



City of Sunnyvale

Agenda Item

21-0976

Agenda Date: 10/25/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Recommend that the City Council Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 19.37.060 (General Planting, Soil Management and Water Feature Design Requirements) and Section 19.38.030 (Recycling and Solid Waste Facilities) and Find that the Action Is Exempt from CEQA.

BACKGROUND

In 2016, Governor Brown signed into law Senate Bill (SB) 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. SB 1383 is the State's most ambitious waste reduction law in the last 30 years and enacts the following targets to reduce organic waste in landfills:

- Achieve a 50% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025
- Recover at least 20% of currently disposed surplus food by 2025

To meet the SB 1383 regulations, jurisdictions throughout the State are required to adopt an ordinance or other similarly enforceable mechanism by January 1, 2022. The ordinance will mandate that organic waste generators, haulers, and other entities subject to the requirements of SB 1383 regulations and subject to the jurisdiction's authority, comply with SB 1383 regulatory requirements.

As part of the implementation of SB 1383, minor updates are needed to two sections of Sunnyvale Municipal Code (SMC) Title 19 (Zoning) in order to be consistent with the SB 1383 regulations: Sections 19.37.060 and 19.38.030 pertaining to water efficient landscaping and solid waste facilities. (Attachment 2.) Staff is also taking this opportunity to clarify certain requirements in SMC Section 19.30.030 that have caused issues with some property owners and developers.

The City Council is scheduled to consider this item on November 9, 2021.

EXISTING POLICY

SUNNYVALE GENERAL PLAN

Chapter 7: Environmental Management-Water Supply

Goal EM 2-Water Conservation - Promote more efficient use of the City's water resources to reduce the demands.

Goal EM-14-Recycling and Source Reduction Programs - Reduce solid waste through recycling,

source reduction, education and special programs.

ENVIRONMENTAL REVIEW

The action being considered is exempt from environmental review under the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that action will have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3).)

DISCUSSION

New regulatory requirements as mandated by SB 1383, require the City to adopt an Ordinance to mandate that organic waste generators, haulers, and other entities subject to the regulations and subject to the City's authority, comply with SB 1383 regulatory requirements. In response to SB1383, SMC Chapter 8.16 (Solid Waste Management and Recycling) will also need to be substantially amended and will be considered by City Council on November 9, 2021.

Two sections of SMC Chapters 19.37 and 19.38 are also being amended in order to meet the requirements of SB 1383:

- **Chapter 19.37.060 (General Planting, Soil Management and Water Feature Design Requirements).**

This section currently provides for a minimum three-inch layer of mulch to be applied on all exposed surfaces of planting areas except that up to five percent of the landscaped areas may be left without mulch. This chapter is being amended to require that the 5% exposed areas without mulch be included in landscape design plans. Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

- **Chapter 19.38.030 (Recycling and Solid Waste Facilities).**

Staff proposes minor updates to the wording and terminology used in SMC Section 19.38.030 for consistency with the SB 1383 regulations. For example, recyclables, solid waste and organic materials are now known as "discarded materials" and contracted or franchised waste haulers are called "authorized collectors."

SB 1383 requires that all residential and nonresidential premises shall provide adequate recycling and solid waste facilities (enclosures, trash rooms, etc.) on site for recyclable materials, organic materials, and solid waste ("discarded materials") To facilitate this requirement, Staff recommends amending SMC Section 19.38.030 to authorize the Directors of Environmental Services and Community Development to develop detailed "Design Guidelines for Recycling, Organics and Solid Waste Services," which may be amended from time to time. This replaces the current requirement which required Planning Commission and City Council Review. Due to the complex regulatory environment that now governs solid waste services, these guidelines are best developed at the Director level. The new design guidelines developed by the Directors will update and combine three separate documents currently on the City website titled "Garbage and Recycling Design Guidelines Commercial and Industrial" (Attachment 3), "Garbage and Recycling Design Guidelines Multi-family" (Attachment 4), and "Garbage and Recycling Design Guidelines Town Homes" (Attachment 5). The new design guidelines will be finalized by January 1, 2022.

21-0976

Agenda Date: 10/25/2021

Staff is also taking this opportunity to clarify certain requirements in SMC Section 19.30.030 that have caused issues with some property owners and developers. Specifically, the proposed Ordinance specifies that maintenance of the enclosures includes keeping the surfaces in good condition. In addition, the maximum 150 feet distance between dwelling units and the enclosure is measured by path of travel and cannot include the public right-of-way.

FISCAL IMPACT

The proposed amendments to the SMC will have no fiscal impact to the City.

PUBLIC CONTACT

Public contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk.

ALTERNATIVES

1. Recommend that City Council introduce the Ordinance in Attachment 2 and find that this action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).
2. Recommend that City Council introduce the Ordinance in Attachment 2 with modifications and find that this action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).
3. Do not recommend that the City Council introduce the Ordinance.

RECOMMENDATION

Alternative 1: Recommend that City Council introduce the Ordinance in Attachment 2 and find that this action is exempt from the California Environmental Quality Act (CEQA pursuant to CEQA Guidelines Section 15061(b)(3)).

The proposed amendments to SMC Sections 19.37.060 and Section 10.38.030 will ensure that the City meets the regulatory requirements of SB 1383.

Prepared by: Karen Gissibl, Environmental Programs Manager
Reviewed by: Andrew Miner, Assistant Director, CDD
Reviewed by: David Krueger, Solid Waste Programs Division Manager
Reviewed by: Ramana Chinnakotla, Director, Environmental Services
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Reserved for Report to Council
2. Proposed Ordinance
3. Garbage and Recycling Design Guidelines Commercial and Industrial
4. Garbage and Recycling Design Guidelines Multi-family
5. Garbage and Recycling Design Guidelines Town Homes