

**Attachment A**

**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"> <li>• Belmont</li> <li>• Brisbane</li> <li>• Burlingame</li> <li>• Colma</li> <li>• Daly City</li> <li>• East Palo Alto</li> <li>• Foster City</li> <li>• Half Moon Bay</li> <li>• Menlo Park</li> </ul>	<ul style="list-style-type: none"> <li>• Millbrae</li> <li>• Pacifica</li> <li>• Portola Valley</li> <li>• Redwood City</li> <li>• San Bruno</li> <li>• San Carlos</li> <li>• San Mateo</li> <li>• South San Francisco</li> <li>• Woodside</li> </ul>	<ul style="list-style-type: none"> <li>• Milpitas</li> <li>• Cupertino</li> <li>• Los Gatos</li> <li>• Los Altos</li> <li>• Campbell</li> <li>• Mountain View</li> </ul>

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

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

Mountain View Library  
585 Franklin Street  
Mountain View, CA 94041

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 bio-

degradable 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.

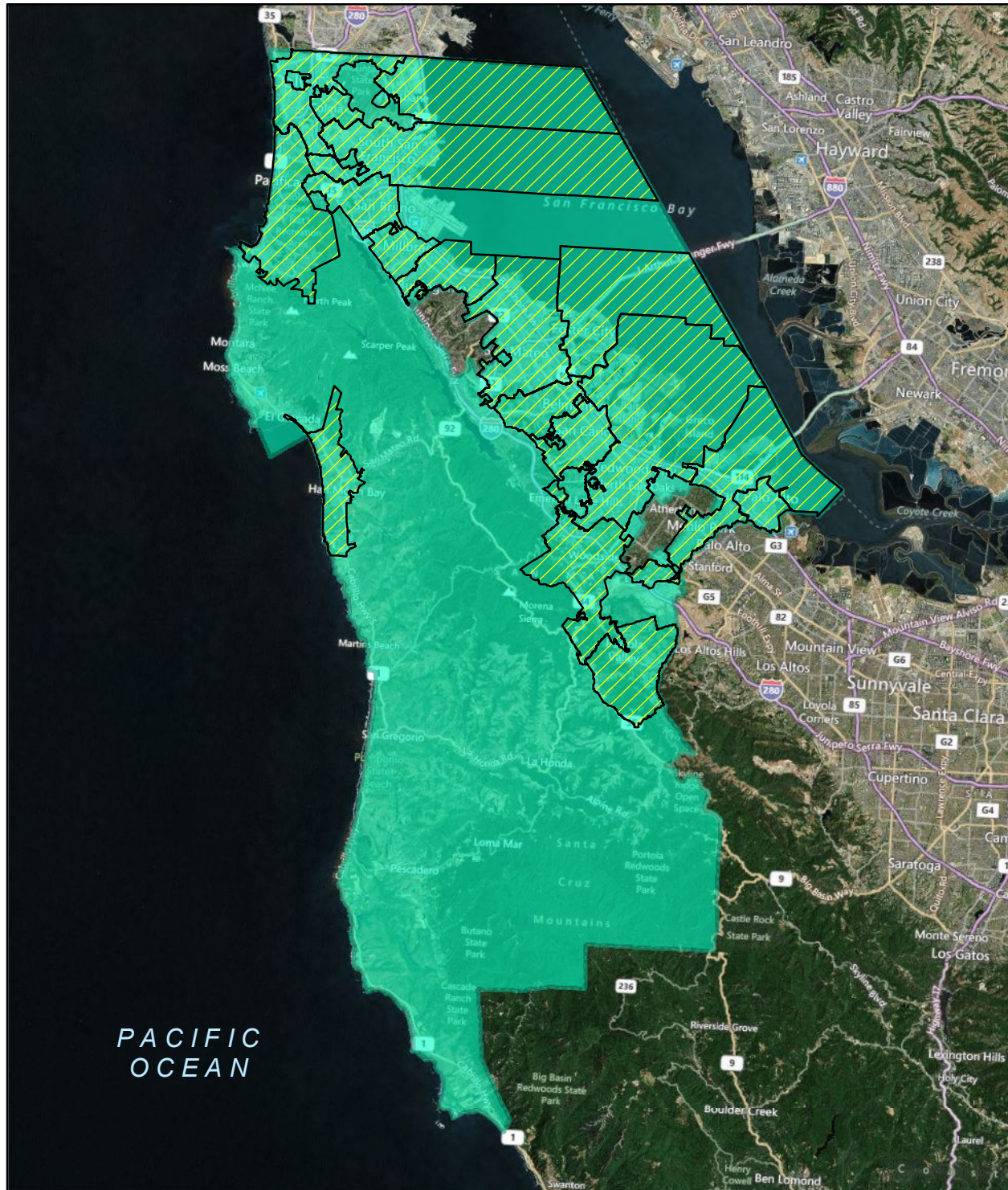
**Independent Judgment of Lead Agency:** The Final Program Environmental Impact Report reflects the County's independent judgment. Public Resources Code Section 21082.1 requires any environmental impact report or draft environmental impact report, prepared pursuant to the requirements of this division, 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.



Bing Maps Hybrid: (c) 2010 Microsoft Corporation and its data suppliers. Additional baselayer data from San Mateo County Information Services Department, May 2012.

 Project Location  
(San Mateo County)

 Participating City\* in  
San Mateo County)

\*Cities not included in Study Area:  
Atherton and Hillsborough

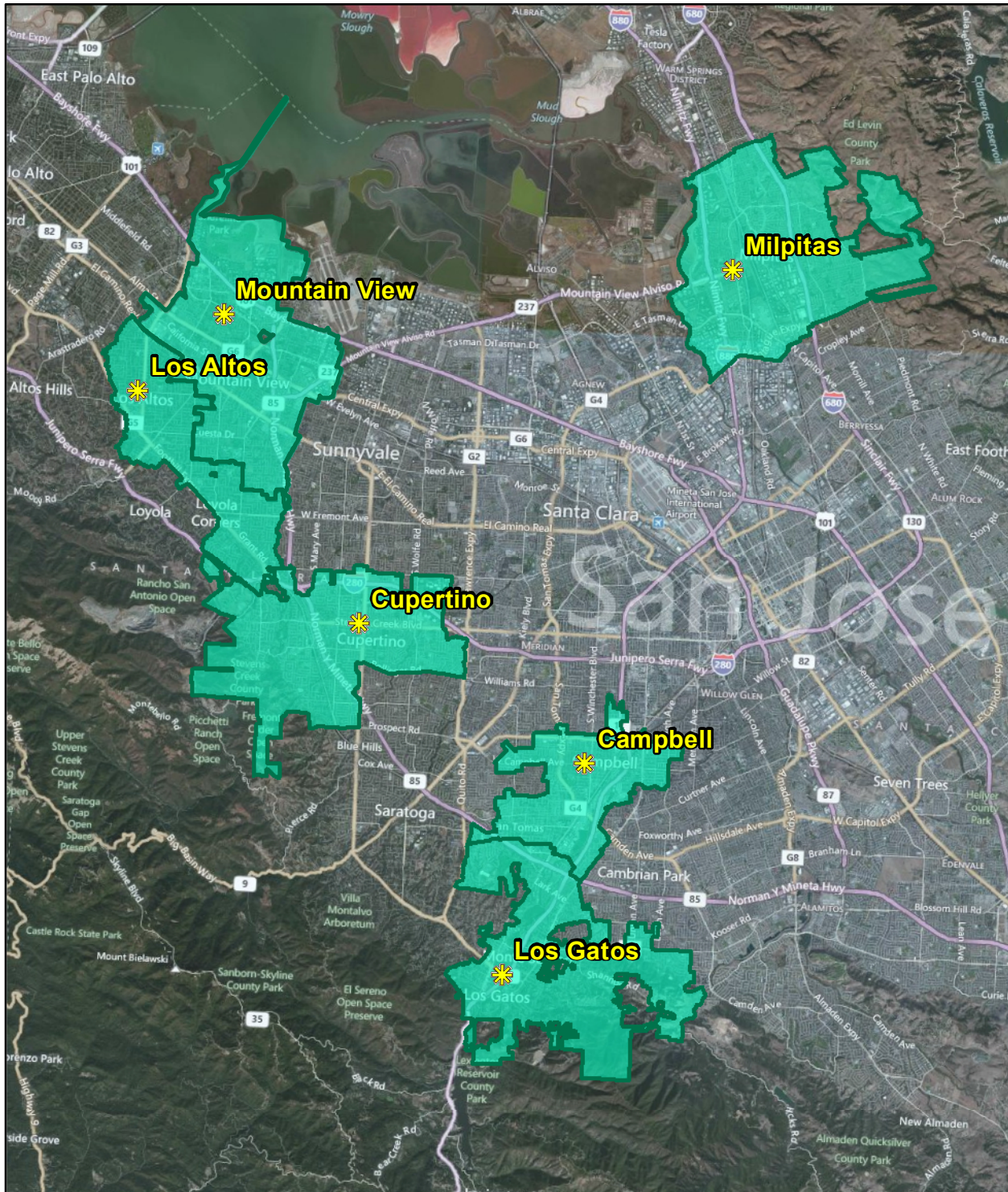
# Aerial Map of County of San Mateo and Participating Cities in San Mateo County

0 3 6 Miles



Figure 2-1





Bing Maps Hybrid: (c) 2010 Microsoft Corporation and its data suppliers. Additional baselayer data from San Mateo County Information Services Department, May 2012.

