City of Monterey
Environmental Checklist Form

1. **Project title:** Ordinance to Ban Single-Use Carryout Bag and Prohibit the Free Distribution of Recycled Paper Bags By Retail Establishments

2. **Lead agency name and address:** City of Monterey Division of Planning, Engineering, and Environmental Compliance (PEEC), 570 Pacific Street, Monterey, CA 93940

3. **Contact person and phone number:** Kimberly Cole, City of Monterey, 831-646-3886

4. **Project location:** Citywide

5. **Project sponsor's name and address:** Angela Brantley, Solid Waste Program Manager, City of Monterey, 580 Pacific Street, Monterey, CA 93940

6. **General Plan designation:** All designations

7. **Zoning:** All designations

8. **Surrounding land uses and setting:**
The project site is the City of Monterey, a coastal community located in Central California. The Pacific Ocean, adjacent to the City, is recognized as the Monterey Bay National Marine Sanctuary, a federally protected marine area. The area is rich in natural resources both on the land and sea. A location map is attached.

The City encompasses eight square miles and the population is approximately 28,000 persons. The City is a destination for visitors.

9. **Description*:***

The City of Monterey proposes to adopt an Ordinance that will:

- eliminate the common use of Single-Use Carryout Bags;
- encourage the use of reusable bags by consumers and retailers; and
- reduce the consumption of single-use bags.

Specifically, the Ordinance prohibits retail establishments from providing a free Single-Use Carryout 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. Single-Use Carryout Bags do not include bags without handles provided to the Customer:

(1) to transport produce, bulk food or meat from a product, bulk food or meat 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.

The Ordinance will not apply to: Public Eating Establishments, Nonprofit Charitable Re-user, and customers participating in the California Special Supplement Food Program for Women, Infants, and Children or Supplemental Food Program.

Customers are encouraged to use a reusable bag. A retail establishment may make available for sale a Recycled Paper Bag for a minimum charge of 10 cents ninety days after ordinance adoption, and 25 cents 180 days after adoption.

Following enactment, retail establishments determined not in compliance with the Ordinance will be subject to penalties.

City of Monterey
The City of Monterey population is only 27,810 persons according to the 2010 Census. City staff conducted a survey to determine the current estimated use of plastic and paper bags in our community. At the time of the survey, the research showed 190 existing businesses in the City of

Monterey would be affected by this ban. On a weekly basis, these 190 businesses utilize approximately 87,000 single-use carryout bags. Almost 63% of these bags (54,500) are plastic.

Table
City of Monterey
Number of Single-Use Bags Used by Businesses Affected by the Proposed

	Current Estimate Number of Bags (Weekly)	Current Estimate Number of Bags (Annual)	Percentage
Single-Use Carryout Plastic Bag	54,500	2,834,000	63%
Single-Use Carryout Paper Bag	32,000	1,664,000	37%
Reusable Bag	Unknown	Unknown	
Total	86,500	4,498,000	100%

Source: City of Monterey, 2011.

Assumed Consumer Behavior Changes with Ordinance Adoption:
The Ordinance will prohibit the distribution of free Single-Use Carryout Bags and encourage the use of reusable bags.

Several studies and sources were evaluated in preparing this Initial Study in order to estimate the anticipated change in distribution of Single Use Carryout Bags at retail establishments following implementation of the Ordinance.

Although programs to eliminate or reduce single-use disposable bags have been implemented all over the world, there are variations in the programs. The table below summarizes the change in consumer behavior from carryout fees initiated in other cities and countries.

Carryout Bag Fees	***Fee Details***	***Change in Distribution in Bags***
Ireland Plas Tax (2002)	*0.15 fee ($0.21) on plastic bags*	*94% decrease in plastic bags following Ordinance (Source: 1)*
Victoria, Australia – voluntary plastic bag levy (2008)	10 cent fee on plastic bags (2 month trial)	79% reduction in plastic bags issued (Source: 3)
Toronto, Canada Carryout Bag Fee (2009)	*5 cent fee on plastic bags*	*Observed 70% reduction in plastic bags(Source: 1)*
Washington DC Carryout Bag Fee (2009)	*5 cent fee on paper and plastic bags*	*Empirical data not finalized estimated 50% reduction in both bags(Source: 1)*
Private Bag Fees		
IKEA Bag Fee (2002)	*10 cent fee on plastic bags*	*97% reduction in plastic bag use (8,000 to 250 per week)(Source: 2)*
Supermarket in Bryon Bay, Australia	*10 cent fee on plastic bags*	*83% reduction in plastic bag use (Source: 2)*

Sources:

1 Metropolitan Washington Council of Governments. Plastic Bag Report. 2009.
2 Lewis, Helen. Verghese Karli and Fizpatrick. Evaluating the sustainability impacts of packaging: the plastic carry bag dilemma. 2010.
3 Nolan – ITU /Environment Australia. Plastic Shopping Bags – Analysis of Levies and Environmental Impacts. December 2002.

In these case studies, where a fee was levied on a Single-Use Carryout Bag, consumption decreased dramatically on average between 70 - 90%.

In 2011, the City conducted a survey of peninsula residents that concluded a fee on Single-Use Carry Out bags would increase customers' use of reusable bags. Of those responding to the survey, 81 percent indicated they would bring reusable bags for shopping if free Single-Use Carry Out bags were banned and a fee was charged for recycled content paper bags. This supports

the City's assumptions that the environmentally aware citizens of Monterey will respond to the purpose of the Ordinance.

	Current Estimate Number of Bags Weekly	Current Estimate Number of Bags Annual	PROJECT PROPOSAL Number of Bags Weekly	PROJECT PROPOSAL Number of Bags Annual
Single-Use Carryout Plastic Bag	54,500	2,834,000	0	0
Single-Use Carryout Paper Bag	32,000	1,664,000	17,775 (1)	924,300
Reusable Bag	Unknown	Unknown	415(2)	21,580
Total Use	86,500	4,498,000	18,190	945,880

Note:

1) This Initial Study assumes that (54,500 plastic bags/1.5 bag size ratio) = 27,250 paper bags. 27,250 paper bags (increase) + 32,000 paper bags (existing use) = 59,250 paper bags.

   70% of all the bags were assumed to shift towards reusable bags.
   .70 x 59,250 = 41,475 approx.; 41,475 reusable bags/100 time of use = 415 reusable bags.

   59,250 paper bags – 41,475 reusable bags = 17,775 paper bags

2) Ratio of Bag Sizes: The carrying capacity of typical plastic carryout bags, paper carry out bags, and reusable bags are different. Many different reports and Life Cycle Assessment studies have used different ratios in comparing the sizes of plastic, paper, and reusable bags. San Jose's Single-Use Carryout Bag Environmental Impact Report (EIR) included a study of the amount of tennis balls that could fill each type of carryout bag in estimating a size ratio, concluding that the ratio of between 1.5: 1 and 2: 1 is appropriate for comparing paper and reusable bags to plastic bags (paper and reusable bags 1.5 to 2x larger than plastic bags).

Type of Bag	Size Ratio
Carryout Plastic Bag	1
Carryout Paper Bag	1.5
Reusable Bag	1.8

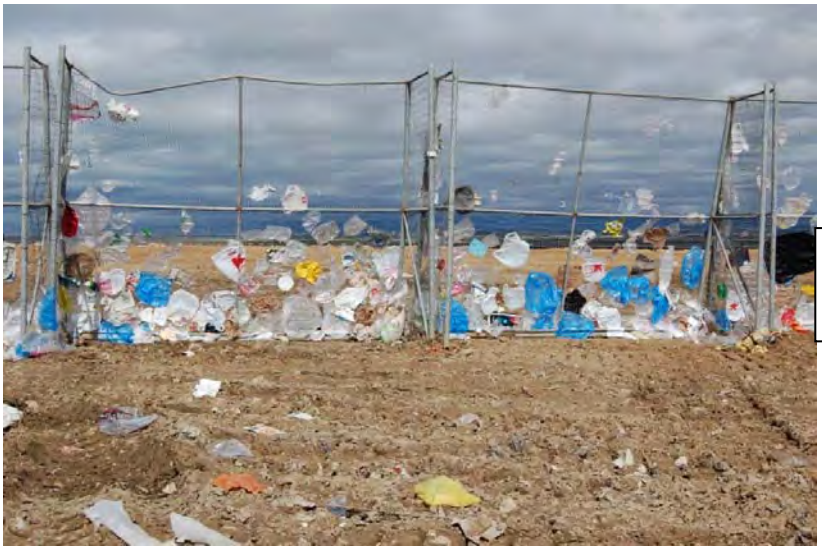
Public Education and Outreach

The City of Monterey has extensive experience in successfully managing public outreach to achieve City goals on solid waste, recycling, and other environmental issues. Past outreach efforts have included implementation of leading edge garbage and curbside recycling collection programs, pilot and city-wide programs for collecting and processing yard trimmings and organic waste, and marketing a variety of targeted environmental management programs for household hazardous waste, business recycling technical assistance, and construction and demolition recycling. In addition to these topics, the City also provides on-going outreach to developers, residents, and businesses related to storm water and wastewater pollution prevention, appropriate pharmaceutical and e-waste disposal, water recycling, as well as green building.

Parallel to efforts to adopt an Ordinance regulating the distribution of single-use carryout bags, the City of Monterey has begun extensive public outreach to create awareness of the issues and to encourage a change in consumer behavior.

In 2009, the City began outreach to residents on the subject of regulating single-use carryout bags. Since 2009, 21,000 reusable bags have been distributed to residents to encourage their use over single use bags.

These efforts were intended to increase awareness of reusable carryout bags before the Ordinance takes effect. It is also important to note that regional campaigns to encourage people to shop with reusable bags are already underway throughout the Monterey Bay Area. The City participated in a regional media campaign that involved the production of television, radio, outdoor and print advertisements, video, and direct mail.



Photos from Monterey Peninsula Waste Management District, 2011

10. Other public agencies whose approval is required:

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

.... Aesthetics
.... Agriculture Resources
.... Air Quality
.... Biological Resources
.... Cultural Resources
.... Geology/Soils
.... Hazards & Hazardous Materials
.... Hydrology/Water Quality
.... Land Use Planning
.... Mineral Resources
.... Noise
.... Population/Housing
.... Public Services
.... Recreation
.... Transportation/Traffic
.... Utilities/Service Systems
.... Mandatory Findings of Significance

DETERMINATION: On the basis of this initial evaluation:

..... X ..... I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

.... I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

.... I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

.... I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and

(2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

....I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Public Review Period

Begins: September 2, 2011
Ends: September 23, 2011

Public Meeting

Date: To be Determined
Time: To be Determined
Location: City of Monterey Council Chamber at Few Memorial Hall of Records
Reviewing Body: City Council

Anyone interested in this matter is invited to comment on the document by written response or by personal appearance at the hearing.

