

RESOLUTION NO. 2014-01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ADOPTING THE EXPANDED POLYSTYRENE FOAM FOOD CONTAINER-
WARE NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS
PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, AS AMENDED**

WHEREAS, expanded polystyrene (EPS) constitutes a high percentage of litter, which is unsightly, costly to clean up, and causes serious negative environmental impacts (detrimental effects on water quality, harming fish and wildlife and global marine ecosystems); and

WHEREAS, the City of Los Altos (“City”) has a substantial interest in protecting its residents and the environment from negative impacts from EPS foam disposable food service ware; and

WHEREAS, adoption of an ordinance regarding EPS is considered a “project” for purposes of the California Environmental Quality Act (“CEQA”), Public Resources Code, Section 21000, et seq.; and

WHEREAS, the City of San Jose designated itself the lead agency for environmental review under CEQA of an EPS ordinance, addressing the impacts of an ordinance regulating the use of EPS foam food service ware by restaurants and food service establishments within the participating jurisdictions in the County of Santa Clara; and

WHEREAS, the Planning Director of the City of San Jose prepared a Program Initial Study and approved for circulation a Negative Declaration for the Expanded Polystyrene Foam Food Ware Ordinance under Planning File No. PP13-043 (the “Initial Study/Negative Declaration”), all in accordance with CEQA; and

WHEREAS, on August 27, 2013, the City of San Jose certified a Program Initial Study and recommended a Negative Declaration for adoption; and

WHEREAS, the City is participating as a responsible agency in the Program Initial Study and Negative Declaration that was certified by the City of San Jose City Council in connection with the City’s adoption of the EPS ordinance; and

WHEREAS, the Initial Study/Negative Declaration concluded that implementation of the Project would not result in any significant effects on the environment; and

WHEREAS, there are no site-specific operations required by the City’s adoption of its ordinance that are anticipated to create environmental effects different from those covered by the Program Initial Study; and

WHEREAS, the City’s proposed ordinance fits within the scope of the City of San Jose’s Program Initial Study; and

WHEREAS, the City Council has reviewed and carefully considered the information in the Program Initial Study/Negative Declaration, and makes the findings contained in this resolution as an objective and accurate document that reflects the independent judgment and analysis of the City in the discussion of the ordinance's environmental impacts.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds as follows:

1. The foregoing recitals are true and correct and made a part of this Resolution.
2. The documents and other material constituting the record for these proceedings are located at the Department of Public Works, Engineering Division of the City of Los Altos, 1 North San Antonio Road, Los Altos, California 94022, and in the custody of the Public Works Director.
3. The City Council has reviewed and considered the Program Initial Study (IS) and Negative Declaration, and environmental impacts of the proposed ordinance as shown in the Program Initial Study.
4. The Program Initial Study and Negative Declaration prepared and certified by the City of San Jose for adoption of a polystyrene foam disposable food service ware within 13 jurisdictions in Santa Clara County, specifically including the City of Los Altos, having been prepared in accordance with the provisions of CEQA, is determined to be adequate for Council's action on this polystyrene foam disposable food service ware ordinance.
5. The City Council hereby approves and adopts the entirety of the CEQA findings of fact for the City of Los Altos as a responsible agency pursuant to Section 15096 for the polystyrene foam disposable food service ware ordinance.
6. Based on the information and analysis in the Program Initial Study, the City Council finds that the proposed ordinance will not result in any significant effects on the environment. The City Council finds that there are no feasible alternatives or mitigation measures that would substantially lessen or avoid any significant effects the project would have on the environment.
7. None of the conditions in CEQA Guidelines Section 15162 or Section 15163 are applicable to adoption of the ordinance, and adoption of the ordinance is an activity that is part of the program examined by the Program Initial Study, within the scope of the project described in the Program Initial Study, and no further environmental review is required.

BE IT FURTHER RESOLVED that a Notice of Determination shall be prepared and filed pursuant to CEQA Guidelines Section 15096.

BE IT FURTHER RESOLVED that this resolution shall become effective upon adoption.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 14th day of January, 2014 by the following vote:

AYES: BRUINS, CARPENTER, FISHPAW, PEPPER, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Megan Satterlee, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK