

CC 09-06-2022

Oral
Communications

Written
Communications

From: [Peggy Griffin](#)
To: [Piu Ghosh \(she/her\)](#); [Luke Connolly](#)
Cc: [City Council](#); [City of Cupertino Planning Commission](#); [HousingCommission](#); [City Clerk](#)
Subject: REQUEST: HE Sites...Start with the west side of town
Date: Tuesday, September 6, 2022 1:44:10 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Piu and Luke,

In all the Housing Element site selection meetings you and the consultant always start with the east side of town. Residents have repeatedly asked that you mix it up and start with the west side but nobody listens.

REQUEST: Please, at the next HE meeting regarding sites, please start on the west side and work east.

This matters because these are lengthy meetings and input varies based on how long the meeting goes. It also changes perspective after seeing the west first or the east first. Residents from the west wanting to speak on sites have to always wait hours. This is not fair. Mix it up. Start from the west and move east next time. Thank you.

Sincerely,
Peggy Griffin

From: [Grantis Peranda](#)
To: [City Clerk](#)
Subject: We need a more ambitious housing element
Date: Tuesday, September 6, 2022 2:47:06 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk Kirsten Squarcia,

This is for the Cupertino City Council, staff, and consultants:

I am writing today regarding the updated site inventory. There are some key changes that I urge you to consider. I am overall concerned that Cupertino will receive similar criticism from California HCD because we are similarly overcounting pipeline projects as in the case of San Francisco <https://www.sfchronicle.com/sf/article/housing-California-construction-17368517.php> San Francisco is depending on a number of pipeline projects that they have been unable to substantiate as being likely to get developed.

To ensure we do not end up repeating the mistakes of San Francisco and subsequently getting our city into further legal trouble, we should commit to the following:

1) Reduce reliance on Pipeline Projects.

Reliance on pipeline projects, such as The Rise (Vallco) and the Hamptons, introduces risk of missing production goals and displacement of current residents. The Rise will not likely be completed in eight years, so more alternative sites are needed. Development of the Hamptons may displace hundreds of individuals and families, and has not started even though it was approved in 2016.

Please direct staff to provide an explanation for the assumption that the Rise will be complete within eight years, and a housing feasibility study for the Hamptons site. Furthermore, please direct staff to find additional, back-up sites for both these projects in the event that site development cannot begin or be completed within the 8-year period of the Housing Element.

2) Recommend a larger buffer of housing units.

The current buffer is too low to meet the HCD requirements, and may invoke parts of the "No Net Loss Law". The buffer could be expanded by increasing higher permissible densities on key sites, or by including more sites. The Housing Element itself could also include an alternate set of back-up sites to provide more certainty that our Housing Element is certified, and that our housing production goals are actually accomplished.

3) Reconsider upzoning as a policy tool.

The City's policy priorities should focus on feasibility so that the City can actually produce much-needed homes at all income levels.

Policies from Staff Report June 28, page 2:

“Housing sites should be dispersed throughout the City and strive for a balance between eastern and western areas” and

“the Housing Element should avoid ‘up-zoning’ sites to the extent feasible”

are opposed to each other. The city does not currently include many sites zoned for multi-family buildings, therefore the City cannot disperse new housing throughout the city without up-zoning. The City should still consider upzoning as an important tool for building affordable housing. Concerns about building bulk and aesthetics can be addressed through other policies.

4.) Prioritize sites in the Heart of the City.

The City should focus its efforts on building homes in the Heart of the City. By building more homes along transit corridors and near places people work, play, and shop, the City can encourage more people to take transit and reduce traffic congestion. There are several Heart of the City Specific Plan areas that have 0 (zero) sites on the proposed site inventory. There are several Heart of the City areas on the western and eastern sides of the city to help maintain a balance of sites. Please add more sites inside the Heart of the City.

5.) Avoid unnecessary displacement projects.

The current site inventory proposes sites with existing homes. Going forward with redevelopment of these sites would displace these residents. Some of these projects would not even generate a significant number of net new units. The City should avoid displacement projects if there are more reasonable alternatives for building net new homes.

Please continue your work for a sustainable plan that will provide housing for all incomes and abilities, and that will further fair housing practices.

Grantis Peranda

gperanda@scu.edu

1625 Scenic Dr #21

Modesto, California 95355

From: [Munisekar](#)
To: [Darcy Paul](#); [City Clerk](#); [City Council](#); [Cupertino City Manager's Office](#)
Cc: [Munisekaran Madhhipatla](#)
Subject: Oral Communications 9/6/2022
Date: Tuesday, September 6, 2022 7:07:44 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is my speech delivered today during Oral Communications.

Good evening Mayor & Council Members.

My name is Muni Madhhipatla, a long-time resident of Cupertino and serving on the Planning Commission. I am here speaking for myself as a private resident of Cupertino; not representing any organization or a position I hold.

As you may know, October of every year is celebrated as “Hindu Heritage Month” around the globe. Many governments around the globe, at city, state and country level proclaim it as such. You may also be aware of racist anti-Hindu attacks on the Indian community in our country similar to anti-Asian attacks seen recently.

I believe the local Chapter of Hindu American Foundation (HAF) has reached out to our city in the past as well as recently for such a proclamation. As you know, our city celebrates Hindu festivals such as Holi & Diwali every year; we are very thankful for that as it gives us a sense of belonging and acceptance in our adopted country and gives an opportunity for our kids to celebrate their rich heritage.

Given the amount of contributions of Indian-Americans to our community & city, I request you to proclaim October as Hindu Heritage Month.

Thank you.

Muni Madhhipatla

Cupertino Resident

From: [WAI Team](#)
To: [City Clerk](#)
Subject: Public Comment
Date: Tuesday, September 6, 2022 5:15:35 PM

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Hello!

We are WAI, Wildfire Awareness Initiative, a youth-led 501c3 nonprofit. We would like to speak during oral communications.

Would it be possible to include our presentation?

https://docs.google.com/presentation/d/1fq2QsPhwzJXLRRk0GigCZbF6gYNigiGJlyNjtbevaa4/edit#slide=id.g150ffed7dea_0_53

Thanks,
WAI

WAI

THE PROBLEM OF WILDFIRES

Wildfire Awareness Initiative



01

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WHO WE ARE

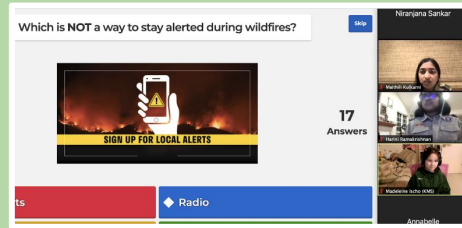
Certified 501c3 nonprofit in the Bay Area



ACCOMPLISHMENTS

PRESENTED FOR BOY SCOUTS

Covered important camping tips and wildfire preparedness



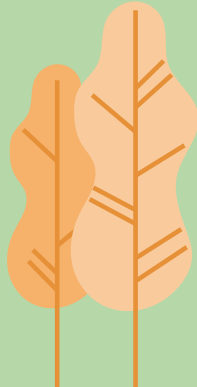
WORKED WITH OUR SCHOOL

Presented at the school's Environmental Club during the Earth Day Fair



STEM CONVENTION

Worked with the Santa Clara Youth Commission on their sustainable tech convention



ACCOMPLISHMENTS (cont.)