Project Location  
(Participating City Boundary  
in Santa Clara County)

0 1.25 2.5 Miles



Aerial Map of  
Participating Cities in  
Santa Clara County

Figure 2-2

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** September 12, 2012

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of: (1) the certification of a Final Program Environmental Impact Report (Final Program EIR) that analyzes the adoption of a Reusable Bag Ordinance (formerly Single-Use Bag Ban Ordinance) by the County of San Mateo and by cities in San Mateo County (Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside) and by cities in Santa Clara County (Milpitas, Cupertino, Los Gatos, Los Altos, Campbell, Mountain View); and (2) a proposed Reusable Bag Ordinance Regulating the Distribution of Single-Use Carryout Bags by Retail Establishments (Except Restaurants).

**PROPOSAL**

The applicant, the County Environmental Health Services Division, proposes a Reusable Bag Ordinance (Proposed Ordinance) to be implemented within areas of unincorporated San Mateo County. The Proposed Ordinance will prohibit the distribution of plastic bags by retail establishments and require these 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 paper bag until December 31, 2014 and twenty-five cents (\$0.25) per paper bag on or after January 1, 2015. Affected stores may retain the charges to compensate the stores for increased costs related to compliance with the Proposed Ordinance. The Proposed Ordinance would not apply to restaurants, take-out food establishments, or non-profit charitable reuse organizations. The Proposed Ordinance exempts retail customers participating in the California Special Supplement Food Programs and the CalFresh program from the paper bag charge. The Proposed Ordinance would be effective on April 22, 2013, giving stores and consumers time to comply with the Ordinance.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Board of Supervisors:

1. Certify the Final Program EIR, and
2. Adopt the Reusable Bag Ordinance.

## **SUMMARY**

It is estimated that retail customers within the County and participating municipalities of San Mateo County consume approximately 386 million plastic bags per year. When the other participating agencies in Santa Clara County are included, the number rises to approximately 546 million plastic bags per year. According to the Master Environmental Assessment on Single-Use and Reusable Bags prepared by Green Cities California in March 2010, most used plastic bags end up in landfills or as litter.

The Proposed Ordinance draws on ordinances from other cities in California (e.g., City of San Jose) and is the product of outreach and feedback from cities (specifically, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, and Woodside, all participating agencies in the Final Program EIR) and business representatives (e.g., Chambers of Commerce, local businesses) in San Mateo County. The objectives of the Proposed Ordinance are to:

- Reduce the amount of single-use plastic bags in trash loads, in conformance with the trash load reduction requirements of the NPDES Municipal Regional Permit.
- Reduce environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources, water quality, and utilities.
- Deter the use of paper bags by customers in the County.
- Promote use of reusable carryout bags by retail customers in the County.
- Avoid litter and associated adverse impacts to stormwater systems, aesthetics and the marine environment (San Francisco Bay and the Pacific Ocean).

In addition to the County and 18 listed cities in San Mateo County, the County also invited Santa Clara cities to participate in the County's Program Environmental Impact Report (Program EIR) to encourage regional reusable bag use. Inclusion of a city in the scope of the Program EIR would allow that city to use the Program EIR to comply with the California Environmental Quality Act in the adoption of their own bag ordinance. The cities of Milpitas, Cupertino, Los Gatos, Los Altos, Campbell, and Mountain View choose to be included in the Program EIR. The Final Program EIR analyzes the potential environmental impacts of the adoption of an identical or similar ordinance in the County and each of the 24 participating agencies.

The Draft Program EIR analyzes the following issue areas in which the adoption of the Ordinance may result in potentially significant environmental impacts: Air Quality, Biological Resources, Greenhouse Gas Emissions, Hydrology/Water Quality, and Utilities and Service Systems. The Draft Program EIR concludes that the Proposed Ordinance may result in some negative environmental impacts in these issue areas, but

that these impacts would be less than significant such that no mitigation would be needed, and that the Proposed Ordinance would also result in beneficial impacts in these issue areas.

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**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** September 12, 2012

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of: (1) the certification of a Final Program Environmental Impact Report (Final Program EIR), pursuant to the California Environmental Quality Act (CEQA), that analyzes the adoption of a Reusable Bag Ordinance (formerly Single-Use Bag Ban Ordinance) by the County of San Mateo and by cities in San Mateo County (Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside) and by cities in Santa Clara County (Milpitas, Cupertino, Los Gatos, Los Altos, Campbell, Mountain View); and (2) a proposed Reusable Bag Ordinance (formerly Single-Use Bag Ban Ordinance) that would apply to retail establishments (including those selling clothing, food, and personal items directly to the customer, but would not apply to restaurants nor charitable reuse organizations) and 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 (minimum charge would be ten cents (\$0.10) until December 31, 2014 and twenty-five cents (\$0.25) on or after January 1, 2015), within unincorporated areas of San Mateo County.

County File Number: PLN 2012-00136

**PROPOSAL**

*Summary of Ordinance Provisions*

The applicant, the County Environmental Health Services Division, proposes a Reusable Bag Ordinance (Proposed Ordinance) to be implemented within areas of unincorporated San Mateo County. The Proposed Ordinance will:

- Prohibit the distribution of plastic bags by retail establishments. Whereas State law already restricts local jurisdictions from imposing a fee on single-use plastic

bags, the Proposed Ordinance imposes a cost pass-through<sup>1</sup> by prohibiting the free distribution of single-use carryout paper and plastic bags.

- 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 paper bag until December 31, 2014 and twenty-five cents (\$0.25) per paper bag on or after January 1, 2015.
- Allow the recycled bag charge to be retained by the affected stores to compensate the stores for increased costs related to compliance with the Proposed Ordinance.
- Define the specific factors (durability and washability) that qualify a reusable bag.
- Exclude restaurants, take-out food establishments, or any other business that receives 90% or more of its revenue from the sale of prepared food to be eaten on or off its premises.
- Exclude non-profit charitable reuse organizations.
- Exempt retail customers participating in the California Special Supplement Food Programs and the CalFresh<sup>2</sup> program from having to pay the charge for a paper bag.

### *Ordinance Implementation*

The Proposed Ordinance would:

- Be effective on April 22, 2013, giving stores and consumers time to comply with the ordinance and locate reusable bags as alternatives to carry purchases from stores.
- Require regulated retail establishments to keep complete and accurate records (including documents of the purchase and sale of any recycled paper bag or reusable bag) for a minimum period of three years from the date of purchase and sale.
- Be enforced by complaint response, as well as random compliance visits by Environmental Health Specialists.
- For stores out of compliance, the Environmental Health Services Division will follow up with an educational letter for first time violations urging compliance as well as outlining re-inspection fees charged for subsequent re-inspection visits.

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<sup>1</sup> A cost-share system where some or all of the cost of a product is passed-through from the purchaser to the receiver of the product.

<sup>2</sup> The CalFresh (Food Stamp) program provides electronic benefits for eligible low-income households to buy food at most grocery stores.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Board of Supervisors:

1. Certify the Final Program EIR, and
2. Adopt the Reusable Bag Ordinance.

## **BACKGROUND**

Report Prepared By: Camille Leung, Project Planner

Applicant: Dean D. Peterson, Director of Environmental Health Services, County of San Mateo

Location: Once adopted, the Ordinance would apply to all of unincorporated San Mateo County. The Study Area of the Final Program EIR considers a bag ordinance adopted within unincorporated San Mateo County as well as a similar ordinance within each of the 18 participating cities in San Mateo County and six participating cities in Santa Clara County.

Environmental Evaluation: The Draft Program EIR was issued with a 45-day public review period from June 22, 2012 to August 6, 2012. The Final Program EIR (which includes the Draft Program EIR by reference and corrections) was issued with a 10-day Public Review period from August 31, 2012 to September 10, 2012.

Chronology:

<u>Date</u>	<u>Action</u>
March 23, 2012	- County enters into an Agreement with Rincon Consultants, Inc., to perform environmental consulting services, including preparation of a Program Draft and Final Environmental Impact Report for the project.
April 6, 2012	- The County of San Mateo prepares a Notice of Preparation (NOP) of a Draft Program EIR and distributes the NOP for agency and public review for a 30-day review period.
April – May 2012	- The County conducts seven public scoping meetings during the NOP comment period, which take place in Half Moon Bay (April 18), San Mateo (April 19), Mountain View (April 25), South San Francisco (April 26), Campbell (May 2), Milpitas (May 3) and Redwood City (May 3).
June 22, 2012	- Public release date of Draft Program EIR.

- July 11, 2012 - Planning Commission Informational Public Hearing of the Draft Program EIR.
- August 6, 2012 - End of Draft Program EIR 45-day Public Review and Comment Period.
- August 31, 2012 - Public release date of Final Program EIR. Final Program EIR released with new name of "Reusable Bag Ordinance," formerly "Single-Use Bag Ban Ordinance," to better communicate the positive purpose of the ordinance.
- September 10, 2012 - End of Final Program EIR 10-day Public Review period.
- September 12, 2012 - Planning Commission public hearing.

## **DISCUSSION**

### **A. IMPACTS OF CARRYOUT BAGS FROM THE GROCERY BAG MEA**

Many cities and counties that have adopted bag ordinances have relied on the Master Environmental Assessment on Single-Use and Reusable Bags (Grocery Bag MEA), prepared by Green Cities California in March 2010, to determine the significance of actions that they may take to cut back on the use of single-use grocery bags.<sup>3</sup> The County's Reusable Bag Ordinance Draft Program EIR relies on the Grocery Bag MEA for information about single-use grocery bags including existing regulations, life-cycle analysis, and potential impacts on the environment.

