

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ADOPTING AN ADDENDUM TO THE LOS ANGELES COUNTY FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR ORDINANCES TO BAN PLASTIC CARRYOUT BAGS IN LOS ANGELES COUNTY, ADOPTING A MITIGATION MONITORING PROGRAM, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**

**WHEREAS**, on November 16, 2010, the County of Los Angeles Board of Supervisors certified a Final Environmental Impact Report for Ordinances to Ban Plastic Carryout Bags in Los Angeles County, State Clearinghouse No. 2009111104 ("FEIR") (Attachments A1-A3), made findings of fact, adopted a Mitigation Monitoring Program (Attachment A4), adopted a Statement of Overriding Considerations (Attachment A5), and adopted an ordinance amending Title 12 - Environmental Protection of the Los Angeles County Code (Attachment A6), relating to regulating the use of plastic carryout bags and recyclable paper carryout bags and promoting the use of reusable bags within the County unincorporated area; and

**WHEREAS**, as one of the 88 incorporated cities within Los Angeles County, the City of Pasadena is considering an ordinance to ban plastic carryout bags consistent with the ordinance analyzed in the County's FEIR and adopted by the Board of Supervisors; and

**WHEREAS**, pursuant to Section 15164 of the California Environmental Quality Act ("CEQA") Guidelines, an addendum to a previously adopted Final EIR is the appropriate environmental document in instances when only minor technical changes or

additions are necessary and when the new information does not involve new significant environmental effects beyond those identified in an adopted FEIR; and

**WHEREAS**, City staff prepared an Addendum to the FEIR in accordance with CEQA which describes the City's proposed ordinance and compares the impacts of the City's proposed ordinance to those identified for the County's Ordinance; and

**WHEREAS**, the Addendum was circulated for public review and comment from September 19, 2011 to October 3, 2011; and

**WHEREAS**, the City Council held a duly noticed public hearing on the FEIR, the Addendum, and the City's proposed ordinance on October 3, 2011; and

**WHEREAS**, the findings made in this resolution are based upon the information and evidence set forth in the FEIR, the Addendum, and upon other substantial evidence that has been presented at all public meetings regarding the City's proposed ordinance and in the record of the proceedings. The documents, staff reports, technical studies, appendices, City's proposed ordinance and other materials that constitute the record of proceedings on which this resolution is based are on file and available for public examination during normal business hours in the Planning and Development Department and with the Director of Planning, who serves as the custodian of these records; and

**WHEREAS**, the City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Addendum

and the City's proposed ordinance and that the comment process has fulfilled all requirements of State and local law; and

**WHEREAS**, the City Council, as the decision-making body for the lead agency, has independently reviewed and considered the contents of the FEIR, the Addendum, and all documents and testimony in the record of proceedings prior to deciding whether to adopt the Addendum; and

**WHEREAS**, all other legal prerequisites to the adoption of this resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA  
RESOLVES AS FOLLOWS:**

**I. RESOLUTION REGARDING ADOPTION OF THE ADDENDUM AND  
MITIGATION MONITORING PLAN**

Pursuant to State CEQA Guidelines Section 15164, the City Council finds that: (1) changes or additions to the FEIR were necessary but none of the conditions described in State CEQA Guidelines Section 15162 or 15163 calling for preparation of a subsequent or supplemental EIR have occurred; (2) the City Council considered the Addendum with the FEIR prior to making a decision whether to direct staff to prepare the City's proposed ordinance; (3) the Addendum is an accurate and objective statement that fully complies with CEQA, the State CEQA Guidelines, the City's local environmental guidelines, and (3) the Addendum reflects the independent judgment of the lead agency.

The City Council further finds that the additional information provided in the staff report, in the comments (and any responses thereto) received after circulation of the Addendum, in the evidence presented in written and oral testimony presented at public meetings, and otherwise in the administrative record, does not constitute new information requiring revision to the Addendum. None of the information presented to the City Council after circulation of the Addendum has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the City's proposed ordinance or a feasible mitigation measure or alternative that the City has declined to implement.