VOLUNTEERED WITH SCCFD

Organized 400 disaster kits for local elementary schools



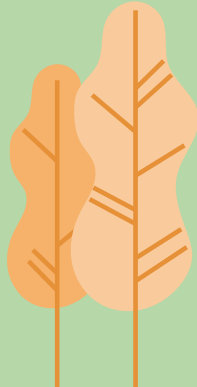
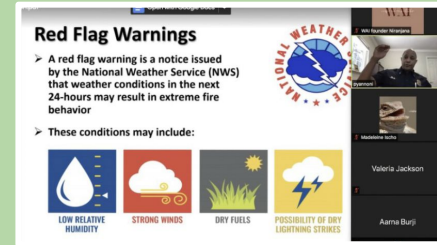
PRESENTED AT CUPERTINO FORUM

Invited to cover information on the wildfire threat at the Cupertino Library



WEBINARS WITH SCCFD

Hosted online webinars with guest speakers from SCCFD followed by fun Kahoots



ACCOMPLISHMENTS (cont.)

FUNDRAISER WITH PANDA EXPRESS

Raised over 900 dollars with Panda Express



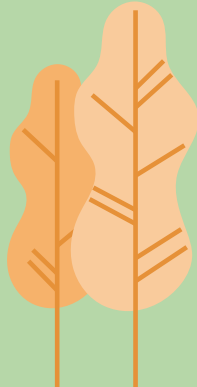
EDUCATED ELEMENTARY SCHOOLS

Sent out fun Kahoots to local CUSDK8 elementary schools after presenting to the CUSD Board



RECORDED A PODCAST ON WILDFIRES

Collaborated with another youth-led initiative to record a 40-minute podcast on wildfires



02

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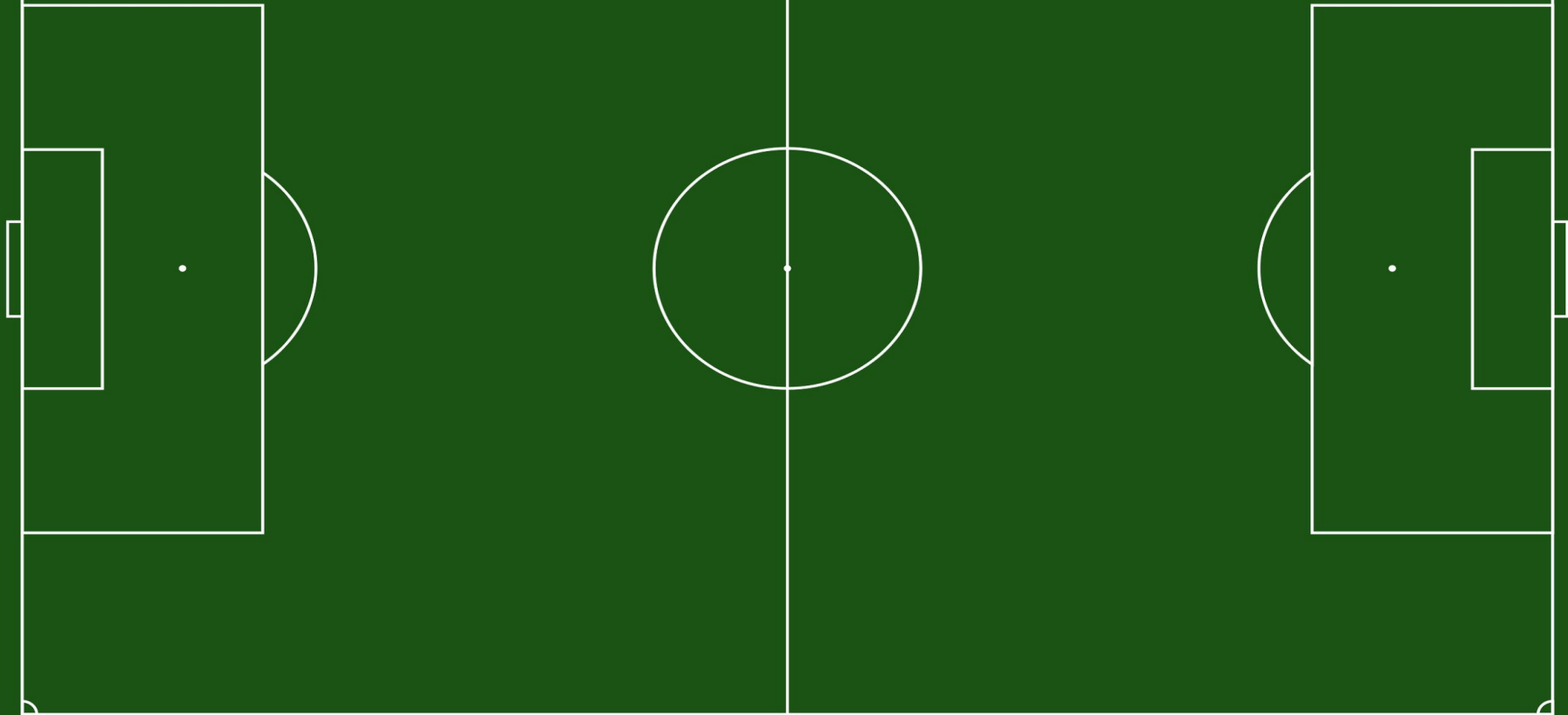
THE PROBLEM



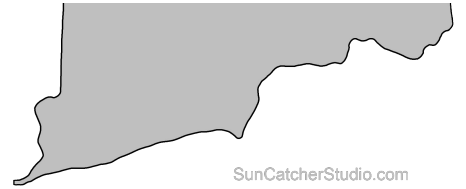
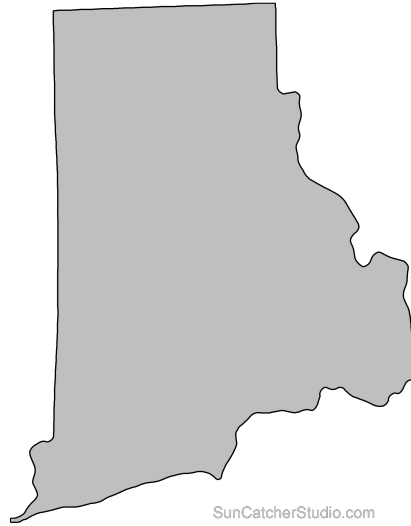
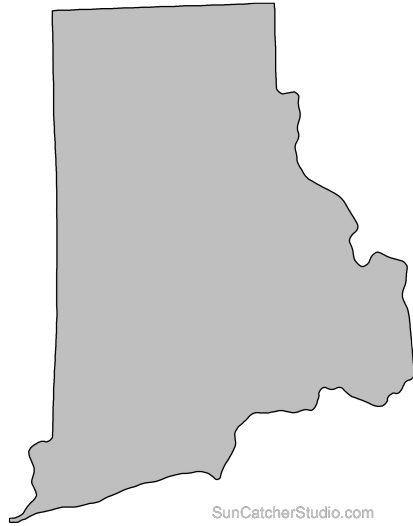
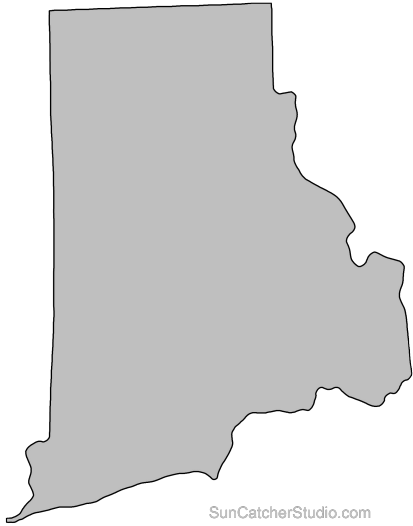


