



Beverly Hills City Council Liaison / Public Works Commission Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

**CITY OF BEVERLY HILLS
455 N. Rexford Drive
Room 280A
Beverly Hills, CA 90210**

IN-PERSON / TELEPHONIC / VIDEO CONFERENCE MEETING

**Beverly Hills Liaison Committee Meeting
<https://beverlyhills-org.zoom.us/my/committee>**

Meeting ID: 516 191 2424

Passcode: 90210

You can also dial in by phone:

+1 669 900 9128 US

+1 833 548 0282 (Toll-Free)

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+16699009128,,5161912424# US

+18335480282,,5161912424# US (Toll-Free)

Wednesday, June 7, 2023

3:30 PM

Please be advised that pre-entry metal detector screening requirements are now in place in City Hall. Members of the public are requested to plan visits accordingly.

In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org and will also be taken during the meeting when the topic is being reviewed by the Beverly Hills City Council Liaison / Public Works Commission Committee. Beverly Hills Liaison meetings will be in-person at City Hall.

AGENDA

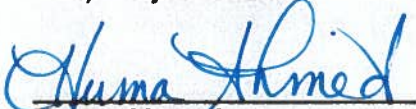
1) Public Comment

- a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

2) Proposed Ordinance Amendment of the City of Beverly Hills Municipal Code Relating to the Removal of Groundwater/Dewatering

3) Proposed Ordinance Amending the Beverly Hills Municipal Code to Regulate Polystyrene Foodware and Plastic Waste

4) Adjournment



Huma Ahmed
City Clerk

Posted: June 2, 2023

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT
WWW.BEVERLYHILLS.ORG



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CITY OF BEVERLY HILLS
DEPARTMENT OF PUBLIC WORKS

MEMORANDUM

TO: Beverly Hills Public Works City Council Liaison Committee

FROM: Shana Epstein, Director of Public Works
Robert Welch PE, Utilities General Manager
Josette Descalzo, Environmental Compliance and Sustainability Programs Manager

DATE: June 7, 2023

SUBJECT: Proposed Ordinance Amendment of the City of Beverly Hills Municipal Code Relating to the Removal of Groundwater/Dewatering

ATTACHMENT: 1. Draft Ordinance

RECOMMENDATION

Staff recommends the Public Works Liaison Committee (Committee) recommend to amend the ordinance by removing the R-1 (Single-Family Residential Zone) exemption from the existing ordinance and apply it to new and substantial remodel R-1 projects to use groundwater for beneficial use or alternatively pay a replenishment fee.

INTRODUCTION

Title 9, Chapter 4 Article 610 (BHMC 9-4-610) of the Beverly Hills Municipal Code is an ordinance relating to the removal of groundwater (dewatering) and furthering management of the groundwater basin by regulating the use of groundwater towards beneficial use rather than continued discharge to the stormwater conveyance system. The municipal code established a permit process and options for dewatering facilities. The municipal code provided management options to existing and future dewaterers that include:

1. Dewaterers can replenish the groundwater basin. The dewaterer will have to adhere to all state and federal laws to implement groundwater replenishment.
2. A permit and a replenishment fee will be required for any dewaterer that cannot use its groundwater for beneficial use.
3. A permit and an annual consumption and usage report will be required for any dewaterer that uses its groundwater for beneficial use. There is no replenishment fee.
4. If the dewaterer wishes to deliver its groundwater to the City, then an agreement will be established between the dewaterer and the City.

The replenishment fee is constructed to assist in paying for the costs of purchasing replacement water with funds that return to the Water Enterprise Fund (WEF). The fee is only intended to recover this cost and not to provide added revenue to the City.

Currently, the ordinance applies to all parcels with the exemption of those in areas classified as R-1 (Single-Family Residential Zone). The majority of the dewatering permittees are existing commercial properties and non single-family projects. The majority of these properties have opted to pay for the replenishment fee as there was no feasible avenue to use the water beneficially.

The proposed amendment recommended by the Public Works Commission would remove the R-1 exemption for new and substantial remodel R-1 projects.

BACKGROUND

The item was introduced to the Public Works Commission during the December 8, 2022 meeting because of the dewatering activities occurring in the R-1 zone. Large quantity of discharges entered the storm drain system and none were captured for beneficial use. Since water is a precious resource and the City's sustainability goals, the commission requested to revisit the ordinance.

In this meeting staff contextualized the current dewatering scenario in the city. Generally, groundwater is commonly found around 100 feet or less below ground level along the east to west between and adjacent to Santa Monica and Wilshire Boulevard and north of Sunset Boulevard. Current dewatering permittees are commercial properties around the area and dewatering activities have been observed in the R-1, hillside areas. Commercial dewatering facilities typically consists of French Drain (perforated pipe) system that discharges to a common sump well and pumped directly to a nearby storm drain line. R-1 dewatering facilities typically consists of a French Drain system that drains by gravity or pumped to the front curb and gutter of the property. None the less, both types of existing properties have difficulties using groundwater for beneficial use because of the following reasons:

1. Lack of non-potable water demand in the property.
2. Cost to retrofit the entire plumbing is cost prohibitive and risky for cross-connection contamination between potable water and non-potable water.
3. Additional cost to treat and operate captured groundwater to meet various regulatory requirements.

In order to implement beneficial use systems in properties, groundwater must be determined during the hydrogeologic test (soils) phase of the project. Knowing the presence of groundwater will help project design beneficial use systems that would account for the following:

1. Water demand
2. Avoid contamination through cross-connection
3. If necessary, install additional treatment systems to meet various health and safety requirements.

As a result, the Public Works Commission at the April 13, 2023 meeting recommended to move forward in amending the Dewatering Ordinance by removing the R-1 exemption from the current ordinance and applying it only to new and substantially remodeled R-1 projects.

DISCUSSION

Attachment 1 is the draft amended Dewatering Ordinance. The amended ordinance will be applicable to new and substantially remodeled R-1 (Single Family Residential Zone) projects. The ordinance provisions apply for construction (temporary) and post-construction dewatering activities. R-1 projects will be required to apply for a dewatering permit from the City. The permit application will determine if the project will use the groundwater for beneficial use or alternatively pay a replenishment fee to City.

