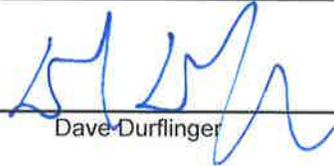


**STAFF REPORT**  
**COUNCIL MEETING DATE:**  
**July 9, 2012**

**ITEM FOR COUNCIL CONSIDERATION:**

Adoption of Ordinance No. 657, amending Chapter 8.51 of the Carpinteria Municipal Code pertaining to commercial establishments dispensing single-use carryout bags to customers in the City of Carpinteria.

City Manager

  
Dave Durflinger

City Attorney

  
Peter Brown

**STAFF RECOMMENDATION:**

ACTION ITEM X ; NON-ACTION ITEM \_\_\_\_

Approve first reading of Ordinance No. 657.

Sample Motion: I move to approve Ordinance No. 657, on first reading, and to schedule the second reading of the Ordinance for the regular City Council meeting of July 23, 2012.

**I. BACKGROUND:**

At its regular meetings of March 12, 2012, the City Council adopted Ordinance No. 655, an amendment to the Carpinteria Municipal Code, which established regulations pertaining to the distribution by business operators to customers of single-use bags in the City of Carpinteria. The provisions of the ordinance were established as Carpinteria Municipal Code Chapter 8.51, and titled "Single-Use Bag Regulations".

Ordinance No. 655, became effective on April 11, 2012. Shortly after its adoption, the Save the Plastic Bag Coalition filed a lawsuit in Santa Barbara Superior Court (*Save the Plastic Bag Coalition v. City of Carpinteria*, Case No. 1385674), claiming that the use of single-use bags by restaurants in California is regulated by State law under the Health &

Safety Code and therefore local agencies in California, including the City of Carpinteria, are preempted from regulating the use of such bags by restaurants.

The City disagrees with the claims made by the Save the Plastic Bag Coalition concerning preemption by State law and has concluded that materials used for carryout bags provided to customers are not regulated by the State as a matter of food safety; however, in light of the uncertainties and costs associated with litigation, the City and the Save the Plastic Bag Coalition reached a Settlement Agreement.

The Settlement Agreement lays out proposed amendments to the City's Ordinance that would exempt restaurants from the Ordinance. At its regular meeting of June 25, 2012, the City Council considered the proposed amendments from the Settlement Agreement along with two other complementary amendments proposed by staff, and directed staff to prepare a draft ordinance for its consideration based on the proposed amendments to the City's single-use bag regulations.

The purpose of this agenda matter is to allow the City Council to consider draft Ordinance No. 657, which would amend City of Carpinteria Municipal Code Chapter 8.51, Single-Use Bag Regulations. If approved, the Ordinance will be scheduled for a second reading at the next regular City Council meeting on July 23, 2012.

## **II. ANALYSIS:**

The City's Single-Use Bag regulations, as established by Ordinance No. 655 and codified as Carpinteria Municipal Code Chapter 8.51, serve to limit the use by commercial establishments of all single-use bags, i.e., paper or plastic, being provided to customers for carryout purchases. The purpose of the regulations is to protect the local environment, including unique coastal resources and environmentally sensitive habitat areas, to reduce the amount of waste produced by the community, and to prevent trash and debris from polluting creeks and ocean waters.

The draft Ordinance proposed for adoption would make three changes to the City's existing single-use bag regulations: those changes necessary to implement the terms of the previously discussed Settlement Agreement, a change recommended by staff that would allow certain Grocery Stores to distribute single-use paper bags, and a change in the date for implementation of phase one of the regulations affecting Large Commercial Establishments

A. Settlement Agreement Changes. The proposed amendments detailed in the Settlement Agreement include the following:

1. Amend Subsection C of section 8.51.030, the definition of Small Commercial Establishment, to read as follows: "Small Commercial Establishment" is a commercial establishment that does not qualify as a large commercial establishment.

2. Subsection D of section 8.51.030, the definition of "Food Provider" would be deleted and replaced by a definition of "Restaurant". The definition of restaurant would read: "Restaurant" means any person or establishment doing business within the City of Carpinteria, that provides prepared food or beverage for public consumption on or off its premises and includes any restaurant, café, bakery, grocery or convenience store food counter or delicatessen, or catering truck vehicle.
3. Subsection F would be added to Section 8.51.050 (Exemptions) and read: All Restaurants shall be exempt from the requirements of this Chapter.

