



A G E N D A
CITY OF SEASIDE
ENVIRONMENTAL
COMMITTEE

REGULAR MEETING
Council Chamber
440 Harcourt Avenue
Tuesday, March 10, 2020
5:30 PM

1. CALL TO ORDER

2. ROLL CALL - ESTABLISHMENT OF QUORUM

3. ENVIRONMENTAL COMMITTEE

4. REVIEW OF AGENDA

If there are any items that arose after the 72-hour posting deadline, this is the point in the meeting where a vote may be taken to add the item to the agenda. (A 2/3-majority vote is required).

5. PUBLIC COMMENT

Members of the public wishing to address the City Council on matters within the jurisdiction of the City of Seaside, but not on this agenda, may do so during the Public Comment period for up to three minutes. Public Comments on specific agenda items are heard under that item. For the public record, please state your name.

6. APPROVAL OF MINUTES

A. APPROVE MINUTES OF JANUARY 14 AND FEBRUARY 11, 2020

7. BUSINESS ITEMS

A. ANNUAL WORK PLAN UPDATE

RECOMMENDATION: Revise and update annual work plan

B. UPDATE AND DISCUSSION: PRIORITY IMPACT PLASTIC POLLUTION PREVENTION DRAFT CODE AMENDMENTS

RECOMMENDATION: Receive an update from the subcommittee and possibly volunteer for business outreach before upcoming hearing dates.

C. COMMUNITY COMPOST COLLECTION

RECOMMENDATION: Receive information on community compost collection.

D. GRANT OPPORTUNITY FOR SUPPLIES

RECOMMENDATION: Receive information on grant.
Provide direction and determine who might work on the application.

8. REPORTS FROM COMMISSIONERS

9. REPORTS FROM STAFF

A. CAMPUS TOWN UPDATE

RECOMMENDATION:

10. ADJOURNMENT

Next Regularly Scheduled Meeting:
April 14, 2020
Seaside City Hall
5:30PM

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MINUTES

CITY OF SEASIDE
ENVIRONMENTAL COMMITTEE

REGULAR MEETING
Council Chamber
Tuesday, January 14, 2020
5:30 PM

1. **CALL TO ORDER**

5:45 PM

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

PRESENT: Molle, Hawran, Abraham-Panni, Raak, Murphy

3. **ENVIRONMENTAL COMMITTEE**

4. **REVIEW OF AGENDA**

5. **PUBLIC COMMENT**

None.

6. **APPROVAL OF MINUTES**

A. **APPROVAL OF December 10, 2019 MINUTES Postponed until next meeting.**

Postponed approval of minutes.

7. **BUSINESS ITEMS**

A. **PRIORITY-IMPACT PLASTIC POLLUTION PREVENTION (PIPPP)
POLICY UPDATE**

Update provided on 2.6 Council study session. Discussed tentative hearing schedule.

Public Comment: None.

B. **EARTH DAY**

Discussed EC involvement and potential activities.

Public Comment: None.

C. **POLLINATOR HABITAT UPDATE**

Update provided, including outreach to elementary schools as potential pollinator habitat sites.

Public Comment: None

D. **DISCUSS COMPOSTING**

Public Comment: None.

8. REPORTS FROM COMMISSIONERS

A. OVERVIEW OF CITY SPONSORED TOUR OF MILITARY BASE REUSES AND CONSERVATION COMMUNITIES IN NORTH SUBURBAN CHICAGO

Overview provided by Raak and Rocha. Rocha to share links to visited sites with the EC.

9. REPORTS FROM STAFF

None.

10. ADJOURNMENT

7:18 PM



MINUTES

CITY OF SEASIDE
ENVIRONMENTAL COMMITTEE

REGULAR MEETING
Council Chamber
Tuesday, February 11, 2020
5:30 PM

1. **CALL TO ORDER**

5:45 PM

2. **ROLL CALL - ESTABLISHMENT OF QUORUM**

PRESENT: Molle, Hawran, Abraham-Panni, Raak, Murphy

3. **ENVIRONMENTAL COMMITTEE**

4. **REVIEW OF AGENDA**

5. **PUBLIC COMMENT**

None.