Beneficial use for R-1 projects consists of the following:

1. Use for dust control or other construction related activities
2. Deliver groundwater to City operations as directed by the City
3. Use for non-potable water-use features such as decorative fountains and for irrigation system, etc.

These beneficial use options have several positive impacts to the community such as sustainability and reduced overall water demands from the City's water system. Additionally, the property owner will be able to offset purchased water from the City.

In terms of replenishment fee, the commission supported maintaining the fee for R-1 projects because it requires property owner to perform a cost benefit analysis for a beneficial use system or build a structure that would prohibit groundwater intrusion. For example, recent new commercial properties designed thicker foundation walls that prevent groundwater intrusion. The Maybourne Hotel is an example when this technique was used. Also, the provisions of the Dewatering Ordinance have been included in Development Agreements (DA) in recent commercial developments in the City, which incentivizes development projects to either use the water beneficially during construction and post-construction.

Removing the replenishment fee may hinder influencing R-1 projects from investing in beneficial use systems. The replenishment fee is one of the variables on determining the Return On Investment (ROI) on beneficial use systems. If the ROI is not beneficial for the applicant, the applicant will then be required to pay the replenishment fee which in turn benefits the City as it continues to find additional groundwater resources.

COST ANALYSIS

The cost related to this ordinance is divided into avoided cost, beneficial use system cost and replenishment fee. The following cost analysis is intended to assist in the ROI analysis to implement a beneficial use system or opt for the annual replenishment fee.

Avoided Costs

Avoided costs is the cost avoided by implementing beneficial use systems in the property. Costs in this category include water quantity costs, water meter installation costs and replenishment fees.

Water quantity costs are the following based on the current water rates:

Table 1: Single Family Irrigation Cost per unit of 100 cubic feet (HCF)

Tier	Unit Cost
Tier 1: 0 to 26	\$3.65
Tier 2: 26 to 48	\$7.12
Tier 3: 48 to 86	\$10.48
Tier 4: over 86	\$14.87

The quantity cost depends on the landscape size and water consumption of the property. The estimated water consumption can be reviewed during plan review and an estimated consumption can be provided to the applicant for consideration.

Irrigation meter installation is required for R-1 projects. Implementing a beneficial use system will negate this cost. Below is the typical cost for irrigation meter for a 1" to 2" meter size.

Table 2: Irrigation Meter Installation Cost

Meter Size	Cost
1"	\$12,627
1.5" to 2"	\$14,400

The last avoided costs for implementing beneficial use system is the replenishment fee. The replenishment fee for calendar year 2023 is \$1,360.45 per acre-foot (AF) and \$1428.47 for calendar year 2024. The replenishment is expected to increase annually because it is based on Metropolitan Water District (MWD) Tier 1 treated cost.

Based on the list of avoided costs, residential projects may find it is economical to invest on the beneficial use systems to avoid one time or annual avoided cost.

Overall the avoided cost is summarized by this equation:

$$1^{\text{st}} \text{ Year Avoided Cost} = \text{Meter Installation} + \text{Replenishment Fee} + \text{Water Consumption}$$

$$\text{Annual Avoided Cost} = \text{Replenishment Fee} + \text{Water Consumption}$$

Beneficial Use System Costs

The beneficial use system costs are based on the project's infrastructure cost to design, build and operate the system. The cost vary depending on the type, size and complexity of the system. For example above ground cistern system starts around \$300 and above depending on the size and automated and pump systems.

Replenishment Fee

Projects that do not implement a beneficial use system will be subjected to the replenishment fee. Next year's replenishment fee is \$1,360.45 per AF. The replenishment fee is expected to increase annually as MWD Tier 1 treated water is expected to increase through time. In addition to the replenishment fee, the single-family residential property owner will be required to install a volumetric meter to record the discharges. Meter installation costs is listed in Table 2 for a typical single-family residential.

NEXT STEPS

If the Committee recommends the ordinance to City Council, staff will begin developing guidelines for project developers. Public Works staff will begin coordination with Community Development staff to disseminate information to project developers and include this requirement on appropriate projects. Staff will also schedule the item to be heard and consider by adoption by City Council in the fall of 2023.

ATTACHMENT 1

ORDINANCE NO. 23-O- [REDACTED]

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO APPLY DEWATERING PROVISIONS OF THE WATER SUPPLY ORDINANCE TO BUILDINGS IN THE ONE-FAMILY RESIDENTIAL ZONES THAT ARE NEWLY CONSTRUCTED OR PROPERTIES THAT ARE SUBSTANTIALLY REMODELED

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Section 9-4-602 (“DEFINITIONS”) of Article 6 (“WATER SUPPLY”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code is amended by adding new entries for “SUBSTANTIALLY REMODELED” and “LANDSCAPED AREA” to read as follows:

“SUBSTANTIALLY REMODELED: Any project or projects that affects the removal or replacement of 50% or more of the linear length of the existing exterior walls of the building, and/or 50% or more of the linear length of the existing exterior wall plate height is raised, and/or 50% or more of the existing roof framing area is removed or replaced, and/or 50% or more of the landscaped area is removed or replaced over a 3-year period.

LANDSCAPED AREA: The total surface area dedicated to plants, turf, and water features. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other hardscapes.”

Section 2. Section 9-4-610 (“DEWATERING”) of Article 6 (“WATER SUPPLY”) of Chapter 4 (“WATER REGULATIONS”) of Title 9 (“BUILDING AND PROPERTY HEALTH AND SAFETY REGULATIONS”) of the Beverly Hills Municipal Code is amended to read as follows:

“A. Prohibited Without A Permit: No person owning, leasing, occupying or having charge or possession of any premises in the city shall cause the dewatering of the basin or the basin drainage area, by the extraction, diversion, transportation or movement of water from, through or across the premises, unless the person has obtained prior approval from the city by applying for and obtaining a dewatering permit, in accordance with this article. This requirement applies to all dewatering, including any dewatering commenced prior to November 3, 2006.

