

1.0 INTRODUCTION

This document is a Draft Environmental Impact Report (EIR) for the proposed Huntington Beach Single-Use Carryout Bag Ordinance. The Ordinance would prohibit specified retail establishments in Huntington Beach from providing single-use plastic carryout bags to customers at the point of sale, and would create a mandatory ten cent (\$0.10) charge for each recyclable paper bag distributed by these stores. The intent of the Single-Use Carryout Bag Ordinance is to reduce the number of single-use carryout bags used in the City and to promote the use of reusable bags by Huntington Beach retail customers. The Single-Use Carryout Bag Ordinance would apply to three specified categories of retail establishments located within Huntington Beach's corporate limits, including: (1) full-line, self-service retail stores with gross annual sales of two million dollars (\$2,000,000), or more, that sell a line of dry grocery, canned goods, or nonfood items and some perishable items; (2) stores of at least 10,000 square feet of retail space that sell any perishable or non-perishable goods, including, but not limited to, clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law [Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code]; or (3) drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, foodmarts, or other entities engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control. The Ordinance is described in greater detail in Section 2.0, *Project Description*. This section discusses:

- *The project background;*
- *The legal basis for preparing an EIR;*
- *The scope and content of the EIR;*
- *Lead, responsible, and trustee agencies; and*
- *The environmental review process required under the California Environmental Quality Act (CEQA).*

1.1 PROJECT BACKGROUND

In response to concerns regarding the environmental impacts related to single-use carryout bags, the Huntington Beach City Council on October 3, 2011 directed city staff to prepare a Single-Use Carryout Bag Ordinance that would ban the distribution of single-use plastic carryout bags. City staff has prepared a draft Single-Use Carryout Bag Ordinance consistent with the Council's direction. This document is an EIR that analyzes the proposed Ordinance's environmental impact in accordance with CEQA requirements.

A number of cities and counties have considered or passed similar ordinances within their respective jurisdictions. These include, but are not limited to: the City of San Francisco, the City of Seattle, the County of Los Angeles, the City of Berkeley, the City of San Jose, the City of Manhattan Beach, the City of Palo Alto, Marin County, the City of Malibu, the City of Santa Monica, Santa Clara County, the City of Sunnyvale, and the City of Long Beach.

A Notice of Preparation (NOP) of an EIR was prepared for the proposed Ordinance and distributed on November 17, 2011 for agency and public review for a 32-day review period.



The City received letters from the City of Huntington Beach Environmental Board and the Department of Transportation (DOT) in response to the NOP. The Department of Transportation did not have any comments specific to the environmental analysis. The City of Huntington Beach Environmental Board's comments included concerns related to hydrology (which are addressed in Section 4.4, *Hydrology and Water Quality*), air quality (which are addressed in Section 4.1, *Air Quality*), biological resources (which are addressed in Section 4.2, *Biological Resources*), and greenhouse gas emissions (which are addressed in Section 4.3, *Greenhouse Gas Emissions*). The Environmental Board also suggests that "robust models" of analysis in additions to Life Cycle Analysis be included in the EIR. This comment is addressed in Section 4.1, *Air Quality* and Section 4.3, *Greenhouse Gas Emissions* in the Methodology section which identifies how impacts related to carryout bags are calculated. Finally, the Environmental Board suggests that recreation impacts be further discussed in the EIR. However, as stated in the Initial Study (see Appendix A) the project would not require the construction or expansion of recreational facilities, and would reduce negative impacts on existing recreational facilities relating to the visibility and amount of litter (thus somewhat improving recreation facilities). Because it is anticipated that recreation facilities would be improved as a result of the proposed Ordinance, impacts are considered less than significant and no further analysis is required in the EIR. The City also conducted a public scoping meeting during the NOP comment period, which took place on December 7, 2011 at 6:00 p.m. The NOP and Initial Study prepared for the project are presented in Appendix A.

1.2 PURPOSE AND LEGAL AUTHORITY

The proposed Single-Use Carryout Bag Ordinance requires the discretionary approval of the Huntington Beach City Council. Therefore, it is subject to the requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR has been prepared as a Project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for a specific development project. As stated in the *CEQA Guidelines*:

This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.

This EIR is to serve as an informational document for the public and City of Huntington Beach decision-makers. The process will culminate with City Council hearings to consider certification of a Final EIR and approval of the Ordinance. Section 2.6 in Section 2.0, *Project Description*, provides a detailed description of approvals that may be necessary for the proposed project.



1.3 SCOPE AND CONTENT

This EIR addresses the issues that the City of Huntington Beach determined could potentially have significant effects. The issues addressed in this EIR include:

- *Air Quality*
- *Biological Resources*
- *Greenhouse Gas Emissions*
- *Hydrology/Water Quality*

This EIR addresses the issue areas referenced above that were identified in an Initial Study as having potentially significant environmental impacts. The Initial Study is included in Appendix A.

The EIR references pertinent City policies and guidelines, certified EIRs and other adopted CEQA documents, and background documents prepared by the City in preparing the proposed Ordinance. A full reference list is contained in Section 7.0, *References and Report Preparers*.

The alternatives section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines*. The alternatives discussion evaluates the CEQA-required “no project” alternative and two alternative scenarios for the Ordinance. It also identifies the environmentally superior alternative among the alternatives assessed.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. The *CEQA Guidelines* state:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure. (Section 15151)

1.4 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City of Huntington Beach is the lead agency for the project because it holds principal responsibility for approving the Ordinance.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project, and a trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. There are no responsible or trustee agencies for the proposed project.



1.5 ENVIRONMENTAL REVIEW PROCESS

The major steps in the environmental review process, as required under CEQA, are outlined below. The steps are presented in sequential order.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the proposed project could create significant environmental impacts.
2. **Draft Environmental Impact Report.** The Draft EIR must contain:
 - a) Table of contents or index;
 - b) Summary;
 - c) Project description;
 - d) Environmental setting;
 - e) Discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts);
 - f) Discussion of alternatives;
 - g) Mitigation measures; and
 - h) Discussion of irreversible changes.
3. **Notice of Completion/Notice of Availability of Draft EIR.** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability for the Draft EIR. The lead agency must place the Notice in the County Clerk's office for 45 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public, and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the Clearinghouse (Public Resources Code 21091) approves a shorter period.
4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).



6. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