6. **APPROVAL OF MINUTES**

A. **APPROVAL OF January 14, 2020 MINUTES Postponed until next meeting.**

Postponed approval of minutes.

7. **BUSINESS ITEMS**

A. **PRIORITY-IMPACT PLASTIC POLLUTION PREVENTION (PIPPP)
POLICY UPDATE**

Update provided by Raak and discussion around upcoming steps, including internal review by city attorney.

B. **EARTH DAY**

Discussion of what activity the EC might host for Earth Day 2020.

Public Comment: None.

C. **POLLINATOR HABITAT UPDATE**

Update provided by Murphy. Molle discussed planting collaboration with Seaside High students.

Public Comment: None

D. **DISCUSS COMPOSTING**

Discussion about creating a public drop-off point, similar to what was provided at the farmer's market. With the farmer's market not returning, what are the options?

Public Comment: None.

8. **REPORTS FROM COMMISSIONERS**

A. OVERVIEW OF CITY SPONSORED TOUR OF MILITARY BASE REUSES AND CONSERVATION COMMUNITIES IN NORTH SUBURBAN CHICAGO

Overview provided by Raak, who attended the tour. Links to developments provided to commission members after the meeting.

9. REPORTS FROM STAFF

None.

10. ADJOURNMENT

7:25 PM

**Environmental Committee
Annual Work Plan
Looking Ahead: FY 2019-2020
Reviewing Accomplishments: FY 2018-19**

**Lacey Raak: Chair
Kristin Molle: Vice Chair
Kera Abraham-Panni
Mariana Del Valle
Jeremy Hawran
Laura Murphy**

Mission Statement:

The Environmental Committee investigates and advocates sound environmental policy and action in the areas of air quality, water quality, energy and waste management, flora and fauna protection and community planning.

General duties:

The Environmental Committee shall conduct public hearings and prepare recommendations to the City Council on matters regarding the environment to include without limitation unless otherwise noted:

- Review and comment on City ordinances, policies and programs and state mandates related to environmental regulations, risks and pollution abatement, clean water, air and energy, flora, fauna and biome protection and community planning topics expressly beyond the realm of the Planning Commission.
- Serve in advisory capacity to the City Council, commissions, committees, and boards on related issues.
- Identify strategic environmental goals for the City and estimate resources needed to accomplish these goals; investigate funding to implement programs to benefit the community.
- Develop policies and plans for increasing environmental awareness in cooperation with other public and private agencies to include school districts.

Responsibilities:

- The Environmental Committee shall meet not less than six times per year
- The Environmental Committee shall monitor the City's progress and comply with principles established in Resolution 17-47
- The Environmental Committee shall prepare an annual recommended work plan to the City Council not later than three months in advance of each fiscal year.

Historical Background:

The Environmental Committee was formed in 2018 and new members joined over the year, while four members resigned due to various personal reasons. Despite these changes in the composition of the committee, the Environmental Committee achieved the following:

- Goal: The Environmental Committee will conduct outreach and provide input to the city regarding municipal code section 6.04.165: Permit Required for Bees.
Achievement: The Environmental Committee was instrumental in the ordinance amendment to 6.04.165, which made beekeeping permitted by-right citywide. Additionally, the Environmental Committee has submitted an application to designate Seaside as a Bee City USA Affiliate and a Resolution to be considered by the City Council.
- Goal: Provide input regarding updates to Seaside Municipal Code 8.60: Environmentally Preferable Food Packaging
Progress: The Environmental Committee has discussed this topic over the past year as adjacent cities have amended their “Plastics” code. A sub-committee was created to research and inform the proposed ordinance amendments and are collaborating with the CSUMB Service Learners (a team of seven individuals). Updating the EPP policy is a primary goal for the 2019/20 Work Plan.
- Goal: The Environmental Committee will conduct outreach and provide input to the city regarding municipal code section 8.54: Trees.
Progress: The Environmental Committee provided a Tree FAQ during the 2018 Earth Day celebration and the Staff Liaison has engaged the Board of Architectural Review on changes to the tree code and will meet with the Planning Commission and Parks & Rec Committee to inform the code amendments.
- In addition, to further support policy action to address climate change at a State and National level, the Environmental Committee drafted a Memorandum to the City Council, communicating their support of Council approving a Resolution of Support generated by Citizens’ Climate Lobby regarding the Energy Innovation and Carbon Dividend Act of 2019. With City Council approval, Seaside became the first city in the county to endorse the bill (HR 763).