B. Markets with Food Counters. Most Grocery Stores in Carpinteria are hybrids that include food counters or delicatessens. The Settlement Agreement changes described above would result in these parts of Grocery Stores being included in the definition of Restaurant. Because Restaurants would be permitted to provide customers with single-use bags but Grocery Stores are currently prohibited from providing single-use bags, staff finds that some adjustment in the existing regulations pertaining to certain Grocery Stores is warranted.

In larger Grocery Stores such as Vons or Albertsons within which there are "Restaurants", single-use bags would be limited to being distributed at the food service counter or similar food service area. For example, it is expected that single-use bags would be provided at the deli counter but not at the check-out stands. The distinction between areas of the store subject to different standards with regard to single-use bag distribution to customers is expected to be fairly easy for the stores to establish, for customers to understand, and for the City to enforce.

Many markets with small floor areas in Carpinteria also include Restaurants. In these stores, currently also defined as Grocery Stores, the restaurant food is typically sold from the same counter that sundries and other grocery items are sold. Staff is concerned that at these stores it may be impractical for operators to make distinctions between customers that are permitted to receive single-use bags, i.e., Restaurant customers, and those that are not, i.e., any non-Restaurant customer, and difficult for the City to establish an effective compliance program.

In order to address this issue, Ordinance No. 657 has been drafted to amend the definition of Grocery Store, section F of CMC 8.51.030, to only include stores of greater than 3,000 square feet in area. With this change, markets with floor areas of 3000 square feet or less would be included in the group of stores defined as Small Commercial Establishments, and would therefore be permitted to provide single-use paper bags to customers.

Staff is not recommending that all stores be permitted to carry single-use paper bags because reduction in the distribution of all single-use bags in Carpinteria, including paper, remains an important objective of the City Council's purpose for regulating

single-use bags. It has been well established in evidence presented at prior City Council meetings that Large Commercial Establishments, as would be redefined by the proposed ordinance, distribute a vast majority of the single-use bags in the City and therefore regulating these store types by restricting the distribution of both paper and plastic single-use bags remains critical in order for City objectives to be met.

Based on the change proposed in the definition of Grocery Stores, staff has identified in the table below stores that would be redefined as Small Commercial Establishments and permitted to provide customers with single-use paper bags.

<b>Address #</b>	<b>Street</b>	<b>Square feet</b>	<b>Name</b>
4502	Carpinteria Avenue	2,240	Mi Fiesta Market
4795	Carpinteria Avenue	2,482	Reyes Market
4860	Carpinteria Avenue	1,098	Coastal Liquor
4928	Carpinteria Avenue	1,500	La Tiendita
5292	Carpinteria Avenue	1,200	City Market Center
1047	Casitas Pass Road	1,152	The Meat n Place/La Carniceria
1116	Casitas Pass Road	1,663	Arco-AM/PM
501	Linden Avenue	2,080	City Market #15
794	Linden Avenue	2,052	Beach Liquor
944	Linden Avenue	1,968	Pacific Health Foods
4290	Via Real	2,159	Chevron
4410	Via Real	2,400	7-11

- C. Timing of Implementation. The first phase of implementation of the City's single-use bag regulations is schedule to begin July 11, 2012, applying to those businesses defined as Large Commercial Establishments. Staff has already begun outreach and been in contact with 13 of these businesses.

The proposed ordinance would alter the standards that apply to many of the businesses subject to the July 11, 2012 implementation date. Also, the proposed ordinance would recategorize certain businesses such that they would now be included in the second phase of implementation and not be required to comply with the new standards until April 11, 2013.

As such, the City Council has suspended the first phase of implementation of the existing single-use bag and directed staff to include a new implementation date in the proposed ordinance. Ordinance No. 657 includes a new first phase implementation date that is approximately 60 days from its effective date. For example, if the second reading of the revised Ordinance is approved as projected on July 23, 2012, the Ordinance would become effective 30 days thereafter on August 22, 2012, and therefore the Ordinance would apply to Large Commercial Establishments beginning on Monday, October 22, 2012.

### **III. ENVIRONMENTAL CLEARANCE:**

As has been discussed at prior City Council meetings, when analyzing single-use plastic bag regulations for the City of Manhattan Beach, the California Supreme Court upheld the City's use of a negative declaration, finding that "common sense" dictated a conclusion that due to the City of Manhattan Beach's size (under 40,000 people with fewer than 220 retailers), a ban on plastic bags was not likely to cause any significant direct or indirect environmental impact. A similar analysis would likely apply to any single-use bag regulations in the City of Carpinteria due to its small size, relatively small number of retailers, and the fact that Albertsons, one of the City's largest distributors of single-use plastic bags has already voluntarily stopped providing single-use bags to its customers.

The City has determined that the regulations proposed by Ordinance No. 657 would result in beneficial effects on the local and global environment; that there would be no adverse effects; and, therefore, that the project is exempt from CEQA review under CEQA Guidelines §§ 15307, 15308, and 15061(b)(3). This proposed exemption is reflected in Ordinance No. 657.

### **IV. LEGAL ISSUES:**

If the Council amends the Ordinance to conform to the proposed terms in the Settlement Agreement, the Settlement Agreement requires the Save the Plastic Bag Coalition to dismiss the existing challenge to the Ordinance with prejudice. The Coalition could not challenge the new Ordinance with any type of claim (i.e., preemption by the Retail Food Code, California Environmental Quality Act (CEQA), or some other legal theory) so long as the terms generally conform to the amendments discussed above and in the Settlement Agreement which exempt Restaurants from the Single-Use Bag regulations.

It should be noted, however, that if the Ordinance is amended, the City will be taking a new discretionary action that could be challenged by another entity under any legal theory, including preemption under the Retail Food Code and CEQA. As we have discussed previously, there are three main types of challenges that have been filed against single-use bag bans by local agencies: CEQA, Proposition 26, and preemption under the Retail Food Code.

CEQA. The City previously relied on two categorical CEQA exemptions (Guideline §§ 15307 and 15308) when enacting the previous Ordinance. As discussed above, the same exemptions apply to the subject Ordinance.

Proposition 26. Other local agencies have adopted a charge for paper bags in an attempt to prevent customers from switching from plastic to paper after the ban. The City's Ordinance bans paper bags at large commercial establishments; it has not adopted a charge for paper bag use. As long as the City does not amend the Ordinance to charge for paper bags, there is limited risk of attracting a Proposition 26 challenge to the Ordinance.

Preemption under the Retail Food Code. The Coalition is the only entity challenging local Ordinances claiming preemption by the Retail Food Code; however, another entity could make a similar claim. No trial court in Santa Barbara County or Court of Appeal in California has ruled on the issue, so although we do not believe the claim is supported by the case law, due to the uncertainties of litigation, it is impossible to know how a Court would rule on the issue.

#### **V. ATTACHMENTS:**

Ordinance No. 657, Amendment to CMC 8.51, Single-Use Bag Regulations  
Notice of Exemption

**ORDINANCE NO. 657**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA,  
CALIFORNIA, AMENDING CHAPTER 8.51 OF THE CARPINTERIA MUNICIPAL  
CODE PERTAINING TO THE REGULATION OF SINGLE-USE BAGS**

**WHEREAS**, the City of Carpinteria (“City”) pursuant to its police powers has the authority to enact laws which promote the public health, safety and general welfare of its residents; and

**WHEREAS**, the City is required under state and federal law to implement policies and programs to protect unique coastal resources and environmentally sensitive habitat areas (California Coastal Act), reduce the amount of waste produced by the community (i.e., AB 939, AB 341, AB 32), and prevent storm water runoff, trash, and debris from polluting creek and ocean waters (National Pollutant Discharge Elimination System Permit Program and the State Municipal Storm Water Permitting Program); and

**WHEREAS**, the State Legislature passed the Environmental Protection – Recycling – Plastic Carryout Bags Act (AB 2449) in 2007, with the stated intent of encouraging the use of reusable bags by consumers and retailers, and reducing the consumption of single-use bags state-wide; and

**WHEREAS**, the Carpinteria community is attractive to residents, businesses, and visitors due to a local economy and quality of life that is centered on a clean and healthy environment, including but not limited to, parks, public open spaces, creeks, estuary, tidelands and the ocean; and

**WHEREAS**, commercial establishments in Carpinteria distributed an estimated millions of single-use plastic bags and hundreds of thousands single-use paper bags in 2010; and

