

RESOLUTION NO. RES-11-0058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING AND CERTIFYING AN ADDENDUM TO THE LOS ANGELES COUNTY FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) "ORDINANCES TO BAN PLASTIC CARRYOUT BAGS IN LOS ANGELES COUNTY" AND MAKING CERTAIN CEQA FINDINGS AND DETERMINATIONS RELATIVE THERETO

The City Council of the City of Long Beach does hereby find, determine and resolve:

Section 1. The City of Long Beach ("City") has proposed a project ("Project") that would regulate the use of plastic carryout bags and promote the use of reusable bags.

Section 2. On November 16, 2010, the "Ordinances to Ban Plastic Carryout Bags in Los Angeles County" Final Environmental Impact Report ("FEIR") was adopted by the County of Los Angeles Board of Supervisors. As one of the 88 incorporated cities within Los Angeles County, the City has proposed an ordinance to ban plastic carryout bags consistent with the ordinance analyzed in the County's FEIR and adopted by the Board of Supervisors.

Section 3. Pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, an addendum to a previously adopted Final EIR is the appropriate environmental document in instances when only minor technical changes or additions are necessary and when the new information does not involve new significant environmental effects beyond those identified in an adopted FEIR.

Section 4. An Addendum prepared by the City of Long Beach in accordance with CEQA was completed April 2011, and includes a description of the

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1 currently proposed Ordinance in Long Beach and a comparison of the impacts of the
2 proposed Ordinance to those identified for the County's approved Ordinance.

3 Section 5. Attached hereto and incorporated herein by this reference as
4 Exhibit "A" are "CEQA Findings" which have been prepared in connection with the
5 approval of the Addendum. Said CEQA Findings made in this Resolution are based on
6 the information and evidence set forth in the Los Angeles County EIR, the EIR
7 Addendum, and the oral and written documentation submitted to the City Council in
8 connection with the hearing giving rise to the adoption of this resolution.

9 Section 6. Decision.

10 A. The City Council hereby approves and adopts the Addendum
11 to the Final Environmental Impact Report for the Project, which Addendum
12 is incorporated herein by this reference.

13 B. The City Council hereby adopts the CEQA Findings as set
14 forth in Exhibit "A" to this Resolution.

15 Section 7. This Resolution shall take effect immediately on its adoption
16 by the City Council, and the City Clerk shall certify the vote adopting this Resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of May 17, 2011 by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, Andrews, Johnson,
Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong, O'Donnell, Schipske, Gabelich.



City Clerk

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EXHIBIT "A"

SECTION 1: INTRODUCTION

Statutory Requirements for Findings

According to Section 21166 of CEQA and Section 15162 of State CEQA Guidelines, a subsequent EIR is not required for the proposed changes unless the City determines on the basis of substantial evidence that one or more of the following conditions are met:

1. Substantial changes are proposed in the project that require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects;
2. Substantial changes have occurred with respect to circumstances under which the project is undertaken that will require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified, shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR;
 - Significant effects previously examined will be substantially more severe than identified in the previous EIR;
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives; or
 - Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Under State CEQA Guidelines, Section 15163, if any of the conditions noted above are present but only minor additions or changes would be necessary to make the previous EIR adequate to apply to the project in the changed situation, a supplemental EIR may be prepared.

Section 15164 of State CEQA Guidelines states that an Addendum to an EIR shall be prepared "if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Thus, if none of the above conditions are met, the City may not require preparation of a subsequent or supplemental EIR. Rather, the City can decide that no further environmental documentation is necessary or can require an Addendum be prepared. Therefore, the City finds that an Addendum to the previously certified Final EIR is appropriate. The rationale and the facts for this finding are provided in the body of this Addendum.

This addendum reviews changes to the Ordinances to Ban Plastic Carryout Bags in Los Angeles County Final Environmental Impact Report (EIR) that was adopted and certified by the County of Los Angeles Board of Supervisors on November 16, 2010 (SCH #2009111104). As one of the 88 incorporated cities within Los Angeles County, the City of Long Beach proposes an ordinance to ban plastic carryout bags consistent with the ordinance analyzed in the County's Final EIR and adopted by the Board of Supervisors. The addendum examines the possible environmental effects associated with adoption of such an ordinance within Long Beach. It further examines whether, as a result of any changes or any new information, a subsequent or supplemental EIR may be required. This examination includes an analysis of provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines and their applicability to the project.

Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Long Beach City Council's decision on the proposed City Ordinance consists of the following matters and documents for the County's certified Final EIR (2010):

- Notice of Preparation, Notice of Availability, and Notice of Completion, which were issued by the County in conjunction with the proposed Ordinances (see the Final EIR for the Notice of Preparation, Notice of Availability, and Notice of Completion)
- The County's Final EIR ((SCH #2009111104), dated November 2010, which includes all written comments submitted by agencies or members of the public during the public comment period on the Draft EIR and responses to those comments and all of the documents referenced therein
- The Mitigation Monitoring and Reporting Program
- All findings, statements of overriding consideration, and resolutions adopted by the County in connection with the County's adopted Ordinances, and all documents cited or referred to therein

On November 16, 2010 the County of Los Angeles Board of Supervisors approved the Ordinances to Ban Plastic Carryout Bags in Los Angeles County, including the following actions:

- Approve and adopt an Ordinance
- Certification of the Final EIR
- Adoption of a Mitigation Monitoring and Reporting Program
- Adoption of Findings
- Adoption of a Statement of Overriding Considerations

SECTION 2: LONG BEACH PLASTIC CARRYOUT BAG ORDINANCE (PROPOSED PROJECT)

Project Description and Objectives

The proposed Plastic Carryout Bag Ordinance (“Ordinance”) would ban the issuance of plastic carryout bags and impose a ten (10) cent charge on the issuance of recyclable paper carryout bags at all supermarkets and other grocery stores, pharmacies, drug stores, convenience stores, foodmarts, and Long Beach farmers markets. The Ordinance would require a store to provide or make available to a customer only recyclable paper carryout bags or reusable bags. The Ordinance would also encourage a store to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags. The stores that would be affected are located within the City limits and include the following:

1. A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or non-food items and some perishable items; or
2. A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 [commencing with Section 7200] of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
3. A drug store, pharmacy, supermarket, grocery store, convenience store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

The Ordinance includes compostable and biodegradable plastic carryout bags in the definition of plastic carryout bags, and, as a result, these types of plastic bags would be banned as well. The Ordinance would impose a ten (10) cent charge on the recyclable paper carryout bag and requires that the paper bags be one hundred percent (100%) recyclable overall, contain a minimum of forty percent (40%) post-consumer recycled material, and be accepted for recycling in curbside programs in the City/County, among other criteria. With respect to reusable bags, the Ordinance would require that the reusable bag be designed for a minimum lifetime of 125 uses, be machine washable, and not contain lead, cadmium, or any other heavy metal in toxic amounts, among other criteria.

The Ordinance would exempt from the ten (10) cent charge those customers who are participating either in the California Special Supplemental Food Program for the Women, Infants, and Children or the Supplemental Food Program. Stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, to these customers, at the store’s option. Plastic bags that are a minimum of 2.25 mils thick and are used by many stores are considered to be reusable bags, per the definition in the ordinance. Customers may also opt to use their own reusable bags or not use any bag.

The differences between the City’s proposed Ordinance and the ordinance adopted by the County include the following:

- Under the City’s Ordinance the plastic bag ban would also apply to farmers markets, whereas the County’s Ordinance does not specify farmer’s markets.

- Under the County's Ordinance stores affected by the ordinance must provide quarterly reports to the Director of Public Works that summarize the money collected for recyclable paper carryout bags and the efforts undertaken to promote the use of reusable bags. Under the City's Ordinance, affected stores are required to keep complete and accurate records of the money collected for recyclable paper carryout bags for a minimum of three years. The record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce the Ordinance.
- The City's Ordinance would take effect for stores with gross annual sales of \$2 million or more and stores of at least 10,000 square feet on August 1, 2011. This date is one month later than the July 1, 2011 operative date in the County's Ordinance. For stores of less than 10,000 square feet, the City's Ordinance would take effect on February 1, 2012, which is one month later than the County's Ordinance for stores of that size.

The differences between the City and County Ordinances as listed above are minor changes that would not result in any changes to the environmental impacts that were analyzed in the County's Final EIR (adopted November 2010). As such, the City's proposed Ordinance is consistent with the County's Ordinance but would be specific to the City of Long Beach.

The City's objectives for the proposed Ordinance would be similar to the County's objectives for the countywide ordinance. The objectives as described in the County's Final EIR include:

- *Conduct outreach to all 88 incorporated cities of the County to encourage adoption of comparable ordinances*
- *Reduce the Countywide consumption of plastic carryout bags from the estimated 1,600 plastic carryout bags per household in 2007, to fewer than 800 plastic bags per household in 2013*
- *Reduce the Countywide contribution of plastic carryout bags to litter that blights public spaces Countywide by 50 percent by 2013*
- *Reduce the County's, Cities', and Flood Control District's costs for prevention, clean-up, and enforcement efforts to reduce litter in the County by \$4 million*
- *Substantially increase awareness of the negative impacts of plastic carryout bags and the benefits of reusable bags, and reach at least 50,000 residents (5 percent of the population) with an environmental awareness message*
- *Reduce Countywide disposal of plastic carryout bags in landfills by 50 percent from 2007 annual amounts*

