

RESOLUTION NO. 2013-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS DETERMINING THE PROGRAM ENVIRONMENTAL IMPACT REPORT PREPARED BY THE COUNTY OF SAN MATEO FOR THE REUSABLE BAG ORDINANCE BE FOUND ADEQUATE FOR THE CITY OF LOS ALTOS' ACTION; AND ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT FOR ADDITION OF CHAPTER 6.40 OF THE LOS ALTOS CITY CODE REGARDING REUSABLE BAGS

WHEREAS, single-use carry-out bags constitute a high percentage of litter, which is unsightly, costly to clean up, and causes serious negative environmental impacts; and

WHEREAS, the City of Los Altos ("City") has a substantial interest in protecting its residents and the environment from negative impacts from plastic carry-out bags and single-use carry-out bags; and

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

WHEREAS, the County of San Mateo ("County") designated itself the lead agency for environmental review under CEQA of a reusable bag ordinance, addressing the impacts of an ordinance banning single-use carry-out bags from stores, while requiring stores that provide recycled-content paper or reusable bags to charge customers a minimum of Ten Cents (\$0.10) per bag; and

WHEREAS, the County prepared a Program Environmental Impact Report ("EIR") specifically analyzing the environmental impacts of 24 jurisdictions (18 cities within San Mateo County and 6 cities in Santa Clara County, including the City of Los Altos) adopting the same ordinance as San Mateo County's within their respective jurisdictions; and

WHEREAS, on October 23, 2012, the San Mateo County Board of Supervisors certified a program EIR; and

WHEREAS, the City is participating as a responsible agency in the Initial Study and Program EIR that was certified by the San Mateo County Board of Supervisors in connection with the County's adoption of the Reusable Bag Ordinance; 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 Final Program EIR; and

WHEREAS, the City's proposed ordinance fits within the scope of the County's Program EIR and has, therefore, modeled its ordinance on the County's ordinance, and the ordinance

is textually identical to the Reusable Bag Ordinance adopted by the County of San Mateo on October 23, 2012 in all substantive respects; and

WHEREAS, the City Council has reviewed and carefully considered the information in the Draft and Final Program EIR, 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 based on the entirety of the record before it, which includes, without limitation, San Mateo County's program EIR, all reports, minutes, and public testimony submitted as part of the City Council's meeting on February 26, 2013, the City Council of the City of Los Altos, upon independent review and all the evidence before it, 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 City Engineer.
3. The City Council has reviewed and considered the Program EIR and environmental impacts of the proposed ordinance as shown in the Program EIR.
4. The Program EIR prepared and certified by the County of San Mateo for adoption of a reusable bag ordinance within 24 jurisdictions in San Mateo and Santa Clara Counties, 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 reusable bag 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 reusable bag ordinance.
6. Based on the information and analysis in the Program EIR, the City Council finds that the proposed ordinance will not result in any significant effect on the environment. The City Council finds that there are no feasible alternatives or mitigation measures that would substantially lessen or avoid any significant effect 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 this ordinance, and adoption of this ordinance is an activity that is part of the program examined by the EIR, is within the scope of the project described in the EIR, 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 26th day of February, 2013 by the following vote:

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


Jarrett Fishpaw, MAYOR

Attest:


Jon Maginot, CITY CLERK