2.5 MILLION ACRES
OF LAND BURNED IN 2021
IN CALIFORNIA

2 MILLION FOOTBALL FIELDS



3.2 RHODE ISLANDS



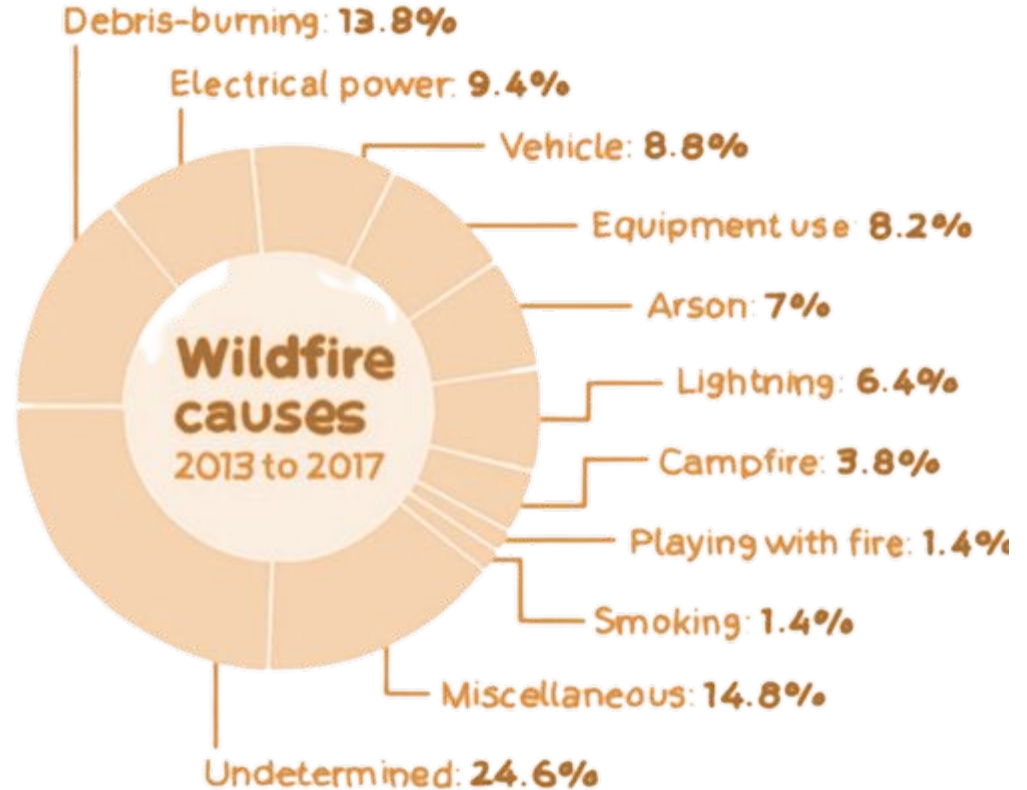


HOW DID THIS HAPPEN?

CAUSES



**Note: Mainly
human caused!**



10 Years and 10 Most Devastating Wildfires



DRIVING FACTOR: CLIMATE CHANGE



HIGHER TEMPERATURES

...

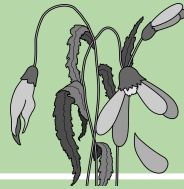
Greenhouse gases trap heat in the Earth's atmosphere



FREQUENT DROUGHTS

...

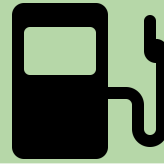
Less snowfall in the Sierra and mountains



DRY VEGETATION

...

Plants lack moisture due to a lack of water



MUCH MORE FUEL

...

Dry vegetation is perfect for wildfires.



HIGH SPEED WINDS

...

Wind spreads wildfire embers farther and faster

A photograph showing the aftermath of a forest fire. The scene is filled with charred, blackened tree trunks and branches. In the center-left, a white, rectangular structure, possibly a small shed or a piece of equipment, stands amidst the wreckage. The ground is covered in ash, charred wood, and debris. The background shows more of the damaged forest. The text "LAKE TAHOE" is overlaid in the top right corner in a bold, green, sans-serif font.

LAKE TAHOE

NEGATIVE IMPACTS

Drastically changes the terrain and vegetation

ENVIRONMENT



Drives many species to extinction and depletes their habitat; reduces biodiversity

WILDLIFE

Pollutes water, soil, and the atmosphere

NATURAL RESOURCES



Causes loss of local heritage with very high restoration costs

INFRASTRUCTURE



NEGATIVE IMPACTS (cont.)

ECONOMY & HEALTH

- Destroys farmers' crops and livelihoods
- Creates unaffordable restoration costs for
- Puts people with respiratory infections at risk
- Creates areas to be prone to other disasters



NEGATIVE IMPACTS (cont.)

MINORITIES

- Black, Hispanic, and Native American are **6 times** more likely to live in **wildfire-prone areas**
- Many communities resources to evacuate safely
- **Language barriers** make it hard for relief workers to pass on preparedness information and resources



03

...

PREVENTION AND PREPARING



Educate the Community



PREVENTION

MAKE YOUR HOME FIREPROOF

Zones are areas around your house



Remove dead
foliage such as tree
branches

ZONE 1: 0-5 FT

...



Trim trees and
remove dead plant
matter

ZONE 2: 5-30 FT

...



Trim grass and
unblock
emergency paths

ZONE 3: 30-100 FT

...

PREPARING

DISASTER BAGS

Check [ready.gov](https://www.ready.gov) for a full list



WATER + FOOD
FLASHLIGHT
FIRST AID KIT
BATTERIES
SLEEPING BAG
GARBAGE BAG
CASH + DOCUMENTS
SANITIZER
MASK
CLOTHING
MATCHES

MAKE SURE TO

1. Store canned food in a dry place
2. Replace expired items as needed
3. Rethink your items every year
4. Keep a kit in your car and at home

DURING



STAY ALERTED

Wildfire Season: Late May to Late November



04

...

WHAT SHOULD BE DONE



EDUCATE THE COMMUNITY

Through online and in person events



Cover important
info on home
hardening,
emergency bags,
and preparedness

EMAILS/FLYERS

...



Schedule a day for
volunteering to
clean dead plant
matter around the
community

IN-PERSON EVENTS

...



Stress the
importance of
preparing with
statistics and
predictions

ENCOURAGE

...



Thanks!



Do you have any questions?

waiforchange@gmail.com

@waiforchange
on Instagram

SPONSORED BY



Public Comments to Cupertino City Council about Blackberry Farm Golf vs. Natural Habitat

