.30 during the term of an existing long-term energy contract executed and dated prior to the date of effectiveness of this the Renewable Energy for Commercial Buildings Ordinance.

8.30.050 Implementation.

A. The City Manager or his/her designee(s) may adopt rules and regulations or the implementation of this Chapter 8.30, including rules for verification of compliance with the requirements of this Chapter.

B. The City Manager may modify or suspend any or all the requirements of this Chapter 8.30 if the City Manager submits a written determination to the City Council indicating:

1. lack of carbon free or renewable energy market resources available to meet demand, and/or
2. the cost of all available carbon free or renewable energy resources options is more than 15% of each energy provider's default program offering, and/or
3. the requirement conflicts with or is similar or less comprehensive than a renewable energy requirement adopted by the State of California or the Federal government.

SECTION 3. Chapter 8.32 of the Palm Springs Municipal Code is deleted in its entirety.

SECTION 4. The provisions above are adopted based upon the true and correct recited findings reflected above and incorporated by this reference herein.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

ADOPTED THIS __TH DAY OF _____, 2020.

GEOFFREY KORS
MAYOR

ATTEST:

ANTHONY J. MEJIA, MMC
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council held on _____, and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this ___ day of _____, ____.

ANTHONY MEJIA, MMC
CITY CLERK



Subcommittee Report

PRESENTED FOR COMMISSION MEETING DATE: January 21, 2020	SUBMITTED BY: Patrick Tallarico
SUBCOMMITTEE NAME: Standing SubCommittee on Waste Reduction (SSCoWR)	SUBMITTED DATE: January 16, 2020
LAST SUBCOMMITTEE MEETING DATE: January 9, 2020	NEXT SUBCOMMITTEE MEETING DATE: February 6, 2020

Subcommittee Goal:

Divert 90% of waste generated by the City of Palm Springs from landfill by 2030.

Summary:

1. Reducing Single-use Plastic Food Ware and Plastic Straws by Food Service Establishments.

- Manager Tallarico continued to work with a consultant from UPSTREAM to refine the draft ordinance based on other cities and a model ordinance. Manager Tallarico presented the latest draft of the Ordinance at the full Commission meeting on December 17th. He agreed to remove the reference to recycling aluminum foil due to contamination concerns and to clarify the status of caterers. The updated draft was provided to legal Counsel. Counsel noted that we could not change the state mandate for small personal care items at hotels per the language in the state law. That section was removed. Counsel also had several questions about the additional City requirements, so that was removed and will be done internally through policy. Finally, Manager Tallarico edited a few elements for clarity. Manager Tallarico will meet with Council Member Holstege and the City Manager on January 15th to determine next steps for presenting the draft to Council. He will then reach out to business organizations on the specifics of the draft ordinance.

2. Battery Recycling Project

- Staff continue to collect used batteries from the various locations around the city. To date, we have recycled 580 pounds of various types of batteries.
- Additional shipping containers arrived in late December, and four more containers were shipped off for recycling in early January.

3. Toward a Public Spaces Recycling Program for the City of Palm Springs.

- At the January 7th SSCOWR meeting, Manager Tallarico reported that the downtown trash and recycling containers were delivered in December, and they are in the process of being installed.
- The group reviewed an updated version of the signage graphics for the downtown containers. They suggested that the trash pictures be dirtier. Commissioner Miller will provide Manager Tallarico with graphics from the sign she used for the ONE PS Picnic activity as possible options to include on the downtown signage.
- Commissioner McCann reported that he had reviewed data from the initial round of data collection at the Desert Learning Academy. The results indicated very little recyclable material was in the trash. They plan to proceed with installing some recycling containers in the next phase and will be able to assess how much the recycling is contaminated.
- Commissioner McCann agreed to meet with Manager Tallarico on January 22nd at 10 AM to discuss how to move forward with signage and containers in the parks.

4. Outreach

- Manager Tallarico has set up a phone call with a communications firm on January 15th to explore ideas for an Earth Day publication on sustainability topics.
- The group agreed to discuss outreach efforts in more depth at the February SSCoWR meeting.

