

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT
REPORT (SCH 2012042013) AND ADOPTING ASSOCIATED CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS OF FACT FOR THE COUNTY
OF SAN MATEO REUSABLE BAG ORDINANCE**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (“CEQA”) and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, the San Mateo County Planning and Building Department has prepared a Program Environmental Impact Report (Program EIR) which analyzes the environmental effects of a Reusable Bag Ordinance in the Program EIR Study Area (the “Project”), which includes the unincorporated area of San Mateo County; and

WHEREAS, on October 23, 2012, the Board of Supervisors, as Lead Agency, reviewed the Final Program EIR; and

WHEREAS, on that date, the Board of Supervisors certified, pursuant to Guidelines Section 15090, that the Final Program EIR was prepared in full compliance with State and County CEQA Guidelines.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as

follows:

1. This Board of Supervisors approves and adopts the entirety of the CEQA Findings of Fact of the County of San Mateo Board of Supervisors for the Reusable Bag Ordinance, which are attached hereto as Exhibit A and incorporated herein by reference.
2. Consistent with Section 21081.6(d) of the California Public Resources Code, and as set forth in Exhibit A to this Resolution, the documents which constitute the record of proceedings for approving the Project are located in the County's Planning and Building Department, whose offices are located at 455 County Center, Second Floor, Redwood City, CA 94063.
3. On the basis of the Initial Study, Notice of Preparation, Final Program Environmental Impact Report, and public comment, there is no substantial evidence that the Project as proposed will have a significant effect on the environment.
4. Consistent with Section 21081.6 of the California Public Resources Code, and as set forth in Exhibit A to this Resolution, the Board of Supervisors does not need to adopt a Mitigation Monitoring Program, because the Project would not result in any significant effects on the environment.

5. The Clerk of this Board shall certify the Board's adoption of this Resolution, and shall cause to have prepared and filed with the San Mateo County Clerk a Notice of Determination regarding this Board's action, as set forth in Section 21152 of the California Public Resources Code.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of San Mateo hereby certifies this Final Program Environmental Impact Report.

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**CEQA FINDINGS OF FACT
OF THE COUNTY OF SAN MATEO
BOARD OF SUPERVISORS**

**FOR THE
REUSABLE BAG ORDINANCES**

October 23, 2012

1. OVERVIEW AND INTRODUCTION

These findings are made with respect to the “**Project Approvals**” (as defined below) for the Reusable Bag Ordinances (the “**Project**”) to be adopted by the County of San Mateo (the “County”) and various municipalities in the County and in Santa Clara County and state the findings of the Board of Supervisors (the “**Board**”) of the County relating to the potential environmental effects of the Project.

The following findings are required by the California Environmental Quality Act (“**CEQA**”), Public Resources Code Sections 21081, 21081.5 and 21081.6, and Title 14, California Code of Regulations (the “**CEQA Guidelines**”) Sections 15091 through 15093, for the Project.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project where an Environmental Impact Report (“**EIR**”) has been certified, which identifies one or more significant impacts on the environment that would occur if the Project is approved or carried out, unless the public agency makes one or more findings for each of those significant impacts, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid the significant impact on the environment.
- b. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

For those significant impacts that cannot be mitigated to below a level of significance, the public agency is required to find that the specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant impacts on the environment. As discussed in detail below, the Project would not result in any significant unavoidable effects; all potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required.

The Project EIR determines that no significant impacts on the environment would occur if the Project is approved or carried out and only identifies impacts that would be considered less than significant without need for mitigation and impacts that would be considered beneficial to the environment. Findings for each of the

impacts considered less than significant or beneficial, as accompanied by a brief explanation of the rationale of each finding, are provided below.