Signature: _____ **Date:** 9/2/2011

Printed name: Kimberly Cole, AICP
Title: Managing Principal Planner

Address: City of Monterey Planning Office, 570 Pacific Street, Monterey, CA 93940

Phone Number: (831) 646-3886 **Fax Number:** (831) 646-3408

Attachments:

1. Location Map
2. Ordinance

Note: This document and supporting Technical Reports are available in the Planning Office and on the website at: www.MontereyRecycles.org

c: **POST** (Outside City Clerk's Office)
County Clerk, 240 Church Street, Salinas, CA 93901]
Department of Fish and Game Regional Office, Linda Connolly, 1234 East Shaw Avenue, Fresno, CA 93710
Department of Fish and Game, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940
U.S. Department of Fish and Wildlife, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825
AMBAG, P. O. Box 809, Marina, CA 93933-0809
Monterey Bay National Marine Sanctuary, c/o NOAA, 299 Foam Street, Monterey, CA 93940
Monterey County Planning, 168 West Alisal Street, Salinas, CA 93901
MBUAPCD, 24580 Silver Cloud Court, Monterey, CA 93940
LandWatch of Monterey County, P.O. Box 1876, Salinas, CA 93902
Molly Erickson, P.O. Box 2448, Monterey, CA 93942-2448
Monterey Commercial Property Owners, Bob Massaro, P.O. Box 1953, Monterey, CA 93942
All Business Associations (Hard Copy Recipients)
All Neighborhood Associations (Hard Copy Recipients)

e: City Council
Planning Secretary
CA Regional Water Quality Control

Monterey District Superintendent, Department of Parks and Recreation
Monterey County Airport Land Use Commission
Monterey Peninsula Water Management District
CA Native Plant Society, Mary Ann Matthews
Sierra Club, Ventana Chapter, Rita Dalessio
League of Women Voters, Executive Director
All Neighborhood Associations (Email Recipients)
All Business Associations (Email Recipients)

Note: A copy of this document, as well as informational sources referenced herein, can be reviewed at the City of Monterey Planning Office as well as the City's Website
www.monterey.org/planningengineering/plans.html

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
I. AESTHETICS – Would the project:					
a) Have a substantial adverse effect on a scenic vista?				X	- City of Monterey Planning, Engineering and Environmental Compliance Division (PEEC), General Plan Map 2 *Showing Special Places*
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	- City of Monterey PEEC, General Plan Open Space Element Goal c and Policies a.3., b.4 and f.6
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X	- City of Monterey PEEC, General Plan Urban Design Element - City of Monterey PEEC, General Plan Open Space Element, Policies a.3 and b.4 - - City of Monterey City Code, Chapter 37, *Preservation of Trees*
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X	- City of Monterey PEEC, Monterey City Code (M.C.C.)

Existing Setting:

The Monterey Peninsula consists of approximately 10 square miles of coastal lands and forested hills. Much of the City is urbanized; however, its coastline and wooded ridges are devoted primarily to open space and recreational uses. Monterey is located an hour away from San Jose and an hour and a half from San Francisco and is frequently a vacation destination for many. The Monterey region is well known for its scenic visual character. The City's coastal areas provide expansive views of the Pacific Ocean (Monterey Bay). The adjacent beach and coastal bluff areas are visually intriguing and offer a variety of passive and active recreational opportunities. Fisherman's Wharf and Cannery Row provide a variety of shops, art and craft galleries, boutiques and restaurants in an historic seaport setting.

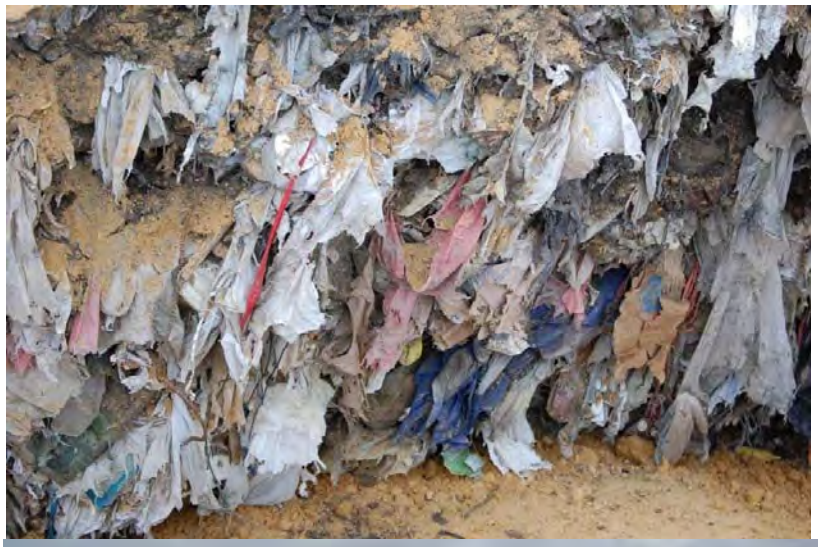
As identified in the City's General Plan, all major roads leading to Monterey are scenic highways. Highway 1, south of the City, is a State designated scenic highway. Monterey Salinas-Highway from Highway 1 to the Salinas River is a County designated scenic highway.

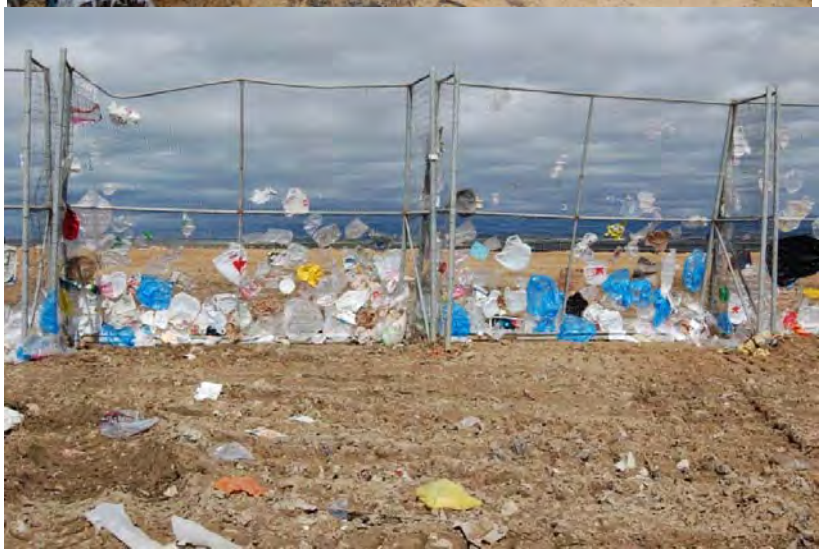
There are numerous historic sites, including two National Historic Landmark Districts. Monterey is recognized as a *Preserve America Community* and the National Trust designated Monterey as one of its *Twelve Distinctive Destinations*. The City of Monterey is a unique community with an abundance of natural and manmade scenic resources. Many of these scenic resources are identified in the City of Monterey General Plan (Map 2, Showing Special Places).

Discussion:

a-c) One of the main objectives in implementing the Ordinance is to reduce the amount and visibility of litter associated with Single-Use Carryout Bags. Single-Use Carryout Bags are designed for the primary purpose of carrying items from a retail establishment to home.

Single-Use Carryout bags have a much higher risk (than reusable bags) of becoming litter. Single-Use Carryout Bags that are not recycled are either deposited as waste or inadvertently end up as litter. Carryout bags that are disposed of as waste may still become litter, especially plastic bags. Most plastic bags do not biodegrade but instead persist in the environment, slowly breaking down through abrasion, tearing and photo degradation into toxic plastic bits that contaminate soil and water. Plastic bags can also find their way into the marine environment where they do not break down and essentially remain indefinitely.





Photos from Monterey Peninsula Waste Management District, 2011

The project will have beneficial impacts on the City by reducing litter and keeping Monterey a special place to live and visit.

d) The project will not create a new source of substantial light or glare.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
II. AGRICULTURE RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	- City of Monterey PEEC, General Plan Conservation Element - City of Monterey General Plan Update Initial Study 2003 - City of Monterey Zoning Ordinance
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	- City of Monterey PEEC, General Plan Conservation Element - City of Monterey General Plan Update Initial Study 2003 - City of Monterey Zoning Ordinance
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X	- City of Monterey PEEC, General Plan Conservation Element - City of Monterey General Plan Update Initial Study 2003 - City of Monterey Zoning Ordinance

Existing Setting:
While much of Monterey County is known for, and associated with, an abundance of agricultural operations, the City of Monterey itself has no agricultural operations or potential for future agriculture resources or activities. The City is primarily an urbanized environment.

Discussion, where applicable:

a-c) The proposed project does not affect any identified agriculture resources, land identified for potential agricultural production, lands zoned for agricultural use, or lands under a Williamson Act contract. Agriculture operations are not an allowable use in the Zoning Code. Therefore **no impact** would occur to agriculture resources.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?			X		- City of Monterey PEEC, General Plan Conservation Element, Policy c.2 - 2008 Air Quality Management Plan (AQMP) for the Monterey Bay Region (Monterey Bay Unified Air Pollution Control District (MBUAPCD)) - 2008 CEQA Air Quality Guidelines (MBUAPCD) - 2005 Report on Attainment of the California Particulate Matter Standards in the Monterey Bay Region (MBUAPCD)
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		- City of Monterey PEEC, General Plan Conservation Element Goal c and Policies c.1–c.3 - 2008 AQMP for the Monterey Bay Region (MBUAPCD) - 2008 CEQA Air Quality Guidelines (MBUAPCD) - 2005 Report on Attainment of the California Particulate Matter Standards in the Monterey Bay Region (MBUAPCD)
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X		- City of Monterey PEEC, General Plan Conservation Element Goal c and Policies c.1–c.3 - 2008 AQMP for the Monterey Bay Region (MBUAPCD) - 2008 CEQA Air Quality Guidelines (MBUAPCD) - 2005 Report on Attainment of the California Particulate Matter Standards in the Monterey Bay Region (MBUAPCD)
d) Expose sensitive receptors to substantial pollutant concentrations?				X	- City of Monterey PEEC
e) Create objectionable odors affecting a substantial number of people?				X	- City of Monterey PEEC

Existing Setting:

Regulatory Environment:
Federal: Clean Air Act

The Federal Clean Air Act (CAA) requires that federally supported activities must conform to the State Implementation Plan (SIP), whose purpose is that of attaining and maintaining the National Ambient Air Quality Standards (NAAQS). Section 176 (c) of the Federal CAA as amended in 1990, established the criteria and procedures by which the Federal Highway Administration (United States Code, Title 23), the Federal Transit Administrations (U.S. EPA 1996), and metropolitan planning organizations (MPOs) determine the conformity of federally funded or approved highway and transit plans, programs, and projects to SIPs. The provisions of Code of Federal Regulations, Title 40, Parts 51 and 93 apply in all non-attainment and maintenance areas for transportation-related criteria pollutants for which the area is designated non-attainment or has a maintenance plan.

The United States Environmental Protection Agency (USEPA) sets NAAQS. Primary standards are designed to protect public health, including sensitive individuals such as the children and the elderly, whereas secondary standards are designed to protect public welfare, such as visibility and crop or material damage. The Federal CAA requires the USEPA to routinely review and update the NAAQS in accordance with the latest available scientific evidence.

State: California Clean Air Act

The California CAA of 1988 requires all air-pollution control districts in the State to endeavor to achieve and maintain state ambient air quality standards by the earliest practicable date and to develop plans and regulations specifying how they will meet this goal. On April 2, 2007, the Supreme Court ruled in Massachusetts, et al. v. Environmental Protection Agency, et al. (549 U.S. 1438; 127 S. Ct. 1438) that the CAA gives the USEPA the authority to regulate emissions of Greenhouse Gases (GHGs), including carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases, such as Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs), and Sulfur hexafluoride (SF_6), thereby legitimizing GHGs as air pollutants under the California CAA.