Fiscal Year 2019-20 Work Plan:

1. The Environmental Committee will provide comments during the review periods for the following Environmental Impact Reports:
 - a) Main Gate addendum: originally approved in 2003 under the Main Gate Specific Plan. Rincon Consultants is developing the addendum and it is expected completion: early summer.
 - b) Seaside 2040 General Plan Update EIR, Rincon Consultants, expected completion: early summer.

- c) Campus Town Specific Plan and Environmental Impact Report (EIR):
Being developed by Rincon, expected completion: early summer.
- 2. Title 8, Health and Safety: The Environmental Committee will conduct community and business outreach as well as provide input to the city regarding the content of Title 8, including but not limited to the following:
 - a. 8.28: Solid Waste
 - b. 8.54: Trees
- 3. Climate Action Planning – The Environmental Committee will support and advocate for the development of a Climate Action Plan.
- 4. Water and Energy – The Environmental Committee will support water and energy conservation efforts within the community and encourage best practices in City operations. Address Title 17: Zoning Ordinance, including various sections limiting sustainable installations, such as rainwater capture devices, on private property.
- 5. Draft a code amendment to 8.60: Environmentally Preferable Food Packaging
In December 2018, the Committee convened a working group to review and develop text amendments to the Seaside Municipal Code regarding EPP. The working group first met in late December 2018 to begin reviewing the current code and drafting proposed amendments. For logistical reasons, including committee member turnover, the process was stalled. The working group reconvened in March, delegated roles, and created a timeline to develop the proposed amendments. This process includes consultation of existing resources within the community, and bilingual community outreach with support from a group of CSU Monterey Bay Service Learning students. The Environmental Committee intends to present the City Council with its proposal within the next several months.

Ongoing Projects:

- 1. Provide support and increase education and awareness of pollinators and their habitats as related to the expected designation of Seaside as a BEE CITY USA Affiliate.
- 2. Work with City Staff to support the integration of environmentally sound business practices into the City of Seaside operations.
- 3. Work collaboratively with Community partners to promote continued progress towards achieving Seaside's environmental goals and responsibilities.



November 26, 2019

Dear Seaside Neighbor and Business Owner,

In an effort to promote community pride and address the threats facing our marine and terrestrial ecosystems, the City of Seaside Environmental Commission is proposing a revision to the Environmentally Preferable Food Packaging ordinance (Municipal Code 8.60). The proposed amendment would be renamed the Priority-Impact Plastic Pollution Prevention Policy.

The intent of the policy is to address the packaging waste associated with to-go ware in the food service industry and to address sources of pollution impacting our streets and water systems. This may affect your business, and we want to work with you to ensure the policy is both smart for our environment as well as for our local economy. As a brief overview, the policy includes the following:

- Restricts small hospitality plastic containers (shampoo bottles, etc.) to 10oz or greater;
- Restricts the use of balloons for business promotion, advertising or during special events. For businesses selling balloons, it will require education materials to be provided on the impact of balloons and how to properly dispose of them;
- Styrofoam – restricts the sale of expanded polystyrene plates, bowls, cups, etc.;
- Limits to-go ware and single-use food service ware to recyclable or compostable options.
- Re-affirms Assembly Bill 619, which provides information on allowing customers to bring their own reusable to-go ware.