2. PROJECT DESCRIPTION

The proposed Reusable Bag Ordinances (“**Proposed Ordinances**”) would regulate the use of paper and plastic single-use carryout bags within the participating municipalities. Participating municipalities include the County of San Mateo and 24 cities in San Mateo and Santa Clara Counties:

Participating Municipalities, in Addition to the County of San Mateo, in the Program EIR		
San Mateo County		Santa Clara County
<ul style="list-style-type: none"> • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Menlo Park 	<ul style="list-style-type: none"> • Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • South San Francisco • Woodside 	<ul style="list-style-type: none"> • Milpitas • Cupertino • Los Gatos • Los Altos • Campbell • Mountain View

For the purposes of the Program EIR, the geographical limits of unincorporated San Mateo County and all of the participating municipalities listed above shall be known as the “**Study Area.**” The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County’s Ordinance by each municipality in the Study Area, where the Proposed Ordinances would apply to all retail establishments located within the limits of the Study Area, including those selling clothing, food, and personal items directly to the customer. The Proposed Ordinances would not apply to restaurants or non-profit charitable reuse organizations. The Proposed Ordinances would (1) prohibit the free distribution of single-use carryout paper and plastic bags and (2) require retail establishments to charge customers for recycled paper bags and reusable bags at the point of sale. The minimum charge would be ten cents (\$0.10) per recycled paper bag until December 31, 2014, and twenty-five cents (\$0.25) per paper bag on or after January 1, 2015.

For the County, the Project Sponsor is the Environmental Health Services Division of the County of San Mateo Health System, where Dean D. Peterson, Director, is the project applicant.

3. PROJECT APPROVALS

The Project Approvals constitute the “Project” for purposes of CEQA and CEQA Guidelines Section 15378 and these determinations of the Board.

For unincorporated San Mateo County, the Proposed Ordinance would require an amendment to the San Mateo County Ordinance Code with discretionary approval by the San Mateo County Board of Supervisors. The following approvals would be required:

- Certification of the Final Program EIR (Board of Supervisors)
- Adoption of an Ordinance amending the Ordinance Code (Board of Supervisors)

Subsequent to adoption of the Ordinance, the County would file a Notice of Determination (NOD), as set forth in Section 21152 of the California Public Resources Code, with the San Mateo County Clerk.

For each of the 24 participating agencies, the Proposed Ordinances would require an amendment to the city’s municipal code with discretionary approval by the municipality’s city council. The following approvals would be required for each municipality:

- Consider the Final Program EIR (City Council)
- Adoption of an Ordinance amending the Ordinance Code (City Council)

Subsequent to adoption of the Ordinance, each municipality would file a Notice of Determination (NOD) similar to the NOD to be filed by the County as lead agency after its adoption of the Ordinance.

4. PROJECT OBJECTIVES

The County of San Mateo’s and the participating cities’ objectives for the Proposed Ordinances include:

- Reducing the amount of single-use plastic bags in trash loads (e.g., landfills), in conformance with the trash load reduction requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit.
- Reducing the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources (including marine environments), water quality and utilities (e.g., solid waste).
- Minimizing the use of paper bags by customers in the participating jurisdictions.

- Promoting a shift toward the use of reusable carryout bags by retail customers in the participating jurisdictions.
- Avoiding litter and the associated adverse impacts to stormwater systems, aesthetics and the marine environment (San Francisco Bay and the Pacific Ocean).

5. RECORD OF PROCEEDINGS

For purposes of CEQA and these findings, the Record of Proceedings for the Project shall include, at a minimum, the following documents:

- The Notice of Preparation (“**NOP**”) and all other public notices issued by the County in conjunction with the Project;
- The Single Use Bag Ban Ordinance Draft Program EIR (June 2012) and Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) Final Program EIR (August 2012) and all documents cited or referred to therein;
- All comments submitted by agencies or members of the public during the 45-day public comment period for the Draft Program EIR;
- All comments and correspondence submitted to the County with respect to the Project, in addition to timely comments on the Draft Program EIR;
- All findings and resolutions adopted by County decision makers in connection with the Project, and all documents cited or referred to therein;
- All reports, studies, memoranda, staff reports, maps, exhibits, illustrations, diagrams or other planning materials relating to the Project prepared by the County or by consultants to the County, the applicant, or responsible or trustee agencies and submitted to the County, with respect to the County’s compliance with the requirements of CEQA and with respect to the County’s actions on the Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on October 23, 2012;
- Minutes, as available, of all public meetings and public hearings held by the County in connection with the Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;

- Matters of common knowledge to the County, including, but not limited to, those cited above; and
- Any other materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6, subdivision (e).