The following is an overview of findings on various types of carryout bags from the Grocery Bag MEA.<sup>4</sup>

- Single-Use Plastic Bags: Nearly 20 billion single-use high density polyethylene (HDPE) plastic grocery bags are used annually in California, and most end up in landfills or as litter. In fact, of the four types of bags considered, plastic bags had the greatest impact on litter.
- Single-Use Paper Bags: Kraft paper bags are recycled at a significantly higher rate than single-use plastic bags. Still, over its lifetime, a single-use paper bag has significantly larger greenhouse gas (GHG) emissions and results in greater atmospheric acidification, water consumption, and ozone production than plastic bags.

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<sup>3</sup> The California Environmental Quality Act (CEQA) authorizes the use of Master Environmental Assessments (MEAs) "in order to provide information which may be used or referenced in EIRs or negative declarations" (CEQA Guidelines Section 15169).

<sup>4</sup> Master Environmental Assessment on Single-Use and Reusable Bags, Green Cities California, March 2010, Page 1.

- Single-Use Biodegradable Bags: Although biodegradable bags are thought to be an eco-friendly alternative to HDPE plastic bags, they have greater environmental impacts at manufacture, resulting in more GHG emissions and water consumption than conventional plastic bags. In addition, biodegradable bags may degrade only under composting conditions. Therefore, when littered, they will have a similar impact on aesthetics and marine life as HDPE plastic bags.
  - Reusable Bags: Reusable bags can be made from plastic or cloth and are designed to be used up to hundreds of times. Assuming the bags are reused at least a few times, reusable bags have significantly lower environmental impacts, on a per use basis, than single-use bags.
1. County Bag Consumption and Impact

As previously stated, almost 20 billion plastic grocery bags, or approximately 531 bags per person, are consumed annually in California.<sup>5</sup> Based on this estimate, retail customers within the County and participating municipalities of San Mateo County consume approximately 386 million plastic bags per year. When the other participating agencies in Santa Clara County are included (listed in Table 2 of this report), the number rises to approximately 546 million plastic bags per year.<sup>6</sup>

At the County-level, single-use plastic carryout bags have been found to contribute substantially to the litter stream and to have adverse effects on marine wildlife.<sup>7</sup> The prevalence of litter from plastic bags in the urban environment compromises the efficiency of infrastructure systems designed to channel stormwater runoff, leading to increased clean-up costs for the County.<sup>8</sup>

The National Pollution Discharge Elimination System (NPDES) Municipal Regional Permit (MRP) requires Permittees (including all municipalities within San Mateo and Santa Clara Counties) to reduce trash loads from municipal separate storm sewer systems (MS4s) by 40% by 2014, 70% by 2017, and 100% by 2022. Specifically, each Permittee is required to submit a Short-Term Trash Load Reduction Plan which must describe control measures and best management practices, including any trash reduction ordinances that are currently being implemented or planned for implementation, to attain a 40% trash load reduction from its MS4 by July 1, 2014. The adoption of the Proposed Ordinance is included in the County's Short-Term Trash Load Reduction Plan, submitted to the Water Board on February 1,

<sup>5</sup> Source: Green Cities California MEA, 2010; and CIWMB, 2007.

<sup>6</sup> Table 2-1 of the Draft Program EIR.

<sup>7</sup> United Nations 2009, CIWMB 2007, County of Los Angeles 2007.

<sup>8</sup> Baseline Trash Load and Short-Term Trash Load Reduction Plan, County of San Mateo, February 1, 2012.

2012. The County of San Mateo will receive a 10% reduction credit for Ordinance adoption.<sup>9</sup>

## 2. Effects of Fees on Single-Use Bag Use

Per the Grocery Bag MEA, fees and bans on bags in the United States and other regions of the world have resulted in dramatic drops in consumption. For instance, Washington, D.C., saw bag use drop almost 80% after requiring a 5-cent charge for checkout bags, with 78% of businesses reporting positive or no impact to their sales.<sup>10</sup> Fees on single-use bags reflect some or all of the actual production cost (approximately 2 to 5 cents per plastic bag<sup>11</sup> and approximately 15 to 25 cents per paper bag<sup>12</sup>), as well as the environmental cost of the bags, and serve as a disincentive for bag purchase. Several cities and counties in California have previously considered or passed similar ordinances within their respective jurisdictions. These include, but are not limited to, the Cities of San Francisco, Palo Alto, San Jose, Sunnyvale, Berkeley, Millbrae, Fairfax, Manhattan Beach, Malibu, Santa Monica, Calabasas, Huntington Beach, Dana Point, Laguna Beach and Long Beach, and the Counties of Los Angeles, Santa Clara, Marin, and Alameda.

## B. DESCRIPTION OF THE PROPOSED ORDINANCE

### 1. Basic Objectives of the Ordinance

As listed in the Reusable Bag Ordinance Final Program EIR, the objectives of the Proposed Ordinance are to:

- Objective 1: Reduce 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 (NPDES MRP).
- Objective 2: Reduce the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources (including marine environments), water quality, and utilities (solid waste).
- Objective 3: Deter the use of paper bags by customers in San Mateo County.

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<sup>9</sup> Baseline Trash Load and Short-Term Trash Load Reduction Plan, County of San Mateo, February 1, 2012.

<sup>10</sup> "Bag ban is good, but let's change behavior," Tara Gallagher, Portland Tribune, August 01, 2012.

<sup>11</sup> AEA Technology, 2009.

<sup>12</sup> City of Pasadena, 2008.

- Objective 4: Promote a shift toward the use of reusable carryout bags by retail customers in San Mateo County.
- Objective 5: Avoid litter and associated adverse impacts to stormwater systems, aesthetics and the marine environment (San Francisco Bay and the Pacific Ocean).

## 2. Origin of a Regional Approach

On September 27, 2011, the Board of Supervisors held a workshop and took comments from a number of individuals and business representatives (e.g., chambers of commerce). At the conclusion of the workshop, the Board provided direction to staff to meet with cities within the County and develop an ordinance that could be implemented regionally.

On October 3, 2011, San Mateo County Supervisors Groom and Tissier sent a letter (Attachment E) to all city mayors in San Mateo County inviting them to participate in a Countywide working group to develop an ordinance that would apply consistently across as many jurisdictions in San Mateo County as possible. The working group focused primarily on four elements of the ordinance: (1) which types of bags should be banned at the point-of-sale; (2) whether, in conjunction with a ban on the issuance of single-use carryout bags at the point-of-sale, to require a fee for paper bags; (3) which, if any, types of establishments to exclude from the ordinance's requirements; and (4) how the ordinance would be enforced.

Many cities in the County participated in the Countywide working group, including all cities that are now considering adoption of an identical or similar ordinance to the County's Proposed Ordinance, as listed below:

<b>Table 1</b> Municipalities in which County Environmental Health Services Division Staff would Regulate Implementation of Ordinance	
<b><u>San Mateo County</u></b>	
<ul style="list-style-type: none"> <li>• Belmont</li> <li>• Brisbane</li> <li>• Burlingame</li> <li>• Colma</li> <li>• Daly City</li> <li>• East Palo Alto</li> <li>• Foster City</li> <li>• Half Moon Bay</li> <li>• Menlo Park</li> </ul>	<ul style="list-style-type: none"> <li>• Millbrae</li> <li>• Pacifica</li> <li>• Portola Valley</li> <li>• Redwood City</li> <li>• San Bruno</li> <li>• San Carlos</li> <li>• San Mateo</li> <li>• South San Francisco</li> <li>• Woodside</li> </ul>

Working group discussions expressed a common desire to include all retail establishments and not to include restaurants, non-profit charitable retailers, nor protective product bags (e.g., produce/meat bags).

3. County Consultation with Industry Representatives

Environmental Health Services Division staff consulted with the California Grocers Association (CGA) in order to gauge their membership's acceptance to a bag ordinance. The CGA encouraged a consistent regional approach that applies to all retailers. Division staff also sent a letter to all of the farmer's market managers informing them of the possible ordinance.

Division staff also spoke with several dry cleaners and toured local dry cleaning plants. After reviewing the dry cleaning process, it was determined that a protective plastic cover was needed to ensure that clothes remained clean and protected from lint and other material during storage. Feedback from local plants underscored that a reusable garment bag is not economically feasible at this time and sparks concerns of contamination from used bags. Further, the industry is making strides to reduce their use of plastic and encourages their customers to recycle plastic protective coverings. Further, creek and coastal cleanups do not report this type of plastic to be an issue.

4. Basis of Policy Direction

Based on review of information collected from the working group, adopted bag ordinances in the Bay Area and in other cities in the State, information from the Grocery Bag MEA, and consultation from County Counsel, Environmental Health Services Division staff established the following guiding principles for its Reusable Bag Ordinance:

- Include all retail establishments: Level playing field for all retail establishments is critical for acceptance by retailers.
- Ban single-use plastic bags only and apply fee to recycled paper bags: Based on a comparison of pending and adopted bag ordinances in California included as Attachment C, all of the listed ordinances, with the exception of the City of Carpinteria's ordinance, apply a ban on plastic single-use bags, not both plastic and paper single-use bags. Most ordinances restrict the distribution of paper bags to recycled paper bags and have imposed a fee (in most cases, a 10-cent per bag fee with some increasing to 25 cents after a set time).
- Include single-use biodegradable bags in ban, based on the Grocery Bag MEA: As stated previously, biodegradable bags have greater environmental impacts at manufacture, resulting in more GHG



emissions and water consumption than conventional plastic bags and may degrade only under composting conditions. Therefore, when littered, they will have a similar impact on aesthetics and marine life as HDPE plastic bags. Therefore, biodegradable bags are included in the ban on plastic bags.