In addition to the distribution and use of these products, the policy also aims to reduce the amount of litter in our community. It amends Municipal Code 8.62, requiring all businesses to complete litter pick-up on the business property, including parking lots, at least once a day.

A draft of the current policy can be found (<https://www.ci.seaside.ca.us/DocumentCenter/View/10080/111219-Draft-Environmental-Ordinance>). Hard copies are available at City Hall and Seaside Creates. You can submit comments electronically to the City Clerk (EnvironmentalCommittee@seaside.ci.us). Please provide comments by January 23, 2020. Thank you for your time.

Sincerely,

Lacey Raak
Chair, Seaside Environmental Commission

On behalf of the Seaside Environmental Commission
Kristin Molle - Vice Chair
Kera Abraham Panni
Lori Bala
Mariana Del Valle Prieto Cervantes
Jeremey Hawran
Laura Murphy



26 de noviembre del 2019

Queridos vecinos y dueños de negocios,

En un esfuerzo para promover el orgullo comunitario y para trabajar contra las amenazas que está afectando a ecosistemas marinos y en el planeta tierra, la Comisión ambiental de la Ciudad de Seaside está proponiendo la revisión de código llamado "Environmentally Preferable Packaging Ordinance" (código municipal 8.60). La enmienda propuesta se llamará "Priority-Impact Plastic Pollution Prevention Policy".

La intención de esta política es para enfrentar los residuos de envases asociados con los productos que se usan en la industria de servicios de alimentos y para enfrentar las fuentes de contaminación que está impactando a nuestras calles y sistemas de agua. Esto puede impactar un negocio, y queremos trabajar con usted para asegurar que la política es buena para nuestro medio ambiente y también para nuestra economía (esto incluye un negocio y las personas que hacen sus compras y visitan la ciudad de Seaside). Una breve descripción de la política incluye:

- Limitar los contenedores de plástico en la industria de hospitalidad (botellas de champú, etc.) a 10 oz o más.
- Limitar el uso de globos en la promoción de negocios, publicidad y durante eventos especiales. Para los negocios que venden globos, se requerirá proveer materiales de educación sobre el impacto de globos en el medio ambiente y cómo desechar correctamente.
- Poliestireno- limitar la venta de platos hechos de poliestireno, vasos, etc.
- Limitar los productos de solo un uso en la industria de alimentos a que sean reciclables o para composta.

Además de la distribución y el uso de estos productos, la política también tiene como objetivo reducir la cantidad de basura en la comunidad. Modifica el código municipal 8.62, requiriendo que todos los negocios hagan una recolección de basura en las calles y en los estacionamientos una vez al día o después de cada turno.

Un borrador de la política más reciente se puede encontrar

(<https://www.ci.seaside.ca.us/DocumentCenter/View/10080/111219-Draft-Environmental-Ordinance>). Si gusta una copia, están disponibles en el ayuntamiento de la ciudad de Seaside y en las oficinas de Seaside Creates. Pueden hacer comentarios electrónicamente a la Secretaría Municipal (EnvironmentalCommittee@seaside.ci.us). Por favor de enviar sus comentarios antes del 23 de enero del 2020.

Muchas gracias por su tiempo,

Lacey Raak

Chair, Comisión Ambiental de Seaside

En nombre de la Comisión Ambiental de Seaside

Kristin Molle - Vice Chair

Kera Abraham Panni

Lori Bala

Mariana Del Valle Prieto Cervantes

Jeremey Hawran

Laura Murphy

INTRODUCTION OF AN ORDINANCE AMENDING SEASIDE MUNICIPAL CODE, TITLE 8, CHAPTER 8.60 IN ITS ENTIRETY AND UPDATING REGULATIONS FOR SINGLE USE PLASTICS (FIRST READING – ROLL CALL VOTE)

ORDINANCE NO. XX-XX

INTRODUCTION OF AN ORDINANCE ADOPTING TEXT AMENDMENTS TO SEASIDE MUNICIPAL CODE TO AMEND TITLE 8, CHAPTER 8.60 IN ITS ENTIRETY TO ESTABLISH UPDATED REGULATIONS LIMITING SINGLE USE PLASTICS IN THE CITY (FIRST READING – ROLL CALL VOTE)