The custodian of the documents comprising the Record of Proceedings is the County's Planning and Building Department, whose office is located at 455 County Center, Second Floor, Redwood City, CA 94063.

The Board has relied on all of the documents listed above in reaching its decision on the Project.

6. PROCEDURAL HISTORY

The County released an NOP of an EIR for the Project on April 6, 2012.

Rincon Consultants, Inc., prepared a Draft Program EIR entitled "Single Use Bag Ban Ordinance Draft Program EIR" under the direction of the County Planning and Building Department. The Draft Program EIR consists of the Draft Program EIR and Appendices, consisting of Appendix A through F. The Draft Program EIR is dated June 2012.

A Notice of Completion and copies of the Draft Program EIR were delivered to the State Clearinghouse (SCH No. 2012042013) on June 22, 2012. The Draft Program EIR was circulated for a duly noticed 45-day public review period that began on June 22, 2012 and ended on August 6, 2012.

A Notice of Availability (NOA) of the Draft Program EIR was posted by the County Clerk on June 22, 2012, and published in the *San Mateo County Times* and *San Jose Mercury News* (both newspapers of general circulation serving the area in which the Project is located). The NOA of the Draft Program EIR was also sent by mail and/or electronic mail to interested parties (those who had provided comments on the NOP) and participating agencies. An electronic link to the Draft Program EIR in ".pdf" format was posted on the County's website and copies of the Draft Program EIR were made available for review at the County of San Mateo Planning and Building Department and at the following libraries in the Study Area:

Serramonte Main Library
40 Wembley Drive
Daly City, CA 94015

San Mateo Main Library
55 West Third Avenue
San Mateo, CA 94402

Millbrae Library
1 Library Avenue
Millbrae, CA 94030

Redwood City Downtown Library
1044 Middlefield Road
Redwood City, CA 94063

Half Moon Bay Library
620 Correas Street
Half Moon Bay, CA 94019

Mountain View Library
585 Franklin Street
Mountain View, CA 94041

Los Gatos Public Library
Town Civic Center
100 Villa Avenue
Los Gatos, CA 95030

Milpitas Library
160 North Main Street
Milpitas, CA 95035

The County's Planning Commission held an informational public hearing on July 11, 2012, to receive comments on the Draft Program EIR.

The County of San Mateo Planning and Building Department prepared a Final Program EIR entitled "Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) Final Program EIR." Pursuant to Section 15132 of the California Environmental Quality Act (CEQA) Guidelines, this Final Program EIR consists of (a) revisions to the Draft Program EIR, (b) a list of persons and organizations that commented on the Draft Program EIR, (c) comments received on the Draft EIR, (d) the County's responses to significant environmental points raised in the review and consultation process, and (e) any other information added by the County. The Final Program EIR is dated August 2012.

The Final Program EIR was released and distributed to public agencies and other commenters on the Draft Program EIR and for public review, on August 31, 2012, more than 10 days in advance of the scheduled date of consideration of the document for certification by the County Board of Supervisors. Although not required by CEQA, a notice was sent by electronic mail to interested parties (those who had provided comments on the Draft EIR) and participating agencies. Copies of the Final Program EIR were made available for review at the County of San Mateo Planning and Building Department and at libraries listed above, and an electronic link to the Final Program EIR in ".pdf" format was posted on the County's website.

Copies of the Draft Program EIR and Final Program EIR, including appendices, studies, documents and reports referenced EIRs are available for public review at the Planning and Building Department, 455 County Center, Second Floor, Redwood City, CA 94063. Copies of the Draft Program EIR and Final Program EIR can also be viewed online at the following website:

<http://www.co.sanmateo.ca.us/portal/site/planning>.

