

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-11-0116

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH ADOPTING THE STATEMENT OF
5 OVERRIDING CONSIDERATIONS FOR THE LOS
6 ANGELES COUNTY FINAL ENVIRONMENTAL IMPACT
7 REPORT (FEIR) RELATING TO THE ADOPTION OF
8 ORDINANCE NO. ORD-11-0009 BANNING PLASTIC
9 CARRYOUT BAGS IN THE CITY OF LONG BEACH

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11 WHEREAS, on November 16, 2010, the Los Angeles County Board of
12 Supervisors approved an Environmental Impact Report and Findings of Fact (collectively
13 "County EIR"), adopted a Statement of Overriding Considerations, and adopted an
14 ordinance banning plastic carryout bags from certain stores, while requiring stores that
15 provide recyclable paper carryout bags to charge customers ten cents per bag; and

16 WHEREAS, the County's ordinance encouraged the 88 incorporated cities
17 within the County to adopt similar ordinances and the County's EIR specifically analyzed
18 the possibility of the 88 incorporated cities adopting ordinances banning plastic carryout
19 bags as encouraged by the County; and

20 WHEREAS, on May 17, 2011, consistent with the County's actions, the City
21 conducted a duly noticed public hearing and adopted a resolution (Resolution No. RES-
22 11-0058) making findings and approving an Addendum to the County EIR (the EIR
23 "Addendum"); and on May 24, 2011, the City adopted an ordinance (Ordinance No. ORD-
24 11-0009), substantially similar to that adopted by the County; and

25 WHEREAS, the Addendum prepared and approved by the City concluded
26 that the adoption of the City's proposed Ordinance would not have any significant effects
27 on the environment that could not be mitigated to a level of insignificance, including any
28 environmental effects related to greenhouse gas emissions; and

1 WHEREAS, the City's findings and conclusions related to greenhouse gas
2 emissions and the need to adopt a Statement of Overriding Considerations were different
3 from those findings and conclusions approved and adopted by the County in that the
4 County concluded, in part, that greenhouse gas emissions could not be mitigated to a
5 level of insignificance, which finding required the County to adopt a Statement of
6 Overriding Considerations; and

7 WHEREAS, as a result of the City's action in adopting Ordinance No.
8 ORD-11-0009, together with the approval of the above-mentioned Addendum, litigation
9 has been filed against the City (*Save the Plastic Bag Coalition v. City of Long Beach, et*
10 *al.*, LASC Case No. BS132500) contending that the City should have adopted a
11 Statement of Overriding Considerations related to the potential for greenhouse gas
12 emissions that could result from the implementation of Ordinance No. ORD-11-0009; and

13 WHEREAS, in order to settle said litigation, the City has determined that it
14 will adopt the County's Statement of Overriding Considerations as part of its
15 environmental review process.

16 NOW, THEREFORE, the City Council of the City of Long Beach does
17 hereby find, determine and resolve:

18 Section 1. The City of Long Beach adopts the County EIR without
19 change.

20 Section 2. The City of Long Beach retracts and cancels any part of the
21 Addendum that is inconsistent with the County EIR.

22 Section 3. For the purposes of this matter and Project only, the City of
23 Long Beach approves and adopts the threshold of significance for greenhouse gases in
24 the County EIR.

25 Section 4. The City adopts the County's Statement of Overriding
26 Considerations.

27 Section 5. This Resolution shall take effect upon the filing of an Entry of
28 Dismissal with prejudice of that certain action entitled *Save the Plastic Bag Coalition v.*


1 City of Long Beach, LASC Case No. BS132500, and the City Clerk shall certify the vote
2 adopting this Resolution.

3 I hereby certify that the foregoing resolution was adopted by the City
4 Council of the City of Long Beach at its meeting of October 11, 2011 by the
5 following vote:

6 Ayes: Councilmembers: Garcia, Lowenthal, DeLong, Schipske,
7 Andrews, Johnson, Neal.

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9
10 Noes: Councilmembers: Gabelich.

11
12 Absent: Councilmembers: O'Donnell.

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16 City Clerk

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