



**DATE:** July 8, 2019

**TO:** Council Sustainability Committee

**FROM:** Director of Public Works

**SUBJECT:** Options for Addressing Litter in Hayward

### **RECOMMENDATION**

That the Committee reviews and comments on this report and provides policy direction to staff.

### **SUMMARY**

This is the latest in a series of reports that reviews options for dealing with litter, especially from take-out food and beverage establishments. Depending on direction from the Committee, staff may conduct additional research and community outreach to further explore the appropriate path forward for Hayward.

### **BACKGROUND**

One of Council's priorities is to keep the City clean. Litter removal efforts include removing dumped trash, street sweeping and cleaning storm drains, as examples. Additionally, the City sponsors weekend clean-up events, the annual clean-up day at Weekes Park, and the Adopt a Block program. Altogether, the City spends approximately \$2 million per year on litter collection.

Over the course of the last several years, litter reduction has been a topic of discussion for, not only Council, but also the Sustainability Committee, the Keep Hayward Clean and Green Task Force, and the City Council Budget and Finance Committee. Summaries of some of those discussions held since 2015 are provided below.

*Council Sustainability Committee* – On September 10, 2015, staff presented a [report](#)<sup>1</sup> to the Committee, titled *Options for Addressing Litter From Take Out Food & Beverage Establishments*. The report provided a range of options to reduce litter, including a litter fee

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<sup>1</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=418386&GUID=2CDAC5BF-54BA-4BE6-943D-72F42C7F059B&Options=&Search=>

on businesses, as well as an ordinance requiring non-resident property owners to designate a resident agent to clean properties.

City Council – On September 20, 2016, staff presented a [report](#)<sup>2</sup> to City Council titled, *Options for Litter Reduction Strategies*. The report provided an overview of current efforts by Hayward to reduce litter. These efforts include placement and maintenance of public litter cans, operating trash capture devices in the storm drains, and performing and supporting litter clean up events in conjunction with the Keep Hayward Clean and Green Task Force. The report also discussed the possibility of adopting a litter fee and included several alternatives to a litter fee that could be imposed on Hayward businesses. Council did not support the establishment of a litter fee.

Council Sustainability Committee – On March 11, 2018, staff presented a [report](#)<sup>3</sup> titled *Update on City's Efforts to Reduce Litter from Disposable Food Packaging*. The report provided an update on City Staff's efforts to solicit feedback from Hayward business owners and managers on how to reduce litter in Hayward. The report also provided more information about the possibility of implementing a litter fee in Hayward.

Council Sustainability Committee – On November 26, 2018, staff presented a [report](#)<sup>4</sup> titled *Possible Fee to Address Litter from Disposable Food Packaging*. The report provided more information about the possibility of implementing a litter fee in Hayward and reviewed including a litter fee as part of the Hayward business license fee. The Committee directed staff to bring the litter fee to the Council Budget and Finance Committee for consideration as part of the Business License Fee.

Council Budget and Finance Committee – On April 17, 2019, staff presented a [report](#)<sup>5</sup> titled *Possible Fee to Address Litter from Disposable Food Packaging*. The report presented the Sustainability Committee's recommendation that the Budget and Finance Committee consider incorporating a litter fee into the business license fee. The Committee voted unanimously to not pursue the fee citing concerns about placing too much of a burden on small businesses.

## DISCUSSION

This report reviews options for dealing with litter, especially from take-out food and beverage establishments. Many methods for reducing litter have been detailed in earlier reports and are not discussed here in detail. This report focuses on viable alternatives for the Committee's consideration.

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<sup>2</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=2838362&GUID=A2AE2601-C6B3-49DB-ABAA-C136216986F7&Options=&Search=>

<sup>3</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=597206&GUID=C6349ABB-E297-437D-B6F1-CF9E6C009F53&Options=info&Search=>

<sup>4</sup> <https://hayward.legistar.com/MeetingDetail.aspx?ID=606473&GUID=4D4C10F7-B1D3-4DAC-AA09-C87F61315739&Options=info&Search=>

<sup>5</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3920698&GUID=12B3C589-C5B4-42AF-BBDD-A1D640424670&Options=&Search=>

### Requirements Placed on Property/Business Owner

A common method to address litter generated by certain types of businesses, such as take-out food establishments, is to place conditions of approval upon the property when permits are approved, or to pass ordinances requiring certain actions by property owners.

Hayward often includes a condition when issuing permits to fast food restaurants that requires the operator to pick up trash within 300 feet of the property perimeter. Hayward Municipal Code Chapter 11 (Public Utilities), Article 5 (Stormwater Management and Urban Runoff Control) addresses litter that has the potential to enter the storm drain system. The article prohibits littering and requires property owners to keep sidewalks clean. However, actively enforcing the ordinance would require additional staff resources.

### Patron Education

Another method of litter reduction is to rely on public education and remind patrons to keep their community clean. According to a Keep America Beautiful guide to reducing [litter](#)<sup>6</sup>, posting anti-litter signage inside food-related businesses can be effective. Hayward can investigate requiring anti-litter signage or trash cans as conditions of approval for certain food-related businesses, such as drive-thru restaurants.

### Fee Option

According to a January 29, 2019 Council [report](#)<sup>7</sup>, within Hayward there are 23 existing drive-thru restaurants which include, but are not limited to: McDonalds, Burger King, Jack in the Box, Taco Bell, and Kentucky Fried Chicken. The Planning Commission has also approved drive-thru Starbucks at the Eden Shores Retail Center and at the intersection of Mission Boulevard and Tennyson Road. While the Council Budget and Finance Committee decided not to include a litter fee as part of the Business License Fee, the Committee could explore placing requirements or fees to address litter on drive-thru establishments.