**WHEREAS**, most single-use paper and plastic bags are not recycled and so they end up in the waste stream or as litter in the environment. For example, the State of California estimates that 5 percent of single-use plastic bags distributed by commercial establishments subject to the At-Store Recycling Program (Pub. Res. Code § 42250-42257) are recycled through the Program and the EPA estimated that (nationally) approximately 50 percent of single-use paper shopping bags were recycled in 2009; and

**WHEREAS**, in response to these conditions, the City Council of the City of Carpinteria held publicly noticed meetings on June 25, 2007, July 9, 2007, February 25, 2008, September 22, 2008, May 11, 2009, June 28, 2010, March 28, 2011, August 8, 2011, October 10, 2011, December 12, 2011, and February 27, 2012 and hosted community workshops on November 8, 2011 and February 1, 2012 in order to discuss issues and alternative responses to the use of single-use bags in the City; and

**WHEREAS**, after receiving testimony and other information documenting the negative local and global impacts of single-use plastic bags on the environment and the waste stream, the City Council adopted Ordinance No. 655 on March 12, 2012, which establishes chapter 8.51 of

the Carpinteria Municipal Code titled, “Single-Use Bag Regulations”, and that regulates the distribution in the City of Carpinteria of single-use carryout bags to customers by commercial establishments; and

**WHEREAS**, shortly after its adoption, the Save the Plastic Bag Coalition filed a lawsuit in Santa Barbara Superior Court (*Save the Plastic Bag Coalition v. City of Carpinteria*, Case No. 1385674), claiming that the use of single-use bags by restaurants in California is regulated by State law under the Health & Safety Code and therefore California cities, including the City of Carpinteria, are preempted from regulating the use of such bags by restaurants; and

**WHEREAS**, the City disagrees with the claims made by the Save the Plastic Bag Coalition concerning preemption by State law; however, in light of the uncertainties and costs associated with litigation, the City and the Save the Plastic Bag Coalition have entered into a Settlement Agreement. In the Settlement Agreement, the City has agreed to make certain changes to its single-use bag regulations in order to exempt restaurants, and the Save the Plastic Bag Coalition has agreed to dismiss the litigation; and

**WHEREAS**, the purpose of these proposed amendments is to implement the terms of the Settlement Agreement and make other related changes to the City’s single-use bag regulations.

**NOW, THEREFORE**, the City Council of the City of Carpinteria does hereby ordain as follows:

**SECTION 1. INCORPORATION OF RECITALS**

The City Council finds and determines that the above recitals are incorporated herein and are each relied upon independently by the City Council for its adoption of this Ordinance.

**SECTION 2. AMENDMENT OF CHAPTER 8.51**

Sections 8.51.030, 8.51.040, and 8.51.050 of chapter 8.51 of the Carpinteria Municipal Code are repealed and replaced in their entirety by the following:

**8.51.030 Definitions.**

The following definitions shall govern the construction of this chapter:

A. “Commercial Establishment” means any person, including any corporation, partnership, business, facility, vendor, organization or individual located in or doing business within the City of Carpinteria that sells or provides perishable or non-perishable goods.

B. “Large Commercial Establishment” is a commercial establishment with over \$5,000,000 in annual gross retail sales volume, as reported to the State Board of Equalization or is a grocery store as defined in this section.

C. “Small Commercial Establishment” is a commercial establishment that does not qualify as a large commercial establishment.

D. “Gift Bag” means a decorated bag capable of containing a volume no greater than 6 liters made largely of paper, with handles that is designed to be used as gift packaging .

E. "Grocery Store" means a commercial establishment greater than 3,000 square feet in area that sells a line of dry goods, canned goods, or non-food items and some perishable items.

F. "Point of Sale" means the location in the commercial establishment where purchase is made.

G. "Product Bag" means any bag provided to a customer within a commercial establishment for the purposes of transporting items to the point of sale. An illustrative list of product bags includes bags used to contain produce, vegetables, meat, prescription drugs, any bulk goods, as well as dry cleaning bags, newspaper bags, and prepackaged goods.

H. "Paper Bag" means any paper bag that has a post-consumer recycled content of at least 40 percent and is 100 percent recyclable.

I. "Restaurant" means any person or establishment doing business within the City of Carpinteria that provides prepared food or beverage for public consumption on or off its premises such as a restaurant, café, bakery, grocery or convenience store food counter or delicatessen, or catering truck vehicle.