State Executive Order S-3-05

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. Recognizing that California is particularly vulnerable to the impacts of climate change, Executive Order S-3-05 establishes statewide climate change emission reduction targets to reduce CO_2 equivalent (CO2e) to the 2000 level (473 million metric tons) by 2010, to the 1990 level (427 million metric tons of CO2e) by 2020, and to 80% below the 1990 level (85 million metric tons of CO2e) by 2050. The executive order directs the California Environmental Protection Agency (Cal/EPA) Secretary to coordinate and oversee efforts from multiple agencies (i.e., Secretary of the Business, Transportation and Housing Agency; Secretary of the Department of Food and Agriculture; Secretary of the Resources Agency; Chairperson of the Air Resources Board; Chairperson of the Energy Commission; and President of the Public Utilities Commission) to reduce GHG emissions to achieve the target levels. In addition, the Cal/EPA Secretary is responsible for submitting biannual reports to the Governor and State legislature that outline 1) progress made toward reaching the emission targets, 2) impacts of global warming on California's resources, and 3) measures and adaptation plans to mitigate these impacts. To further ensure the accomplishment of the targets, the Secretary of Cal/EPA created a Climate Action Team made up of representatives from agencies listed above to implement global warming emission reduction programs and report on the progress made toward meeting the statewide GHG targets established in this executive order. In 2006, the first report was released and identified that "the climate change emission reduction targets [could] be met without adversely affecting the California economy," and "when all [the] strategies are implemented, those underway and those needed to meet the Governor's targets, the economy will benefit (California Climate Action Team 2006b)."

State Assembly Bill 32: Global Warming Solutions Act of 2006

In September 2006, Governor Arnold Schwarzenegger signed into law the Global Warming Solutions Act, or Assembly Bill 32 (AB 32), which requires a Statewide commitment and effort to reduce GHG emissions to 1990 levels by 2020 (25% below business-as-usual). This intended reduction in GHG emissions will be accomplished with an enforceable statewide cap on GHG emissions, which will be phased in 2012.

To effectively implement the cap, AB 32 requires California Air Resources Board (CARB) to develop appropriate regulations and establish a mandatory reporting system to track and monitor global warming emissions levels from stationary sources.

This bill is the first statewide policy in the United States to mitigate GHG emissions and to include penalties for non-compliance. Consistent with goals and targets set by other actions taking place at the regional and international levels, AB 32 sets precedence in inventorying and reducing GHG emissions.

In passing AB 32, the state legislature acknowledged that global warming and related effects of climate change are a significant environmental issue, particularly the anthropogenic causes that are believed to be largely attributable to increased concentration of GHGs in the atmosphere.

State Executive Order S-20-06

On October 17, 2006, Governor Arnold Schwarzenegger signed Executive Order S-20-06, which calls for continued efforts and coordination among State agencies on the implementation of GHG emission reduction policies and AB 32 and Health and Safety Code (Division 25.5) through the design and development of a market-based compliance program. In addition, Executive Order S-20-06 requires the development of GHG reporting and reduction protocols and a multi-state registry through joint efforts among CARB, Cal/EPA, and the California Climate Action Registry (CCAR). Executive Order S-20-06 directs the Secretary for Environmental Protection to coordinate with the Climate Action Team to develop a plan to create incentives for market-based mechanisms that have the potential of reducing GHG emissions.

State California Senate Bill 97

Approved by Governor Arnold Schwarzenegger on August 24, 2007, Senate Bill (SB) 97 is designed to work in conjunction with the State CEQA Guidelines and AB 32. Pursuant to the State California Environmental Quality Act (CEQA) Guidelines, the Office of Planning and Research (OPR) is required to prepare for and develop proposed guidelines for implementation of CEQA by public agencies. Pursuant to AB 32, the CARB is required to monitor and regulate emission sources of GHGs that cause global warming in order to reduce GHG emissions. SB 97 states, "SB 97 requires OPR, by July 1, 2009, to prepare, develop, and transmit to the [CARB] guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. As directed by SB 97, the Natural Resources Agency adopted amendments to the CEQA Guidelines for GHG emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The amendments became effective on March 18, 2010.

In addition, OPR and CARB are required to periodically update the guidelines to incorporate new information or criteria established by CARB pursuant to AB 32. SB 97 applies to any environmental documents, including an EIR, a Negative Declaration, a Mitigated Negative Declaration, or other documents required by CEQA that have not been certified or adopted by the CEQA lead agency by the date of the adoption of the regulations.

State of California Office of the Attorney General Guidance Letter on California Environmental Quality Act, Addressing Global Warming Impacts at the Local Agency Level

On May 21, 2008, the California Office of the Attorney General provided guidance to public agencies on how to address global warming impacts in CEQA documents. In the publication entitled "*The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level*", the Office of the Attorney General directs public agencies to take a leadership role in integrating sustainability into public projects by providing 52 project-level mitigation measures for consideration in the development of projects (Office of Attorney General 2008). In addition, the Office of the Attorney General has negotiated four settlement agreements under CEQA, all of which require the project proponents to consider sustainable design for projects and feasible mitigation measures and alternatives to substantially lessen global warming related effects.

State of California Office of Planning and Research Technical Advisory

On June 19, 2008, the California OPR provided guidance on how to address climate change in CEQA documents. In the technical advisory, CEQA and Climate Change: Addressing Climate Change through CEQA Review, OPR issues technical guidance on how to perform GHG analyses in the interim before further state guidelines become available (California Governor's Office of Planning and Research 2008).

Regional: Monterey Bay Unified Air Pollution Control District

The proposed project is located within the North Central Coast Air Basin (Basin) that is under the jurisdiction of the Monterey Bay Unified Air Pollution Control District (MBUAPCD). The MBUAPCD is responsible for regulating stationary, indirect and area sources of pollution within the Basin. The MBUAPCD's jurisdiction includes Monterey, Santa Cruz and San Benito counties. The MBUAPCD is one out of 35 air quality management districts that have prepared Air Quality Management Plans (AQMPs) to accomplish the 5% annual reduction goal required by the California Clean Air Act (CCAA). The Basin is not in attainment of the California Ambient Air Quality Standards (CAAQS) for PM_{10} and 0_3. The Basin is in attainment of all NAAQS.

Local: City of Monterey General Plan

The proposed Ordinance would be expected to be consistent with the City of Monterey General Plan governing air quality and would not be expected to result in a change to the population growth assumption used by the Association of Monterey Bay Area Governments (AMBAG) for attainment planning.

Climate Action Planning

The City of Monterey is currently preparing GHG emissions inventories for both the municipality (City operations) and community-wide. Following the completion of the GHG inventories, the City is preparing a Climate Action Plan.

EXISTING CONDITIONS

North Central Coast Air Basin

The Basin, which is just south of the San Francisco Bay Area Air Basin, covers an area of 5,159 square miles and consists of the counties of Santa Cruz, San Benito, and Monterey. Westerly winds predominate in all seasons, but are strongest and most persistent during the spring and summer months. The extent and severity of the air pollution problems in the Basin are a function of the area's natural physical characteristics (weather and topography), as well as human created influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall and topography all affect the accumulation and/or dispersion of pollutants throughout the Basin area. In general, air pollution potential of the coastal areas is relatively low due to persistent winds. The Basin is, however, subject to temperature inversions that restrict vertical mixing of pollutants and the warmer inland valleys of the Basin have a high pollution potential.

Global Climate Change Gases

The natural process through which heat is retained in the troposphere is called the "greenhouse effect." The greenhouse effect traps heat in the troposphere through a three-fold process as follows: shortwave radiation emitted by the sun is absorbed by the earth; the earth emits a portion of this energy in the form of longwave radiation; and GHGs in the upper atmosphere absorb this longwave radiation and emit this longwave radiation both into space and back toward earth. This "trapping" of the longwave (thermal) radiation emitted back toward the earth is the underlying process of the greenhouse effect.

The most abundant GHGs are water vapor and CO_2. While many other trace gases have greater ability to absorb and re-radiate longwave radiation, these gases are not as plentiful in the atmosphere. For this reason, and to gauge the potency of GHGs, scientists have established a Global Warming Potential for each GHG based on its ability to absorb and re-radiate long-wave radiation. The Global Warming Potential of a gas is determined using CO_2 as the reference gas with a Global Warming Potential of 1. The principal GHGs that enter the atmosphere because of human activities are:

- **Carbon Dioxide (CO_2):** CO_2 enters the atmosphere through the burning of fossil fuels (oil, natural gas, and coal), solid waste, trees and wood products, and also as a result of other chemical reactions (e.g., manufacture of cement). CO_2 is also removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle. This gas has a global warming potential of 1.

- **Methane (CH_4):** CH_4 is emitted during the production and transport of coal, natural gas, and oil. CH_4 emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills. This gas has a global warming potential of 21.

- **Nitrous Oxide (N_2O):** N_2O is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste. This gas has a global warming potential of 310.

- **Fluorinated Gases:** Hydro fluorocarbons (HCFCs), perfluorocarbons, and sulfur hexafluoride are synthetic, powerful greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for ozone-depleting substances (i.e., chlorofluorocarbon (CFCs), HCFCs, and halons). These gases are typically emitted in smaller quantities, but because they are potent GHGs, they are sometimes referred to as High Global Warming Potential gases ("High GWP gases") (U.S. EPA 2010). These gases have global warming potentials as high as 23,900.

IMPACTS

Thresholds of Significance

For the purposes of this Initial Study, a global climate change impact is considered significant if the project would:

- generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or

- conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs.

Discussion:

Implementation of the proposed Ordinance will have the direct physical impact of removing approximately 2,834,000 single-use plastic carryout bags (annually) from distribution in the City to be replaced with 924,300 single-use paper bags and approximately 21,580 reusable bags (weekly use). The Air Quality analysis included within this Initial Study focuses on potential impacts to air quality that could result from this shift in the production and distribution of carryout bags. This analysis incorporates past Life Cycle Assessment studies of the different carryout bags affected by this Ordinance.

Any potential air quality impacts related to increased truck traffic associated with the distribution of carryout bags is expected to be less than significant. As discussed in the Traffic Section of the Initial Study, implementation of the Ordinance would not result in any significant increase in truck traffic. As such there would not be any potentially significant air quality impacts.

a-c) Under the Federal CAA, the NCCAB is designated for attainment status as shown below:

Table
Attainment Status for the NCCAB

Pollutant	State	Federal
Ozone (O_3)	**Nonattainment** (2)	Attainment
Inhalable Particulates (PM_{10})	**Nonattainment**	Attainment
Fine Particulates ($PM_{2.5}$)	Attainment	Unclassifiable/Attainment(1)
Carbon Monoxide (CO)	Monterey Co. – Attainment San Benito Co. – Unclassified Santa Cruz Co. – Unclassified	Unclassified/Attainment

Pollutant	State	Federal
Nitrogen Dioxide (NO_2)	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO_2)	Attainment	Unclassified/Attainment
Lead	Attainment	Attainment

Notes:

(1) In 2006, the federal 24-hour standard for $PM_{2.5}$ was revised from 65 to 35 µg/m^3. Although new designations have yet to be made, it is expected that the NCCAB will be designated attainment.

(2) Effective July 26, 2007, CARB designated the NCCAB a nonattainment area for the state ozone standard.

*(3) Nonattainment pollutants are highlighted in **bold**.*

Source: MBUAPCD, 2008a

According to the Boustead Study (2007), there are no identified ozone depleting chemicals associated with bag life cycle assessments (LCAs). Moreover, the total quantity of emissions resulting from a change from a plastic to a paper/reusable bag will not increase substantially because manufacture of paper bags used recycled content results in less pollutant emissions that manufacture using virgin material. As a result, the project has a **less than significant** impact on ozone and PM_{10}.

Greenhouse Gas Emissions Discussion

Various LCAs of single-use carryout bags have been completed in support of bag regulation policies worldwide. Most LCAs try to account for GHG emissions that result from all stages of product life, from product creation to disposal. LCAs do not have consistent methodologies, and frequently use assumptions that differ from each other, and from local conditions. One example is the assumption that some percentage of single-use bags in the waste stream would be incinerated in a waste-to-energy system. Waste in the City/County of Monterey is never incinerated because there is no municipal solid waste incinerator in the area. Including it in a discussion of paper and plastic bags is, therefore, not relevant. This discussion of impacts does not, therefore, rely on the various LCAs for any purpose other than as a point of comparison.