- Exclude restaurants: 18 of the 25 ordinances listed in Attachment C exclude restaurants from the requirements of the ordinance. It should be noted that the City of San Francisco expanded its ordinance in February 2012 to apply to restaurants and encountered strong opposition by the Save the Plastic Bag Coalition on this basis and issues related to CEQA compliance.
- Exclude non-profit charitable retailers: A handful of pending and adopted ordinances in the region exempts this type of retail establishment (e.g., Millbrae, Sunnyvale, San Jose, Monterey). Additionally, by the nature of their business, these organizations reduce the waste stream and use proceeds from purchases to fund charitable efforts.
- Exclude produce bags: Plastic produce bags (plastic bags with no handles) are presently a best-practices tool in the prevention of food cross contamination and to maintain the cleanliness of shopping carts and checkout stands at retail establishments.

Based on the guiding principles listed above, Environmental Health Services Division staff decided to model San Mateo County's Proposed Ordinance after an ordinance adopted by the City of San Jose. At a meeting convened with representatives of 15 of the 20 incorporated cities in San Mateo County, cities indicated support for this direction.

## 5. Outreach Plan

A comprehensive outreach plan has been developed that will include extensive outreach to retailers and the public. Outreach efforts have been phased to address pre-adoption of the Ordinance, providing for extensive outreach between Ordinance adoption and implementation, and then ongoing outreach after Ordinance implementation. County outreach efforts in the pre-adoption phase have included support for participating agencies through email updates, press releases to local media, public events and appearances by the Bag Monster, websites, social media, as well as CEQA-related public scoping meetings. County outreach efforts between Ordinance adoption and implementation will also involve press releases to local media, public events, websites, social media, and will also include support for participating agencies within the County through e-newsletters, reusable bag give-aways, partnerships with non-profit environmental

agencies, and coordination with retailers for in-store campaigns. County ongoing outreach after implementation will include continued support for participating agencies within the County through e-newsletters and continued public campaigns through websites and social media. Each jurisdiction will be responsible to identify and lead additional outreach efforts within their jurisdictions.

## C. ENVIRONMENTAL REVIEW

### 1. Type and Scope of EIR

The Proposed Ordinance is a discretionary project subject to the environmental review requirements of the California Environmental Quality Act (CEQA). Therefore, County of San Mateo staff have prepared a Final Program EIR (which includes the Draft Program EIR by reference including corrections) examining the Ordinance's potential environmental impacts.

To increase the reach of the County's efforts to encourage regional reusable bag use, the County invited Santa Clara cities to participate in the County's EIR as "participating agencies." It should be noted that the Environmental Health Services Division only has enforcement authority within San Mateo County and that each cities outside of the County would be responsible for enforcing their own ordinance. Inclusion of a city in the scope of the EIR would allow the city to use the EIR to comply with the California Environmental Quality Act in the adoption of their own bag ordinance.<sup>13</sup> Six (6) cities in Santa Clara County choose to be included in the EIR. Participating cities, in addition to the County of San Mateo, in the Program FEIR are listed below:

<b>Table 2</b> Participating Municipalities, in addition to the County of San Mateo, in the Program EIR		
<b><u>San Mateo County</u></b>		<b><u>Santa Clara County</u></b>
<ul style="list-style-type: none"> <li>• Belmont</li> <li>• Brisbane</li> <li>• Burlingame</li> <li>• Colma</li> <li>• Daly City</li> <li>• East Palo Alto</li> <li>• Foster City</li> <li>• Half Moon Bay</li> <li>• Menlo Park</li> </ul>	<ul style="list-style-type: none"> <li>• Millbrae</li> <li>• Pacifica</li> <li>• Portola Valley</li> <li>• Redwood City</li> <li>• San Bruno</li> <li>• San Carlos</li> <li>• San Mateo</li> <li>• South San Francisco</li> <li>• Woodside</li> </ul>	<ul style="list-style-type: none"> <li>• Milpitas</li> <li>• Cupertino</li> <li>• Los Gatos</li> <li>• Los Altos</li> <li>• Campbell</li> <li>• Mountain View</li> </ul>

<sup>13</sup> The Program EIR does not preclude any requirement for individual participating cities to undergo further environmental review.

The Final Program EIR analyzes the potential environmental impacts of the adoption of an identical or similar ordinance in the County and each of the 24 participating agencies. It should be noted that, consensus amongst all the cities indicated support for the proposed ordinance language, with many of the cities expressing that they did not feel comfortable expanding the restrictions of the Ordinance within their own jurisdictions beyond that of the City of San Jose's ordinance. Further the proposed language was reviewed by several Chambers of Commerce and business associations, all of whom stressed that their support was contingent on consistency of local ordinances region-wide.

## 2. Summary of Environmental Impacts

### a. Plastic Bag Replacement Assumptions

The Final Program EIR estimates that the total volume of plastic bags currently used in the study area is 552 million plastic bags per year.<sup>14</sup> The Final Program EIR assumes a reduction in plastic bag use after the adoption of the Ordinance, with assumptions that plastic bags would be replaced by recycled paper bags and reusable bags in the following proportions:

- Ninety-five percent of the total volume of plastic bags currently used in the study area (525 million plastic bags per year) would be replaced by recycled paper bags (30% of total) and reusable bags (65% of total) as a result of the Reusable Ban Ordinance.
- Five percent of the existing single-use plastic bags used in the study area (27 million plastic bags) would remain in use, as the Proposed Ordinance does not apply to some retailers who distribute single-use plastic bags.
- Based on an estimate of 52 uses per reusable bag<sup>15</sup>, 6.9 million reusable bags would replace 359 million single-use plastic bags.

Based on the above assumption, the approximately 552 million single-use plastic carryout bags currently used in the study area annually would be reduced to approximately 200 million total bags, as a result of the Proposed Ordinance.

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<sup>14</sup> Based on statewide data indicating an estimate of 531 bags used per person, multiplied by the population of each participating municipality.

<sup>15</sup> A reusable carryout bag would be used by a customer once per week for one year (52 times). This is a conservative estimate as a reusable bag, as required by the Proposed Ordinance, must have the capability of being used 125 times.

b. Potential Environmental Impacts of Ordinance

The Initial Study included in Appendix A of the Draft Program EIR identifies issue areas in which the adoption of the Proposed Ordinance would not result in any potential significant impact. Conversely, the Final Program EIR identifies and analyzes the following issue areas in which the adoption of the Proposed Ordinance may result in less than significant or beneficial environmental impacts:

- Air Quality: While the Proposed Ordinance would reduce the total number of bags manufactured and the overall air pollutant emissions associated with bag manufacture, 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.
- Biological Resources: The Proposed Ordinance would reduce the amount of single-use plastic bags which 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.
- Greenhouse Gas (GHG) Emissions: The Proposed Ordinance would increase the number of single-use paper bags used in the Study Area, resulting in an incremental increase in GHG emissions compared to existing conditions.
- Hydrology/Water Quality: While the Proposed Ordinance would incrementally increase the number of recycled paper and reusable bags used in the Study Area, which may result in an increase in the use of chemicals associated with their production and associated water quality impacts, bag manufacturers would be required to adhere to existing water quality regulations. Also, the Proposed Ordinance would reduce the overall number of single-use plastic bags used in the Study Area, reducing the amount of litter and waste entering storm drains.
- Utilities and Service Systems: While the Proposed Ordinance would increase the number of reusable bags within the Study Area, resulting in an incremental increase in water demand and wastewater generation by a negligible amount due to washing of reusable bags, projected wastewater flows would remain within the capacity of the wastewater collection and treatment system of the Study Area. Also, the Proposed Ordinance would

increase paper bag use and related solid waste generation in the Study Area. However, projected future solid waste generation would remain within the capacity of regional landfills.

Attachment D of this staff report includes a more detailed description of the environmental issues relative to the Proposed Ordinance, the identified significant environmental impacts and residual project impacts. In summary, the Final Program EIR concludes that the Ordinance may result in some negative environmental impacts in the above issue areas, but that these impacts would be considered less than significant without need for mitigation or the Ordinance may result in beneficial impacts in these issue areas. As the Final Program EIR does not identify any significant impacts requiring mitigation, no mitigation measures are included in the Final Program EIR.

It should be noted that minor revisions were made to the Proposed Ordinance after the release of the Draft Program EIR. These changes, as shown in tracked changes in Attachment B, clarify that dry cleaning bags would not be subject to the requirements of the Ordinance and adds a fee exemption for CalFresh (Food Stamp) program participants. These revisions to the Proposed Ordinance would not result in any change in the level of project-related environmental impact as analyzed in the Final Program EIR for the project.

c. Project Alternatives

As required by CEQA, the Final Program EIR examines a range of alternatives to the Proposed Ordinance (Project) that feasibly attain most of the basic project objectives. A brief summary of each alternative is provided below.

- Alternative 1: No Project – The no project alternative assumes that the Reusable Bag Ordinance would not occur. The existing retail establishments would continue to provide single-use bags free of charge to the customers. Under Alternative 1, the Proposed Ordinance's less than significant impacts related to water and wastewater demand from washing reusable bags would be eliminated, however, this alternative would not achieve the Proposed Ordinance's beneficial effects relative to air quality, biological resources (sensitive species), and hydrology/ water quality, nor would it result in litter reduction.