J. "Reusable Bag" means any bag with handles that is specifically designed and manufactured for multiple reuse, has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds over a distance of at least 175 feet, and is either (1) made of cloth or other machine washable fabric or (2) made of other durable material, including plastic that is at least 2.25 mils thick.

K. "Single-Use Bag" means any bag that is provided to customers for carryout purchases by a commercial establishment, excluding gift bags, product bags, and reusable bags, as defined in this section.

#### **8.51.040 Prohibition and Reporting Requirement.**

A. Commencing on October 22, 2012 large commercial establishments are prohibited from dispensing to any customer at the point of sale a single-use bag.

B. Commencing on April 11, 2013 small commercial establishments are prohibited from dispensing to any customer at the point of sale a single-use bag, except gift bags or paper bags, as defined in this chapter.

#### **8.51.050 Exemptions.**

A. During a locally declared emergency, the City, emergency response agencies operating within the City, users of City facilities, and commercial establishments shall be exempt from the provisions of this chapter.

B. The City Manager, or his/her designee, may exempt an affected commercial establishment, from the requirements herein for a period of up to six months, upon showing by the commercial establishment that the application of the provisions herein would cause undue hardship. In determining whether undue hardship exists, the city manager or his/her designee shall consider:

1. Situations unique to the commercial establishment where there are no reasonable alternatives to using any bags that are not in compliance with this chapter and compliance with this chapter would cause significant economic hardship to that commercial establishment;

2. The existence of franchise or other contractual obligations which require a commercial establishment to use bags that are not in compliance with this chapter.

C. The decision of the City Manager or his/her designee to grant or deny an exemption shall be final. Exemptions granted under the provisions of this section are valid for up to six months, as determined by the City Manager. A commercial establishment granted an exemption by the City must re-apply prior to the end of the exemption period and demonstrate continued undue hardship, if it wishes to have the exemption extended. Extensions may only be granted for intervals not to exceed six months.

D. An exemption application shall include all information necessary for the City to make its decision, including but not limited to documentation showing the factual support for the claimed exemption.

E. Commercial Establishments must exercise best efforts during exemption period to meet ordinance requirements.

F. All Restaurants shall be exempt from the requirements of this Chapter.

### **SECTION 3. CEQA FINDINGS.**

The adoption of this Ordinance is not subject to the California Environmental Quality Act, as this ordinance does not constitute a project, as defined by Public Resources Code Section 21065 and even if it is determined that the proposed action constitutes a project, the project would be exempt pursuant to CEQA Guidelines §§ 15307 [exemptions for actions to protect natural resources], 15308 [exemptions for actions to protect the environment], or 15061(b)(3) [common sense exemption].

### **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect thirty (30) days following a second reading of the ordinance; and before the expiration of fifteen (15) days of its passage shall be published once with the names of the City Council voting for and against the same in the Coastal View, a newspaper of general circulation, published in the City of Carpinteria.

### **SECTION 5. SEVERABILITY.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter, or application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed such section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared unconstitutional or invalid or ineffective.

**PASSED, APPROVED, AND ADOPTED** this  
day of \_\_\_\_\_, 2012, by the following called  
vote:

**AYES: COUNCILMEMBERS:**

**NOES: COUNCILMEMBERS:**

**ABSENT: COUNCILMEMBERS:**

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Mayor of the City of Carpinteria

**ATTEST:**

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City Clerk, City of Carpinteria

*I hereby certify that the foregoing Ordinance was  
duly and regularly introduced and adopted at a  
regular meeting of the City Council of the City of  
Carpinteria held this \_\_\_\_\_ day of \_\_\_\_\_, 2012.*

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City Clerk, City of Carpinteria

**APPROVED AS TO FORM:**

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City Clerk, City of Carpinteria

## NOTICE OF EXEMPTION

July 9, 2012

TO:      Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

FROM: City of Carpinteria  
5775 Carpinteria Avenue  
Carpinteria, CA 93013

  X   Clerk of the Board  
County of Santa Barbara  
105 E Anapamu Street, Rm. 407  
Santa Barbara, CA 93101

Ordinance No. 655, Amending Chapter 8.51 of Carpinteria Municipal Code, Pertaining to the Regulation of Single-Use Bags  
Project No. and Name