According to some LCAs prepared by consultants to the plastic bag industry, single-use paper bags generally result in greater GHG emissions when compared to single-use plastic bags and reusable bags. This is attributed to several factors, including the manufacturing process and the effect of paper bag weight and bulk on the transportation process, plus the eventual degradation of paper bags in landfills. The findings from other LCAs seem to differ depending on the study, and no comprehensive comparison of the studies has been made by a neutral third party.

For the purposes of this Initial Study, the City of Monterey is assuming that single-use plastic bags currently distributed to the customers of retail businesses in Monterey total approximately 54,500 plastic bags per day. Under the proposed Ordinance, single-use plastic carryout bags would be reduced to zero.

Greenhouse Gas Emissions Impacts

It has been suggested by opponents that ordinances proposing the ban of free single-use carryout bags would lead to an increase in single-use paper bag use, because consumers would be willing to pay the store charge to use paper bags. An increase in single-use paper bag use could then lead to incremental increases in gas emissions associated with their manufacture and delivery. Of course, a substantial decrease in greenhouse gas emissions associated with the elimination of plastic bag manufacturing and delivery to the city would be occurring simultaneously. Based on available information, it cannot be definitively determined what the net increases or decreases in GHG emissions would be from the proposed Ordinance.

To arrive at estimates of potential impacts, the project description evaluated: (1) the current number of single-use paper and plastic bags used in the City of Monterey by retail establishments; (2) the future number of single-use paper and plastic bags used as a result of the proposed Ordinance. This section analyzes the per-bag impacts as reported in the Boustead LCA (2007). It is estimated that currently there are approximately 4.4 million single-use bags annually (2.8 million single-use plastic bags and 1.6 million single-use paper bags) used by retail establishments in Monterey. Using the behavior change estimates

described in this Initial Study, it is estimated that with the ban on plastic bags and a $0.10 charge on paper bags, 70% of people would use reusable bags or no bag, and 30% of people would use paper bags. Using these percentages, it is possible to estimate the number of bags that would be used in the city.

However, using the methodology described earlier, the data from Boustead (2007) shows that there would be an annual reduction in GHG emissions of 131 tons of CO_2 equivalent compared to existing conditions.

	Current Estimate Number of Bags Annual	**Factor (tons)**	**CURRENT CO2 Equivalent Emissions Under Existing Conditions**	**PROJECT PROPOSAL Number of Bags Annual**	**Factor (tons)**	**CHANGE in CO2 Equivalent Emissions Under Proposed Ordinance**
Single-Use Carryout Plastic Bag	2,834,000	.04/1500	75 tons	0	.04/1500	0 tons
Single-Use Carryout Paper Bag	1,664,000	.08/1000	133 tons	924,300	.08/1000	74 tons
Reusable Bag	Unknown	.1146/1000	Unknown	21,580	.1146/1000	3 tons
Total Use (Single-Use Carryout Bags)	4,498,000		208 tons	932,880		77 tons

It should also be noted that a methane gas collection system currently in place at the Monterey Regional Waste Management District (MRWMD) landfill has been designed to capture landfill gas. The collected landfill gas is then burned at the cogeneration plant to produce electricity, releasing only CO_2. As a result, those single-use paper bags that do become land filled at the MRWMD Landfill would result in the release of much lower levels of CO_2 equivalents than suggested in the 2007 Boustead study.

Summary
The projected GHG emissions are less than significant. In sum, the project will not violate any air quality standard or contribute substantially to any existing or project air quality violation. Moreover, it will not result cumulatively in a net increase for any criteria pollutant for which the project region is non-attainment. Therefore, potential impacts associated with approval of the proposed project are considered to be **less than significant.**

d-e) The Ordinance will not impact any sensitive receptor to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
IV. BIOLOGICAL RESOURCES – Would the project:					
a) Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	- City of Monterey PEEC, General Plan Conservation Element Goal d, Policies d.1–d-6 and Programs d.1.1–d.6.6 - City of Monterey PEEC, Monterey City Code (M.C.C.), Chapter 37, Preservation of Trees and Shrubs
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	- City of Monterey PEEC, General Plan Conservation Element Policy b.4 and Program d.6.3
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	- City of Monterey PEEC, General Plan Conservation Element Policy b.4 and Program d.6.3
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	- City of Monterey PEEC
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	- City of Monterey PEEC, Monterey City Code (M.C.C.), Chapter 37, Preservation of Trees and Shrubs
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or				X	- City of Monterey PEEC - Installation-Wide Multispecies Habitat Management Plan for Former Fort Ord, California, 1997

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
state habitat conservation plan?					- City of Monterey General Plan Update EIR 2004
g) Will the project remove significant trees or significant groups of trees?				X	- City of Monterey PEEC, General Plan Figure 6-Major Habitat Types and Figure 7-Special-Status Species Occurrences - City of Monterey PEEC, General Plan Conservation Element Goal d, Policies d.1–d-6 and Programs d.1.1–d.6.6 - City of Monterey PEEC, Monterey City Code (M.C.C.), Chapter 37, Preservation of Trees and Shrubs
h) Will the project threaten rare and endangered species or marine animals?				X	- City of Monterey PEEC, General Plan Figure 6-Major Habitat Types and Figure 7-Special-Status Species Occurrences - City of Monterey PEEC, General Plan Conservation Element Goal d, Policies d.1–d-6 and Programs d.1.1–d.6.6 - City of Monterey PEEC, Monterey City Code (M.C.C.), Chapter 37, Preservation of Trees and Shrubs

Existing Setting:

Monterey County consists of more than 3,324 square miles of land (over two million acres) with a variety of habitats from rocky Pacific shores to open grasslands to high mountains at elevations exceeding 5,000 feet. The Monterey Bay area, located in northern Monterey County, is home to a diverse population of animal, bird, and plant species. The waters of Monterey Bay and the adjacent Pacific Ocean off the central California coast have been designated and protected as the Monterey Bay National Marine Sanctuary (MBNMS) since 1992. The climate of the site is typical of the California central coast with mild year-round and morning coastal fog, generally cleared by afternoon breezes. Monterey typically experiences cool summer months, with temperatures averaging in the high 50s to low 60s, and warm "Indian summer" weather in the fall. The average yearly rainfall is approximately 18 inches and is concentrated in the winter and early spring months.

The City of Monterey General Plan (Map 8) identifies the following special status species: Black Legless Lizard, Central Maritime Chaparral, California Tiger Salamander, Carmel Valley Bush Mallow, Coast Wall Flower, Eastwood's Goldenbush, Hickman's Cinquefoil, Hooker's Manzanita, Hickman's Onion, Kellogg's Horkelia, Monarch Butterfly, Monterey Pine, Monterey Pine Forest, Monterey Spineflower, Pacific Grove

Clover, Pine Rose, Robust Spinflower, Smith's Blue Butterfly, Seaside Bird's Beak, Santa Cruz Clover, Santa Cruz Microseris, Sand Gilia, Sandmat Manzanita, Tor Manzanita and Yadon's Rein Orchid.

Monterey Bay National Marine Sanctuary

The MBNMS, designated in 1992, is a federally protected marine area off the shore of California's central coast. Stretching from Marin to Cambria, the MBNMS encompasses a shoreline length of 276 miles and 5,322 square miles of ocean, extending an average distance of 30 miles from shore. At its deepest point, the MBNMS reaches down 10,663 feet (more than two miles). The MBNMS was established for the purpose of resource protection, research, education, and public use. Its natural resources include our nation's largest kelp forest, one of North America's largest underwater canyons, and the closest-to-shore deep ocean environment in the continental United States. It is home to one of the most diverse marine ecosystems in the world, including 33 species of marine mammals, 94 species of seabirds, 345 species of fish, and numerous invertebrates and plants. This remarkably productive marine environment is fringed by spectacular coastal scenery, including sandy beaches, rocky cliffs, rolling hills and steep mountains (NOAA, 2007).

California Coastal Act

The California Coastal Act of 1976 (California Public Resources Code, Sections 3000 et seq.) created a partnership between the State (acting through the California Coastal Commission) and local governments (15 coastal counties and 58 cities) to manage the conservation and development of coastal resources through a comprehensive planning and regulatory program. The act's coastal resources management policies and governance structure are based on recommendations contained in the California Coastal Plan, adopted by the Coastal Commission in 1975. The act's policies constitute the standards used by the Coastal Commission in its coastal development permit decisions and for the review of Local Coastal Programs (LCPs) prepared by local governments and submitted to the Coastal Commission for approval. The Coastal Act includes the following habitat policy:

> Section 30240: (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Discussion:

a-h) Discussion, where applicable:

The purpose of this Initial Study is not to provide a position paper or conclusion regarding the potential for plastic bags to harm wildlife. Instead, the purpose of this document is to disclose if the ordinance could result in any potential significant environmental impacts in compliance with CEQA.

Currently, there are approximately 4.4 million single-use carryout bags distributed annually in the City of Monterey that will be affected by this ordinance. Of the two types of carryout bags currently in distribution, plastic bags pose a greater overall hazard to wildlife species. Single use carryout bags have a much higher risk (than reusable bags) of becoming litter Single use carryout bags that are not recycled are either deposited as waste or inadvertently end up as litter. Carryout bags that are disposed of as waste may still become litter, especially plastic bags. Most plastic bags do not biodegrade but instead persist in the environment, slowly breaking down through abrasion, tearing and photo degradation into toxic plastic bits that contaminate soil and water. As a coastal community, this process is of particular concern due to the potential to pollute the Monterey Bay National Marine Sanctuary.

While paper bags will usually degrade at a fast rate, plastic bags will degrade much slower. According to the National Oceanic and Atmospheric Administration (NOAA), most plastic does not fully go away but rather breaks down into smaller and smaller pieces. (Source: NOAA Marine Debris FAQ www.marinedebris.noaa.gov). Without this complete degradation, plastic bags and/or pieces of plastic bags may hurt fish, birds and mammal species within a marine environment through ingestion or entanglement.

The Pacific Ocean contains a huge accumulation of debris known as the "Great Pacific Garbage Patch" which consists mostly of plastic debris. Some scientists estimate the density of plastic in this garbage patch as one million pieces of plastic per square mile. While plastic does not bio-

degrade, it does photo-degrade breaking down into smaller pieces which can make their way into the food chain.

While the exact numbers are unknown, there are many reported instances of marine animals being injured or dying from ingesting or choking on plastic debris in the ocean. It is reasonable to conclude from such information that the presence of plastic debris in the ocean provides a hazard for marine life. Furthermore, the Monterey Bay National Marine Sanctuary indicates that, "Marine pollution has been shown to be harmful to animals commonly seen in the Monterey Bay National Marine Sanctuary such as California Sea lions, Common nurses, Brandt's cormorants, Common loons and endangered Leatherback sea turtles." (Source NOAA Letter, June 7, 2011)

The project will have beneficial impacts on the City by reducing litter and keeping Monterey's waterways and land cleaner. As a coastal city, Monterey has a strong interest in protecting the marine environment, an element which contributes to the unique quality of life in the City.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
V. CULTURAL RESOURCES – Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Intent is to address impact to onsite historic resources and adjacent historic resources.)				X	- City of Monterey PEEC, Monterey City Code (M.C.C.), Chapter 38, Zoning Code, Article 15 H Historic Overlay District - City of Monterey PEEC, Historic Preservation Program - City of Monterey PEEC, Historic Master Plan - City of Monterey PEEC, Historic Ordinance -
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?				X	- City of Monterey PEEC, General Plan Figure 8-Archaeological Sensitivity Map - Archaeological Sensitivity Map, Figure 8, Draft EIR, City of Monterey General Plan Update, July 2004
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	- Archaeological Sensitivity Map, Figure 8, Draft EIR, City of Monterey General Plan Update, July 2004
d) Disturb any human remains, including those interred outside of formal cemeteries?				X	- City of Monterey PEEC

Existing Setting:

According to the City's General Plan, the City of Monterey is one of the most historic cities in the United States, and preservation of historic resources has long been a concern of Monterey citizens. Over the past three centuries, the City has served, at various times, as a Spanish Presidio, a center of government, a major commercial port, and a cultural center. The dramatic ocean scenery, abundant wildlife, pine forests, and historic communities continue to attract explorers, dignitaries, seafarers, artists, writers, and vacationers. Today, Monterey thrives as a cultural center and tourist destination. The City currently has a population of almost 30,000 people and is host to more than two million visitors annually.