- Alternative 2: Ban on Single-Use Plastic Bags at All Retail Establishments – This alternative would prohibit all retail establishments in the Study Area from providing single-use plastic bags to customers at the point of sale, including restaurants and other retailers not covered by the Proposed Ordinance. Under Alternative 2, the Ordinance would eliminate distribution of all single-use plastic carryout bags within the Study Area. It is assumed that the additional plastic bags that would be removed under this alternative would be replaced by recyclable paper bags. Compared to the Proposed Ordinance, Alternative 2 would result in equal or reduced impacts in the areas of biological resources and hydrology/water quality, due to the reduction in the use of single-use plastic bags. Alternative 2 would result in equal or increased impacts compared to the Proposed Ordinance in the areas of air quality, greenhouse gas emissions and utilities and service systems, due to the increased use and disposal of paper bags.
- Alternative 3: Mandatory Charge of \$0.25 for Paper Bags – Alternative 3 is identical to the Project except that it would increase the mandatory charge from \$0.10 to \$0.25 per recycled paper bag. Alternative 3 would further promote the use of reusable bags since customers would be deterred from purchasing paper bags due to the additional cost. Alternative 3 would result in equal or reduced impacts compared to the Proposed Ordinance in the areas of biological resources, hydrology/water quality, and utilities and service systems, due to reduced paper bag use. Similarly, compared to the Proposed Ordinance, Alternative 3 would result in reduced impacts in the areas of air quality and greenhouse gas emissions.
- Alternative 4: Ban on Both Single-Use Plastic and Paper Carryout Bags – Alternative 4 is identical to the Project except that it would prohibit retail establishments from providing both single-use plastic and paper carryout bags to customers at the point of sale. Alternative 4 would be considered environmentally superior among the alternatives, as it would have greater overall environmental benefits compared to the Proposed Ordinance. This alternative would result in beneficial effects to the environment compared to existing conditions in the areas of air quality, biological resources, GHG emissions, hydrology/water quality and utilities and service systems.

These alternatives are described and evaluated in detail in Section 6.0, Alternatives, of the Draft Program EIR. Environmental Health Services staff has discussed the possibility of implementing Alternatives 2 through 4 with each of the participating agencies. A majority of the jurisdictions made it clear that they would not be willing to consider a different policy direction, due to factors outlined in the “Basis of Policy Direction” in Section B.4 of this staff report. Therefore, since the original project has been shown to result in less than significant impacts which do not require mitigation and beneficial impacts in some areas, the applicant has decided not to pursue any of the alternatives and remain with the proposed language.

d. Summary of Comments Received During the Public Comment Period

During the 45-day comment period for the Draft Program EIR, the County received 29 comments. The following is a summary of the commenters:

- Twenty-two comments were received from individual members of the public (10 from San Mateo County residents, 3 from Santa Clara County residents, and 9 unknown).
- Four comments were received from participating agencies with questions regarding the CEQA process or corrections to the Draft Program EIR.
- One comment was received from a retailer (e.g., IKEA), in support of the Proposed Ordinance.
- Two comments were received from environmental organizations in support of the Ordinance or one of the Project Alternatives (e.g., the Loma Prieta Chapter of the Sierra Club supports Alternative 2).

Eleven of the 29 comments expressed opposition to the Proposed Ordinance, for reasons including the following:

- Five comments stated that plastic bags are currently being reused or recycled.
- Four comments suggested that the fee for recycled bags is too high or would hurt the economy.

- Three comments stated that use of reusable bags may pose health and sanitation risks, due to lack of washing.
- Other commenters expressed the opinion that the Ordinance is over-regulation and/or places a burden on businesses.

**D. SCHEDULE FOR REUSABLE BAG ORDINANCE**

<b>Hearing Schedule</b>	
Public Release Date of Draft Program EIR	June 22, 2012
Planning Commission Informational Public Hearing	July 11, 2012
End of 45-day Draft Program EIR Public Review and Comment Period	August 6, 2012
Public Release Date of Final Program EIR	August 31, 2012
End of 10-day Final Program EIR Public Review and Comment Period	September 10, 2012
Second Planning Commission Public Hearing for Consideration of the Final Program EIR and the Proposed Ordinance	September 12, 2012
Board of Supervisor Public Hearing to certify Final Program EIR and adopt ordinance (1st reading)	October 23, 2012 (Tentative)
Board of Supervisor Public Hearing to certify Final Program EIR and adopt ordinance (2nd reading)	October 30, 2012 (Tentative)
<b>Ordinance Implementation Schedule</b>	
Proposed effective date of ordinance	April 22, 2013
Minimum charge would be ten cents (\$0.10) per recycled paper bag	April 22, 2013 – December 31, 2014
Minimum charge would be twenty-five cents (\$0.25) per recycled paper bag	January 1, 2015

**ATTACHMENTS**

Copies of the Reusable Bag Ordinance Final Program EIR are available at the following locations:

1. County of San Mateo Health System Environmental Health Services, 2000 Alameda de las Pulgas, Suite 100, San Mateo, California, 94403 and electronically at <http://www.smchealth.org/BagBan>;
2. County Planning Department, 455 County Center, Second Floor, Redwood City, California, 94063 and electronically at <http://www.co.sanmateo.ca.us/planning>; and



3. At the following libraries:

Serramonte Main Library  
40 Wembley Drive  
Daly City, CA 94015

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

Millbrae Library  
1 Library Avenue  
Millbrae, CA 94030

Mountain View Library  
585 Franklin Street  
Mountain View, CA 94041

San Mateo Main Library  
55 West 3rd Avenue  
San Mateo, CA 94402

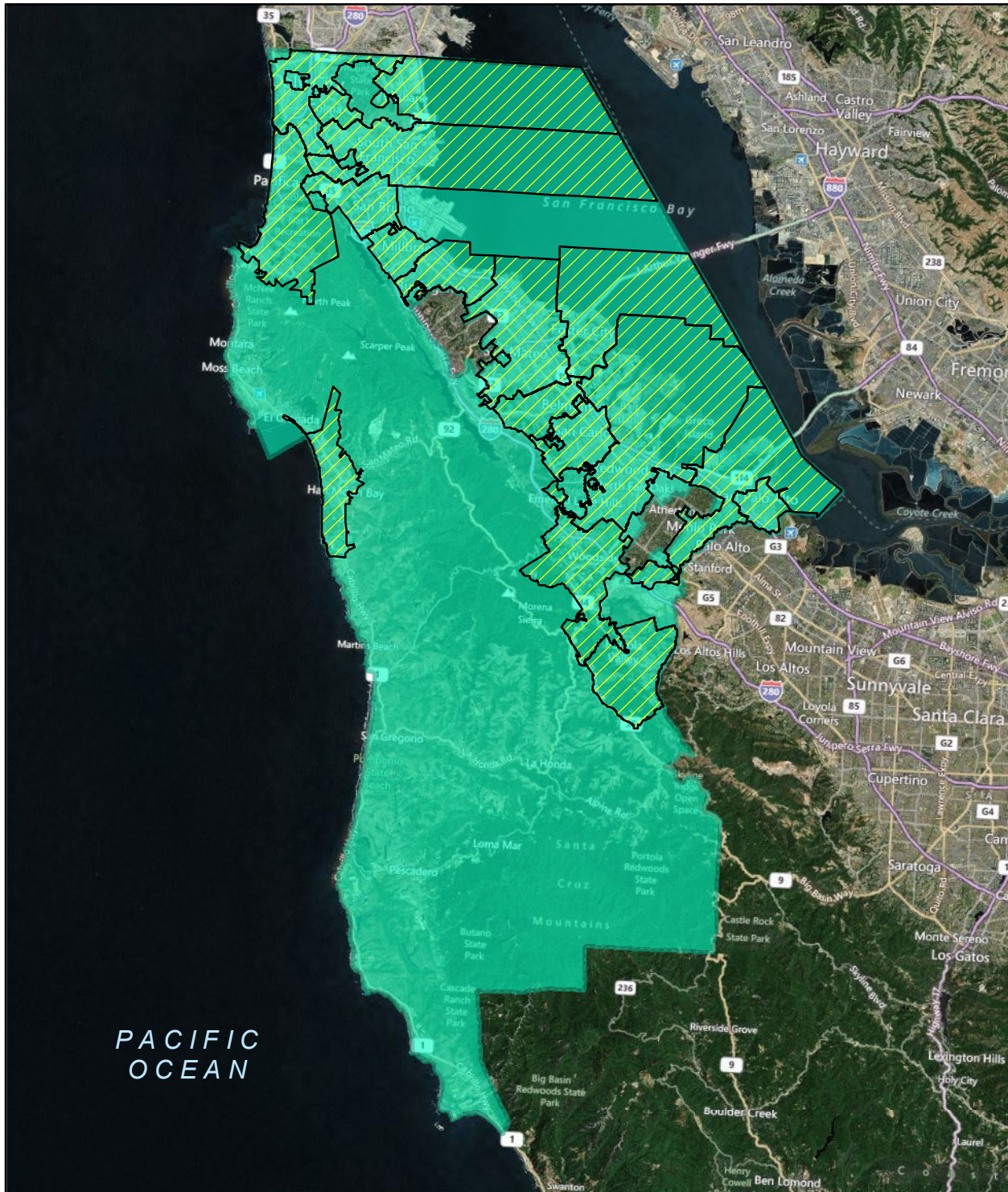
Los Gatos Public Library  
Town Civic Center  
100 Villa Avenue  
Los Gatos, CA 95030

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


Milpitas Library  
160 North Main Street  
Milpitas, CA 95035


- A. Reusable Bag Ordinance Final Program EIR Study Area Map
- B. Proposed Draft Ordinance, dated August 9, 2012
- C. Comparison of Pending and Approved Bag Ordinances in California, updated August 2012
- D. Summary of Significant Environmental Impacts, Mitigation Measures, and Residual Impacts from Final Program EIR
- E. Letter from San Mateo County Supervisors Groom and Tissier, dated October 3, 2011

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Bing Maps Hybrid: (c) 2010 Microsoft Corporation and its data suppliers. Additional baselayer data from San Mateo County Information Services Department, May 2012.