B. Use In Lieu Of Dewatering: Unless impracticable, all persons shall place all extracted ground water to reasonable and beneficial purposes rather than causing the dewatering of the basin. For purposes of this section, "impracticable" shall mean technically infeasible or requiring the expenditure of a greater amount than the replenishment fee described in subsection I of this section, and “beneficial purposes” shall mean placing extracted ground water towards the purposes set forth in subsections C or D of this section.

C. Beneficial Purposes (Non-One-Family Residential Zone Properties): For all properties except those in the R-1, R-1.X, R-1.5, R-1.5X, R-1.5X2, R-1.6X, R-1.7X, and R-1.8X zones, the beneficial purposes to which extracted ground water may be placed include:

1. Recharging the ground water to the basin;
2. Placing the ground water to reasonable and beneficial use on the property, including irrigation or other nonpotable use, subject to the permitting requirements of section 9-4-603 of this Article; or
3. Delivering the ground water to the city for treatment and use by the city, including the design, construction, operation, maintenance, repair and replacement of all facilities necessary for conveyance of the water to the city's water treatment plant, at no cost to the city.

D. Beneficial Purpose (One-Family Residential Zone Properties): For properties in the R-1, R-1.X, R-1.5, R-1.5X, R-1.5X2, R-1.6X, R-1.7X, and R-1.8X zones, the beneficial purpose to which extracted ground water may be placed is limited to non-potable water use on the property, including, without limitation, decorative fountains and irrigation systems, or delivery at the direction of the City, subject to the permitting requirements of section 9-4-603 of this Article.

E. Permit Procedures: The director of public works may issue dewatering permits in accordance with Title 4, Chapter 1, Article 1 of this code.

F. Permit Application: In addition to any other information required by section 4-1-102 of this code and any other information the director of public works may deem necessary in order to determine whether a dewatering permit should be issued, an application for a dewatering permit shall include all of the following information:

1. The applicant's name and address;
2. The location of the property on which dewatering will occur;
3. A description of the legal interest the applicant has in the property (e.g., owner, lessee, renter) and the name and address of the owner of the property if the applicant is not the owner;
4. A detailed description of the purpose or purposes for which the dewatering is proposed. Such description shall include:
 - a. The activity or activities that will necessitate the dewatering of the basin;
 - b. The method by which the dewatering will be effected;
 - c. The estimated duration of the dewatering, including beginning and ending dates;
 - d. The estimated amount of water that will be dewatered from the basin, including the amount estimated to be dewatered daily;
 - e. A statement that the dewatering site is in compliance with all federal, state and local laws and regulations;

5. A declaration that the applicant shall pay to the city the replenishment fee described in subsection I of this section.

G. Standards For Permit Issuance: The director of public works may issue a dewatering permit if it finds that the alternatives described in subsection C or D of this section in lieu of dewatering are impracticable, and the applicant has satisfied the general criteria of section 4-1-103 of this code.

H. Permit Conditions: Any dewatering permit shall be conditioned upon:

1. The permittee's reporting the amount of ground water dewatered as required by the director of public works; and
2. Paying the replenishment fee described in subsection I of this section.

I. Replenishment Fee: In the event that placing dewatered ground water towards a beneficial purpose is impracticable, the permittee shall pay to the city an annual fee based upon the cost of replacing the dewatered ground water, as recommended by the director of public works and determined by the city council. The fee may be set based upon either direct or in lieu replenishment of the basin by the city, and may account for the treatment of water or stranded capital facilities of the city, at the discretion of the city council. The amount of dewatered ground water subject to the fee shall be measured or estimated by the permittee according to a method approved by the director of public works.

J. Exemption: Persons owning, leasing, occupying or having charge or possession of any building in the R-1, R-1.X, R-1.5, R-1.5X, R-1.5X2, R-1.6X, R-1.7X, or R-1.8X zones that have a valid national pollutant discharge elimination system (NPDES) permit are exempt from the requirements of this section, except that this subsection J shall not apply to persons owning, leasing, occupying or having charge or possession of any newly constructed building or substantially remodeled property in the R-1, R-1.X, R-1.5, R-1.5X, R-1.5X2, R-1.6X, R-1.7X, or R-1.8X zones that is deemed complete after July 6, 2023.”

K. Revocation Or Suspension Of Permit: The director of public works may revoke or suspend a dewatering permit in accordance with title 4, chapter 1, article 1 of this code.”

Section 3. CEQA. The City Council finds that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15307 (14 C.C.R. Section 15307), which applies to actions taken by regulatory agencies as authorized by local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. This Ordinance is intended to regulate, conserve, protect and preserve the city's water supply through expanding the applicability of dewatering regulations to protect the environment.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 5. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and this certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

JULIAN A. GOLD
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
HUMA AHMED
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

NANCY HUNT-COFFEY
City Manager

SHANA EPSTEIN
Director of Public Works



CITY OF BEVERLY HILLS
PUBLIC WORKS DEPARTMENT
MEMORANDUM

TO: Beverly Hills Public Works City Council Liaison Committee

FROM: Shana Epstein, Director of Public Works
Robert Welch PE, Utilities General Manager
Josette Descalzo, Environmental Compliance and Sustainability Programs Manager

DATE: June 7, 2023

SUBJECT: Proposed Ordinance Amending the Beverly Hills Municipal Code to Regulate Polystyrene Foodware and Plastic Waste

ATTACHMENTS:

1. Draft Ordinance
2. California cities adopting single-use plastics or polystyrene regulations
3. Cities in Los Angeles County with plastics or polystyrene regulations

RECOMMENDATION

Staff is providing this update to the Public Works Liaison Committee (Committee) in order for the Committee to be aware of the current status of the proposed ordinance amendment.

BACKGROUND

On April 13, 2023, the Public Works Commission recommended to move forward with the proposed ordinance for City Council consideration.

The initiative to reduce plastic pollution started two years ago when the City Council adopted the Disposable Foodware Accessories Upon Request Ordinance. The ordinance prohibited the automatic distribution of foodware accessories that includes but not limited to utensils, straws, stirrers and cups. The ordinance was a transitional step towards a comprehensive ordinance that would prohibit the use, sale, and distribution of single-use plastic and polystyrene materials citywide.