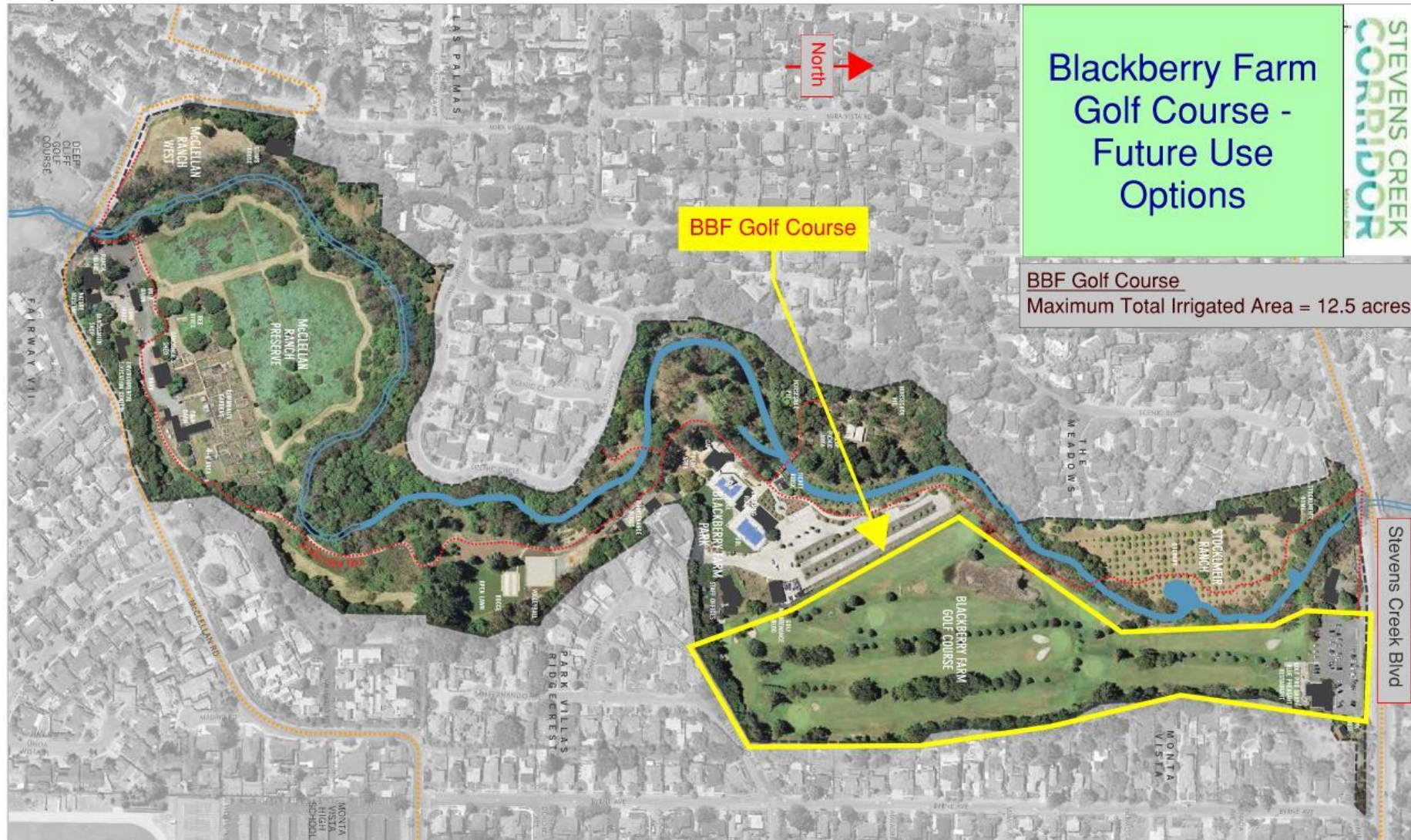
9/6/22

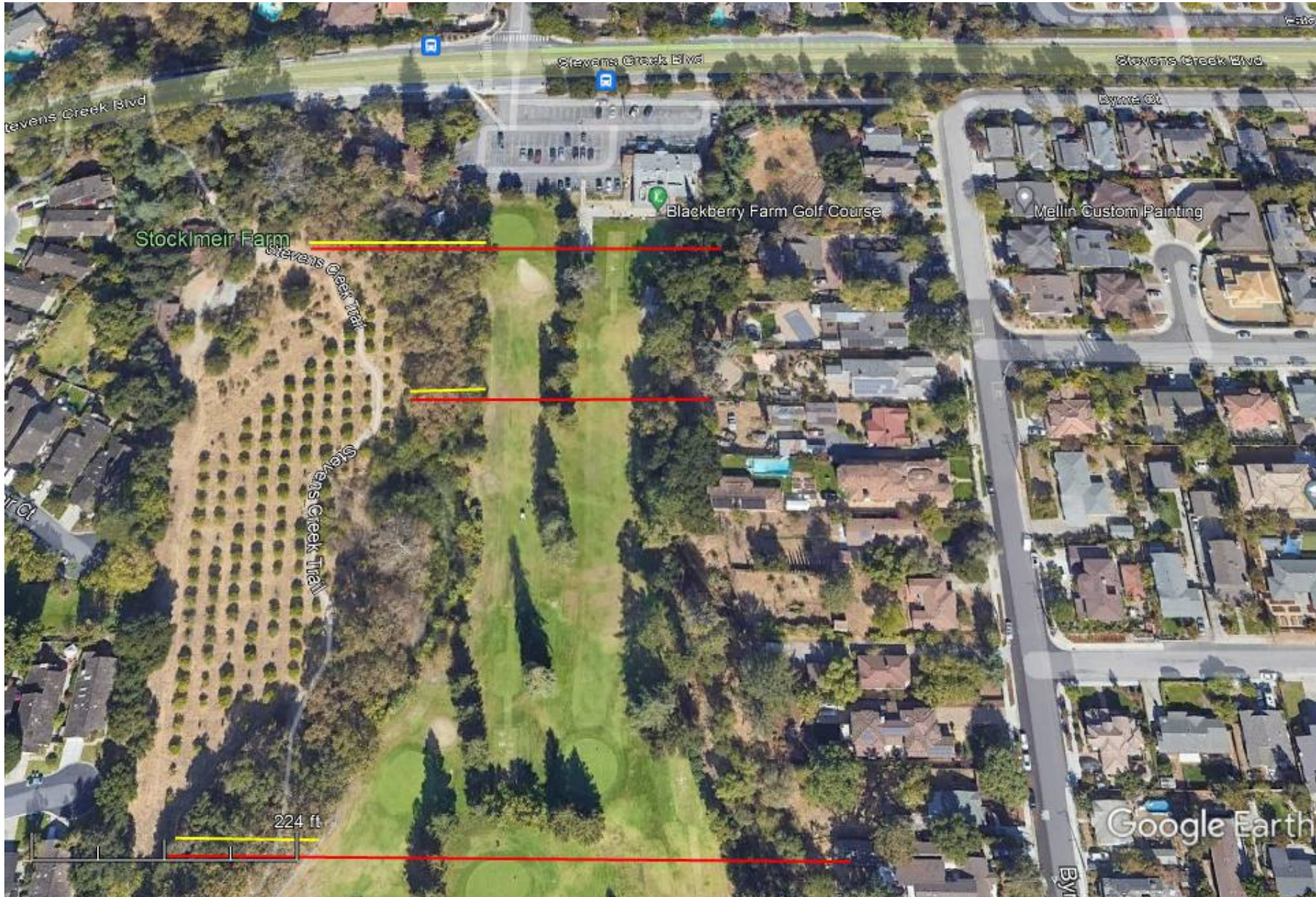
Friends of Blackberry Farm Golf

Contacts: Rhoda Fry through Next Door <https://nextdoor.com/city/cupertino--ca/>
Don Halsey 650 996 3021 or donhalsey3021@gmail.com