### Banning or Placing Fees on Certain Material Types or Products

Banning or placing fees upon problematic items is an effective means of reducing litter, and Hayward has implemented this method. In July of 2011, Council enacted a ban on the use of polystyrene packaging for take-out food, adopting Chapter 5, Article 11 of the Hayward Municipal Code “Polystyrene Foam Disposable Food Service Ware Prohibited; Recyclable or Compostable Food Service Ware Required.” In 2012, Council voted to participate in the County-wide ban on plastic bags. Phase 2 of the plastic bag ban became fully implemented in November 2017, to include all retail stores, eating establishments and food delivery services.

Other Bay Area cities, such as Alameda, Oakland, San Francisco and Palo Alto have taken various actions to ban the distribution of single-use items such as straws, disposable food ware, and produce bags.

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<sup>6</sup> [https://www.kab.org/sites/default/files/BeingAGoodNeighbor\\_AGuidetoReducingandManagingLitter.pdf](https://www.kab.org/sites/default/files/BeingAGoodNeighbor_AGuidetoReducingandManagingLitter.pdf)

<sup>7</sup> <https://hayward.legistar.com/LegislationDetail.aspx?ID=3846298&GUID=7062CB5F-171D-40F3-907A-60E8BA426FF4>

Staff is currently working on a draft expansion of the polystyrene ordinance to include limiting the distribution of certain single-use plastic food service ware to customers of food vendors.

### Outreach Campaigns

As stated in the September 10, 2015 Council Sustainability Committee report, some cities focus on outreach and education as a strategy for reducing litter. Oakland has participated in *Keep Oakland Beautiful*, which is an affiliate of *Keep America Beautiful* and coordinates clean up events. The Bay Area Stormwater Management Agencies Association created the *Be the Street*<sup>8</sup> campaign, which included a mobile app game. As part of the EPA youth-based trash reduction grant, Hayward is partnering with Litterati to run a trash clean up contest. Litterati is a social media platform that encourages people to photograph litter and then pick it up. Some outreach efforts also include social pressure. Jurisdictions such as Savannah, Georgia have encouraged residents to take pictures and videos of people caught littering and post them online, with the idea that embarrassment will help change their ways. An effective outreach campaign in Hayward may require additional staff resources.

### Contracted Collection Crews

In 2019 the Hayward Maintenance Department's Landscape Division is increasing City staff to collect litter by hiring four new full-time employees who will be dedicated to collecting litter and debris. These positions are funded by Measure C. However, another common method to address litter is to pay contractors to collect debris.

Hayward has contracted with the Downtown Street Team (DST) to collect litter in the City since June of 2016. The program has served 122 community members, and DST case managers have assisted 20 individuals out of homelessness and into housing and helped 15 individuals find permanent employment. Team members have removed more than 250,000 gallons of litter from the streets of Hayward and have assisted with the City's mandate to eliminate waste in the waterways by 2022. Staff is currently completing a new contract with DST to expand services through 2020. In addition, Hayward has contracted with a litter collection crew to serve downtown as part of the Downtown Business Improvement Area project.

### Increase Keep Hayward Clean and Green Task Force Activity

The Keep Hayward Clean and Green Task Force (KHCG) increased the number of Adopt a Block groups in 2019 by 15 over the previous year's 68 groups, bringing the total number to 83. In addition, the Task Force is planning to pilot adjusting the method in which it conducts clean-up events to increase attendance. Environmental Services staff is planning to work more closely with the KHCG Task Force in 2019 and 2020, to plan the citywide clean-up event. Staff will offer conference call capability to task force members wishing to participate in daytime City meetings.

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<sup>8</sup> <http://www.bethestreet.org/>

## **ECONOMIC/FISCAL IMPACTS**

Cleaner public spaces can create a positive economic impact. Providing clean, pleasant areas for people to visit can increase the vitality of an area, and the potential of visitors patronizing local businesses. The removal of litter can benefit local businesses, especially retail, economically.

Most of the options listed in this report would have a fiscal impact on the General Fund. Outreach programs and teen litter collection programs would likely require additional resources. Depending on the preferred options from the Committee, staff would develop more specific plans with associated costs.

## **STRATEGIC INITIATIVES**

This agenda item supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This item supports the following goal and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 2: Foster a sense of place and support neighborhood pride.

Objective 3: Increase collaboration with businesses, non-profits and neighborhood groups on placemaking projects.

## **SUSTAINABILITY FEATURES**

Litter reduction can have the following sustainability features or benefits:

Water: Efficiency and conservation. Reducing litter will not minimize the use of water but will result cleaner water flowing to creeks and the Bay.

Solid Waste: Waste reduction and diversion. Reducing litter will not directly minimize the volume of material sent to a landfill.

## **PUBLIC CONTACT**

Staff has mailed letters soliciting feedback from food-related businesses in 2017 and in 2015. Staff also met with two businesses in 2017 and received an email from another business.

## **NEXT STEPS**

Upon direction from the Committee, staff will conduct additional research, collect input from business groups and the Keep Hayward Clean and Green Task Force, and return to the Committee with more information.

*Prepared by:* Jeff Krump, Solid Waste Program Manager

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAadoo', written over a horizontal line.

Kelly McAadoo, City Manager