Similarly the objectives of the City's Ordinance would include:

- *Reduce the Citywide consumption of plastic carryout bags from the estimated 1,600 plastic carryout bags per household in 2007 to fewer than 800 plastic bags per household in 2013*
- *Reduce the Citywide contribution of plastic carryout bags to litter that blights public spaces Citywide by 50 percent by 2013*

- *Assist the County in the reduction of the County's, City's, and Flood Control District's costs for prevention, clean-up, and enforcement efforts to reduce litter in the City and the County by \$4 million*
- *Substantially increase awareness of the negative impacts of plastic carryout bags and the benefits of reusable bags, and reach at least 24,736 residents (5 percent of Long Beach's population) with an environmental awareness message*
- *Reduce citywide disposal of plastic carryout bags in landfills by 50 percent from 2007 annual amounts*

Evaluation of Environmental Impacts

This Addendum addresses each of the environmental issues studied in the County's Final EIR, comparing the effects of the proposed Long Beach Plastic Carryout Bag Ordinance with the effects of the County of Los Angeles Plastic Carryout Bag Ordinance that was the subject of the adopted Final EIR. In addition to stating the County's finding for each impact statement, the analysis includes a discussion of the City's impact related to adopting its own plastic carryout bag ban ordinance and the impacts associated with implementation of such an ordinance citywide. Potential environmental effects of the proposed Long Beach Plastic Carryout Bag Ordinance are addressed for each of the following areas:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Utilities and Service Systems

Please note that the City's proposed Ordinance would not change any of the impacts identified as less than significant in the County's Final EIR Initial Study (Volume II: Section D of the Final EIR). Each of those impacts would remain less than significant for the City's proposed Ordinance. As such, further discussion of these issues in this addendum is not warranted. The analyses provide the City with a basis for its determination that no subsequent or supplemental EIR will be required for the proposed Ordinance.

SECTION 3: FINDINGS OF THIS ADDENDUM

The City is the Lead Agency for the proposed Ordinance. The City has determined that analyses of project environmental effects are best provided through use of an Addendum because none of the conditions set forth in Public Resource Code Section 21166 or Section 15162 of the State CEQA Guidelines requiring preparation of a subsequent or supplemental EIR has been met. According to Section 15164 of the CEQA Guidelines, an addendum to a previously adopted Final EIR is the appropriate environmental document in instances when "only minor technical changes or additions are necessary" and when the new information does not involve new significant environmental effects beyond those identified in an adopted Final EIR. The change being contemplated involves adopting a Plastic Carryout Bag Ban Ordinance in the City of Long Beach that is similar to the County's adopted Ordinance. The City is one of the 88 incorporated cities that were included in the EIR analysis for the County's Ordinance. The City would adopt

the County's Plastic Carryout Bag Ordinance with a few minor changes that are specific to Long Beach. As discussed in the Addendum, the City's proposed Ordinance would have no new significant environmental effects beyond those identified in the County's Certified EIR. Since the proposed Ordinance does not require substantial changes to the County's Ordinance, major revisions of the EIR analysis are not warranted. Thus, the City makes the following findings:

1. There are no substantial changes to the County's Ordinance that would require major revisions of the County's certified Final EIR due to new significant environmental effects or a substantial increase in severity of impacts identified in the County's Final EIR;
2. No substantial changes have occurred in the circumstance under which the City's proposed Ordinance is being undertaken that will require major revisions to the County's Final EIR to disclose new significant environmental effects or that would result in a substantial increase in severity of impacts identified in the County's Final EIR; and
3. There is no new information of substantial importance, which was not known at the time the County's Final EIR was certified, indicating that:
 - The City's proposed Ordinance will have one or more significant effects not discussed in the County's Final EIR;
 - The City's proposed Ordinance will result in impacts that were determined to be significant in the County's Final EIR that would be substantially more severe;
 - There are additional mitigation measures or alternatives to the project that would substantially reduce one or more significant effects identified in the County's Final EIR; or
 - There are additional mitigation measures or alternatives that were rejected by the project proponent considerably different from those analyzed in the County's Final EIR that would substantially reduce any significant impact identified in that EIR.

As such, a subsequent EIR pursuant to Section 15162 of the CEQA Guidelines would not be warranted and an addendum is the appropriate environmental document under CEQA. The complete evaluation of potential environmental effects of the City's proposed Ordinance, including rationale and facts supporting City findings, is contained in the "Environmental Impacts" section of the Addendum.