The County Board of Supervisors held a public hearing on October 23, 2012 to consider the Draft Program EIR and Final Program EIR. At the conclusion of the Board of Supervisors public hearing of October 23, 2012, the Board of Supervisors certified the Final Program EIR (which incorporates the Draft Program EIR, as corrected).

7. FINDINGS OF FACT

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

A. IMPACTS DECLARED TO BE BENEFICIAL (NO MITIGATION REQUIRED)

Air Quality Impacts:

- Impact AQ-1: With a shift toward reusable bags, the Proposed Ordinance is expected to substantially reduce the number of single-use carryout bags, thereby reducing the total number of bags manufactured and the overall air pollutant emissions associated with bag manufacture, transportation and use. Therefore, air quality impacts related to alteration of processing activities would be Class IV, beneficial, effect.

Biological Resource Impacts:

- Impact BIO-1: Although the Proposed Ordinance would incrementally increase the number of recycled paper and reusable bags within the Study Area, the reduction in the amount of single-use plastic bags would be expected to reduce the overall amount of litter entering the coastal and bay habitat, thus reducing litter-related impacts to sensitive wildlife species and sensitive habitats. This is a Class IV, beneficial, effect.

Hydrology and Water Quality Impacts:

- Impact HWQ-1: The Proposed Ordinance would incrementally increase the number of recycled paper and reusable bags used in the Study Area, but the reduction in the overall number of single-use plastic bags used in the Study Area would reduce the amount of litter and waste entering storm drains. This would improve local surface water quality, a Class IV, beneficial, effect.

B. IMPACTS DECLARED TO BE LESS THAN SIGNIFICANT (NO MITIGATION REQUIRED)

The Board finds that the environmental impacts identified in the Final Program EIR as being "less than significant" or as having "no impact" have been described and analyzed accurately and are less than significant or will have no impact for the reasons described in the Final Program EIR.

Reference should be made to the Draft Program EIR and Final Program EIR for a more complete description of the findings regarding these impacts.

Specifically, the Board makes the following findings as to the following impacts:

Air Quality Impacts:

- Impact AQ-2: With an expected increase in the use of recyclable paper bags, the Proposed Ordinance would generate air pollutant emissions associated with an incremental increase in truck trips to deliver recycled paper and reusable carryout bags to local retailers. However, emissions would not exceed Bay Area Air Quality Management District (BAAQMD) operational significance thresholds. Therefore, operational air quality impacts would be Class III, less than significant.

Impacts Related to Greenhouse Gas Emissions:

- Impact GHG-1: The Proposed Ordinance would increase the number of recyclable paper bags used in the Study Area. Implementation of the Proposed Ordinance would incrementally increase GHG emissions over existing levels. However, emissions would not exceed thresholds of significance. Therefore, impacts would be Class III, less than significant.
- Impact GHG-2: The Proposed Ordinance would not conflict with any agency's applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be Class III, less than significant.

Hydrology and Water Quality Impacts:

- Impact HWQ-2: A shift toward reusable bags and potential increase in the use of recyclable paper bags could potentially increase the use of chemicals associated with their production, which could degrade water quality in some instances and locations. However, bag manufacturers would be required to adhere to existing regulations, including NPDES Permit requirements, AB 258, and the California Health and Safety Code. Therefore, impacts to water quality from increasing bag processing activities would be Class III, less than significant.

Impacts to Utilities and Service Systems:

- Impact U-1: The increase of reusable bags within the Study Area as a result of the Proposed Ordinance would incrementally increase, by a negligible amount, water demand due to washing of reusable bags. However, sufficient water supplies are available to meet the negligible increase in demand created by reusable bags. Therefore, water supply impacts would be Class III, less than significant.
- Impact U-2: Water use associated with washing reusable bags would increase negligibly in the Study Area, resulting in an increase in wastewater generation. However, projected wastewater flows would remain within the capacity of the wastewater collection and treatment system of the Study Area, and would not exceed applicable wastewater treatment requirements of the RWQCB. Impacts would be Class III, less than significant.
- Impact U-3: The Proposed Ordinance would alter the solid waste generation associated with increased paper bag use in the Study Area. However, projected future solid waste generation would remain within the capacity of regional landfills. Impacts would therefore be Class III, less than significant.