On July 12, 2022 Public Works Commission meeting, staff introduced the ordinance framework to prohibit the use, sale and distribution of single-use plastic and polystyrene materials. The framework goals are as follows:

1. Prohibit the distribution and sale of polystyrene and single-use plastic foodware including ice chests and coolers.
2. Alternative foodware accessories should be accepted by the City's compost facility (Athens).
3. Prohibition is applicable to the City, City contractor and leased spaced used to sell food and commodities.

4. Products and goods prepared outside the City are exempt from the polystyrene prohibition.
5. Extensions and exemptions will be given to businesses who can demonstrate undue hardship based on no reasonable alternatives and preserving the persons protected right (persons with disabilities) to access food and beverage using prohibited foodware accessories.

In addition, members of the Surfrider Foundation and a member of the public encourage the commission to include prohibiting the sale of single-use water bottles to make a comprehensive plastic pollution reduction ordinance.

On April 13, 2023, staff presented the proposed ordinance to prohibit the use, sale, and distribution of single-use plastic and polystyrene materials (Attachment 1) for City Council consideration. It is a comprehensive ordinance that would achieve the goal of protecting human health and reducing plastic and polystyrene waste. The proposed ordinance includes the key framework goals and includes prohibiting the use, sale and distribution of single-use plastic beverages in City operations, sponsored events and affected businesses such as food service establishments, grocery stores, pharmacies, gas stations and other affected businesses. Staff and legal counsel referenced Culver City, Santa Monica, Manhattan Beach and the Surfrider Foundation ordinances in drafting the proposed ordinance.

As part of this initiative, an extensive outreach campaign is included. The campaign includes direct contact with many businesses as possible and presenting the item to community-based organization. Staff also presented the Early Adopter Program as part of the initiative. The goal of the program is to support small dine-in local business owners comply with the ordinance. The current available budget is estimated to support approximately twenty (20) small businesses.

The Commission unanimously supported the draft ordinance and program as summarized.

DISCUSSION

Attachment 1 is the draft ordinance for City Council consideration. The ordinance has four main sections that describes the prohibited the use, sale and distribution of polystyrene and single-use plastic materials, requirement to use reusable foodware on dining premises, and conditions for extensions and exemptions.

Section 5-12-3 refers to the prohibition of use, distribution and sale of polystyrene foodware. This section prohibits affected businesses from distributing, selling and using materials with a PS or Resin Code of "6". This section includes prohibition of use, sale and distribution in City meetings, City sponsored events and City employees acting in their official capacities. This section is not applicable to organizers of family gatherings or non-profit events such as fundraisers.

This section also prohibits the use of polystyrene packing materials which are also known as foam and "popcorn."

Section 5-12-4 refers to the prohibition of single-use plastic straws, stirrers, utensils, beverage bottles, and aseptic paper packaging

This section prohibits affected businesses and the City from using, distributing and selling single-use plastic foodware and items that are derived from a petroleum or a biologically-based polymer. The section also prohibits the City and affected businesses from using, distributing and selling single-use plastic beverage bottles.

Section 5-12-5 requires affected businesses to use reusable foodware for dining

Reusable foodware is defined as a food service items that are durable and specifically designed and manufactured to be safely and repeatedly washed, sanitized and reused over an extended period of time. Examples of reusable foodware are non-plastic utensils, tongs and knives. Affected businesses are also allowed to use non-reusable foodware as long as the foodware meets the definition of compostable. The proposed ordinance defines compostable as any Disposable Foodware item accepted by the City's municipal waste program that is Fluorinated Chemical-Free, as certified by the Biodegradable Product Institute (BPI) or other independent third party recognized by an agency recognized by the City.

Section 5-12-6 describes the extensions and exemptions criteria and process

The proposed ordinance allows affected business to request for an extension for specific items in the ordinance. Exemptions and extensions are granted by the City Manager and its designee and it can be granted for a maximum of one (1) year. Process and details are prescribed in the ordinance.

This section also lists exempted items or circumstances from the ordinance. These exemptions are:

1. Food prepared or packaged outside of the City, provided such food is not altered, packaged or repackaged within the City limits. This exemption applies to raw produce, poultry, vegetables, fruit, fish, meat or eggs.

The goal of this exemption was to allow the sale of raw food that would typically packaged in polystyrene or aseptic paper packaging.

2. Food or beverages brought by individuals for personal consumption citywide is exempted. Any gatherings or events organized by non-profit organizations, entities or families that does not constitute as an Affected Business Establishment are exempted.
3. Affected businesses that do not have an on-site or offsite dishwashing capacity or have the inability to contract such services are exempted.
4. People with disabilities who request plastic straws at City facilities, City-managed concessions are exempted from the ordinance.

EFFECTIVE DATES

There are two effective dates in this ordinance. The City facilities, sponsored events, and contractors will be required to comply within six (6) months after adoption and one (1) year will be given to the prescribed businesses. The effective date is similar to ordinances passed in Culver City and Manhattan Beach.

SINGLE-USE PLASTIC AND POLYSTYRENE REGULATION IN CALIFORNIA CITIES

There are 135 local ordinances, either cities or countywide, restricting plastics or polystyrene in California. (Attachment 2) Majority of these policies have focused on expanded polystyrene or polystyrene products. In Los Angeles County, there are 13 cities have an expanded polystyrene or polystyrene ban and several cities have included single-use plastics. (Attachment 3) Nearby cities like Culver City, Los Angeles, Santa Monica and West Hollywood have adopted similar ordinances.

COMPLIANCE COST ANALYSIS

The proposed ordinance will have a nominal increase in City and affected businesses costs. Table 1 provides the increase by switching from single-use plastic and polystyrene foodware items to acceptable alternatives. The increase range is between \$0.02 to \$0.06 per unit price.

Table 1

Foodware Type	Plastic Avg. Unit Price	Compostable Avg. Unit Price	Delta
Utensils	\$0.01	\$0.03	\$0.02
Beverage Containers	\$0.07	\$0.12	\$0.05
Take Out Containers	\$0.20	\$0.26	\$0.06
Straws	\$0.01	\$0.04	\$0.03

Table 2 provides the cost impact switching from single-use plastic beverages to cardboard, aluminum or glass beverage containers. The increase range is between \$0.04 to \$0.15, where glass beverages accounts for the highest costs.