Environmental aspects

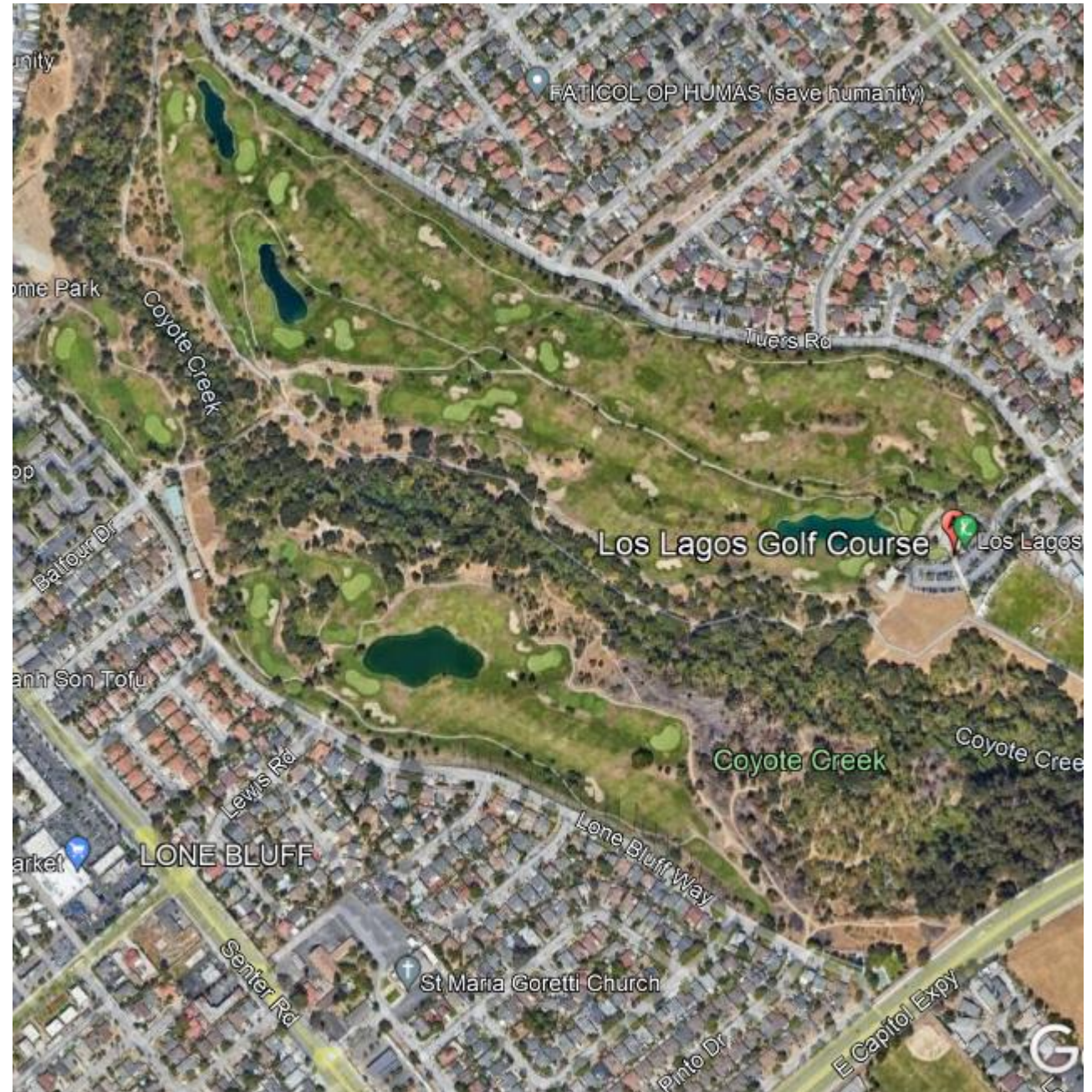
- Concern about homeless raised at public meeting at BBF in mid July
- Concern reiterated in 7/18 email to City Council





- Under Natural Habitat, the width of the wild space will increase from avg of 130 feet to 423 feet.

- “What if”: Los Lagos golf course in San Jose
- Golf course straddles Coyote Creek.
- Where the creek borders the golf course, the riparian width runs about 150 to 490 feet



- Close up



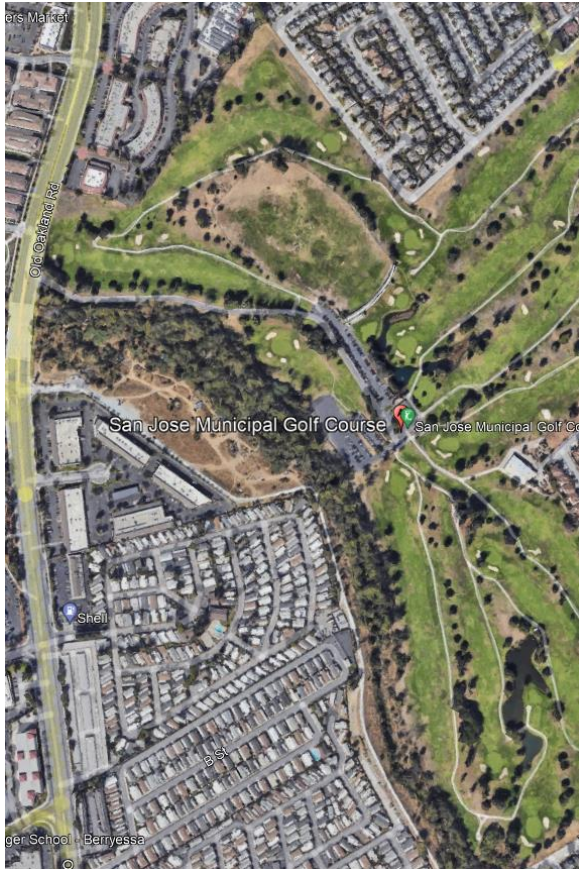


- Close up
- Public health concerns
 - Trash
 - Human waste disposal
 - Disease vectors
 - Drug use
 - Fire hazard

“What if” #2: San Jose Municipal Golf Course

Riparian widths: Red avg 298', Blue avg 160'

Coyote Creek also runs along the Southwest side of San Jose Muni Golf Course.



Markers = homeless encampments

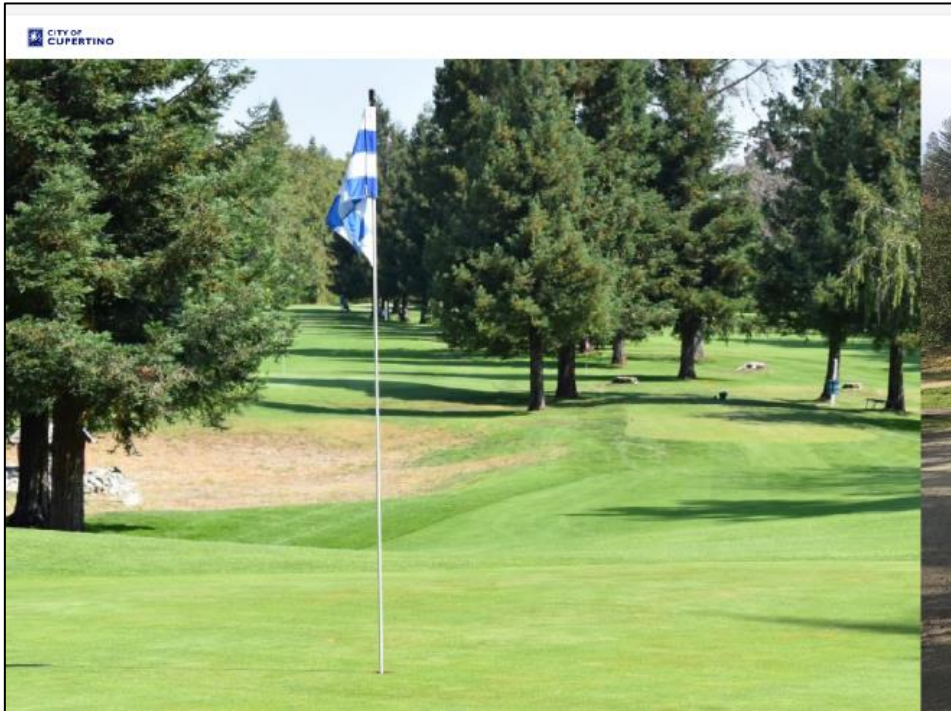


Detail view of three E sites.