5. Non-compliance with Commercial Recycling and Organics Requirements

- No updates were provided this month. PSDS continues to follow up with those businesses that are not in compliance.

6. Cultural Center Pilot

- Manager Tallarico and Commissioner Clark met with Cultural Center staff on December 16th to continue to explore and implement changes. At that meeting, Manager Tallarico provided pricing information on non-polystyrene alternatives. Staff agreed to replace their polystyrene cups with ones made of PET. They also agreed to replace their polystyrene clamshells with fiber-based alternatives. Manager Tallarico also noted that there should be a process to collect the cups so that they could be recycled given that they only contain clear liquids.
- Manager Tallarico also provided Cultural Center staff with examples of possible recycling containers that they could order. The staff agreed to purchase the recommended containers in the new year. Given that they would not arrive in time for the PS International Film Festival, Manager Tallarico loaned the Center the blue recycling bins that they had used in the fall. The blue bins were returned on 1/14.
- The Cultural Center will be moving forward with the installation of the water filler and will be reimbursed for the materials and installation – half from the City as part of the agreement, and half from DWA.

7. Wastewater Treatment Plant

- At the December 17th Commission meeting, Manager Tallarico and Commissioner Miller provided information to the Commission on the problems that “flushable wipes” are creating for the wastewater treatment process. The National Stewardship Action Council has requested support for their efforts to pass state legislation that would regulate labeling of flushable wipes – many of the products currently labeled as “flushable” cannot be processed in wastewater treatment systems. The Commission requested more information on the organization and the request for support. Commissioner Miller agreed to provide additional information at the next Commission meeting.
- On January 8th, Commissioner Miller did a presentation for the Sonora Sunrise community on Wastewater Treatment Plant operations, challenges from materials that are flushed (e.g., wipes) or put down the drain (e.g., oil and grease) by residents, and greenhouse gas emissions.
- At the January 9th SSCoWR meeting, Commissioner Miller reviewed the operations at the wastewater treatment plant (WWTP) and discussed key elements of what she was learning as part of her investigation. This includes the following: 1) Wastewater Influent substances, 2) Contaminants, 3) Products of the WWTP, 4) Ultimate destination of the dewatered sludge, 5) Greenhouse gas production at the WWTP, 6) Ultimate destination of GHG emissions, 7) Opportunities for Biogas to Energy, 8) Relationship of PS Sustainability Mission and WWTP operations, and 9) What has changed.
- At the January 9th SSCoWR meeting, the group also discussed the ongoing investigation into additional WWTP upgrades that the City is conducting now. Manager Tallarico reminded the group that the investigation is ongoing and that one of the reasons the City has not moved forward with adding organics treatment to the overall water treatment process is that the nitrogen effluent is highly regulated and the City cannot increase its nitrogen output. The City has written a letter to the state to see if they will allow us to increase our nitrogen effluent limits. The group agreed that the issue is important and requested that Donn Uyeno attend the next meeting to provide an update. Manager Tallarico will invite Mr. Uyeno. Commissioner Miller also agreed to continue research on methane management practices for the methane emissions from the anaerobic digestion units.

- At the end of the January SSCoWR, the group agreed that the Climate Action Roadmap may provide a good platform to recommend that Council focus attention on addressing methane emissions from the wastewater treatment plant as a priority. Commissioner Miller agreed to mention this at the January Commission meeting.

8. Neighborhood Challenge

- The group discussed ideas for the Neighborhood Challenge, which will be launched on Earth Day and done in conjunction with ONE-PS.
- The group agreed to include a public spaces recycling discussion as part of any “recycle right” informational session.
- The group agreed that providing neighborhoods with a menu of options instead of a systematic monthly calendar approach would provide neighborhoods with flexibility to do things at their own pace.

Recommendation/Request

Subcommittee members will continue to conduct research and refine products to improving recycling rates and report on progress at future Commission meetings.

ACTION ITEMS REQUEST TO COMMISSION	N/A
ACTION ITEMS REQUEST TO OFFICE OF SUSTAINABILITY	Invite engineering representative to next meeting. Update Council Member Holstege on status of plastics ordinance. Update the signage graphics.
POTENTIAL FISCAL IMPACT/REQUEST IF ANY:	N/A