Table 2

Water	Average Cost (\$/oz.)	Delta (\$/oz.)
Plastic Bottled Water	\$0.05	\$0
Cardboard Carton Box	\$0.11	\$0.06
Canned/Aluminum	\$0.09	\$0.04
Glass	\$0.20	\$0.15

Soda	Average Cost (\$/oz.)	Delta (\$/oz.)
Plastic Bottled Water	\$0.08	\$0
Canned/Aluminum	\$0.09	\$0.01
Glass Bottles	\$0.21	\$0.13

COMPLIANCE RESOURCE

Community resource is essential to the success of the initiative. Staff put together a website www.beverlyhills.org/plasticandfoam that contains FAQ sheet, draft ordinance, past virtual community meeting and a list of alternative materials that are acceptable under the proposed ordinance.

In addition to the website, staff is proposing the Early Adopter Program. The goal of the program is to assist small brick and mortar businesses by providing them \$500 worth of acceptable foodware items. By providing this compliance kit, staff is anticipating influencing the business that alternative materials are reliable and durable as single-use plastic and polystyrene.

OUTREACH FEEDBACK

Community outreach began in April and is on-going. Staff is directly contacting affected businesses starting with grocery stores and pharmacies and presenting the ordinance to community-based organizations like the Chamber of Commerce and the Rotary Club.

Overall, the community is supportive of the overall goals of the ordinance and the sections relating to foodware. Grocery stores, pharmacies and community-based organizations are concerned about the proposed prohibition to sell single-use plastic beverage containers. Businesses and community members are concerned about the business and consumer impact. Costs and customer demand are the driving force for the concern.

Considering the level of concern, staff is scheduled to take this item back to the Public Works Commission on the June 8, 2023, meeting to discuss and potentially consider modifying the provisions related to selling single-use beverages. Provisions that will be under consideration includes:

1. Retaining the proposed ordinance provision prohibiting affected businesses to use, sell and distribute single-use plastic beverage.
2. Remove the provision in prohibiting affected business to use, sell and distribute single-use plastic beverage. Single-use plastic beverage will be defined as less than one (1) gallon in volume.
3. Modify the provisions prohibiting use, sale and distribution of certain single-use plastic beverages that are less than 1-gallon in volume like plastic water bottles, soda or other beverages that have an alternative packaging.

Depending on the results of the commission meeting, there maybe changes in the proposed ordinance of which will be taken to amend the proposed ordinance.

FISCAL IMPACT

The cost to the City will be dedicated for the Early Adopter Incentive Program. Staff is budgeting \$10,000 to provide a one-month supply for alternative products. The budget is coming from the Solid Waste Fund. Staff projects the budget will be able to support 20 businesses. The Public Works Commission recommended that staff find additional funds to support a bigger number of small businesses.

NEXT STEPS

Based on the Committee's discussion, staff will take necessary steps to take the proposed ordinance for City Council consideration.

ATTACHMENT 1

ORDINANCE NO. 23-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING
THE BEVERLY HILLS MUNICIPAL CODE TO REGULATE
POLYSTYRENE FOODWARE AND PLASTIC WASTE

Section 1. The City Council hereby adds Chapter 12 ("POLYSTYRENE AND PLASTIC WASTE REGULATIONS") to Title 5 ("PUBLIC HEALTH, WELFARE, AND SANITATION") of the Beverly Hills Municipal Code to read as follows:

5-12-1 - PURPOSE

The City of Beverly Hills has been a leader in addressing various environmental issues, including plastic pollution related to single-use plastics and polystyrene, as well as the risks to human health and marine life associated with water pollution. This ordinance will reduce single-use waste, greenhouse gas emissions, polystyrene use, and plastic litter threatening natural ecosystems and ocean wildlife, as well as keep overall plastic waste from landfills, in order to protect the health of the community and promote environmentally sustainable practices.

5-12-2 - DEFINITIONS

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases are defined as follows:

Affected Business Establishment means any retail or food service establishments such as grocery stores, restaurants, coffee shops, pharmacies, liquor stores, supermarkets, drive-thrus, cafes, snack shops, public food markets, farmer's markets, convenience stores, "mini-marts", or any stores, street vendors or restaurants that sell food or beverages from fixed, mobile or temporary facilities, vending machines, carts, vehicles, or mobile units. This includes any person that offers any form of a beverage to the public for consumption on the premises or for take-away consumption, as well as any person that regularly provides beverages to its members or the general public as a part of its activities or services. This term also encompasses any person that provides or sells prepared or raw food to the general public for consumption on the premises or for take-away consumption as well as any person that regularly provides prepared or raw food to its members or the general public as a part of its activities or services. Non-profit organizations do not constitute Affected Business Establishments.

Aseptic Paper Packaging means shelf-safe packaging that typically contains layers of paper, plastic, and aluminum.

Biologically-Based Polymer or Bio-Based Polymer means materials which at least partially consist of material produced from renewable raw materials, such as corn or sugarcane. The remaining portion of the polymers constitutes fossil fuel-based carbons, or other such non-renewable materials. Examples of a biologically-based polymer include but are not limited to polylactic acid (PLA) and polyhydroxyalkanoates (PHA).

City Contractor means any person that enters into an agreement with the City to furnish products or services to or for the City.

City Facility means any building, structure, property, park, open space, or vehicle, owned or leased by the City, its agents, agencies, or departments.

City-Sponsored Event means any event, activity or meeting organized or managed in whole or in part, by the City or any department of the City.

Compostable means any Disposable Foodware item accepted by the City's municipal waste program that is Fluorinated Chemical-Free, as certified by the Biodegradable Product Institute (BPI) or other independent third party certifying organization or agency recognized by the City.