Satellite photo does not reveal encampments where width is narrow.

Quick overview of Costs and Revenue



Blackberry Farm Golf Course Feasibility Study



Blackberry Farm Golf Course was constructed in 1962 and was privately owned until 1991, when the City of Cupertino purchased the property. The City has operated the golf course since that time. It is a 1,544 yard, 9-hole, par-29 course and lies within the Stevens Creek Corridor. For several years, portions of the course have needed repairs and improvements, including extensive improvements to the irrigation system.

In 2014, the City began working on a new Master Plan for the Stevens Creek Corridor (SCCMP). Its goal was to create an updated vision and plan for the public lands along Stevens Creek, from McClellan Road northward to Stevens Creek Boulevard. Among the sites addressed by this Master Plan was the Blackberry Farm Golf Course. City Council reviewed several options for the creek corridor in addition to a report regarding the Blackberry Farm Golf Course, prepared by National Golf Foundation (NGF) Consulting.

In 2016, a feasibility study for a draft preferred alternative for the golf course was presented to the City Council. The City Council chose not to take any action at that time, and the Stevens Creek Corridor Master Plan was put on hold until the completion of the Parks and Recreation System Master Plan. The Parks and Recreation System Master Plan ([found here](#)) was completed and adopted on February 18, 2020.

In May 2021, the City Council included a needs assessment to identify options for short and long-term improvements for the golf course in the Fiscal Year 2021-2022 City Work Program. In June 2021, City Council further directs staff to study 1) conducting necessary repairs and minor improvements to the golf course and 2) discontinuing the use of the site as a golf course and restoring the site to natural habitat and trails.

The City has moved into the community input phase and is looking for community members to share their feedback on the preferred future use of the Blackberry Farm Golf Course site.



Blackberry Farm Golf Course Use Analysis
Comparative Costs - 25 Year Outlook

			Option A	Option B
Item #	Item		Repair Golf Course	Natural Habitat
1	Capital Cost		\$1,970,000	\$1,882,825
2	Total O&M Expenditure (0-25 yr)		\$17,626,250	\$10,720,594
	O&M Expenditure Breakdown			
	2A	Irrigation Water Cost ***	\$1,575,000	\$100,800
	2B	Sewer Discharge Cost	\$525,000	\$297,200
	2C	City Labor Costs	\$7,569,500	\$9,591,844
	2D	Contracted O&M Services	\$7,610,000	\$562,000
	2E	O&M Miscellaneous	\$346,750	\$168,750
3	Estimated Revenue (0-25 yrs)		\$9,378,624	\$500,000
4	O&M Expenditure minus Revenue (0-25 yrs)		\$8,247,626	\$10,220,594
5	Total Cost minus Revenue (0-25 yrs)		\$10,217,626	\$12,103,419
6	Irrigation Water Use (0-25 yrs) Gallons*		168 to 212 million Gallons	14 million Gallons
7	Grant Funding Potential**		N/A	\$600,000

Golf course costs the city more!

But golf course makes a LOT more revenue.

Altogether, golf course is \$2 million more favorable

<https://engagecupertino.org/bbfgolfcourse>

Opportunity to increase
golf course revenue

Blackberry Farm non-resident greens Fee is \$18.00

Sunken Gardens, a similar course, has a weekday non-resident rate of \$23.00.

(For residents it is \$16 and \$21.)

28% more

Rates

Weekdays

22%

\$22.00

Weekends

\$24.00

Holidays

\$24.00

Seniors

60 years and older

\$17.00

Valid weekdays only. Holidays excluded

Juniors

17 years and under

\$12.00

Valid 7 days a week including holidays

Pruneridge

WEEKDAY GREEN FEES (MONDAY - FRIDAY)

Monday - Friday

\$41

Player's Club
Members
\$29

Senior Players Club
Members (60+)
\$25

9 Holes

44%

\$26

\$21

\$19

Twilight

\$29

\$25

Super Twilight

\$26

\$21

\$19

Deep Cliff

Other nearby 9 hole courses charge at least 20% more than Blackberry Farm

**Blackberry Farm Golf Course Use Analysis
Comparative Costs - 25 Year Outlook**

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7	Grant Funding Potential**		N/A	\$600,000

←Table from Blackberry Farm Feasibility Study

- <https://engagecupertino.org/bbfgolcourse>
- Sunken Gardens: 28% premium
- Pruneridge: 22% premium
- Deep Cliff: 44% premium

- If estimated revenue was increased 25% it would grow by \$2,344 656 to \$11,723,280.
- City could give the \$2.3 M extra to Cupertino teachers
- Or give a number of free season passes to Monta Vista HS golf team
- Or some other good purpose.

Blackberry Farm Golf Course Use Analysis
Comparative Costs - 25 Year Outlook

			Option A	Option B
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Another opportunity: Education

- \$500 K revenue under the Natural Habitat option
- \$20 K / year x 25 years
- A variety of ranger programs in classroom or on the trail
- how different plants and animals interact in an ecosystem ...
- how ancient people lived off the land ...
- how geologic processes have shaped the landscape ...
- ranger walks and interpretive programs ...
- animals and plants on the trail, the creeks, etc.

Examples of courses and venues

(Parks and Recreation brochure, Fall 2022)

- Q: is the \$500K of courses duplicative to courses already being offered? Perhaps.
- Q: Is the plowing up the fairways and greens required in order to give courses? No.
- A: Offer the new courses whether or not there is golf.
- Add \$500K to Alternative A side of the table also.



Join-A-Ranger is park ranger-led, family-friendly programs in the Stevens Creek Corridor. These programs educate and entertain park visitors. City of Cupertino park rangers are your local experts, with plenty of stories and fascinating facts about steelhead trout, mountain lions, native raptors, the riparian ecosystem, local history, and more.

Join-A-Ranger: Wildlife Tracking 5Y+
Join the Park Rangers for a fun-filled wildlife tracking class. You'll learn about species identification through their tracks and sign-tracking. Become a nature detective and learn to read the ground like a storybook through the art of tracking. All attendees must register and children must be accompanied by an adult. Please wear sturdy walking shoes and long pants that can get dirty.

Environmental Education Center at McClellan Ranch Preserve						
Codes	Days	Times	Dates	Mtgs	R	NR
18468	Sa	1:00p-2:30p	9/17	1	\$6	\$8
Instructor/Recreation Staff						

Join-A-Ranger: Apex Predators 5Y+
The Park Rangers invite you to an Apex Predator workshop! Learn about local Apex Predators like coyotes and owls, and how they play an important role in the ecology of their environment. All attendees must register and children must be accompanied by an adult. Please wear sturdy walking shoes.