Discussion:

a-d) Implementation of the proposed Ordinance will not result in any potential impacts to Cultural Resources.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
VI. GEOLOGY AND SOILS – Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	- City of Monterey PEEC, General Plan Safety Element Goal a, Policies a.1–a.7 - City of Monterey PEEC, General Plan, Map 11-Showing Seismic Hazards
ii) Strong seismic ground shaking?				X	- City of Monterey PEEC, General Plan Safety Element Goal a, Policies a.1–a.7
iii) Seismic-related ground failure, including liquefaction?				X	- City of Monterey PEEC, General Plan Safety Element Goal a, Policies a.1–a.7
iv) Landslides?				X	- City of Monterey PEEC, General Plan Safety Element Goal a, Policies a.1–a.7 - City of Monterey PEEC, General Plan Safety Element Policies b.1–b.6 - City of Monterey PEEC, General Plan, General Plan Map 12-Showing Steep Slopes
b) Result in substantial soil erosion or the loss of topsoil?				X	- City of Monterey PEEC, General Plan Safety Element Goal a, Policies a.1–a.7 - City of Monterey PEEC
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?				X	- City of Monterey PEEC, General Plan Safety Element Goal a, Policies a.1–a.7 - City of Monterey PEEC, General Plan, General Plan Map 12-Showing Steep Slopes
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	- City of Monterey PEEC
e) Have soils incapable of				X	- City of Monterey PEEC

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?					

Existing Setting:

The City of Monterey is underlain by a major geologic feature, the Salinian Block, which in turn is underlain by granitic basement rock. The Salinian Block is bounded on the northeast by the San Andreas Fault and on the southwest by the Palo Colorado-San Gregorio Fault. The block is approximately 50 miles wide and 300 miles long. The types of soils and geologic formations that underlie the City are varied, ranging from unconsolidated dune sands along the Monterey Bay to exposed granite and sandstone.

California is one of the most active seismic regions in the United States. The City lies adjacent to the boundary zone between the North American and Pacific tectonic plates. The faults associated with this zone are predominantly northwest-trending strike-slip faults that have a right-lateral slip. The General Plan identifies three faults that traverse the City, including the Chupines Fault, the Navy Fault, and the Berwick Fault. Information available on the activity of these faults is generally not conclusive, but each is assumed to be potentially active. The geotechnical report prepared for the project site identifies the San Andreas Rift System (Pajaro), located approximately 25.4 miles to the northeast of the project site, as the fault having the greatest potential for seismic activity. Other faults in the vicinity that are not as liable to rupture include the San Gregorio-Palo Colorado (Sur) Fault Zone, approximately 7.5 miles to the southwest of the project site, and the Zayante-Vergeles Fault Zone, approximately 21.1 miles to the northeast of the project site.

Discussion:

a-e) Implementation of the Ordinance will not result in any potentially significant impacts with respect to Geology and Soils.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	- City of Monterey PEEC, General Plan Safety Element Goal G
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	- City of Monterey PEEC
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	- City of Monterey PEEC
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	- California Department of Toxic Substances, EnviroStor Database - City of Monterey Fire Department
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	- City of Monterey PEEC
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	- City of Monterey PEEC
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	- City of Monterey PEEC, General Plan Safety Element Goal h and Policies h.1–h-6 - City of Monterey Police and Fire Departments

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or when residences are intermixed with wildlands?				X	- California Department of Forestry and Fire Protection, Monterey County Natural Hazard Disclosure (Fire) map (http://www.fire.ca.gov/ab6/nhd27.pdf) - Monterey City Code (M.C.C.), Chapter 13, Fire Protection - General Plan Map 14, Showing Fire Hazard Severity Zones

Existing Setting:

The setting information provided below is based on information provided in the City's General Plan and General Plan Environmental Impact Report (EIR).

Hazardous Materials

In terms of hazardous materials usage, many types of hazardous wastes are used throughout the City in residential, commercial, and industrial applications. The Monterey County Environmental Health Division is responsible for managing the use, storage, and disposal of hazardous materials in amounts over a specific threshold (the threshold varies among uses and types of materials). The Environmental Health Division keeps an inventory of hazardous materials users and is responsible for working with users to develop plans that ensure the materials are safely used, stored, transported, and disposed.

Fire

Fire hazards can generally be divided into two main types: (1) fires within urban areas that primarily involve specific sites and structures; and (2) fires within undeveloped or minimally developed areas, commonly called wildland fires. Most of the land within the present city limits is developed with urban uses. The City of Monterey Fire Department responds to both structure and wildland fires within the planning area. The City of Monterey Fire Department maintains three stations and operates several fire prevention programs. In the event that the City does not have the capacity to safely handle a structural or wildland fire, it can request additional firefighting resources through the Monterey County Mutual Aid Plan. The Monterey County Mutual Aid Plan enables any jurisdiction that participates in the plan to receive support from fire protection services of other jurisdictions that participate in implementing the plan. Response times to nearly all areas of the City are within the Department's recommended range of five to seven minutes. Response time to Ryan Ranch is on the threshold of being longer than seven minutes. The same would be true for the Fort Ord annexation area.

The **Monterey City Code (M.C.C.) Chapter 13, Fire Protection**, adopted the 2007 California Fire Code pursuant to Monterey City Ordinance No. 3398 (effective January 1, 2008). Amendments to this chapter of the code, as well as amendments to the City's General Plan **Map 14, Showing Fire Hazard Severity Zones,** were adopted by the City Council on June 2, 2009, to be in compliance with legislation (Government Code Section 51175). This legislation calls for the California Department of Forestry and Fire Protection (CAL FIRE) Director to evaluate fire hazard severity in Local Responsibility Areas and make a recommendation to the local jurisdiction when the Very High Fire Hazard Severity Zone (VHFHSZ) exists. Based on the findings of the CAL FIRE Director, there are both High and Very High Fire Hazard Severity Zone within the City of Monterey City limits (See Map 14 at the City's website: http://www.monterey.org/fire/news/fhszforgenplanmap090428.pdf)

Airport Safety

Monterey Peninsula Airport operations have the potential to create safety issues related to safe operation of approaching and departing aircraft. The Monterey Peninsula Airport District's 1992 Monterey Peninsula Airport Master Plan Update shows "runway protection zones" at each end of the main airport

runway. These zones are areas 2,500 feet wide and 5,000 feet long. Within these areas, land use controls are exercised to minimize potential safety conflicts with activities that take place within the zones. Such controls and guidelines include the prohibition or limitation of uses that involve large assemblages of people, limitations on building heights and heights of other potential obstructions, and prohibition of new structures. Existing land uses that are within the western approach safety zone include much of the U.S. Navy Golf Course, the Monterey County Fairgrounds, and a small section of residential development. Uses within the eastern protection zone include commercial and residential development at the Highway 218/Highway 68 intersection. Smaller additional safety areas extend beyond the primary protection zone wherein specific development standards apply in order to minimize conflicts with airport operations.

Emergency Preparedness/Emergency Response

The City of Monterey Fire Department and City of Monterey Police Department coordinate emergency response within the City. The City operates its Emergency Operations Center (EOC) as the center of emergency response coordination and actions. During an emergency, all response activities are managed by the EOC, including information, equipment, volunteers, and other resources. Plans for responses to emergency situations are formulated by fire and police officials, and actions to implement those plans are communicated to emergency response teams that operate out of the EOC and throughout the City. The City also operates the Citizens Emergency Response Training (CERT). The main goal of the CERT program is to help the citizens of Monterey to be self-sufficient in a major disaster by developing multifunctional teams that are cross-trained in basic skills. The City's emergency response efforts are coordinated under the broader umbrella of the State of California Office of Emergency Services. The County of Monterey also has an emergency response office, but the City is not a participating jurisdiction in the County's response program. The County Environmental Health Division Hazardous Materials Branch and the City of Seaside Hazardous Materials Team would likely be the first agencies to provide support to the City in the event that the City does not have the capacity or capability to fully address a hazard. Both agencies are fully trained and equipped to respond to a variety of hazardous materials related incidents.

Discussion:

a-h) The manufacturing of single use carryout plastic and paper bags involves the release of certain toxic chemicals into the environment. Implementation of the Ordinance will result in the net reduction of single-use carryout bags in distribution annually within the City of Monterey. As both the plastic and paper industries produce toxic materials, this net reduction in bag distribution will reduce the total amount of toxins released that were associated with their manufacture.

Microbiological Hazards

Implementation of the Ordinance is intended to shift consumers from using single use carryout bags to reusable bags. It is projected that 21,580 reusable bags will be used annually (replacing the prohibited single use carryout bags). Several studies have been released evaluating if the use of reusable bags increases the potential for users to be exposed to microbiological contaminants such as E. coli, salmonella, mold and yeast.

A 2009 Study commissioned by the Canadian Plastics Industrial Association tested for the presence of bacteria and fungus in reusable and single use shopping bags. (Source: Sporometrics. Grocery Carry Bag Sanitation: A Microbiological Study of Reusable Bags and First or Single Use Plastic Bags, 2009). The study reported that 64% of the used reusable bags showed the presence of some level of bacteria. No E.Coli or Salmonella were detected in any of the bags.

A 2010 study funded by the American Chemistry Council also evaluated the potential for microbiological contaminants in reusable bags. (Source Gerba, Charles, Williams, David, Ryan, Sinclair. Assessment of the Potential for Cross Contamination of Food Products by Reusable Shopping Bags, June 2010) Coliform bacteria was detected in approximately half of the bags tested. The study also evaluated the potential for bacterial growth when reusable bags were stored in the trunk of a car and the effectiveness of washing reusable bags (in removing bacteria). The study concluded that hand or machine washing (even without bleach) reduces bacteria in reusable bags to levels below detection.