 Project Location  
(San Mateo County)

 Participating City\* in  
San Mateo County)

\*Cities not included in Study Area:  
Atherton and Hillsborough

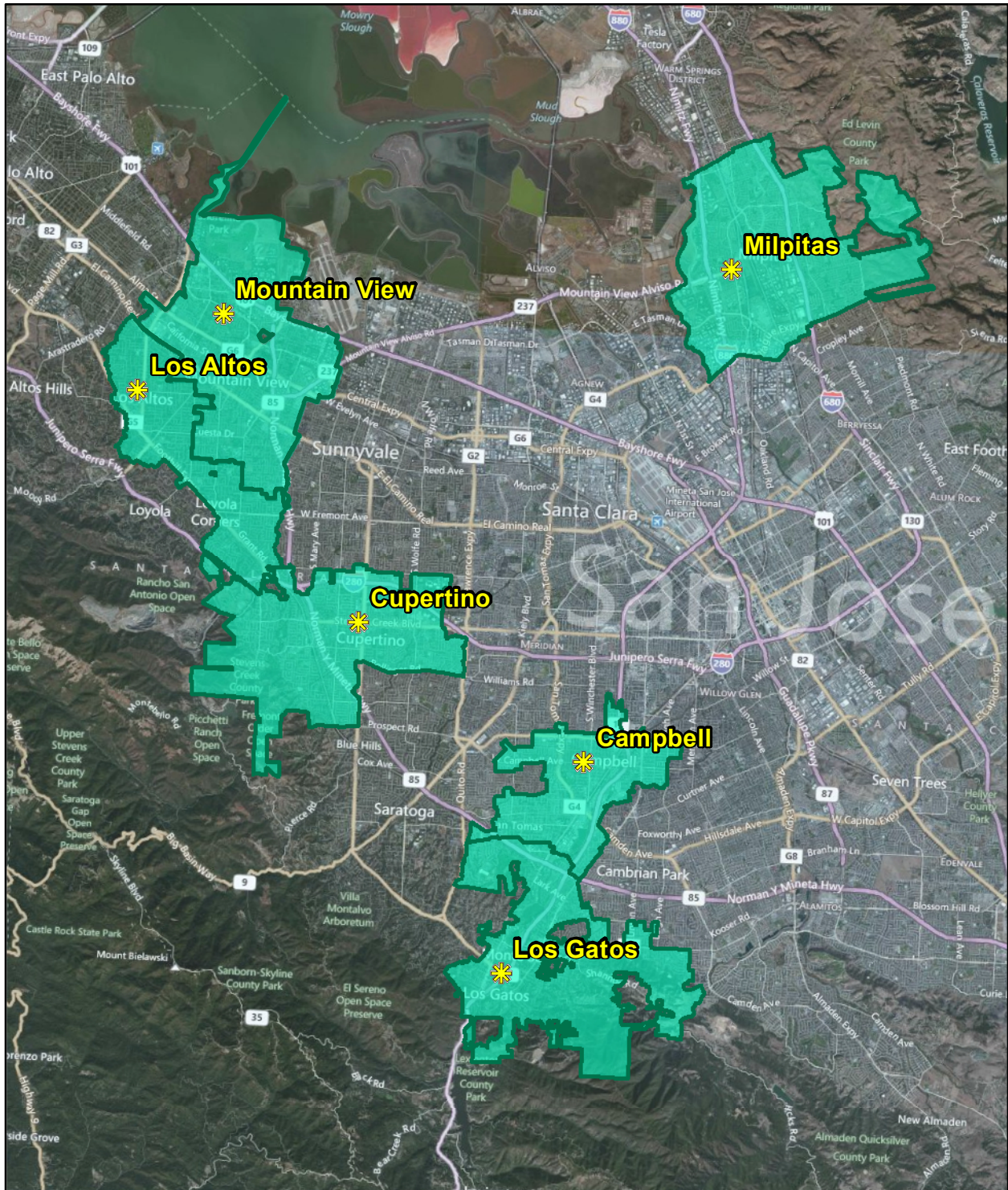
Aerial Map of  
 County of San Mateo and  
 Participating Cities in  
 San Mateo County

0 3 6 Miles



Figure 2-1





Bing Maps Hybrid: (c) 2010 Microsoft Corporation and its data suppliers. Additional baselayer data from San Mateo County Information Services Department, May 2012.

Project Location  
(Participating City Boundary  
in Santa Clara County)

0 1.25 2.5 Miles



Aerial Map of  
Participating Cities in  
Santa Clara County

Figure 2-2

**~~Single-Use~~Reusable Bag Ordinance Ban – Draft Ordinance Language**

**~~March 05, 2012~~ August 9, 2012**

**Definitions**

A. "Customer" means any person obtaining goods from a retail establishment.

B. "Garment Bag" means a travel bag made of pliable, durable material with or without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or the like without crushing or wrinkling the same.

B. "**Nonprofit charitable reuser**" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent of its revenues from the handling and sale of those donated goods or materials.

C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

D. "Prepared food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. "Prepared food" does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

E. "**Recycled paper bag**" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content; is one hundred percent recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

F. "**Public eating establishment**" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of -prepared food to be eaten on or off its premises.

G. "**Retail establishment**" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer; and is located within or doing business within the geographical limits of the County of San Mateo. "Retail establishment" does not include public eating establishments or nonprofit charitable reusers.

H. "**Reusable bag**" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse. A garment bag that meets the above criteria regardless if it has handles or not.



I. **"Single-use carry-out bag"** means a bag other than a reusable bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carry-out bags" do not include bags without handles provided to the customer: (1) to transport prepared food, produce, bulk food or meat from a department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag

**.Single-use carry-out bag.**

A. No retail establishment shall provide a single-use carry-out bag to a customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this section.

B. **On or before December 31, 2014** a retail establishment may make available for sale to a customer a recycled paper bag or a reusable bag for a minimum charge of ten cents.

C. **On or after January 1, 2015** a retail establishment may make available for sale to a customer a recycled paper bag or a reusable bag for a minimum charge of twenty-five cents.

D. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.

E. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; ~~and~~ a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, ~~with one or more recycled paper bags at no cost through December 31, 2014;~~ and a customer participating in CalFresh pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.

**Recordkeeping and Inspection.**

Every retail establishment shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the county during regular business hours by any county employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the county shall be a violation of this section.

### **Administrative fine.**

(a) Grounds for Fine. A fine may be imposed upon findings made by the Director of the Environmental Health Division, or his or her designee, that any retail establishment has provided a single-use carry-out bag to a customer in violation of this Chapter.

(b) Amount of Fine. Upon findings made under subsection (a), the retail establishment shall be subject to an administrative fine as follows:

- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
- (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation;
- (3) A fine not exceeding five hundred dollars (\$500) for the third and subsequent violations;
- (4) Each day that a retail establishment has provided single-use carry-out bags to a customer constitutes a separate violation.

(c) Fine Procedures. Notice of the fine shall be served on the retail establishment. The notice shall contain an advisement of the right to request a hearing before the Director of the Environmental Health Division or his or her designee contesting the imposition of the fine. The grounds for the contest shall be that the retail establishment did not provide a single-use carry-out bag to any customer. Said hearing must be requested within ten days of the date appearing on the notice of the fine. The decision of the Director of the Environmental Health Division shall be based upon a finding that the above listed ground for a contest has been met and shall be a final administrative order, with no administrative right of appeal.

(d) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director of the Environmental Health Division or his or her designee after the hearing, the fine shall be referred to a collection agency.

### **Severability.**

If any provision of this chapter or the application of such provision to any person or in any circumstances shall be held invalid, the remainder of this chapter, or the application of such provision to person or in circumstances other than those as to which it is held invalid, shall not be affected thereby.

### **Enforcement of this chapter when adopted.**

The Environmental Health Division is hereby directed to enforce Chapter 4.114 of Title 4 within an incorporated area of the County of San Mateo if the governing body of that incorporated area does each of the following:

(a) Adopts, and makes part of its municipal code:

(1) Chapter 4.114 of Title 4 in its entirety by reference; or

(2) An ordinance that contains each of the provisions of ~~Chapter 4~~[Chapter 4](#).114 of Title 4

(b) Authorizes, by ordinance or resolution, the Environmental Health Division to enforce the municipal code adopted pursuant to subsection (a) of this section, such authorization to include, without limitation, the authority to hold hearings and issue administrative fines within the incorporated area of the public entity.