8. ALTERNATIVES

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

As noted above, the Project would not result in any significant unavoidable effects. All potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required. In order to select and analyze alternatives that would avoid or substantially lessen any of the Project's identified less than significant adverse environmental effects, the following environmental topics for which less than significant effects were identified in Final Program EIR were considered:

- Air Quality: Pollutant emissions from paper bag manufacture and delivery.
- Greenhouse Gas Emissions: Emissions from paper bag manufacture, delivery, and degradation.
- Hydrology and Water Quality: Litter in storm drains and waterways associated with plastic and paper bags.

- Utilities and Service Systems: Water use from the manufacture of plastic and paper bags and cleaning of reusable bags, as well as wastewater generation from the cleaning of reusable bags. Solid waste from the disposal of plastic, paper and reusable bags.

The following four alternatives are evaluated in the Final Program EIR:

- Alternative 1: No Project

The no project alternative assumes that the Reusable Bag Ordinance is not adopted or implemented. Single-use plastic and paper carryout bags would continue to be available free-of-charge to customers at most retail stores throughout the Study Area. In addition, reusable carryout bags would continue to be available for purchase by retailers. Thus, it is assumed that the use of carryout bags at Study Area retail stores would not materially change compared to current conditions.

- Alternative 2: Ban on Single-Use Plastic Bags at all Retail Establishments

Similar to the proposed Reusable Bag Ordinance, this alternative would prohibit Study Area retailers from providing single-use plastic carryout bags to customers at the point of sale and create a mandatory \$0.10 charge per paper bag until December 31, 2014, and twenty-five cents (\$0.25) per paper bag on or after January 1, 2015. However, under this alternative, the Ordinance would apply to all categories of retail establishments, including restaurants and non-profit, charitable retailers. As a result, under this alternative, no single-use plastic carryout bags would be distributed at the point of sale anywhere within the Study Area.

- Alternative 3: Mandatory Charge of \$0.25 for Paper Bags

This alternative would continue to prohibit Study Area retail establishments from providing single-use plastic bags to customers at the point of sale, but would increase the mandatory charge for a single-use paper bag from \$0.10 to \$0.25 initially rather than on or after January 1, 2015. As a result of the \$0.15 mandatory charge increase per paper bag, it is anticipated that this alternative would further and more quickly promote the use of reusable bags since customers would be deterred from purchasing paper bags due to the additional cost.

- Alternative 4: Ban on Both Single-Use Plastic and Paper Carryout Bags

This alternative would prohibit all Study Area retail establishments (except restaurants and non-profit, charitable retailers) from providing single-use plastic and paper carryout bags to customers at the point of sale. It is anticipated that by also prohibiting paper carryout bags, this alternative would significantly reduce single-use paper carryout bags within the Study

Area, and further promote the shift to the use of reusable bags by retail customers. By banning both single-use plastic and paper bags, customers would be forced to use reusable carryout bags. This is expected to increase the number of reusable bags purchased within the Study Area.

A. *ALTERNATIVES ELIMINATED FROM CONSIDERATION*

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

CEQA requires that all alternatives considered be described, but it does not require a full analysis of alternatives that are infeasible, that do not meet the Project objectives, or that do not potentially reduce environmental impacts. Alternatives considered but eliminated from further consideration for these reasons are addressed in Section 6.5 of the Draft Program EIR and are summarized below.