Implementation of the Ordinance will prohibit the distribution of carryout plastic bags but allow the use of plastic bags used to contain meats, fish or vegetables. The common practice of placing these

items within plastic bags (which will not change) limits the potential for microbiological contamination on the surface of reusable bags. As shown in the 2010 study, hand washing or laundering of the reusable bags almost eliminates the presence of bacteria and coliform. (Source Gerba, Charles, Williams, David, Ryan, Sinclair. Assessment of the Potential for Cross Contamination of Food Products by Reusable Shopping Bags, June 2010) Customers using reusable bags following implementation of the ordinance would be expected to use common sense and wash or launder their reusable bags if they become dirty or there is evidence that they have been exposed to raw meat products.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
VIII. HYDROLOGY AND WATER QUALITY – Would the project:					
a) Violate any water quality standards or waste discharge requirements?				X	- Monterey City Code (M.C.C.) Chapter 31.5, Storm Water Management - City of Monterey PEEC, General Plan Public Facilities Element Policy 1.2 - City of Monterey Plans & Public Works Department - Central Coast Regional Water Quality Control Board
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	- City of Monterey Plans & Public Works Department - Monterey Peninsula Water Management District - City of Monterey PEEC, General Plan Conservation Element
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	- Monterey City Code (M.C.C.) Chapter 31.5, Storm Water Management - General Plan Public Facilities Element Policy l.2 - City of Monterey Plans & Public Works Department
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?				X	- Monterey City Code (M.C.C.) Chapter 31.5, Storm Water Management - General Plan Public Facilities Element Policy l.2 - City of Monterey Plans & Public Works Department
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional				X	- Monterey City Code (M.C.C.) Chapter 31.5, Storm Water Management - General Plan Public Facilities Element Policy l.2 - City of Monterey Plans

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
sources of polluted runoff?					& Public Works Department
f) Otherwise substantially degrade water quality?				X	- Monterey City Code (M.C.C.) Chapter 31.5, Storm Water Management - General Plan Public Facilities Element Policy l.2 - City of Monterey Plans & Public Works Department - Central Coast Regional Water Quality Control Board
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	General Plan Map 13-Showing Flood Zones - General Plan Safety Element Program c.1.a - Monterey City Code (M.C.C.) Chapter 9, Building Regulations, Article 7, Flood Damage Prevention - FEMA Flood Insurance Rate Maps
h) Place within a 100-year flood hazard area structure, which would impede or redirect flood flows?				X	- General Plan Map 13-Showing Flood Zones - General Plan Safety Element Program c.1.a - Monterey City Code (M.C.C.) Chapter 9, Building Regulations, Article 7, Flood Damage Prevention - FEMA Flood Insurance Rate Maps
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	- General Plan Safety Element Policy c.1 - City of Monterey Plans & Public Works Department - FEMA Flood Insurance Rate Maps
j) Cause inundation by seiche, tsunami, or mudflow?				X	- General Plan Safety Element Policy c.1 - FEMA Flood Insurance Rate Maps

Existing Setting:

The setting information provided below is based on information provided in the City's General Plan and General Plan EIR.

Drainage Patterns

The City owns and maintains a storm drainage system that collects and transports stormwater to the Monterey Bay. The system includes over 10 miles of pipelines and drainage channels. Stormwater runoff is collected through catch basins and stormwater inlets that direct runoff into the pipelines and channels. A series of stormwater outfalls are located along the margin of the Bay through which stormwater is discharged.

Flooding

Areas of the City of Monterey are located in 100-year and 500-year flood zones, as shown on **Map 13-Showing Flood Zones** of the General Plan and FEMA Flood Insurance Rate Maps for Monterey County (April 2009), and are subject to significant storm wave inundation that causes erosion of coastal bluffs and potential damage to property. Because California and the west coast of the United States are seismically active, the site is also subject to flood hazard from tsunamis, or seismic sea waves, which are generated by submarine earthquakes, volcanic eruptions, and landslides. California, in particular, has numerous potentially active submarine faults offshore and therefore is at risk for a tsunami. **Section VI, Geology and Soils**, of this Initial Study provides a comprehensive discussion regarding coastal flooding, wave action, storm surge and seismic effects, and related issues.

Water Quality

The quality of existing stormwater runoff is assumed to be typical of urban area. Pollutants contained in urban stormwater runoff include metals, organic wastes, pesticides, and a variety of other pollutants, which are carried into the drainage system by stormwater runoff. The City has developed a Model Urban Runoff Program in conjunction with other local government agencies. This program is used as a nationwide model for managing runoff in small communities.

Water Supply

It is the goal of the City of Monterey and the General Plan to obtain a long-term, sustainable water supply, including evaluation of water supply options outside the present Monterey Peninsula Water Management District (MPWMD) framework. Water is supplied to most of the Monterey Peninsula by the California American Water Company (Cal Am) through wells in Carmel Valley, dams on the Carmel River, and a well on the Seaside Aquifer. The City is wholly within the MPWMD, which is responsible for developing long-term water supply for the Monterey Peninsula cities in the district.

According to the General Plan, the City had reached the limits of its allocation and still has very little water available to meet the City's goals. The MPWMD has not provided a stable, long-term source of water, and many of the alternatives proposed by the district would provide only enough water for short-term needs. The City has a limited amount of water available for new residential or commercial development. To mitigate this problem, the City has incorporated programs to address water capacity, including giving preference in the City's water allocation process to projects meeting fair-share housing goals and to affordable housing projects. In addition, the City of Monterey has established an internal allocation system, whereby water allotments are established for residential, commercial, and industrial uses.

Discussion:

a-j) Single-use carryout bags have the potential to become litter and end up in local creeks, streams and the Pacific Ocean. The City of Monterey Plans and Public Works Department reports that single-use plastic bags are commonly discovered in the City's catch basins and wet water well, components of the City's storm drain system. The Department has not discovered any significant quantity of paper bags. Paper bags degrade at a faster rate than plastic bags. Plastic bags degrade at a slower rate and break into smaller and smaller pieces. As previously discussed, plastic never completely degrades which is particularly harmful to the marine environment (See Biological Resources Section).

Implementation of the Ordinance will result in the removal of approximately 2,834,000 single-use carryout plastic bags from distribution within the City of Monterey on an annual basis. The bags will be replaced by the annual use of approximately 21,580 reusable bags and 925,000 paper bags. As reusable bags are heavier and more durable in design (in comparison with single-use plastic and paper bags) and are intended to be used 50-100 times, they are much less likely to become part of the litter stream and enter local creeks, waterways and the Pacific Ocean. Should the paper bags inadvertently become litter and enter local waterways, they will degrade at a higher rate than plastic bags resulting in a lesser impact on water quality.

The other potential issues are the possible eutrophication of water bodies (nitrate and phosphate pollution to water) and water utilized to create paper bags. As demonstrated in the table below, the proposed ordinance reduces current consumption and eutrophication rates. In summary, implementation of the Ordinance will not result in any potentially significant water quality impacts.

Water Quality - Different Types of Carryout Shopping Bags[1]

Indicator of Environmental Impact	HDPE[2] Plastic Bag	Reusable LDPE[3] Plastic Bag					Paper Bag	
	Single Use	Single Use	Used 2x	Used 4x	Used 20x	Used 50x	Single Use	
Eutrophication[4] of Water Bodies	1	2.8	1.4	0.7	0.14	.06	14	
Pre Ordinance Bag Distribution	2,834,000	NA					1,664,000	
Total Eutrophication effect PRE (#*Factor)	2,834,000	NA					23,296,000	26,130,000
Post Ordinance Bag Distribution	0	21,580					924,300	
Total Eutrophication effect POST (#*Factor)	0	60,424					12,940,200	13,000,624
Change in Eutrophication POST Ordinance	-2,834,000	60,424					-10,355,800	-13,129,376

Water Consumption of Different Types of Carryout Shopping Bags[1]

Indicator of Environmental Impact	HDPE[2] Plastic Bag	Reusable LDPE[3] Plastic Bag					Paper Bag	
	Single Use	Single Use	Used 2x	Used 4x	Used 20x	Used 50x	Single Use	
Water Consumption	1	2.6	1.3	0.65	0.13	.05	4	
Pre Ordinance Bag Distribution	2,834,000	NA					1,664,000	
Total Water Consumption PRE (#*Factor)	2,834,000	NA					6,656,000	6,566,000
Post Ordinance Bag Distribution	0	21,580					924,300	
Total Water Consumption POST (#*Factor)	0	56,108					3,697,200	3,697,200
Change in Water Consumption POST Ordinance	-2,834,000	77,688					-2,868,800	-2,868,800

Notes:

1. Numbers *greater* than one indicate a *greater* environmental impact compared with single-use HDPE plastic bags. Numbers *less* than one indicate a *lesser* environmental impact.

2. High-density Polyethylene Plastic
3. Low-density Polyethylene Plastic
4. Eutrophication - nitrate and phosphate pollution to water Low-density Polyethylene Plastic

Sources: James Cadman, Suzanne Evans, Mike Holland (ERMC), Richard Boyd (Metroeconomica), AEA Technology Environment, Proposed Plastic Bag Levy - Extended Impact Assessment 2005 and Ecobilan 2004.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
IX. LAND USE AND PLANNING – Would the project:					
a) Physically divide an established community?				X	- City of Monterey PEEC
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	- City of Monterey PEEC, General Plan - City of Monterey PEEC, Monterey City Code (M.C.C.) Chapter 38, Zoning Ordinance - Coastal Land Use Plans
c) Conflict with any applicable habitat conservation or natural community conservation plan?				X	- City of Monterey PEEC

Existing Setting:

The City of Monterey is a small-scale community that is largely residential and visitor serving in nature. The majority of land in the City already contains some development. Primary land uses include residential development at low to moderate density and visitor-serving, professional office, and retail commercial uses. A number of small, vacant parcels do exist within the City. Most are designated for single-family residential development. Approximately 138 acres of land located east of the Ryan Ranch industrial park that were part of the former Fort Ord were annexed to the City just prior to the 2005 General Plan Update, and this area represents the most significant vacant land resource in the City.

Discussion:

a-c) Implementation of the proposed Ordinance will not result in any land use impacts.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
X. MINERAL RESOURCES – Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	- City of Monterey PEEC, General Plan Conservation Element - City of Monterey PEEC, General Plan Initial Study, Page 11
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	- City of Monterey PEEC, General Plan Conservation Element - City of Monterey PEEC, General Plan Initial Study, Page 11

Existing Setting:

While there are, at present, small-scale mineral extraction operations around the City of Monterey, limited to commercial sand removal operations in the Sand City/Marina area, there are no mineral resources within the City of Monterey city limits.

Discussion, where applicable:

a-b) Implementation of the proposed Ordinance will not result in any mineral resource impacts.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
XI. NOISE – Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	- City of Monterey PEEC, General Plan Noise Element goals, policies, and programs
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X	- City of Monterey PEEC, General Plan Noise Element goals, policies, and programs
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	- City of Monterey PEEC, General Plan Noise Element goals, policies, and programs
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X	- City of Monterey PEEC, General Plan Noise Element goals, policies, and programs
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	- City of Monterey PEEC, General Plan Noise Element Policies b.1–b-5 - City of Monterey PEEC, General Plan Map 17- Showing Airport Noise Contours - Monterey Peninsula Airport, 14 CFR Part 150 Airport Noise Exposure Map Update, Exhibits 4B-4D (April 2008)
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	- City of Monterey PEEC

Existing Setting:

The 1983 City of Monterey General Plan Noise Element identified the major noise sources affecting the community as motor vehicles (autos, trucks, buses, motorcycles) and aircraft. Motor vehicles and aircraft continued to be the primary noise sources in 2003. Some events at the fairgrounds have also generated noise complaints. No stationary source, such as an industrial plant, is known to create noise at an unacceptable level.

Discussion:

a-f) Implementation of the proposed Ordinance will not result in any noise impacts.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
XII. POPULATION AND HOUSING – Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	- City of Monterey PEEC, General Plan
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	- City of Monterey PEEC, General Plan
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	- City of Monterey PEEC, General Plan

Existing Setting:

According to the 2009 - 2014 General Plan Housing Element, the Regional Housing Needs Assessment (RHNA) prepared by the Association of Monterey Bay Area Governments (AMBAG) identified a future housing need in Monterey of 657 new dwelling units for the period of 2007–2014. The City's General Plan is required to show adequate sites for the 657 units to be in compliance with state law requirements. The City's goal is to provide this housing in the proposed Mixed Use Neighborhoods which can accommodate higher-density housing due to transit, recreation, and commercial opportunities.