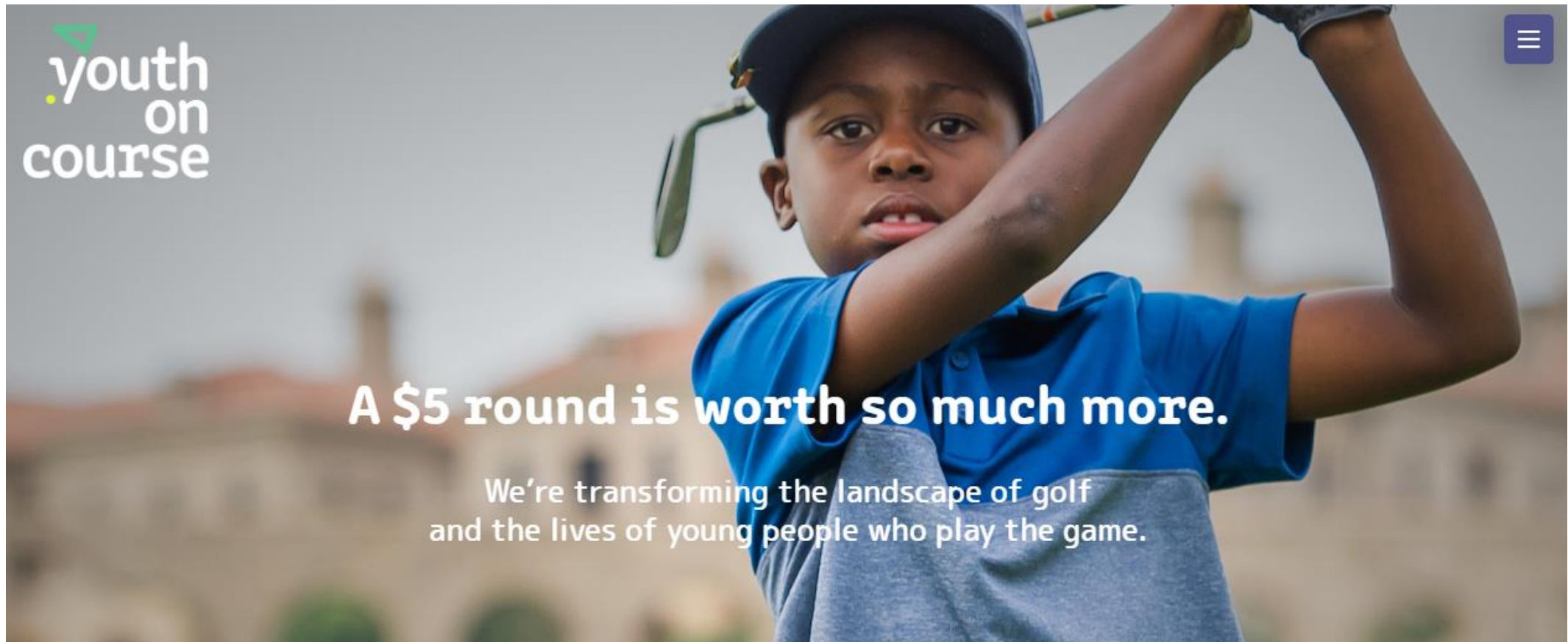
Environmental Education Center at McClellan Ranch Preserve						
Codes	Days	Times	Dates	Mtgs	R	NR
18474	Su	10:00a-11:30a	10/30	1	\$6	\$8
Instructor/Recreation Staff						



Blackberry Farm is
Cupertino's best location for
kids to get exposed to golf

Blackberry Farm golf – a family-oriented activity in Cupertino

- Youth On Course foundation





MEMBER STORIES

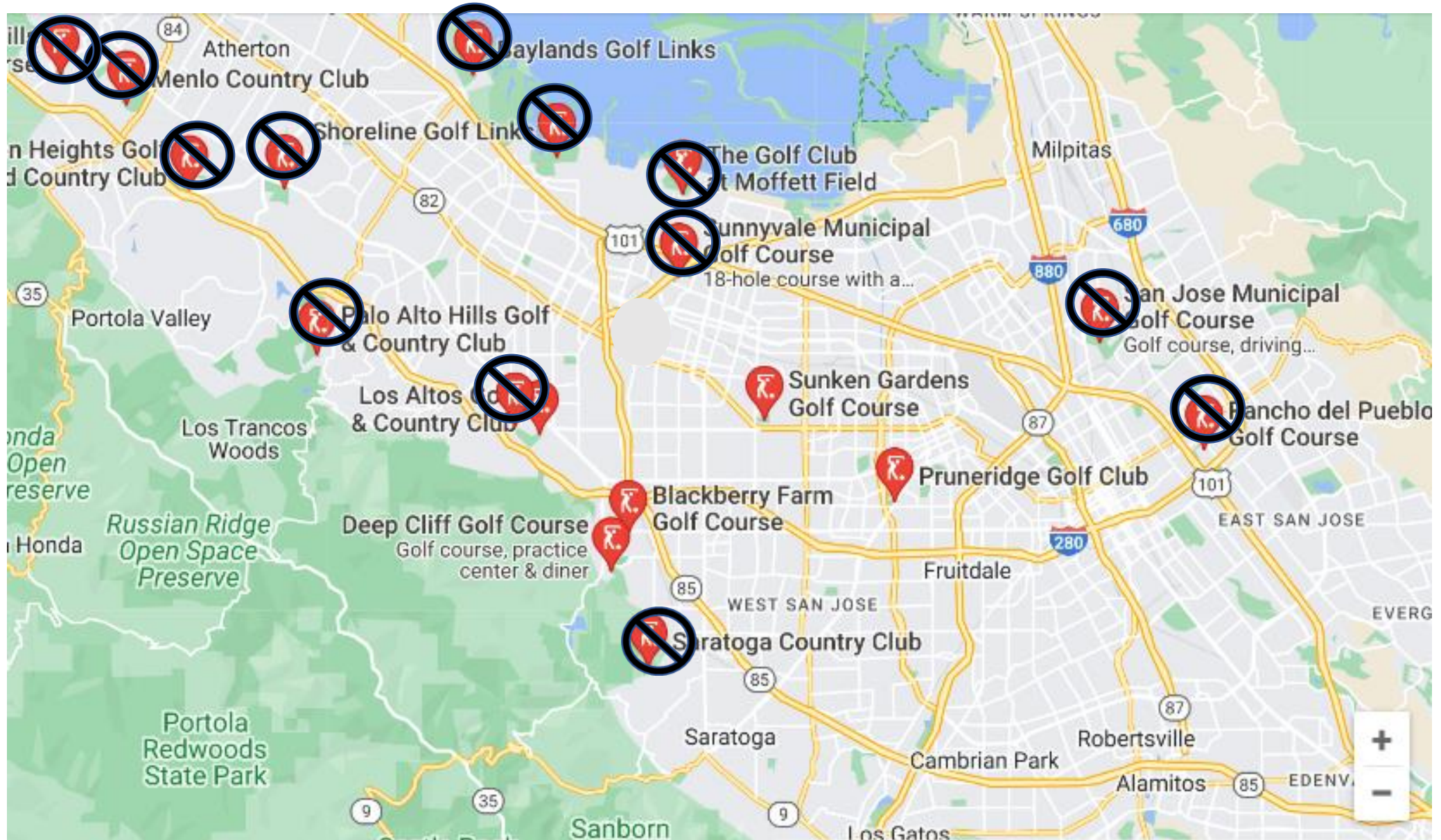
August 30, 2022

Celebrating 2 Million Youth on Course Rounds!

It took 15 years for Youth on Course members to play their first million...

- Since 2018, YOC has subsidized more than 7,600 rounds of golf at Blackberry Farm for community youth.
- Those 7,600 rounds equate to tens of thousands of hours of physical activity, lifeskill development, and recreation that would go away if the course was closed.
- Nearly 2,500 of those rounds were in 2021.
- There are few other options available for kids and their families to play golf in and around the local area. Add statistics for BBF by itself

Availability of short / 9-hole courses



Opportunity to decrease
golf course irrigation cost

This section under development

- Old tank, dating to late 1950s, 25,000 gallons
- Old tank served BBF from 1962 – 2001
- Consultant report analyzes replacing corroded old water tank.
- New tank – 30,000 gallons, \$750K for tank + 20' support structure
- Annual savings from well water instead of city water \$9,900 per consultant report
- New 30,000 gallon tank pricing: \$28,620 (extrapolated from National Tank 20K gallon pricing.)
- Q: is water used by the picnic area accounted for separately?

