

CALIFORNIA COASTAL COMMISSION

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Th14a

5-21-0722 (CITY OF NEWPORT BEACH)

JUNE 6, 2022

EXHIBITS

Bill Lane	2
Hoiyin Ip	3

From: Billy Lane <expresslane@cox.net>

Sent: Wednesday, June 1, 2022 6:55 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: Public Comment on June 2022 Agenda Item Thursday 14a - Application No. 5-21-0722 (City of Newport Beach, Newport Beach)

My name is **Bill Lane**, I am a Dana Point resident and member of the Ocean Water Quality Subcommittee. Reducing single use plastic production and consumption is politically risky. Instead plastic reduction, Orange County governments are proactive with cleanups and trash capture. Once Newport Beach puts the trash interceptor in the San Diego Creek, Dana Point will be encouraged to put one in the San Juan Creek, using millions of tax dollars to capture the plastics we should not have produced in the first place. Don't get me wrong, trash collection is a good thing, however we feel Newport Beach (with all of its visibility and influence) should show proof of action on plastic reduction, from the source, before the interceptor permit is awarded. If others are encouraged to follow Newport's example, we will continue to treat the symptom and not the disease. An ounce of prevention is worth a pound of cure.

Thank You for your attention in this matter.

[Re: 6/9 Agenda Item 14a - Application No. 5-21-0722 Newport Beach Trash Wheel](#)

Dear California Coastal Commission,

I'm the Co-Chair of Sierra Club California Zero Waste Committee. In 2017, I became a member of City of Newport Beach's plastic subcommittee, started working on plastic ban(s). Over these five years, it has become clearer that the City is willing to spend other people's tax dollars on trash capture, but not willing to reduce trash at the source. After we finally got five plastic reduction ordinances drafted in 2019, here were some of the comments from councilmembers:

- [Then-councilman Herdman](#) questioned "if the City is going to follow the lead of Sacramento and dictate how residents will live."
- [Councilman/restaurant owner Blom](#) said "regulation is not needed, the hospitality industry cares about perception."
- For more info, please see the attached document [Newport Beach's Plastic Ban Efforts](#).

Today at the city hall, I was suggested again to wait until after the election. This is the third election year since we started working on plastic bans.

Please do not grant the permit to the \$2.4 million trash wheel without requiring Newport Beach to adopt the following plastic reduction ordinances and policy by Coastal Cleanup Day on 9/17/2022:

1. Adopt the foodware ordinance and purchasing policy recommended by Ocean Protection Council's Statewide Microplastics Strategy.
2. Ban smoking citywide and retail sale of tobacco products. Over 100 agencies in the state have such ordinances, including Irvine and Santa Ana in the Newport Bay watershed.
3. Ban single-use plastic foodware in open space: beaches, parks and harbor. Laguna Beach banned it on beaches, parks and trails in 2021.
4. Ban single-use plastic carryout bags, and require 10-cent bag fee for all retailers. Carlsbad became the latest agency to do it.
5. Ban sale, distribution and use of balloons. Orange county is a broken link between LA and San Diego counties.

The four photos below show you why these requirements are necessary.




Newport Beach staff [explained](#) why trash collection can only be done early in the morning.



Retweet by State Water Board's microplastic expert Dr. Scott Coffin.

City/County	State	Reusables for Dine-In	Reusables for Takeout	Single-Use Fee	Single-Use Ban in Open Space	Adoption Date
Marin County	CA	x	x	\$0.25 cup fee		5/10/2022
Los Angeles County	CA	x				4/19/2022
Pacifica	CA	x				2/28/2021
Santa Rosa	CA	x				7/20/2021
Culver City	CA	x				7/12/2021
Palm Springs	CA	x				7/8/2021
Laguna Beach	CA				beaches, parks, trails	6/15/2021
Bellingham	WA	x				5/24/2021
Arcata	CA	x		\$0.25 for disposable foodware		2/5/2020
Santa Cruz	CA			\$0.25 cup fee		1/28/2020
Santa Cruz County	CA			\$0.25 cup fee		11/5/2019
Fairfax	CA	x		\$0.25 cup fee		10/3/2019
Watsonville	CA			\$0.10 cup fee		7/8/2019
San Anselmo	CA	x		\$0.25 cup fee		6/11/2019
Berkeley	CA	x		\$0.25 cup fee		3/27/2019

An increasing number of [agencies](#) have adopted ordinances to reduce single-use foodware.