- Additional litter removal programs, education efforts, enforcement for littering, and recycling programs for plastic bags: This alternative was rejected because it does not achieve the Ordinance's objectives, including reducing the use of paper bags and promoting a shift toward the use of reusable bags.
- Ban Styrofoam (polystyrene) in addition to banning single-use plastic carryout bags: This alternative would not achieve the Proposed Ordinance's objectives of reducing the environmental impacts related to single-use plastic bags or reduce any of the Proposed Ordinance's environmental effects. Environmental impacts related to polystyrene use are outside the scope and objectives of the proposed action.
- Ban single-use plastic carryout bags, but not charge for paper bags at retailers in the Study Area: This alternative was rejected because it would not reduce customers' use of paper bags, which have greater impacts related to air quality, GHG emissions, and water quality than plastic bags on a per bag basis. In addition, this alternative would not achieve the Proposed Ordinance's objective of promoting a shift toward the use of reusable carryout bags by retail customers to as great a degree as would occur with the Proposed Ordinance.
- Ban the use of single-use plastic carryout bags by retailers (except restaurants), with the exception of plastic bags made with biodegradable or compostable additives: This alternative was rejected from consideration because the environmental impacts associated with using biodegradable and compostable additives are uncertain at

this time. Researchers at California State University Chico Research Foundation tested the degradation of biodegradable bags in composting conditions, and found that they did not degrade (CIWMB 2007; Green Cities California MEA, 2010). Furthermore, these bags reduce the quality of recycled plastics when introduced into the recycling stream and so must be kept separate to avoid contaminating the recycling stream (CIWMB 2007; Green Cities California MEA, 2010). Therefore, it is unclear what environmental impacts may be associated with switching to plastic bags made with biodegradable additives or water-soluble bags. In addition, this alternative would not achieve the objectives of reducing the amount of single-use plastic bags in trash loads (e.g., landfills), in conformance with the trash load reduction requirements of the NPDES Municipal Regional Permit, promoting a shift toward the use of reusable carryout bags by retail customers, and avoiding litter and the associated adverse impacts to stormwater systems, aesthetics and the marine environment (San Francisco Bay and the Pacific Ocean).

- Ban the use of single-use plastic carryout bags by retailers (except restaurants) and apply the ban to “doggie waste cleanup” bags at public parks: While plastic “doggie waste cleanup” bags may have certain impacts to the environment, it is assumed that these types of bags represent only a very small percentage of total plastic bag use. In contrast, the use of these types of bags promote the proper disposal of solid waste and benefit water quality in reducing sources of stormwater pollution. Thus, while this alternative would further reduce the overall number of plastic bags produced and used, it would not promote a shift toward the use of reusable carryout bags by retail customers in the Study Area and could potentially increase impacts to stormwater systems. Environmental impacts related to plastic “doggie waste cleanup” bag use in the Study Area are outside the scope and objectives of the Proposed Ordinance.
- Implement an action targeting litter from homeless encampments near water bodies: This alternative would not achieve the objectives of reducing the amount of single-use plastic bags in trash loads (e.g., landfills), in conformance with the trash load reduction requirements of the NPDES Municipal Regional Permit and promoting a shift toward the use of reusable carryout bags by retail customers.
- Require retailers to offer incentives for customers to use reusable bags (such as paying customers) rather than banning single-use bags: While this alternative may deter some customers from using single-use plastic and paper bags, it may not promote the shift to reusable carryout bags by retail customers as effectively and would place a financial burden on the Study Area retailers.

B. FINDINGS REGARDING PROJECT ALTERNATIVES

CEQA only requires public agencies to make findings regarding the feasibility of project alternatives in limited circumstances. Public Resources Code Section 21081(a) provides that a public agency may not approve a project unless it makes findings, with respect to each significant project effect, that (1) mitigation has been required to reduce the significant effect, (2) mitigation to reduce the significant effect is within the jurisdiction of another public agency and should be adopted by that agency, and (3) that “[s]pecific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.” (Pub. Res. Code § 21081(a), emphasis added, see also CEQA Guidelines § 15091(a).)