WHEREAS, single-use food and beverage packaging constitutes a significant and growing portion of waste generated in the City of Seaside; and

WHEREAS, food service ware made from materials that are not compostable, returnable or feasibly recyclable accumulates in our landfills and in the natural environment; and

WHEREAS, single-use plastic products are of special concern to the environment. Non-compostable plastic materials are typically manufactured from the byproducts of petroleum, a non-renewable resource. These products are highly durable, persist in the environment as litter and are consumed by wildlife, causing injury, illness and mortality, as well as becoming embedded in the food chain up to human consumption of microplastics; and

WHEREAS, the single-use products used in our community are part of a global materials system and responsible disposal of products is impacted by market demands. This is especially true of plastic products; and

WHEREAS, compostable food service ware is available locally and affordably. When diverted into Monterey Regional Waste Management District's organics waste stream, these materials are converted into compost; and

WHEREAS, a 2019 study concluded that the Monterey Bay marine ecosystem is a part of a network of marine protected areas that has microplastic concentrations which match and exceed those found in other marine regions; and

WHEREAS, multiple studies have concluded that reducing plastic litter inputs by source-reduction and waste management is one of the most valuable solutions to restore the oceans; and

DRAFT

WHEREAS, reducing and eliminating the most damaging plastic materials within the City of Seaside will help protect the local environment, including the Monterey Bay National Marine Sanctuary, from contamination and degradation, helping to steward our community's treasured natural resources and protect the assets critical to a thriving local tourist economy; and

WHEREAS, the City desires to update its policies to reduce waste, protect the environment and comply with state regulations aimed at diverting more waste from landfills and reducing land-based trash entering waterways; and

WHEREAS, a shift to re-usable and compostable food service ware has the potential to contribute to a number of positive local impacts, including more economical and environmentally sound waste management; and

WHEREAS, plastic pollution comes from a variety of sources in our community. In changing the name of the ordinance from "Environmentally Preferable Food Packaging" to "Priority Impact Plastic Pollution Prevention" the City better reflects the responsibility for all types of businesses to respond to the community needs.

NOW THEREFORE BE IT ORDAINED, THAT THE CITY COUNCIL OF THE CITY OF SEASIDE DOES ORDAIN, AS FOLLOWS:

SECTION 1. Seaside Municipal Code, Title 8, Chapter 8.60 is hereby deleted in its entirety and replaced as follows:

8.60: PRIORITY IMPACT PLASTIC POLLUTION.

Sections:

8.60.010 Findings and declaration of intent.

8.60.012 Definitions.

8.60.014 Ban on single-use plastic products and priority-impact plastic pollution.

8.60.016 Compostable Ware Requirements.

8.60.018 Compliance support and enforcement.

8.60.010. Findings and declaration of intent.

The city finds and declares that:

- A.** Single-use food and beverage packaging constitutes a significant and growing portion of waste generated in the City of Seaside.
- B.** Food service ware made from materials that are not compostable, returnable or feasibly recyclable accumulates in our landfills and in the natural environment.

- C.** Single-use plastic products are of special concern to the environment. Non-compostable plastic materials are typically manufactured from the byproducts of petroleum, a non-renewable resource. These products are highly durable, persist in the environment as litter and are consumed by wildlife, causing injury, illness and mortality, as well as becoming embedded in the food chain up to human consumption of microplastics.
- D.** The single-use products used in our community are part of a global materials system and responsible disposal of products is impacted by market demands. This is especially true of plastic products.
- E.** Compostable food service ware is available locally and affordably. When diverted into Monterey Regional Waste Management District's organics waste stream, these materials are converted into compost.
- F.** Reducing and eliminating the most damaging plastic materials within the City of Seaside will help protect the local environment, including the Monterey Bay National Marine Sanctuary, from contamination and degradation, helping to steward our community's treasured natural resources and protect the assets critical to a thriving local tourist economy.
- G.** The City desires to update its policies to reduce waste, protect the environment and comply with state regulations aimed at diverting more waste from landfills and reducing land-based trash entering waterways.
- H.** A shift to re-usable and compostable food service ware has the potential to contribute to a number of positive local impacts, including more economical and environmentally sound waste management.
- I.** Plastic pollution comes from a variety of sources in our community. In changing the name of the ordinance from "Environmentally Preferable Food Packaging" to "Priority Impact Plastic Pollution Prevention" the City better reflects the responsibility for all types of businesses and consumers to respond to the community needs.