City of Carpinteria  
Project Location – Specific; including cross street

*Description of Nature, Purpose, and Beneficiaries of Project:*

**With this action, the City is amending its previously adopted ordinance in Chapter 8.51 of Carpinteria Municipal Code. As amended, Chapter 8.51 prohibits large commercial establishments from distributing single-use plastic and paper bags and prohibits all small commercial establishments from distributing single-use plastic bags, at the point of sale. Small commercial establishments may distribute gift bags at the point of sale. Restaurants are exempt from the ordinance. The purpose of this ordinance is to protect public health and safety and maintain and improve the quality of life and the environment in Carpinteria by minimizing the amount of single-use bags that must be manufactured and transported to Carpinteria, that contribute to the waste stream and that pollute riparian, estuarine, ocean and other sensitive habitat areas. The residents of Carpinteria will be the beneficiaries of this ordinance.**

City of Carpinteria  
Name of Agency Reviewing Project

City of Carpinteria  
Name of Person or Agency Carrying Out Project

*Exemption Status:*

     Statutory [Article 18]  
     Declared Emergency [Section 15269(a)]  
     Emergency Project [Section 15269 (b) and (c)]  
  X   Categorical [Sections 15307 and 15308]  
  X   Common sense [Section 15061(b)(3)]

*Reasons why project is exempt:*

**The City of Carpinteria's action to amend the ordinance banning the distribution by all commercial establishments of single-use plastic bags, and the distribution by large commercial establishments and many grocery stores of single-use paper bags is exempt from environmental review under CEQA.**

The action is exempt as an action authorized by local ordinance to assure the restoration, enhancement and protection of the environment. (CEQA Guidelines §§ 15307 and 15308.) The ordinance will protect public health and safety and maintain and improve quality of life and the environment of Carpinteria by minimizing the amount of single-use plastic and paper material that is manufactured and transported for use in Carpinteria which must then be handled, processed and disposed of; minimizing trash pollution in riparian, estuarine, ocean and other sensitive habitat areas; minimizing litter on public and private property: including but not limited to streets, beaches, parks, sidewalks, and storm drains; and reducing the amount of material in the Carpinteria waste stream.

None of the factors described in CEQA Guidelines § 15300.2, which details the exceptions to the categorical exemptions, are applicable to the project. The project has no impact on a designated environmental resource of hazardous or critical concern and the project will have a positive impact on habitats and wildlife by reducing the amount of single-use paper and plastic bags distributed in the City and preventing the deposition of these materials in the waste stream or in the environment. The regulation of single-use bags by a local jurisdiction is not an unusual circumstance, but even if it is, as described below, the regulation would not result in any significant effect on the environment. No known sensitive resources, native vegetation, or designated scenic highways would be negatively impacted as a result of this project. The only impacts would be positive. The regulation will positively impact scenic highways and sensitive resources or native vegetation by reducing litter in the environment in and around the City of Carpinteria. There is no site involved in the project that is listed pursuant to Government Code § 65962.5 (hazardous and toxic waste sites). The project will not cause a substantial adverse change in the significance of a historical resource.

The cumulative impact of successive projects of the same type is not significant because the ordinance reduces the demand for single-use plastic and paper bags. Although the ordinance may lead to an increase in the number of a certain type of reusable bag, namely those made from durable material and capable of being used 125 times, replacing single use bags with these reusable bags will benefit the environment because it will reduce the number of single-use bags in the waste stream and the environment and increase the use of reusable bags. Therefore, the cumulative impact of successive projects of the same type would be beneficial to the environment.

The action is also exempt from environmental review under CEQA because there is no possibility that this project will have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) On the contrary, by reducing the amount of single-use plastic and paper bags distributed in Carpinteria, the action is projected to have only positive environmental impacts, including positive impacts to on riparian, estuarine, ocean and other sensitive habitat areas; biological resources such as endangered, rare and threatened species; as well as on air quality and water quality. The action is not projected to have any significant impacts on traffic, noise, cultural resources, greenhouse gas emissions, or any other environmental impact analyzed under CEQA.

Given the action's beneficial effects on the local and global environment, and the absence of adverse effects, the project is exempt from CEQA review under CEQA Guidelines §§ 15307, 15308, and 15061(b)(3).

---

Name

DATE

Planner

(805) 684-5405 ext. ###