In Mira Mar Mobile Community v. City of Oceanside (CH Oceanside) (2004) 119 Cal.App.4th 477, 490, the Court of Appeals confirmed that, where the city found that the only adverse impact of a project could be avoided through the imposition of mitigation measures, “it was not required to make any findings regarding the feasibility of proposed alternatives.” (*Citing Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 379 [“CEQA does not require the agency to consider the feasibility of environmentally superior project alternatives identified in the EIR if described mitigation measures will reduce environmental impacts to acceptable levels”], *Laurel Heights Improvement Ass’n v. Board of Supervisors* (1988) 47 Cal.3d 376, 402, and *Laurel Hills Homeowners Ass’n v. City Council* (1978) 83 Cal.App.3d 515, 521.)

The Project would not result in any significant unavoidable effects. All potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required. Accordingly, the County is not required to make findings regarding the feasibility of the alternatives considered in the EIR.

C. SUMMARY OF SIGNIFICANT UNAVOIDABLE IMPACTS

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts which cannot be avoided. Based on the analysis contained in the Final Program EIR, implementation of the Project would not result in any significant unavoidable environmental impacts.

D. GROWTH-INDUCING IMPACTS OF THE PROJECT

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed action could be growth inducing. This includes ways in which the Project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Based on the analysis contained in the Draft Program EIR, the Project would not be growth inducing as it would not affect long-term employment opportunities or increase the region's population. Employment patterns in the region would not be affected, as there are no known plastic bag manufacturing facilities in the Study Area. In addition, recyclable paper bag use is anticipated to increase incrementally. However, similar to plastic bag manufacturing, employment patterns in the region would not be affected by the Proposed Ordinance, as there are no known paper bag manufacturing plants in the Study Area. However, it should be noted that there is a paper bag manufacturing plant in Buena Park, California. Also, demand for reusable bags can be anticipated to increase. Nevertheless, incremental increases in the use of paper and reusable bags in the region are not anticipated to significantly affect long-term employment at these facilities or increase the region's population.

Revenues generated by sales of paper bags would remain with the affected stores. The Proposed Ordinance would not affect economic growth and therefore would not be significant.

No improvements to water, sewer, and drainage connection infrastructure would be necessary for Project implementation. No new roads would be required. Because the Proposed Ordinance would not include any physical development or construction activities and would not involve the extension of infrastructure into areas that otherwise could not accommodate growth, it would not remove an obstacle to growth.

For these reasons, the Project would not result in significant growth-inducing impacts.

E. SIGNIFICANT IRREVERSIBLE CHANGES TO THE ENVIRONMENT

The Program EIR assumes the adoption of the Proposed Ordinance by the County and adoption of ordinances that are identical or materially similar to the County's Ordinance by each municipality in the Study Area. The following references to "Proposed Ordinance" refer to the adoption of an individual Ordinance in each participating agency of the Final Program EIR:

Section 15126.2(c) of the State CEQA Guidelines states that significant irreversible environmental changes associated with a project shall be discussed, including the following:

- (1) Uses of non-renewable resources during the initial and continued phases of the Project that may be irreversible because a large commitment of such resources makes removal or non-use thereafter unlikely;
- (2) Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area), which generally commit future generations to similar uses; and
- (3) Irreversible damage that could result from environmental accidents associated with the Project.

The intent of the Proposed Ordinance is to reduce the environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags. As an Ordinance, the Project would not include development of any physical structures or involve any construction activity. Therefore, the Proposed Ordinance would not alter existing land uses or cause irreversible physical alterations related to land development or resource use. To the contrary, the express purpose of the Ordinance is to reduce the wasteful use of resources and associated environmental impacts. Therefore, the Project, as proposed, would not result in significant irreversible environmental changes.

12. SUMMARY

Based on the foregoing findings and the information contained in the record, it is determined that:

All potential effects on the environment due to the Project are either less than significant, such that no mitigation is required, or beneficial to the environment.

13. INCORPORATION BY REFERENCE

The Final Program EIR is hereby incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the basis for determining the significance of impacts and the comparative analysis of alternatives.

14. RECIRCULATION NOT REQUIRED

Minor changes to the Draft Program EIR have been made since its publication as a result of comments received from organizations and individuals on the document. Staff-initiated changes include minor corrections and clarification to the text to correct typographical errors. None of the changes affect the analysis or conclusions of the Draft Program EIR.