Newport Bay Trash Wheel		
Project Location:	San Diego Creek upstream of Jamboree Road Bridge	Project No.: 17X12
Project Manager:	Bob Stein, 949-644-3322	Category: Water Quality & Environmental
Description:		
<p>This provides funding for the design, permitting and construction of a trash interceptor collection vessel that captures trash floating in San Diego Creek from inland Orange County into Newport Bay. From its stationary position, this floating trash capture device is modeled after the Baltimore Water Wheel where the trash interceptor conveys trash into holding bins located on fixed, raised rails. Bins are periodically moved landside for direct pickup by a standard garbage hauling truck. Grant funding for this project is provided by Ocean Protection Council and OCTA Measure M. Design is currently underway.</p>		

Funding Source	Org	Object	FY2020-21 Budget	Remaining Allocation	New Funding	FY2021-22 Budget
Upper Newport Bay Restoration Fund	10001940	980000	\$40,000	\$12,400	\$0	\$12,400
General Fund	01201928	980000	\$8,000	\$8,000	\$0	\$8,000
Contributions	13801	980000	\$1,651,438	\$1,370,000	\$500,000	\$1,870,000
Total			\$1,699,438	\$1,390,400	\$500,000	\$1,890,400

Expense Type	Prior Year(s)	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	Total
Design/Environmental/Permits	\$474,925	\$0	\$0	\$0	\$0	\$0	\$0	\$474,925
Right-of-Way/Acquisition	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Construction	\$0	\$1,890,400	\$0	\$0	\$0	\$0	\$0	\$1,890,400
Other	\$47,600	\$0	\$0	\$0	\$0	\$0	\$0	\$47,600
Total Project Cost	\$522,525	\$1,890,400	\$0	\$0	\$0	\$0	\$0	\$2,412,925

Funding Source	Prior Year(s)	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	Total
Upper Newport Bay Rest.	\$27,600	\$12,400	\$0	\$0	\$0	\$0	\$0	\$40,000
General Fund	\$0	\$8,000	\$0	\$0	\$0	\$0	\$0	\$8,000
Contributions	\$310,000	\$1,870,000	\$0	\$0	\$0	\$0	\$0	\$2,180,000
Tidelands Maintenance	\$184,925	\$0	\$0	\$0	\$0	\$0	\$0	\$184,925
Total Funding	\$522,525	\$1,890,400	\$0	\$0	\$0	\$0	\$0	\$2,412,925

\$1.7 million from Ocean Protection Council and \$500,000 from Orange County Transportation Authority

As discussed at Commission's 4/6 meeting during item 6d, it's more than waste and ocean health, single-use plastics also contribute significantly to climate change and environmental injustice. Newport Beach's trash wheel has gained publicity by LA Times and Wall Street Journal. This is a good opportunity to show much of the state and the country the right thing to do amid the escalating plastic crisis. Thank you!

Hoiyin Ip
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Newport Beach's Single-Use Plastic Reduction Efforts

This is a list of some of the public records of the discussions on single-use plastic reduction between Hoiyin Ip/Sierra Club and different City entities: Water Quality/Coastal Tidelands Committee (Committee), City Council, Restaurant Association, Harbor Commission, City Attorney and City Clerk. The Committee, chaired by two councilmembers, has been the entity working on plastic reduction: 1) foodware ban, 2) balloon ban, 3) Styrofoam ban on beaches/parks/piers, 4) bag fee for all retailers.

[7/6/2017 agenda item 5d](#) Committee's first discussion on single-use plastics ban.

[4/5/2018 agenda item 5c](#) Committee agreed to create [signs of foodware reduction](#) as AB 1884 straws-on-request was gaining momentum.

[6/7/2018 agenda item 5c](#) Committee directed volunteers to get restaurant feedback on single-use plastic reduction. [Daily Pilot](#) reported support by Newport Beach restaurant holdings.

[7/25/2018 agenda item III](#) Hoiyin Ip asked the Restaurant Association to support serve on request.

[1/3/2019 agenda item 5a](#) Committee discussed revisions to municipal code.

[2/7/2019 agenda item 5b](#) More discussion by Committee.

[3/7/2019 agenda item 5d](#) More discussion by Committee.

[6/5/2019 agenda item 20](#) Public hearing on funding for the Restaurant Association. Hoiyin Ip [proposed](#) single-use plastic foodware ban. No comment from Restaurant Association and City Council. Funding was approved.