8.60.012. Definitions.

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

"ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400, as that standard may be amended.

"BPI" means Biodegradable Product Institute.

"Care provider" means any entity that provides care to people or animals; this includes dentist office, medical care providers, veterinary care providers and day care facilities, including child and elder care. Exceptions include hospitals, pharmacies, nursing homes, homeless shelters, residential retirement communities and jails.

"City" means the City of Seaside.

"City Sponsored" means events that are directly managed and operated by the City of Seaside, co-sponsored events, any event requiring a city issued permit or receiving a fee waiver.

"City contractor" means any person or entity that has a contract with the city for work or improvement to be performed, for a franchise, concession, for grant monies, goods and services, or supplies to be donated or to be purchased at the expense of the city.

"Compostable" or "Certified Compostable" means a material that meets BPI, Cedar Grove, ASTM, or other standard designated as acceptable by the franchised waste hauler and undergoes degradation by biological processes during composting to yield carbon dioxide (CO₂), water, inorganic compounds, and biomass within a nominal time frame. Compostable disposable food service ware must be clearly labeled compostable in accordance with the California Public Resources Code Section 42357 et seq. and all State and Federal labeling laws pertaining to the identification of compostable products, as those standards may be amended.

"Disposable food service ware" means single-use plastic disposable products used by a restaurant, vendor, food cart, merchant, food truck, or home kitchen, and food service industry for serving or transporting prepared ready-to-consume food or beverages for sale. This includes but is not limited to plastic plates, straws, cups, lids, utensils, bowls, stirrers, beverage plugs, trays, and hinged or lidded containers.

"Food provider" is any entity or city contractor doing business in the City of Seaside whose principal business is the sale of prepared food or beverage for public consumption either on or off premises, which includes any fixed or mobile restaurant, food truck or food cart, drive-in, coffee shop, public food market, produce stand, special event vendor, grocery stores that sell or distribute prepared foods on-site or to-go, and other

places where food or drink is prepared for sale or for service on the premises or elsewhere.

"Plastic" is a synthetic or semi-synthetic material derived from polymers, that can be molded into shape while soft and then set into a rigid or slightly elastic form. Plastic can be made from petroleum inputs or plant-based inputs.

"Plastic bag" means a single-use plastic bag of any size that is provided at point of sale or service to customers by a retail establishment, service establishment or care provider. Plastic bags include single-use plastic bags provided for the purchase of produce, deli goods and bulk goods, as well as dry cleaning film bags.

"Polystyrene" means a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). This includes but is not limited to general-purpose polystyrene, polystyrene foam plate, bleached paperboard plate with low density polyethylene coating and bleached paperboard plate with polystyrene coating.

"Polystyrene foam" means and includes expanded polystyrene that is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene).

"Polystyrene foam, single or limited use" means any plate, cup, bowl, tray or similar item intended for single use and coolers, packaging and small fishing equipment that is used for a limited duration and/or which has the potential to break-into smaller pieces after use.

"Prepared food" means food or beverage prepared for consumption on the food provider's premise or elsewhere using any cooking or food preparation technique. This does not include any raw uncooked meat, poultry, fish or eggs unless provided for consumption without further food preparation.

"Priority Impact Plastic Pollution" means any plastic product referenced in this code section posing a threat to a healthy, functioning ecosystem, including all animal life throughout the food web. It also includes plastic that negatively impacts the well-being of our community, through litter and human health impacts.