Disposable Foodware or Disposables means single-use disposable products used for serving, consuming or transporting food or beverages, including, but not limited to, single-use bottles, plates, bowls, trays, cups or drinkware, wrappers or wrapping, Aseptic Paper Packaging, condiment containers, straws, lids, utensils, stirrers, lid plugs (splash sticks) or any container in or on which food or beverages are placed or packaged for consumption. This includes Polystyrene Coolers and egg cartons or trays for raw meat, fish, or poultry.

Fluorinated Chemical means a class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or Per- and Polyfluorinated Substances (PFAS).

Fluorinated Chemical-Free describes an item that (1) does not contain intentionally added Fluorinated Chemicals or PFAS chemicals, or levels exceeding 100 parts per million (ppm) total fluoride as determined by the EPA and state law; (2) is certified by the Biodegradable Product Institute (BPI); or (3) is a napkin, stirrer, splash stick, cocktail stick, toothpick, or utensil made entirely of Natural Fiber, containing no intentionally added Fluorinated Chemicals.

Natural Fiber means a plant-based, non-synthetic fiber, including but not limited to paper, wood, bamboo, palm leaf, wheat straw, or sugarcane. Natural Fiber does not include plastic or any bio-based polymer of any kind.

Plastic means a synthetic material made from a wide range of organic polymers such as polyethylene, polyvinyl chloride (PVC), nylon, etc., that can be molded into shape while soft and then set into a rigid or slightly elastic form.

Plastic Beverage Bottle means any formed or molded plastic beverage container comprised predominantly with a relatively inflexible fixed shape or form and a smaller neck than the container body, and intended primarily as a single use container.

Plastic Beverage Straw means a plastic tube derived from either petroleum or a bio-based polymer. This term does not include straws made solely from non-plastic materials.

Plastic Stirrer means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid, and intended for only one-time use. Plastic stirrer includes petroleum-based or a biologically-based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made solely from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, glass, or metal.

Plastic Utensil means any plastic utensil, including, but not limited to, forks, spoons, sporks, knives, cutlery, and disposable flatware intended for a single use. This term includes petroleum-based or biologically-based polymer forms of utensils, but does not include forms of utensils that are made solely from non-plastic materials, including, but not limited to, paper, sugar cane, wood, glass, or metal.

Polystyrene or PS means a thermoplastic petrochemical material utilizing the styrene monomer, including, but not limited to, rigid polystyrene or 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," used either alone or in combination with the abbreviation "PS." This definition applies to all Polystyrene Foodware, regardless of whether it exhibits a Resin Code.

Polystyrene Cooler means any cooler or ice chest made of polystyrene foam (expanded polystyrene), where such foam is not fully encased in another more durable material.

Polystyrene Foodware means Disposable Foodware, including, but not limited to, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays, that contains or utilizes polystyrene, or is either labelled with the polystyrene Resin Code "6," or in combination with the abbreviation "PS."

Polystyrene Packing Material means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes, foam popcorn, foam peanuts, packing peanuts, or packing noodles.

Recyclable means material that can be sorted, cleansed, and reconstituted using one of the City's two available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

Resin Code means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

Reusable means that food service items are manufactured of durable materials specifically designed and manufactured to be safely and repeatedly washed, sanitized and reused over an extended period of time.

5-12-3 - PROHIBITION OF USE, DISTRIBUTION, AND SALE OF POLYSTYRENE FOODWARE

A. No Affected Business Establishment or person shall sell, offer to sell, or otherwise distribute for compensation any Polystyrene Foodware or items labelled with "PS" or a Resin Code of "6" separately or in conjunction with the sale of prepared or raw food or beverages at any location, including at City-Sponsored Events or City meetings, except for food prepared or packaged outside the City as permitted under Section 5-12-6.B. This subsection applies to organizers of City-Sponsored Events, their agents, City Contractors, and City employees acting in their official capacities, but not the organizers of family gatherings or non-profit events such as fundraisers.

B. No Affected Business Establishment located in the City shall use Polystyrene Packing Materials.

C. No person shall distribute or sell prepared or raw food or beverages in any Polystyrene Foodware at City facilities that have been rented, leased or are otherwise being used with the permission of the City. This subsection is limited to the use of City facilities for which a person has entered into an agreement with the City to rent, lease or otherwise occupy a City facility. All facility rental agreements for any City facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of Polystyrene Foodware while using City facilities. The facility rental agreement shall indicate that a violating contractor's security deposit will be forfeited if the City Manager determines that Polystyrene Foodware was used in violation of the rental agreement.

5-12-4 - PROHIBITION OF SINGLE-USE PLASTIC STRAWS, STIRRERS, UTENSILS, BEVERAGE BOTTLES, AND ASEPTIC PAPER PACKAGING

- A. No Affected Business Establishments shall sell, use or distribute plastic beverage straws, plastic stirrers or plastic utensils, whether for use on-site, to-go, or delivery. Disposable straws, stirrers, and utensils must be non-plastic and solely made from non-plastic materials, such as paper, pasta, sugar cane, or wood. Single-use plastic items derived from a petroleum or a biologically-based polymer are likewise prohibited.
- B. No City officer, official, employee, representative, contractor or agent, shall use, sell, distribute or otherwise provide any single-use plastic beverage bottle or Aseptic Paper Packaging while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.
- C. No Affected Business Establishment shall use, sell, distribute or otherwise provide any beverage in a single-use plastic beverage bottle or Aseptic Paper Packaging within the City.

5-12-5 - REUSABLE FOODWARE FOR DINING ON THE PREMISES

- A. Prepared or raw food or beverages served for consumption on the premises of Affected Business Establishments shall only be served using Reusable Foodware, except that disposable paper food wrappers; sleeves and bags; foil wrappers; paper napkins; straws and paper tray- and plate-liners are allowed for dining on the premises as long as the items are Compostable.
- B. All Disposable Foodware sold, distributed, or used on the premises by Affected Business Establishments that are operating under a full or partial extension or exemption obtained pursuant to 5-12-6 or otherwise must be Compostable unless the items are accepted in the City's recycling program or another exception under Section 5-12-6 applies.