Discussion:

a-c) Implementation of the proposed Ordinance will not result in any population or housing impacts.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
XIII. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?				X	- City of Monterey PEEC, General Plan Public Facilities Element Goal c, Policies c.1–c.5 - City of Monterey Fire Department
b) Police protection?				X	- City of Monterey PEEC, General Plan Public Facilities Element Goal b, Policies b.1–b.3 - City of Monterey Police Department
c) Schools?				X	- City of Monterey PEEC, General Plan Public Facilities Element Goal d, Policies d.1–d.6 - Monterey Peninsula Unified School District
d) Parks?				X	- City of Monterey PEEC, General Plan Public Facilities Element Goal j, Policies j.1–j.6 - City of Monterey Recreation & Community Services Department - City of Monterey Maintenance Division-Parks & Beaches
e) Other public facilities?				X	- City of Monterey PEEC, General Plan Public Facilities Element Goals a, e, f–i, k–p ; Policies f.1–f.7, i.1–i.3, k.1–p.2 ; Programs m.1.1–m.2.1 - City of Monterey Public Works Department - City of Monterey Maintenance Division-Streets & Utilities - City of Monterey Recreation and Community Services Department - City of Monterey Office of the Harbormaster

Existing Setting:

The major public facilities in the City of Monterey are police and fire, park and recreation facilities, schools, military, cultural, conference center, health care, civic center, cemeteries, harbor, sewage treatment, storm drain system, water supply, and reduction and recycling of waste.

Discussion:

a-e) Implementation of the proposed Ordinance will not result in any negative public service impacts.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
XIV. RECREATION –					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	- City of Monterey PEEC, General Plan Public Facilities Element Goal j, Policies j.1–j.6 - Monterey City Code (M.C.C.) Chapter 38, Zoning Ordinance, Article 9, Open Space District - Monterey City Code (M.C.C.) Chapter 33, Subdivision, Article 3, §33-29(c) Park and recreation dedication and fees
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X	- City of Monterey Recreation and Community Services Department

Existing Setting:

The City of Monterey Recreation and Community Services Department manages a wide range of park and recreation facilities. The Open Space Element provides background information and goals and policies regarding the City's open space and park resources implemented by the Parks Master Plan. Significant recreation facilities include the Monterey Sports Center, community centers, neighborhood park facilities, and beach parks. Neighborhood parks also include various athletic fields, tennis courts, and other park facilities.

Discussion:

a-b) Implementation of the proposed Ordinance will not result in any recreation impacts.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
XV. TRANSPORTATION/TRAFFIC – Would the project:					
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X		- City of Monterey Plans & Public Works Department, Traffic Engineering Division
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X		- City of Monterey PEEC, General Plan Circulation Element Program j.1.1 - City of Monterey Plans & Public Works Department, Traffic Engineering Division
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X	- Monterey Peninsula Airport District
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	- City of Monterey PEEC, General Plan, Circulation Element - City of Monterey Plans & Public Works Department, Traffic Engineering Division - Monterey City Code (M.C.C.) Chapter 20, Motor Vehicles and Traffic, Chapter 33, Subdivisions, Article 3, several sections related to circulation
e) Result in inadequate emergency access?				X	- City of Monterey PEEC, General Plan, Circulation Element - City of Monterey Fire and Police Departments
f) Result in inadequate parking capacity?				X	- City of Monterey PEEC, General Plan, Circulation Element
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	- City of Monterey PEEC, General Plan, Circulation Element

Existing Setting:

The setting information provided below is based on information provided in the City's General Plan and General Plan EIR.

Roadway Classification
The City has a roadway classification system, which includes freeways, major arterials, minor arterials, collectors, and local streets.

Level of Service Standards and Study Road Segment/Intersection Operations
The Level of Service (LOS) is a standard used to describe the operating conditions on a roadway segment or at an intersection. Level of service A represents free-flow, uncongested traffic conditions, while level of service F represents highly congested traffic conditions with unacceptable delay to vehicles at the intersections and on the road segments. The intermediate levels of service represent incremental levels of congestion and delay between these two extremes. Factors that may affect traffic flow conditions on roadway segments include intersection channelization design, type of traffic control devices, bicycle and pedestrian volumes, driveway activities, and on-street parking activities. Furthermore, urban street levels of service are based on through-vehicle travel speed for the segment or for the entire street under consideration. Travel speed is the basic service measure for urban streets.

Transit Service
The Monterey-Salinas Transit District (MST) is the principal transit service for the City of Monterey and the surrounding communities. MST is a joint powers agency with a board of directors that includes a representative from the City of Monterey. Thirteen MST routes currently serve the citizens of the community. The Simoneau Plaza located in downtown Monterey is the transfer center for all routes serving the City. Senior and disabled citizens can use the MST fixed-route and Direct Area Response Transit (DART). MST also operates the RIDES program for disabled citizens. These routes operate on weekdays and Saturdays from approximately 7:00 AM to 11:00 PM and from approximately 7:30 AM to 5:30 PM on Sundays and holidays.

Existing Bikeway and Pedestrian Facilities
The City of Monterey maintains an extensive network of Class 1, 2, and 3 bicycle paths and pedestrian sidewalks. The most notable bicycle and pedestrian path is the City's Recreational Trail that is located along the coastal side of the City. The Recreational Trail is a dual use facility that offers people destination opportunities, such as the restaurants or retail stores along Cannery Row or Fisherman's Wharf, or one of many parks for relaxing or wildlife viewing and sightseeing. The City maintains sidewalks on almost all City roadways, and some roadways have bicycle lanes.

Parking
Parking conditions throughout the City vary greatly. Some areas, mostly in the residential neighborhoods, have on-site and street parking, while much of the retail areas, such as Cannery Row, have street parking and public garages available and a minimal amount of on-site parking. The City's goal is to fully utilize the valuable commercial land opportunities throughout the City by implementing a variety of parking programs. Some programs include shared parking, which provides users with different peak parking requirements to share the same parking facilities. Also, the City provides bicycle and pedestrian infrastructure throughout the City as an incentive to walk or ride a bike rather than drive. The available incentives help to reduce the demands on parking throughout the City.

Discussion:

a-g) Implementation of the Ordinance will not result in any potentially significant impacts related to traffic and transportation. The ordinance will decrease the total number of single use carryout bags. This shift will most likely result in a decrease in truck trips because fewer single use carryout bags will be distributed.

Current Bag Distribution	Type of Bag	Total Cases needed	Total Truck Trips
2,834,000	plastic	1,417	0.81
1,664,000	Paper	3,170	7.66
unknown	reusable	unknown	unknown

POST Implementation Bag Distribution	Type of Bag	Total Cases needed	Total Truck Trips	Change in truck trips
0	plastic	0	0.00	-0.81
924,300	paper	1,761	4.25	-3.40
21,580	reusable	NA	NA	NA
		Total reduction in truck trips:		-4.22

*Assuming 2000 bags per case of Plastic bags and 525 bags per case of Paper Bags

* Figures are according to County of Santa Cruz Environmental Document

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	- City of Monterey Plans and Public Works Department - City of Monterey PEEC - Monterey Regional Water Pollution Control Agency
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	- City of Monterey Plans and Public Works Department - City of Monterey PEEC - Water Management District - California American Water Company - Monterey Regional Water Pollution Control Agency
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	- City of Monterey Plans and Public Works Department - Monterey City Code (M.C.C.) Chapter 31.5, Storm Water Management - City of Monterey PEEC, General Plan Public Facilities Element subsection l. Storm Drain
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X	- City of Monterey PEEC, General Plan Public Facilities Element subsection m. Water
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	- City of Monterey Plans and Public Works Department - Monterey Regional Water Pollution Control Agency - City of Monterey PEEC, General Plan Public Facilities Element subsection k. Sewer
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	- City of Monterey Solid Waste & Recycling Division - Monterey Regional Waste Management District - City of Monterey PEEC, General Plan Public Facilities Element subsection n. Reduction and Recycling of Waste
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X	- City of Monterey Solid Waste & Recycling Division - Monterey Regional Waste Management District - City of Monterey PEEC, General Plan Public Facilities Element subsection n. Reduction and Recycling of Waste

Existing Setting:

The setting information provided below is based on information provided in the City's General Plan and General Plan EIR.

Wastewater

The City maintains the sanitary sewer collection system within its jurisdictional boundaries. The existing sewer collection system conveys sewage from sewer point sources within the City, such as homes, businesses, and public facilities, to a regional wastewater treatment plant for treatment and disposal. The sewer collection system operated by the City consists of approximately 102 miles of sewer pipeline maintained by City personnel and five sewer lift stations.

Monterey's sewage is conveyed through pipelines to the Monterey Regional Water Pollution Control Agency (MRWPCA) sewer treatment plant in the City of Marina for treatment and disposal. Per the MRWPCA, sixty percent (60%) of incoming wastewater is highly treated through their water recycling facility and distributed for irrigation uses on farmlands in northern Monterey County. MRWPCA performs secondary treatment of the remaining wastewater, which is then discharged though an ocean outfall two miles into Monterey Bay.

Local sewer collection pipelines of various capacities exist underground within the City and eventually flow to larger sewer mains that feed into the MRWPCA interceptor pipeline The interceptor pipeline receives sewer flows from both Pacific Grove and Monterey and carries those flows to the wastewater treatment plant.

Monterey's existing sewer collection system is an aged one, and requires on-going maintenance and rehabilitation. Engineering studies and assessments of the system performed over the past ten years provided results regarding the condition of the existing sewer collection system and identified priority repair and replacement projects. Utilizing an 'A' through 'F' standard rating system for sewer collections systems, sewer pipes were flagged for repair based on their existing level of defect. Those pipes that received a 'C', 'D', or 'F' rating based on the quantitative measure of pipe defects are planned for rehabilitation, which will include repair or replacement of the existing sewer pipe.

The existing capacity of the system is adequate to convey the sewer loads generated, but the infrastructure is in need of repair and is planned to undergo rehabilitation in the near future upon funding availability. Rehabilitation of the City's aged sewer collection system is an important factor in mitigating sewer spills locally and into Monterey Bay. As a result, the rehabilitation of this system is a priority project for the City's Plans and Public Works Department.

Water

Water is supplied to most of the Monterey Peninsula by the California American Water Company (Cal Am) through wells in Carmel Valley, dams on the Carmel River, and a well on the Seaside Aquifer. The City is wholly within the Monterey Peninsula Water Management District (MPWMD), which is responsible for developing long-term water supply for the Monterey Peninsula cities in the district.

As of the 2005 General Plan, the City had reached the limits of its allocation and still has very little water available to meet the City's goals. The MPWMD has not provided a stable, long-term source of water, and many of the alternatives proposed by the district would provide only enough water for short-term needs. The City has a limited amount of water available for new development. The City of Monterey has established an internal allocation system, whereby water allotments are established for residential, commercial, and industrial uses. The City also maintains a portion of the total allocation as a citywide reserve.

Storm Drainage

The City maintains approximately 10 miles of storm drainage infrastructure – drainage channels, storm drains, pipelines, culverts, pump stations, and outfalls - within the City of Monterey. This existing storm water collection system collects non-point surface water runoff and conveys it through channels, pipelines, and culverts that, in most instances, eventually terminate at the Monterey Bay. Monterey's storm water collection system is not tied into the sanitary sewer collection system. Therefore, storm water flows are not treated prior discharge. Storm water effluent is discharged to local water bodies, including the Monterey Bay, at multiple outfalls located at the most downstream points along the Monterey coast.