"Recycled paper bag" is defined as a bag that contains no old-growth fiber and is made up of 75% percent post-consumer recycled materials, and clearly indicates to the user the bag is certified compostable or recyclable.

"Retail establishment" or "retail store" means all sales outlets, stores, shops, vehicles, dispensaries, non-profits, resale businesses or other places of business located within the City of Seaside that operate primarily to sell or convey goods directly to the consumer.

"Reusable" means designed or intended for long-term reuse, in contrast to disposable.

"Reusable bag" means any bag that is specifically designed and manufactured for multiple reuse, and is either: (1) made of cloth or other washable woven fabric; or (2) made of durable material that is at least 2.25 mils thick that can be cleaned or disinfected at least 125 times. A reusable bag may be made of recyclable plastic such as high density polyethylene (HDPE), low density polyethylene (LDPE).

"Service establishment" means any entity that provides a service including but not limited to vehicle service and maintenance, pet grooming / boarding service and dry cleaning.

"Single-use bag" is defined as a bag, other than a reusable bag, recycled paper bag, or compostable bag, provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-use bags include bags, a maximum size of 11 inches by 17 inches, provided to the customer to (1) transport produce, bulk food or meat from a product, bulk food or meat department within a store to the point of sale; (2) hold prescription medication dispensed from a pharmacy; or (3) segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag.

"Single-use plastic" means single-use plastic bags, cartons, boxes, or containers that are provided at the point of sale to customers and are not certified compostable. These typically include plates, cutlery, cups, lids, straws, "clamshells" and other containers. This further includes non-compostable plastic-lined cups.

"Straw" means a tube through which beverages, slurries, smoothies, and similar products may be ingested by the consumer.

8.60.014 Ban on single-use plastic products and priority-impact plastic pollution.

- A. No retail establishment, service establishment or care provider shall provide non-compostable single-use plastic bags, cartons, boxes, or containers at the point of sale to customers. This includes food service ware such as plates, cutlery, cups, lids, straws and "clamshell" take-out packages. This further includes hot beverage cups lined with non-compostable plastic.
- B. Exemptions: medical devices, medical products, prescription drugs, and the packaging used for these products, which require approval from the United States Food and Drug Administration, licensed manufacturing facilities, and goods prepared and packaged off-site.
- C. Single-use plastic condiment packages (such as for coffee creamer, ketchup, mustard, mayonnaise, sauces and salsa) shall only be provided at the customer's request. When these condiments are part of table service (as defined under *Restaurant, Cafe, Coffee Shop* in SMC 17.98), they must be provided to customers in containers over ten (10) ounces, or in reusable or compostable packaging.
- D. Single-use paper bags provided to customers shall contain a minimum of 75% percent post-consumer recycled fiber and must be recyclable or compostable, as defined in this chapter.
- E. Retail establishments shall indicate on the customer transaction receipt the number of paper carryout bags provided, and the total amount charged.
- F. Vendors, contractors, special events promoters, and sub-vendors, while performing under contract or permit with the City are prohibited from providing single-use plastic or polystyrene products to customers at the point of sale or point of distribution.
- G. All restaurants must provide reusable food service-ware to dine-in customers.
- H. No business or nonprofit organization shall use balloons for the promotion of business activities or special events. This includes but is not limited to: restaurants, car dealerships, community events organized by or on behalf of the City or other entity.
- I. Balloons shall be prohibited in and on all public parks or public land, whether that use is public or private, required to be permitted or is an allowed unpermitted use.