5-12-6 - EXTENSIONS AND EXEMPTIONS

- A. Affected Business Establishments may request an extension or exemption for specific items pursuant to this section.
- B. The following are exempt from the provisions of this chapter:
 - 1. Food prepared or packaged outside of the City, provided such food is not altered, packaged or repackaged within the City limits. This exemption applies to raw produce, poultry, vegetables, fruit, fish, meat, or eggs.
 - 2. Food or beverages brought by individuals for personal consumption to City facilities, including, but not limited to, City parks. Any gatherings or events organized by non-profit entities, organizations, or families that do not constitute an Affected Business Establishment are exempt from the requirements under this chapter.
 - 3. Affected Business Establishments that do not have on-site or off-site dishwashing capacity or are unable to contract for services to wash, rinse and sanitize Reusable Foodware in compliance with the California State Health Code may request an extension or exemption pursuant to this section. To obtain an extension or exemption, the Affected Business Establishment must demonstrate an inability to comply due to insurmountable space constraints, undue financial hardship or other extraordinary, insurmountable circumstances.

4. Notwithstanding Section 5-12-5, non-compostable foil wrappers that are accepted into the City's recyclable collection program may be used for burritos, wraps, and other items or dishes that require foil to contain and form the food item.
 5. Accommodations. Affected Business Establishments, as well as City facilities, City-managed concessions, City-sponsored Events, and City-permitted events, may retain and dispense plastic straws as an accommodation to people with disabilities who request them to allow equal access to food and beverage services within the City.
- C. The City Manager may provide time extensions for compliance or exempt any person from the requirements of this chapter, as follows:
1. A request for an extension or claimed exemption shall be filed in writing with the City Manager and shall include documentation of the reason for the requested extension or exemption and any other information necessary for the City to make its decision. The City may require the applicant to provide additional information as necessary to make the required determinations.
 2. The City Manager may approve the initial extension or exemption for a maximum of one year, and extend the extension or exemption for additional terms of up to one year each upon a showing of the continuation of a legally protected right, with or without conditions, upon determining that compliance would create an undue hardship. Undue hardship may include but not be limited to, situations where:
 - a. There are no reasonable alternatives to the use of polystyrene for reasons that are particular to the applicant; or
 - b. Compliance with the requirements of this chapter would deprive a person of a legally protected right.
- D. To obtain an extension or exemption for a Disposable Foodware item, the Affected Business Establishment should demonstrate that:
1. No other Compostable Disposable Foodware item exists with substantially similar size, performance, or utility, or if such an item exists, the costs of using such item would cause undue financial hardship, and;
 2. The non-conforming Disposable Foodware item to be used in lieu of a conforming item is Recyclable or Compostable in the City's recycling or compost collection program.
 3. The Affected Business Establishment must provide documentation of good faith efforts to obtain a substantially similar compliant item at a non-prohibitive price. Records of attempts to obtain a compliant item may include:
 - a. Emails, letters or other correspondence with vendors that furnish Disposable Foodware in which the appellant sought the compliant item.
 - b. Responses from such Disposable Foodware vendors including, where applicable, specifications and pricing for such item.
 - c. Specifications and pricing for the Recyclable non-conforming item sought to be used, demonstrating its substantial superiority or affordability, and

- d. Any other verifiable records which demonstrate a good faith effort to comply with Disposable Foodware Standards for such item.
- 4. Any reasonable added cost to obtain a conforming item as compared to a substantially similar Recyclable non-conforming item shall not by itself constitute adequate grounds to support an extension or exemption for such item.
- E. The City Manager's written decision to deny the extension or exemption is effective ten (10) days after the decision.
- F. Decisions of the City Manager may be appealed by the person applying for the extension or exemption to the City Council. Appeals shall be filed in writing with the City Clerk within ten (10) days of the decision and shall be accompanied by a fee set by resolution of the City Council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing.

5-12-7: ENFORCEMENT AND PENALTIES:

- A. Any Food Service Establishment that violates this chapter after a written notice of violation has been issued shall be subject to an administrative penalty.
- B. Subsequent violations of this chapter are subject to the following administrative penalties:
 - 1. A fine not exceeding one hundred dollars (\$100.00) for the first violation after the written notice of violation is issued;
 - 2. A fine not exceeding two hundred dollars (\$200.00) for the second violation after the written warning notice is issued; or
 - 3. A fine not exceeding five hundred dollars (\$500.00) for the third and any subsequent violations after the written warning notice is issued.

Section 2. CEQA Findings. The City of Beverly Hills has determined that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to State CEQA Regulation §15061(b)(3) (14 Cal. Code Regs. § 15061(b)(3)) covering activities with no possibility of having a significant effect on the environment.

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. Operative Date. Section 1 of this Ordinance shall become operative for City-Sponsored Events and City Facilities after sixth months of its passage, on _____, 2023. Section 1 of this Ordinance shall become operative after one year of its passage on _____, 2024 for Affected Business Establishment operators.

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

JULIAN A. GOLD
Mayor of the City of Beverly Hills, California

ATTEST:

HUMA AHMED
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

NANCY HUNT-COFFEY
City Manager

SHANA E. EPSTEIN
Director of Public Works

ATTACHMENT 2

California Cities and Counties With Various Plastics Restriction Policies

Alameda (2008/2017)	Dana Point (2012)	Laguna Hills (2008)
Alameda County (2015)	Davis (2017)	Laguna Woods (2012)
Albany (2008)	Del Mar (2019)	Livermore (2010/2018)
Aliso Viejo (2004)	Del Ray Oaks (2009)	Long Beach (2018)
Arcata (2015)	Dublin (2019)	Los Altos (2014)
Arroyo Grande (2016)	El Cerrito (2013)	Los Altos Hills (2012)
Atascadero (2019)	Emeryville (2007)	Los Angeles City (1988/2008)
Avalon (2017)	Encinitas (2016)	Los Angeles County (2008)
Belmont (2012)	Fairfax (1993)	Los Gatos (2014)
Berkeley (1988/2019)	Fort Bragg (2014)	Malibu (2005/16/18)
Brisbane (2014)	Foster City (2011)	Manhattan Beach (1988/2019)
Burlingame (2011)	Fremont (1990/2010)	Marin County (2009)
Calabasas (2007)	Gonzales (2014)	Marina (2011)
Campbell (2014)	Greenfield (2014)	Martinez (1993)
Capitola (2009/2011)	Grover Beach (2018)	Mendocino County (2014)
Carmel (2008/2017)	Half Moon Bay (2011)	Menlo Park (2012)
Carpinteria (2008/2017)	Hayward (2010)	Millbrae (2007)
Colma (2013)	Hercules (2008)	Mill Valley (2009)
Concord (2018)	Hermosa Beach (2012/2019)	Milpitas (2017)
Contra Costa County (2019)	Highland (1988)	Monrovia (2017)
Cotati (1989)	Huntington Beach (2004)	Monterey City (2009)
Culver City (2017)	Imperial Beach (2018/2019)	Monterey County (2010)
Cupertino (2014)	Lafayette (2014)	Morgan Hill (2014)
Daily City (2012)	Laguna Beach (2007)	Moro Bay (2016)