**Comparison of Pending and Adopted Bag Ordinances in California**

Municipality	Scope of Ban			Incentives/ Disincentives (Fee amount)	Establishments Affected		Exemptions	Outreach Efforts	Status
	Plastic Only	Paper Only	Both		Restaurants	Retailers & types			
BAY AREA									
San Mateo County									
City of Millbrae	X	--	--	10 cents/per paper bag	N	All Retail	Nonprofit Charitable Reusers		Adopted January 2012. Effective September 1, 2012.
Santa Clara County									
County of Santa Clara	X	--	--	15 cents/per paper bag	N	All Retail	WIC	Staff provided extensive outreach to residents on the environmental benefits of reusable bags and handed out more than 80,000 free reusable bags	Adopted April 2011 Effective January 2012
City of Sunnyvale	X	--	--	10 cents/per paper bag; up to 25 cents in 2014	N	All Retail over \$2M/yr.	Nonprofit Charitable Reusers		Adopted December 2011 Effective June 20, 2012 (grocery stores, convenience stores and large retailers) Effective March 2013 (all retailers)
City of San Jose	X	--	--	10 cents/per paper bag; up to 25 cents in 2014	N	All Retail	Nonprofit Charitable Reusers		Adopted January 2011 Effective January



## Attachment C

### Comparison of Pending and Adopted Bag Ordinances in California

Municipality	Scope of Ban			Incentives/ Disincentives (Fee amount)	Establishments Affected		Exemptions	Outreach Efforts	Status
	Plastic Only	Paper Only	Both		Restaurants	Retailers & types			
									2012
City of Palo Alto	X supermarkets only	--	--	--	N	Non- Supermarkets shall offer paper and plastic or paper only	Hardship		Effective September 2009  Draft expansion ordinance and an EIR are pending.
<b>City and County of San Francisco</b>									
City of San Francisco	Non – compostable plastic only	--	--	10 cents/per paper bag	Y	Y, All Retail	<i>Unknown</i>	Multi-lingual outreach to store employees and customers	Adopted April 2007 In February 2012 San Francisco expanded its bag ban and was sued by the STPBC.
<b>Marin County</b>									
City of Fairfax	X	--	--	Fines for violators	Y	All retail	--		Adopted August 2007 After legal challenge, adopted by voter initiative November 2008
County of Marin	X	--	--	5 cents/per paper bag	N	All Retail over \$2M/yr., store with pharmacy over 10K sq. ft., stores selling	WIC	"Bring your own bag Marin Day", monthly BYOBag Marin days at grocery stores,	Adopted January 2011, court case pending

## Comparison of Pending and Adopted Bag Ordinances in California

Municipality	Scope of Ban			Incentives/ Disincentives (Fee amount)	Establishments Affected		Exemptions	Outreach Efforts	Status
	Plastic Only	Paper Only	Both		Restaurants	Retailers & types			
						perishable items		community festivals, and farmer's markets, grassroots efforts by community advocates (youth volunteers), plastics education at supermarkets, door-to-door merchants	
<b>Santa Cruz County</b>									
County of Santa Cruz	X	--	--	10 cents/per paper bag; after 1 year increase to 25 cents/per bag (no charge for restaurants)	Y	All Retail	WIC	Signs have been placed in parking lots to remind shoppers to bring their bags with them into the stores. The County also gave away 1,000 reusable bags during the first afternoon of the ban at two locations. Ads and fliers.	Adopted September 13, 2011 On-hold / pending some revisions to Ordinance

**Comparison of Pending and Adopted Bag Ordinances in California**

Municipality	Scope of Ban			Incentives/ Disincentives (Fee amount)	Establishments Affected		Exemptions	Outreach Efforts	Status
	Plastic Only	Paper Only	Both		Restaurants	Retailers & types			
City of Santa Cruz	X	--	--	10 cents/per paper bag	N	All Retail	WIC		
<b>Alameda County</b>									
County of Alameda	X	--	--	10 cents/per paper bag; up to 25 cents in 2015	N	All Retail over \$2M/yr., store with pharmacy over 10K sq. ft., stores selling perishable items	WIC		Adopted January 2012 Effective January 1, 2013.
<b>Monterey County</b>									
City of Monterey	X	--	--	10 cents/per paper bag, after 1 yr. up to 25 cents/per bag	N	All Retail	Nonprofit Charitable Reusers, WIC		Adopted December 6, 2011. Effective June 6, 2012.
<b>SOUTHERN CALIFORNIA</b>									
City of Calabasas	X	--	--	10 cents/paper bag	N	Food & Drug Stores, if \$2M/yr., over 10K sf	WIC		Adopted February 2011 Effective July 2011
City of Carpinteria	X (small retailers)	--	X (large retailers)	N/A	Y	Both for large (Over \$5M), only plastic banned for small	Hardship		Adopted March 12, 2012
City of Dana Point	X	--	--	Fines for	N	All Retail over	Hardship		Adopted March 6,

## Attachment C

### Comparison of Pending and Adopted Bag Ordinances in California

Municipality	Scope of Ban			Incentives/ Disincentives (Fee amount)	Establishments Affected		Exemptions	Outreach Efforts	Status
	Plastic Only	Paper Only	Both		Restaurants	Retailers & types			
				violators		\$4M/yr. includes non-profit			2012 Effective in larger stores April 1, 2013, and all other stores October 1, 2013.
City of Laguna Beach	X	--	--	10 cents/per paper bag	N	All Retail	Hardship		Adopted February 2012 Effective January 1, 2013
City of Long Beach	X	--	--	10 cents/per paper bag	N	All Retail over \$2M/yr., store with pharmacy over 10K sq. ft., stores selling perishable items	WIC		Effective in larger stores starting August 2011, and will expand to others stores in 2012.
City of Los Angeles	X	--	--	Free for 1 yr., 10 cents/per paper bag after	N	All Retail	Unknown	Residential: Reusable Bag Giveaway/Tabling Events with multilingual handouts	Adopted May 23, 2012.
City of Malibu	X	--	--	None	Y	All Retail	Hardship		Adopted May 2008 Effective November 2009

## Attachment C

### Comparison of Pending and Adopted Bag Ordinances in California

Municipality	Scope of Ban			Incentives/ Disincentives (Fee amount)	Establishments Affected		Exemptions	Outreach Efforts	Status
	Plastic Only	Paper Only	Both		Restaurants	Retailers & types			
City of Manhattan Beach	X	--	--	None	Y	All Retail	Hardship		Adopted July 2008. Effective after State Supreme court decision in July 2011
City of Ojai	X	--	--	10 cents/per paper bag	N	All Retail	WIC		Adopted April 2012. Effective July 1, 2012.
City of Pasadena	X	--	--	10 cents/per paper bag	N	All Retail over \$2M/yr., store with pharmacy over 10K sq. ft., stores selling perishable items	No charge for paper at Farmer's Markets, City facilities and events, food stamps program,		Adopted November 2011 Effective July 1, 2012 for large stores and supermarkets and December 2012 for convenience stores.
City of Santa Monica	X	--	--	10 cents/per paper bag	Y (but exemption for take-out)	All Retail	WIC		Adopted January 2011 Effective January 2012
County of Los Angeles	X	--	--	10 cents/per paper bag	N	All Retail over \$2M/yr., store with pharmacy over 10K sq. ft., stores selling	WIC	Educate store staff to promote re-usable bags and post signs to encourage customers to	Adopted November 2010  In March 2012, Court ruled that a paper bag charge

## Attachment C

### Comparison of Pending and Adopted Bag Ordinances in California

Municipality	Scope of Ban			Incentives/ Disincentives (Fee amount)	Establishments Affected		Exemptions	Outreach Efforts	Status
	Plastic Only	Paper Only	Both		Restaurants	Retailers & types			
						perishable items		use re-usable bags.	was not a tax under Prop 26. The decision is expected to be appealed.
County of San Luis Obispo (City and County of San Luis Obispo, Atascadero, Grover Beach, Morro Bay, Paso Robles, and Pismo Beach)	X	--	--	10 cents/per paper bag	N	Supermarkets over \$2M/yr., stores over 10K sq. ft.,pharmacies, stores selling perishable items	None		Adopted January 2012 Effective September 1, 2012, except in City of SLO pending court case

*Note: This table does not include all pending or adopted bag ordinances in California. Staff has only summarized outreach efforts for cities where information was readily available online.  
Source: Californians Against Waste, [http://www.cawrecycles.org/issues/plastic\\_campaign/plastic\\_bags/local](http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags/local), accessed August 2012; websites of individual counties and cities listed above.*

## Attachment D

### Environmental Impact Classes:

- Class I Impacts are defined as significant, unavoidable adverse impacts which require a statement of overriding considerations to be issued pursuant to the CEQA Guidelines §15093 if the project is approved.
- Class II Impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under Section 15091 of the CEQA Guidelines.
- Class III Impacts are considered less than significant impacts.
- Class IV Impacts are beneficial impacts.

<p align="center"><i>Summary of Significant Environmental Impacts, Mitigation Measures, and Residual Impacts (Table ES-1 from FEIR)</i></p>		
<u>Impact</u>	<u>Mitigation Measures</u>	<u>Significance After Mitigation</u>
<b>AIR QUALITY</b>		
<b>Impact AQ-1</b> 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 and use. Therefore, air quality impacts related to alteration of processing activities would be Class IV, <i>beneficial</i> .	Mitigation is not required.	The impact would be beneficial without mitigation.
<b>Impact AQ-2</b> With an expected increase in the use of 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 BAAQMD operational significance thresholds. Therefore, operational air quality impacts would be Class III, <i>less than significant</i> .	Mitigation is not required.	Impacts would be less than significant without mitigation.
<b>BIOLOGICAL RESOURCES</b>		
<b>Impact BIO-1</b> 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,	Mitigation is not required.	The impact would be beneficial without mitigation.