The changes to the Draft Program EIR do not require recirculation of the Program EIR because they do not result in any increased environmental effects that would alter or modify the conclusions of significance contained in the Draft Program EIR. The corrections and additions do not identify any new significant impacts, and, therefore, do not require additional mitigation measures or alternatives to the proposed Project. These are minor changes that do not require recirculation of the EIR (CEQA Guidelines Section 15088.5(b)).

15. CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT

The Board finds that it has reviewed and considered the Final Program Environmental Impact Report in evaluating the Project, that the Final Program Environmental Impact Report is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the Environmental Impact Report reflects the independent judgment of the Board.

The Board declares that no significant new impacts or information as defined by CEQA Guidelines Section 15088.5 have been received by the Board after the circulation of the Draft Program Environmental Impact Report that would require recirculation. All of the information added to the Final Program Environmental Impact Report merely clarifies, amplifies or makes insignificant modifications to an already adequate EIR pursuant to CEQA Guidelines Section 15088.5(b).

The Board of Supervisors of the County of San Mateo hereby certifies the Final Program Environmental Impact Report for the Project is adequate and complete in that it addresses the environmental effects of the Project and fully complies with the requirements of CEQA and CEQA Guidelines. The Final Program Environmental Impact Report is composed of:

- The backup file material for the Project.
- The Notice of Preparation.
- The Initial Study and the studies it relies upon.

- The Draft Environmental Impact Report dated June 2012.
- The comments on the Draft Program Environmental Impact Report and responses thereto as contained in the Final Program EIR dated August 2012.
- The staff report for the public hearings before the Planning Commission held on July 11, 2012 and September 12, 2012.
- The staff report for the public hearing before the Board of Supervisors held on October 23, 2012.
- The minutes of the hearings and all documentary and other testimonial evidence submitted thereat.
- The Statement of Facts and Findings in support thereof.

Findings

CEQA Compliance: As the decision-making body for the Project, the Board has reviewed and considered the information contained in the findings and supporting documentation. The Board determines that the findings contain a complete and accurate reporting of the environmental impacts associated with the Project. The Board finds that the EIR was prepared in compliance with CEQA and applicable State and County Guidelines and that the County complied with CEQA's procedural and substantive requirements, such that the public was provided meaningful opportunity to comment regarding potential environmental effects of the Project. The 45-day public review period for the Draft Program EIR was June 22, 2012 to August 6, 2012. The 10-day public review period for the Final Program EIR was August 31, 2012 to September 10, 2012. The EIR concludes that the Project, as proposed, will result in impacts considered less than significant or beneficial to the environment.

Review by the Decision Making Body Prior to Approval: The Final Program EIR was prepared and reviewed under the supervision and directions of the County of San Mateo's Planning and Building Department staff. The Board is the final decision-making body for approval of the Project. The Board has received and reviewed the Final Program Environmental Impact Report prior to certifying the Final Program Environmental Impact Report and prior to making any decision to approve or disapprove the Project.

Independent Judgment of Lead Agency: The Final Program Environmental Impact Report reflects the County's independent judgment. Public Resources Code Section 21082.1 requires any environmental impact report or draft environmental impact report, prepared pursuant to the requirements of this division, to be prepared directly by, or under contract to, a public agency. The County has exercised independent judgment in accordance with this section retaining its own environmental consultant and directing the consultant in preparation of the Draft and Final Program Environmental Impact Report.

Conclusions: The Project would not result in any significant unavoidable effects. All potential impacts identified by Draft Program EIR and Final Program EIR are

either beneficial or less than significant such that no mitigation measures are required.

16. RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

All potential impacts identified by Draft Program EIR and Final Program EIR are either beneficial or less than significant such that no mitigation measures are required. Therefore, no mitigation monitoring program is required or necessary.

PASSED, APPROVED AND ADOPTED, this ____ day of _____, 2012.