Mountain View (2014)	San Anselmo (2018/2019)	Sebastopol (2019)
Newport Beach (2008)	San Bruno (2009)	Solana Beach (2015)
Novato (2013/2014)	San Carlos (2012)	Sonoma City (1989)
Oakland (2006)	San Clemente (2011)	Sonoma County (1989)
Ojai (2014)	San Diego (2019)	South Lake Tahoe (2018)
Orange County (2006)	San Francisco City/County (2006/19)	South Pasadena (2016)
Pacific Grove (2008)	San Jose (2013)	South San Francisco (2008)
Pacifica (2009)	San Juan Capistrano (2004)	Sunnyvale (2013)
Palo Alto (2009/16/19)	San Leandro (2011)	Ukiah (2014)
Pasadena (2016)	San Luis Obispo City (2015)	Union City (2016)
Paso Robles (2019)	San Luis Obispo County (2019)	Ventura County (2004)
Petaluma (2019)	San Mateo City (2013)	Walnut Creek (2014)
Pinole (2018)	San Mateo County (2008/11)	Watsonville (2009/14/19)
Pismo Beach (2015)	San Pablo (2014)	West Hollywood (1990)
Pittsburg (1991)	San Rafael (2012)	Highland (1988)
Pleasanton (2013)	Santa Barbara (2018)	Yountville (1989)
Point Arena (2010)	Santa Clara City (2014)	**Passed on January 7, 2020
Portola Valley (2012)	Santa Clara County (2012)	** Source: C. Cadwallader, personal communication, January 6, 2020
Rancho Cucamonga (1988)	Santa Cruz City (2008/12/17)	
Redondo Beach (2020)*	Santa Cruz County (2012/2019)	
Redwood City (2011)	Santa Monica (2007/2018)	
Rialto (1988)	Sausalito (2007)	
Richmond (2009/13)	Scotts Valley (2008)	
Salinas (2011)	Seaside (2010)	

ATTACHMENT 3

Cities in Los Angeles County With Plastics Restriction Policies:

GOV = Applies only to government facilities

REST = Applies to food service establishments

FULL = Applies to food service establishments and restricts the retail sale of food service ware

City	Policy	Policy Description	Year Adopted	Type
Calabasas	EPS Ban	Expanded polystyrene ban on all food packaging, requirement that all takeout food packaging must be returnable, recyclable, biodegradable, or degradable.	2008	REST
Culver City	PS Ban	Ban on distribution and sale of polystyrene food service ware, requires food providers to provide takeout disposable utensils to customers upon request only. Ban on polystyrene coolers (not encapsulated).	2017	FULL
Hermosa Beach	PS Ban	Initial ban includes polystyrene food service ware. Updated polystyrene ban includes ban on sale and distribution of meat trays, plastic straws, packing materials and Mylar balloons .	Initial 2012, additional ban in 2019 (updated ban effective in 2020)	FULL
Los Angeles City	EPS Ban	Government facility EPS ban.	1988/2008	GOV
Los Angeles County	EPS Ban	Government facility EPS ban.	2010	GOV
Long Beach	EPS Ban	Expanded polystyrene food service ware ban. Also prohibits the sale and distribution of polystyrene ice chests and polystyrene bean bags. Utensils and straws are provided upon request only for take out orders.	2018 (government facilities), 2019 (food establishments)	REST
Manhattan Beach	PS Ban	Initial ban on polystyrene food service ware. Ban In 2014 prohibits polystyrene coolers, straws, lids, and utensils. 2018 ban prohibits polystyrene egg cartons and packing materials. 2019 ban prohibits polystyrene meat and produce trays.	Initial in 2013, additional bans in 2014, 2018, 2019	FULL

City	Policy	Policy Description	Year Adopted	Type
Malibu	EPS Ban	Initial ban in 2005 prohibits sale and distribution of polystyrene food containers and packing materials. Additional ban in 2017 prohibits sale and distribution of other polystyrene products including all food service ware, meat and produce trays, egg cartons, packing materials, coolers, pool/beach toys, buoys, as well as plastic sandbags. Additional ban in 2018 prohibits the sale and distribution of single-use plastic and bioplastic straws, stirrers, and utensils.	Initial ban in 2005, additional bans in 2017 and 2018	FULL
Monrovia	EPS Ban	Prohibits the use or purchase of expanded polystyrene products at government facilities.	2017	GOV
Pasadena	PS Ban	Ban on sale and distribution of all polystyrene food service ware (cups, bowls, plates, takeout containers); does not include straws, lid cups, or utensils. Ban includes polystyrene coolers.	2017	FULL
Redondo Beach	PS Ban	Ban on PS food service ware. *Passed January 7, 2020.	2020	
Santa Monica	EPS Ban	Ban on all polystyrene and other nonrecyclable plastic disposable food service containers; requires all food packaging to be marine degradable.	2007, additional ban in 2019	REST
South Pasadena	EPS Ban	Ban on sale and distribution of all expanded polystyrene food service ware for food providers and retail providers.	2017	FULL
West Hollywood	PS Ban	PS ban for restaurants and food vendors.	1990	REST

* Sources:

1. Californians Against Waste, Table View PS Ordinance. <https://www.cawrecycles.org/psordinancetable>
2. C. Cadwallader, personal communication, January 6, 2020