- J. Any business selling balloons shall display and/or provide City-compliant, standardized information to customers purchasing balloons on the environmental impacts of balloons and the prohibition on balloons in Seaside's public parks and public lands.
- K. The sale of single-use or limited-use polystyrene foam products is prohibited within the City. The use of single-use or limited-use polystyrene foam products is prohibited in all public spaces, including beaches and parks. Single-use or limited-use polystyrene foam products includes any plate, cup, bowl, tray or similar item intended for disposal after a single use, as well as coolers, packaging and fishing equipment that is used for a limited duration and/or has the potential to break into smaller pieces after short periods of use.
- L. City-sponsored events shall prohibit the sale or distribution of plastic water bottles.
- M. Events held at City-operated facilities that have Water Filling Stations, for which a permit or fee waiver has been issued, are prohibited from using single-use plastic cups and bottled water.

8.60.016 Compostable Ware Requirements.

- A. All food providers within the city utilizing disposable food service ware shall use certified compostable products. This includes but is not limited to plates, napkins, straws, cups, lids, utensils, bowls, stirrers, beverage plugs, trays and hinged or lidded containers. Non-plastic single-use products shall be allowed only if they are currently accepted for recycling by the designated waste hauler.
- B. Business establishments providing compostable or non-plastic recyclable materials shall provide separate compost and recycling collection bins to customers and ensure proper collection by the designated waste hauler.
- C. Bags used to protect items such as meat, produce, wet items from on-site deli counters or on-site preparation and storage, or for any carry-out protection, should be made of BPI-, Cedar Grove- or ASTM-compliant compostable materials or be a reusable item provided by the customer.
- D. Where possible, priority consideration should be given for reuse over single-use compostable or recyclable products. In accordance with State Health Code, businesses may accept customers' reusable containers brought in for take-out or to-go, following procedures to

isolate the container from the food-preparation area and sanitize the surface with which it came into contact.

- E. All City facilities utilizing disposable food service ware shall use products that are BPI-, Cedar Grove- or ASTM-certified compostable.
- F. City contractors and special events promoters utilizing disposable food service ware shall use BPI-, Cedar Grove- or ASTM-certified compostable products while performing under a city contract or permit.
- G. All plastic straws, including PLA/bioplastic are prohibited. Exceptions shall be made to the consumer self-identifying as needing a PLA/bioplastic or plastic straw, whereupon it should be provided to the consumer upon request.

8.60.018 Compliance support and enforcement.

- A. This ordinance shall be enforced starting on January 1, 2021. During the transition period, business may use any remaining non-compliant material.
- B. Prior to January 1, 2021, positive encouragement and support for the business community will include informational resources for transition to compliant materials through voluntary informational sessions with a member of city staff or Environmental Commission, or designate, who will provide support and education.
- C. Businesses shall acknowledge awareness of this ordinance and may request assistance with compliance at time of business license renewal.
- D. The City attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter.
- E. The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.
- F. The City may inspect any care provider, City contractor, commercial and residential lodging provider, food provider, retail establishment or service establishment subject to this code to verify compliance.
- G. Violation of this chapter will be considered a public nuisance. In addition to any other remedies or penalties that may be available, any violation described in the preceding paragraphs shall be subject to abatement by the City, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by an

injunction issued by the superior court in a civil action, based upon a showing by the City that said violation exists.

SECTION 2. If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional."

SECTION 3. CEQA Findings.

The City of Seaside determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) per section 15378. In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities that have the potential for causing a significant effect on the environment. Additionally, CEQA Guidelines section 15307 provides an exemption for actions which assure the maintenance, restoration or enhancement of a natural resource. A regulated reduction in single-use source plastics has a corollary reduction in microplastics and solid waste management which restores or enhances the Monterey Bay. In this case, the activity either has a beneficial (non-significant) effect on the environment and is exempt from CEQA or is categorically exempt from CEQA.

SECTION 4. Effective date. This Ordinance shall become effective thirty (30) days after its final passage and adoption at a duly noticed public hearing for the second reading of the proposed text amendments.

Introduced at a duly noticed Public Hearing on March 19, 2020, and passed to print.

PASSES AND ADOPTED BY THE COUNCIL OF THE CITY OF SEASIDE
this 19th day of March, 2020, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

APPROVED:

Ian N. Oglesby, Mayor

ATTEST:

Lesley Milton-Rerig, City Clerk

DRAFT