CC 09-06-2022

Item No. 16
Single-Use Plastic
Foodware

Written
Communications

From: [Katie Hansen](#)
To: [City Council](#)
Subject: Agenda Item #16: CRA Comment Letter
Date: Friday, September 2, 2022 2:05:37 PM
Attachments: [image001.png](#)
[Cupertino Proposed Restaurant Mandates Final.pdf](#)

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Greetings Mayor and Councilmembers,

On behalf of the California Restaurant Association, I would like to respectfully submit a comment letter regarding Item 16 on the September 9, 2022 City Council meeting agenda.

Please feel free to let me know if you have any questions.

Thank you,

Katie Hansen

Katie Hansen

Senior Legislative Director

California Restaurant Association

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September 2, 2022

Mayor Paul and Cupertino City Councilmembers
Cupertino City Hall
10300 Torre Avenue
Cupertino, CA 95014

RE: Agenda Item #16: Ordinance regulating single use plastic food ware and carryout bags.

Dear Mayor Paul, Vice-Mayor Chao, and Councilmembers,

The California Restaurant Association provided detailed comment on the proposed ordinance in April regarding the functional impacts the proposal would have upon restaurants. While we appreciate the spirit in which you are considering policies to reduce single-use food service waste, we do have remaining concerns regarding the impacts of the proposed ordinance on the everyday operation of our member restaurants.

Alignment with AB 1276, Napkins and Fines

The California Restaurant Association (CRA) worked with Assemblymember Wendy Carrillo to create AB 1276, a statewide model to ensure single use accessories are not automatically distributed to guests. The AB 1276 model creates an “opt in” requirement for guests to receive single-use food accessories from restaurants or third-party delivery platforms.

Compliance options include self-service receptacles, direct guest request or upon offer by the restaurant in drive thru settings only. The new law will go a long way in increasing awareness of unnecessary single use product distribution, while also recognizing a one-size-fits-all approach does not work for guests or varying restaurant models. For instance, the law allows for sensible exceptions to the “upon request” model for restaurants to proactively give a guest a napkin with their food in a drive thru setting. Sensible, and important for health and safety reasons.

We recommend aligning the proposal before you with AB 1276, to allow restaurants to include napkins with drive thru orders to ensure ease in compliance.

The proposed ordinance has administrative citation fines that differ from AB 1276. Is it appropriate to issue a fine of \$100 to \$500 to a restaurant for handing out a napkin as part of a drive thru order without first offering it to the guest?

We recommend revising the proposal to align it with the enforcement provisions of AB 1276 which require a notice of violation for the first and second violation followed by a fine of \$25 for each day in violation afterwards, not to exceed \$300 annually.

We would also respectfully ask that you not go beyond this law at this time. Aligning with AB 1276 would move the spirit of our collective concern about unnecessary use of single-use products forward in a major way and be a very substantive next step for the City.

New Mandates for On-Site Dining

We are strongly opposed to any potential ban on disposable food ware for all on-site dining.

It is important to note that the legislature rejected provisions of AB 1276 that would have required these same neighborhood restaurants to only use reusable dishware for onsite dining in a clear recognition of the challenges that would bring to these restaurants.

We believe this ordinance could result in unintended environmental impacts. Presumably, with increased use of reusable food service ware we would then see an increase in other utility usage and associated costs. Since reusable food service ware must be cleaned and sanitized, this results in increased water and energy usage.

Restaurants typically do not own their commercial space- and therefore are extremely limited in their ability to change their physical “footprint.” For those smaller restaurants who currently don’t possess dishwashing machines or are unable to add additional machines, or can’t physically accommodate them due to space limitations, this dramatic business operation change will force restaurants to hire additional labor to meet the increased workload (of additional dishwashing) resulting from this mandate. This not only adds significant new labor costs to struggling restaurants but comes at a time when all industries- and restaurants in particular- continue to face a general labor shortage.

It is important to note, again, that square footage of established buildings is extremely limited and unchangeable, as most restaurants are located on properties they do not own and therefore are limited in expanding or altering their physical “footprint”. Many restaurants will be forced to buy and install dishwashing appliances in their kitchen to accommodate the dine-in reusable requirements, which will be an extremely expensive task and a near impossible one for many due to physical space constraints. Restaurant models of all types will also have to grapple with the storage of these dishware items as well, in physical commercial spaces that did not contemplate this new mandate.

Proposing a September 6, 2023, enforcement date for this proposed Ordinance is well appreciated for the other provisions of the Ordinance, however this does not change the issues raised above as it relates to forcing restaurants to alter their service models so significantly by requiring all reusable food service ware for onsite dining.

We appreciate the inclusion of an exemption or time extension under 9.15.120 in the proposed ordinance, however an exemption that is only good for up to 6 months is not enough to resolve the inability for some restaurants to comply with this section of the proposed ordinance. Some of these issues like not being able to control your physical footprint cannot be addressed with time alone.

Limiting Supply

Supply chain issues are impacting restaurants too, especially as it relates to available packaging products. Limiting the food service packaging product options neighborhood restaurants can use to safely serve their guests at this time will only exacerbate these challenges.

We object to product bans on certain recyclable and compostable products as the various materials of packaging play different roles in the service of food to our guests. In many instances switching to alternative take-out containers that are less structurally effective will compromise the quality of the food and service. Soups and other hot meals will cause alternative containers to breakdown, become soggy and become a potential safety hazard for our guests.

The proposed product bans for restaurants will not only limit available options for take-out containers but will add unnecessary pressure to those restaurants that have been challenged with supply issues as the pandemic has greatly impacted the supply chain of all goods. The cost of goods, including food service ware has increased, while

the supply has decreased. Alternative packaging materials often can be significantly more expensive. In an industry where the economic margins are razor thin- and one that is trying its best to crawl out from under the pandemic closures, any additional operational costs just pile on to the ongoing financial strain restaurants continue to feel as a result of state and local decisions made during the pandemic.

Carry-Out Bags for Restaurants

While we appreciate exempting restaurants from the requirement to charge our customers 10 cents for a paper carryout bag, the ordinance requires restaurants to phase out the use of single use plastic carry out bags by September 6, 2023.

State law- and the vast majority of local jurisdictions- currently allow restaurants to use plastic bags. We share the collective concern about reducing the use of plastics- and do so when we can. Restaurants should have the freedom of choice to determine what type of bag works best to maintain the integrity of their product. Paper bags are not always the most practical choice for restaurants.

- Plastic bags are superior to paper bags in protecting against accidental spills and leaks during transport, whereas the content would just seep through a paper bag. Customers become disgruntled when food from the bag leaks onto their car, carpet, clothes, etc.
- In addition, some types of containers don't fit as well in paper bags. Whereas plastic bags conform to the size of the container, paper bags do not. The bottom of paper bags is generally rectangular-shaped which doesn't work when you have a standard, large square container.
- Restaurants will tightly pack up food in a plastic bag and use the handles to tie the bag to prevent the food from moving around and spilling. You can't do this with a paper bag.

We respectfully request that restaurants have the ability to use single-use plastic carry out bags.

We believe we can be productive in helping shape a workable policy that increases environmental awareness of our guests and continues to offer them a variety of ways to acquire the products they may need – or want – to enjoy their dining experience, both in and out of the restaurant.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Matt Sutton". The signature is fluid and cursive, with the first name "Matt" being more prominent than the last name "Sutton".

Matt Sutton
Senior Vice President, Government Affairs + Public Policy
California Restaurant Association