[9/10/2019 non-agenda](#) Hoiyin Ip informed City Council that though the Committee designed the foodware reduction sign in 4/2018, no real action has been taken. Meanwhile, AB 1884 Straws on Request became law in 9/2018, and AB 619 Bring Your Own became law in 7/2019.

[10/3/2019 agenda item 5c](#) Committee voted to start drafting the single use plastic ordinance.

[11/7/2019 agenda item 5d](#) Committee reviewed the proposed municipal code revisions: 1) expanding the 2008 Styrofoam foodware ban, 2) banning Styrofoam on beaches/parks/piers.

[11/27/2019 agenda item 6](#) City Council adopted a strict sidewalk vending ordinance (SB 946). Hoiyin Ip asked Council to implement [foodware serve-on-request](#). [Newport Beach Independent](#) reported, "Ip's suggestion was not officially included in the ordinance that Council approved."

[12/5/2019 agenda item 5d](#) Committee reviewed the proposed municipal code: 1) foodware, 2) Styrofoam ban on beaches/parks/piers, 3) balloon ban, 4) bag fee for all retailers. Foodware needed more revision, the other three were approved. On 12/10, [Daily Pilot](#) reported about the discussion. On 12/13, [Newport Beach Independent](#) quoted the Chamber of Commerce “Most of the chains recognize it’s good business to be green,” and a poll showed over 60% of the people supported the bans.

[1/8/2020 agenda item 6.1](#) Harbor Commission received an overview by Hoiyin Ip on the draft plastic ban. [Daily Pilot](#) reported, “The Harbor Commission also seemed amenable to a movement to ban plastic foodware in the city.”

[1/9/2020 agenda item 5c](#) Committee approved the proposed foodware ordinance that would reduce single-use and require compostable. Councilman Herdman voted no and cited “if the City is going to follow the lead of Sacramento and dictate how residents will live.”

[6/8/2020 agenda item XIV](#) Hoiyin Ip told City Council the Committee has agendized the plastic ban many times, and repeatedly asked her the same question if she has talked to the restaurants. It’s an ineffective way of using meeting time and other City resources.

[6/30/2020 agenda item IV](#) Hoiyin Ip asked the Restaurant Association to support to-go utensils serve on request.

[9/3/2020 agenda item 8](#) Hoiyin Ip showed ReThink Disposable’s study that [reusable foodware saves restaurants money](#).

[10/1/2020 agenda item 5b](#) Committee approved revision to the foodware ordinance to reduce single-use takeout foodware.

[11/9/2020 agenda item 5c](#) **City Attorney approved the draft ordinances:** 1) foodware, 2) Styrofoam ban on beaches/parks/piers, 3) balloon ban, 4) bag fee for all retailers.

[5/6/2021 agenda item 5b](#) An overview of the ban to the new Committee members, including Councilman/restaurant owner Blom, who said “regulation is not needed, the hospitality industry cares about perception.”

[6/3/2021 agenda item 5b](#) Hoiyin Ip recommended reusable foodware for dine-in which was becoming common and included in [Palm Springs’ ordinance](#), and showed an updated [policy tracker](#) which originated from the Committee. Item 3, Jim Mosher expressed concern of Councilman/restaurant owner Blom’s conflict of interest. Item 5b, “Vice Chair Blom thanked Mr. Mosher for his input regarding his recusal and advised he was cleared to discuss the item by the City Attorney’s office since this does not impact his income in any way.” Item 7, “Blom volunteered to work with Senior Engineer Kappeler over the next few weeks to develop a presentation for Committee.”

[7/1/2021 agenda item 5b](#) Committee re-approved the balloon ban, exempted paper bags from bag fee, will consider exempting boogie boards from Styrofoam ban on beaches/piers/parks, no discussion on foodware. The next step is unknown.

[4/13/2022 non-agenda](#) Hoiyin Ip asked the City Clerk to post California Coastal Commission's comment letter to City Council: "we urge the Newport Beach City Council to take immediate action to curtail plastic and Styrofoam waste production by" adopting certain plastic bans.

5/30/2022 agenda item 5b Hoiyin Ip emailed [Sierra Club CA's foodware policy tracker](#), including Ocean Protection Council's Model Foodware and Packaging Reduction Ordinance, to the Committee.