*Summary of Significant Environmental Impacts,  
Mitigation Measures, and Residual Impacts  
(Table ES-1 from FEIR)*

<b><u>Impact</u></b>	<b><u>Mitigation Measures</u></b>	<b><u>Significance After Mitigation</u></b>
<i>beneficial.</i>		
<b>GREENHOUSE GAS EMISSIONS</b>		
<b>Impact GHG-1</b> The Proposed Ordinance would increase the number of single-use paper bags used in the Study Area. Implementation of the Proposed Ordinance would incrementally increase GHG emissions compared to existing conditions. However, emissions would not exceed thresholds of significance. Impacts would be Class III, <i>less than significant</i> .	Mitigation is not required.	The impact would be less than significant without mitigation.
<b>Impact GHG-2</b> The Proposed Ordinance would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. Impacts would be Class III, <i>less than significant</i> .	Mitigation is not required.	The impact would be less than significant without mitigation.
<b>HYDROLOGY/WATER QUALITY</b>		
<b>Impact HWQ-1</b> 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, <i>beneficial</i> .	Mitigation is not required.	The impact would be beneficial without mitigation.
<b>Impact HWQ-2</b> 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 altering bag processing activities would be Class III, <i>less than significant</i> .	Mitigation is not required.	Impacts would be less than significant without mitigation.
<b>UTILITIES AND SERVICE SYSTEMS</b>		
<b>Impact U-1</b> The increase of reusable bags within the Study Area as a result of the Proposed Ordinance would incrementally increase water demand by a negligible amount due to washing of reusable bags. However, sufficient water supplies are available to meet the demand created by	Mitigation is not required.	Impacts would be less than significant without mitigation.



*Summary of Significant Environmental Impacts,  
Mitigation Measures, and Residual Impacts  
(Table ES-1 from FEIR)*

<b><u>Impact</u></b>	<b><u>Mitigation Measures</u></b>	<b><u>Significance After Mitigation</u></b>
reusable bags. Therefore, water supply impacts would be Class III, <i>less than significant</i> .		
<b>Impact U-2</b> Water use associated with washing reusable bags would increase negligibly resulting in an increase in wastewater generation in the Study Area. 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, <i>less than significant</i> .	Mitigation is not required.	Impacts would be less than significant without mitigation.
<b>Impact U-3</b> 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, <i>less than significant</i> .	Mitigation is not required.	Impacts would be less than significant without mitigation.



County of San Mateo

**Attachment D**

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**Planning & Building Department**

455 County Center, 2nd Floor  
Redwood City, California 94063  
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122  
plngbldg@smcgov.org  
[www.co.sanmateo.ca.us/planning](http://www.co.sanmateo.ca.us/planning)

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September 18, 2012

Dean D. Peterson, Director  
Environmental Health Services  
2000 Alameda de las Pulgas, Suite 100  
San Mateo, CA 94403

Dear Mr. Peterson:

Subject: **NOTICE OF DECISION**  
File Number: PLN2012-00136  
Location: Unincorporated San Mateo County

On September 12, 2012, the San Mateo County Planning Commission considered: (1) the certification of a Final Program Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act (CEQA), that analyzes the adoption of a Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) by the County of San Mateo and by cities in San Mateo County (Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco, Woodside) and by cities in Santa Clara County (Milpitas, Cupertino, Los Gatos, Los Altos, Campbell, Mountain View); and (2) a proposed Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) that would apply to retail establishments (including those selling clothing, food, and personal items directly to the customer, but would not apply to restaurants nor charitable reuse organizations) and 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 (minimum charge would be ten cents (\$0.10) until December 31, 2014 and twenty-five cents (\$0.25) on or after January 1, 2015), within unincorporated areas of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission recommended (4-0-0-0) that the Board of Supervisors: 1) Certify the Final Program EIR and 2) Adopt the Reusable Bag Ordinance. The Commission also recommends the following requirements to be added in the applicant's report to the Board of Supervisors: a) That, at the end of 12 months from the effective date of the Ordinance, the applicant provide a report to the Board of Supervisors and the Planning Commission on the performance of the Ordinance in meeting project objectives and 2) That, at the end of 18 months from the effective date of the Ordinance, the applicant provide a report to the Board of Supervisors and the Planning Commission with recommendations for modification of the program, as necessary, to improve achievement of project objectives.

In addition, Commissioner Slocum requested that the applicant provide in its report to the Board of Supervisors a detailed description of outreach efforts to small retail establishments, including distribution of reusable bags to be purchased in bulk by the County, and a description of plans to offset the cost of the program to the County.

If you have questions regarding this matter, please contact Camille Leung, Project Planner, at 650/363-1826 or Email: [cleung@smcgov.org](mailto:cleung@smcgov.org).

Sincerely,



Debra Robinson for Rosario Fernandez

Planning Commission Secretary

0912w\_11\_dr

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also available at: <http://www.co.sanmateo.ca.us/planning/survey>

cc:

California Coastal Commission

County Counsel

Donald J. Bahl

Lauren Dockendorf

Miriam Gordon

Lennie Roberts, Committee for Green Foothills



## COUNTY OF SAN MATEO

COUNTY GOVERNMENT CENTER • REDWOOD CITY • CALIFORNIA 94063-1655  
WEB PAGE ADDRESS: <http://www.co.sanmateo.ca.us>

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COUNTY MANAGER/  
CLERK OF THE BOARD

(650) 363-4653  
(650) 599-1027 FAX

October 3, 2011

Ms. Naomi Patridge, Mayor  
City of Half Moon Bay  
501 Main Street  
Half Moon Bay, CA 94019

Re: Single-Use Carryout Bag Ordinance

Dear Ms. Patridge,

On September 27<sup>th</sup>, the Board of Supervisors held a study session to discuss the adoption of an ordinance prohibiting the issuance of plastic and other single-use carryout bags at the point-of-sale. A copy of the staff report is included for your reference.

During the discussion portion of the study session, the Board expressed its desire for an ordinance that would apply consistently across as many jurisdictions in San Mateo County as possible. To that end, we are writing you to gauge your city's interest in joining a county-wide working group to formulate such an ordinance.

The working group would focus primarily on four elements of the ordinance:

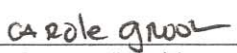
- 1) Which types of bags should be banned at the point-of-sale.
- 2) Whether, in conjunction with a ban on the issuance of single-use carryout bags at the point-of-sale, to require a fee for paper bags;
- 3) Which, if any, types of establishments to exclude from the ordinance's requirements; and
- 4) How the ordinance should be enforced.

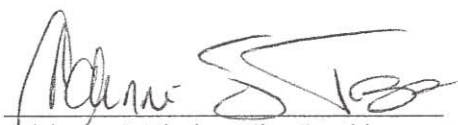
In addition, because a county-wide ordinance will likely necessitate the preparation of an EIR, the working group will have to discuss how it should be financed.

If you are interested in having your city participate in this working group, please contact Eric Pawlowsky of Supervisor Groom's staff at (650) 363-4314 or [epawlowsky@smcgov.org](mailto:epawlowsky@smcgov.org). If there is sufficient interest from cities within the County, we will follow up with you to schedule the working group's first meeting.

Thank you for consideration. We look forward to working with you.

Sincerely,

  
Carole Groom, President  
San Mateo County Board of Supervisors

  
Adrienne J. Tissier, Vice President  
San Mateo County Board of Supervisors

**Reusable Bag Ordinance Final Program EIR**

**Lead Agency: County of San Mateo**

**Participating Agency:**

**Date of Ordinance Adoption:**

**Checklist for Participating City's Tiered Project Compliance with the California Environmental Quality Act ("CEQA")**

The following checklist is provided as an aid to cities participating in the Reusable Bag Ordinance studied in the Final Program Environmental Impact Report ("Final Program EIR") prepared by the County of San Mateo ("County") and certified on \_\_\_\_\_, 2012. Participating cities should familiarize themselves with the requirements of 14 Cal. Code Regs. § 15168(c) before proceeding to rely on this checklist.

- ☐ The City proposes to adopt an ordinance that is textually identical to the Reusable Bag Ordinance adopted by the County of San Mateo on \_\_\_\_\_, 2012 in all respects other than the name of the jurisdiction, date of adoption, and other conforming changes (e.g., references to city officials and departments).
  - ☐ The City is listed as a participating agency in the Initial Study and Final 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.
  - ☐ 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.
  - ☐ An appropriate legislative body of the City's has adopted a resolution finding that none of the conditions listed in 14 Cal. Code Regs. § 15162(a) are applicable to its adoption of the ordinance, and that its adoption of its ordinance is an activity that is part of the program examined by the County's Final Program EIR and is within the scope of the project described in the County's Final Program EIR.

OR

- ☐ The City proposes to adopt an ordinance that makes minor alterations to the legislative terms of the Reusable Bag Ordinance adopted by the County of San Mateo ("County") on \_\_\_\_\_, 2012.

- ☐ The City is listed as a participating agency in the Initial Study and Final 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.
  - ☐ The City's proposed ordinance varies from the County of San Mateo's Reusable Bag Ordinance in the following respects: [LIST]
- 
- ☐ An appropriate legislative body of the City has adopted a resolution finding pursuant to 14 Cal. Code Regs. § 15162(a) that notwithstanding the minor textual alterations listed above, such changes are not "substantial," that no new effects could occur or no new mitigation measures would be required as a result of those alterations, and that the activity is within the scope of the project covered by the Final Program EIR.
  - ☐ An appropriate legislative body of the City has adopted a resolution finding that none of the other conditions listed in 14 Cal. Code Regs. § 15162(a) are applicable to its adoption of the ordinance, and that its adoption of its ordinance is an activity that is part of the program examined by the County's Final Program EIR and is within the scope of the project described in the Final County's Program EIR.