The City Council finds that one of the mitigation measures presented in the FEIR, and included in the County's Mitigation Monitoring Plan, is applicable to the City's proposed ordinance, namely mitigation measure GHG-1. Accordingly, the City Council adopts the County of Los Angeles' Findings of Fact adopted for the FEIR, incorporated herein as Attachment A5, and the County of Los Angeles' Mitigation Monitoring Program, incorporated herein as Attachment A4. The City Council adopts the Addendum based on the findings and conclusions herein.

## **II. RESOLUTION REGARDING ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to State CEQA Guidelines Section 15093, the City Council declares that the City of Pasadena has balanced the economic, legal, social, technological, and other benefits of the City's proposed ordinance against its unavoidable environmental risks in

determining whether to direct staff to prepare the City's proposed ordinance. If these benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The City's proposed ordinance, like that of the County's ordinance, will likely result in significant and unmitigable impacts associated with cumulative greenhouse gas emissions. The City Council finds that the City's proposed ordinance benefits outweigh its unavoidable adverse environmental effects, finds that this Statement of Overriding Considerations is supported by substantial evidence in the administrative record, and therefore adopts the following Statement of Overriding Considerations.

#### **STATEMENT OF OVERRIDING CONSIDERATIONS**

1. The City's proposed ordinance supports and furthers the City's commitment to environmental stewardship. In September of 2006 the City proclaimed its support for the United Nations' Urban Environmental Accords and the U.S. Mayors' Climate Protection Agreement, thereby committing the City's best efforts toward providing a clean, health and safe environment for all members of society, and adopted a Green City Action Plan. In February of 2008 the City adopted the Green Cities California Sustainability Resolution, thereby committing the City to taking action to accelerate local, regional, national and international efforts to achieve sustainability; to working with other local governments throughout the state and the nation to adopt and implement sustainable policies and practices; and to working together with other Green

Cities California members to, among other goals, influence state and national actions that reduce greenhouse gas emissions; reduce waste to landfills; extend producer responsibility; and distribute environmental benefits and burdens in an equitable manner. The City's proposed ordinance will substantially further these City commitments.

2. The City's proposed ordinance will protect the natural resources of the City from the adverse impacts associated with plastic bag litter. As but one important example, the Arroyo Seco in Pasadena has undergone (and continues to undergo) restoration and remediation to protect its value as a recreational and natural resource of the City. Plastic bag litter impacts the Arroyo Seco Watershed's water quality, its beauty and its value as a recreational resource. The Los Angeles Regional Water Quality Control Board has listed trash as one major contaminant that pollutes the Arroyo Seco stream, and pursuant to the California Clean Water Act § 303(d) the Arroyo is listed as an impaired waterway for trash. The City's proposed ordinance will ensure that the recreational and natural environment of the Arroyo Seco does not degrade, and indeed is remediated, from the impacts associated with plastic bag litter.
3. The City's proposed ordinance will result in significant cost savings to the City in reducing the need to clean up litter associated with plastic bags. Pasadena maintains 1,020 catch basins in the City and disposes of nearly 13 tons from

City maintained basins. While admittedly very difficult to quantify, the City would save tens of thousands of dollars from reduced litter attributable to plastic bags. (The combined costs of the annual clean-up of catch basins within the City in FY08, including those maintained by the City and those maintained by the County, was estimated at \$47,384.) Further, the City spends an estimated \$1.5 million annually for street sweeping, 12% of which can be attributed to plastic bags.

4. The City's proposed ordinance will greatly assist the City with achieving compliance with the Los Angeles Regional Water Quality Control Board's establishment of a zero trash goal for the Los Angeles River Watershed. The RWQCB established a 10% annual reduction target until zero trash is reached by 2014.
5. The City of Pasadena adopts the Statement of Overriding Considerations adopted by the County of Los Angeles incorporated herein as Attachment A4. This incorporation is appropriate given that, because the need to address the adverse impacts associated with plastic bag litter stretch far beyond the Pasadena area, the City's proposed ordinance incrementally contributes to the benefits and overriding considerations enumerated by the County.

**III. RESOLUTION REGARDING NOTICE OF DETERMINATION**

Staff is directed to file a Notice of Determination with the Clerk of the County of Los Angeles within five working days of second reading of the City's proposed ordinance.

Adopted at the \_\_\_\_\_ meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Mark Jomsky, CMC  
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes  
Assistant City Attorney

Attachments: All attachments hereto were provided to the Council on a disc with the agenda packet.

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