Monterey's discharge of storm water to local surface waters, including the Bay, is regulated and permitted through a National Pollutant Discharge Elimination System (NPDES) permit from the Central Coast Regional Water Quality Control Board. As authorized by the Federal Clean Water Act, the NPDES permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches, including those of municipal separate storm sewer systems like that in Monterey. Since its inception in 1972, the NPDES permit program is responsible for significant water quality improvements to our Nation's waterways.

In 2001, nine local agencies - the cities of Monterey, Carmel-by-the-Sea, Del Rey Oaks, Sand City, Seaside, Marina, Pacific Grove, the County of Monterey, and the Pebble Beach Company - joined forces to develop their NPDES Phase II permits and to establish a regional storm water management, implementation, and enforcement program. This partnership fostered the development of the Monterey Regional Storm Water Management Program (MRSWMP) and the associated guiding documentation and best management practices (BMPs) that exist today for program implementation and enforcement. In an on-going effort to comply with State and Federal requirements, the regional MRSWMP group meets monthly to discuss their urban runoff issues and refine their BMPs to properly manage storm water on a regional basis and in their respective jurisdictions.

Monterey's existing storm water collection system is an aged one. It is in need of repair and rehabilitation. To date, the City has performed work to document the existing conditions of the system and identify those segments in need of rehabilitation. Although a priority, at present no funding is available for this rehabilitation work.

Solid Waste

The regional waste collection facility is located in the City of Marina and is operated by the Monterey Regional Waste Management District. Locally, there is a transfer facility in Ryan Ranch operated by Monterey Disposal Service.

Discussion:

a-b,d-e) Implementation of the Ordinance would not result in any potentially significant impacts related to increased water or wastewater use within the City of Monterey. (See Hydrology Section)

As opposed to single-use carryout bags, reusable bags are intended to be used multiple times over many months (or years). As these bags become soiled or dirty from multiple uses, it is expected that the owner will launder the bags. The washing of bags would not result in any substantial increase in the demand for potable water or significantly impact wastewater treatment capacity within the City of Monterey. Those who launder their bags would likely place the bags in laundry loads with other clothes and materials, resulting in no significant water demand.

c) Implementation of the proposed Ordinance will not result in a need to construct or expand storm drain facilities.

f-g) Implementation of the ordinance would result in a decrease in distribution of plastic single use carryout bags. The shift to reusable bags will decrease the amount of litter found in our community and the amount of waste being delivered to the landfill.

In summary, implementation will not result in any potentially significant impacts related to increased waster use, wastewater production, storm drain facilities or solid waste.

SUBJECT AREA	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	SUPPORTING INFORMATION
XVII. MANDATORY FINDINGS OF SIGNIFICANCE –					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	- City of Monterey PEEC
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X		- City of Monterey PEEC - California Air Resources Board (CARB) - California Air Pollution Control Officers' Association (CAPCOA) - MBUAPCD - BAAQMD
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	- City of Monterey PEEC

Discussion:

a-c) The project will not substantially degrade the quality of the environment as documented in this Initial Study. Specifically, implementation of the Ordinance will not trigger any mandatory thresholds of significance with respect to potential impacts to fish and wildlife species or examples of California history or prehistory. As discussed in the Biological Section, implementation of the ordinance will not have any potential significant impacts on biological resources. The ordinance will also not result in any potential substantial impacts on human beings either directly or indirectly.

Cumulative Impacts

Over the last several years, legislation has been proposed at the National, State and local level regarding the use of carryout bags. Several other countries, such as Ireland, have implemented a fee or ban on single-use carryout plastic bags. In 2009, Washington DC enacted a fee of 5 cents on both single-use carryout plastic and paper bags.

There are several cities and counties within California that have adopted a Carryout Bag Ordinance. Most of these agencies have published CEQA documents that evaluate the potential environmental impacts that could result from implementation of a Carryout Bay Ordinance.

Jurisdiction	**Proposed Ordinance**	**CEQA Document**	**Potentially Significant Environmental Impacts**
City of Calabasas	Ban distribution of plastic bags at all supermarkets and retail establishments with over 10,000 sf^2. and require a $.10 fee upon recycled content paper bags	County of Los Angeles EIR	Greenhouse Gas Emissions (The EIR acknowledges that implementation of the ordinance would result in a small increase in greenhouse gases (501 carbon dioxide equivalent units per year) however the document concludes this would be less than significant.
City of Long Beach	Ban distribution of plastic bags at all grocery stores, food vendors, restaurants, pharmacies & City facilities. and require a $.10 fee upon recycled content paper bags	Addendum to County of Los Angeles EIR	Greenhouse Gas Emissions (The EIR acknowledges that implementation of the ordinance would result in a small increase in greenhouse gases (501 carbon dioxide equivalent units per year) however the document concludes this would be less than significant.
City of Malibu	Ban distribution of plastic bags at all supermarkets, pharmacies, retail establishments & convenient stores & City facilities	Categorical Exemption	None
City of Manhattan Beach	Bans the distribution of plastic bags at point of sale of all retail establishments	Negative Declaration	None
City of Palo Alto	Requirement for recyclable paper checkout bags and prohibition on single plastic bags at grocery store point of sale.	Mitigated Negative Declaration	None
City and County of San Francisco	Expands current required use of compostable plastic, recyclable paper and/or a reusable checkout back to all stores in city and county.	Exempt	None.
City of Santa Monica	Bans distribution of plastic bags at all retail establishments. Allows sale of 'green' paper bag for $0.25.	EIR	None
City of San Jose	Bans distribution of plastic bags at retail stores. Allows sale of a 'green' paper bag for $0.10 initially, increasing to $0.25	EIR	None
County of Los Angeles	Ban distribution of plastic bags at all supermarkets and retail establishments with over 10,000 $sf^{2.}$ CEQA document evaluates all incorporated and unincorporated areas.	EIR	Greenhouse Gas Emissions (The EIR acknowledges that implementation of the ordinance would result in a small increase in greenhouse gases (501 carbon dioxide equivalent units

			per year) however the document concludes this would be less than significant.
County of Marin	Bans plastic bags and imposes fee on paper ($.05)	Categorical Exemption	None
County of Santa Clara	Bans distribution of plastic and paper bags at retail stores. Allows sale of a 'green' paper bag for $0.--.	Negative Declaration	None
County of Santa Cruz	Bans distribution of plastic bags at retail stores. Allows sale of a recycled content paper bag for $0.10 initially, increasing to $0.25	Negative Declaration	Proposed Mitigation with Condition a Financial Contribution is Made to Encourage Reusable Bags

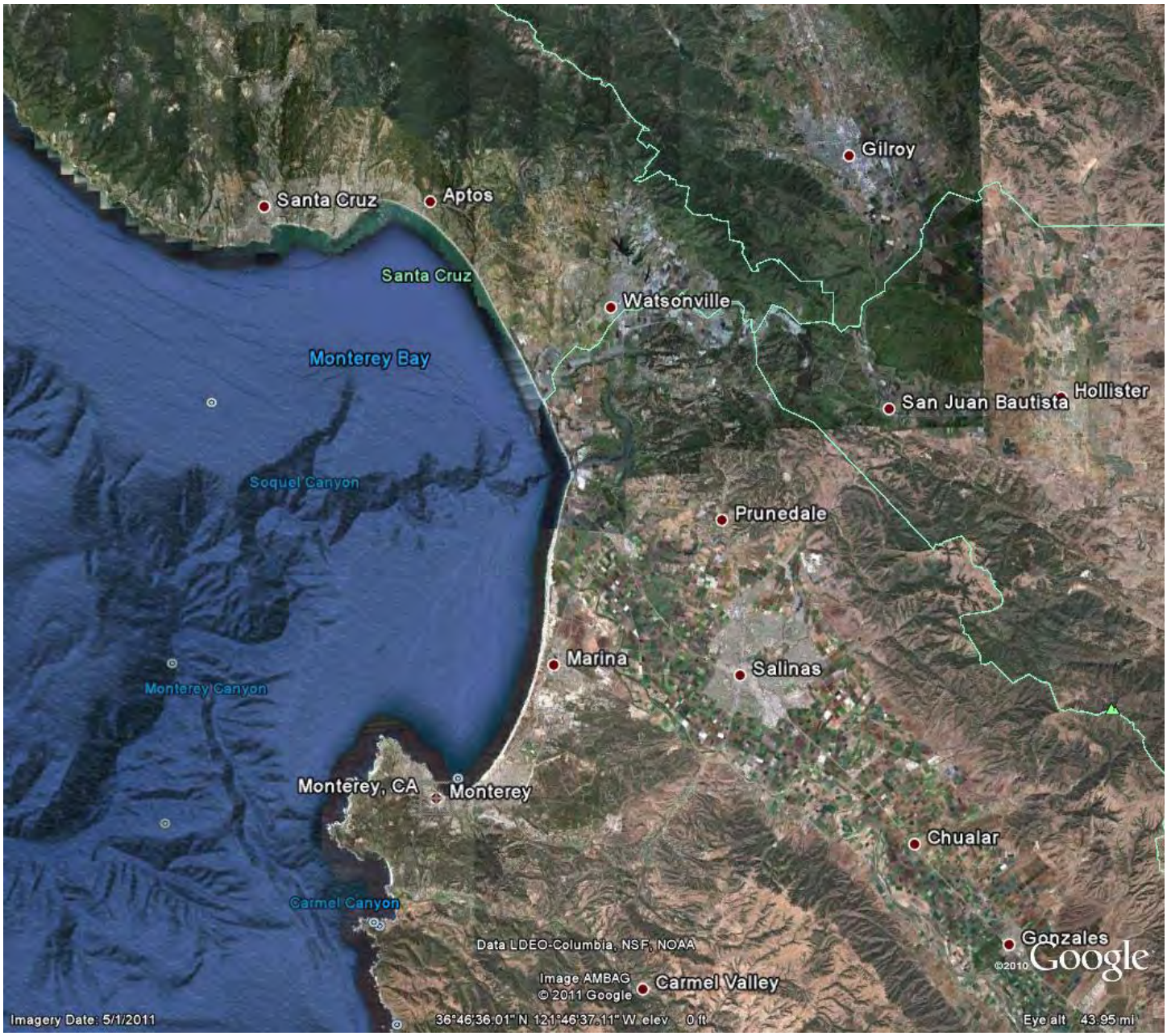
As disclosed within this Initial Study, implementation of the Ordinance will not result in any potentially significant environmental impacts. In all environmental categories discussed, there would be no increase in environmental impacts. For example, implementation of the ordinance is projected to result in over a 131 ton reduction in greenhouse gas emissions. As a result, this project will not add to any cumulative impact.

Thus, implementation of other proposed Ordinances and City of Monterey ordinance would result in no environmental impacts that could be considered "cumulatively considerable".

References:

1. Association of Monterey Bay Area Governments (AMBAG). 2009. www.ambag.org (accessed April 2009).
2. Bay Area Air Quality Management District (BAAQMD). 2006. *Source Inventory of Bay Area Greenhouse Gas Emissions.*
3. California Air Pollution Control Officers Association (CAPCOA). 2009. http://www.capcoa.org/climatechange/ (accessed April 2009).
4. California Air Resources Board (CARB). 2009. www.arb.ca.gov (accessed April 2009).
5. California American Water Company (Cal Am). 2009. http://www.amwater.com/caaw/ (accessed April 2009).
6. California Department of Conservation (DOC). 2004a. *Farmland Mapping and Monitoring Program (FMMP). Monterey County Important Farmlands Map.*
7. California Department of Conservation (DOC). 2004b. *Monterey County Williamson Act Lands Map.*
8. California Department of Conservation (DOC). 2006. *California Geological Survey (CGS).*
9. California Department of Forestry and Fire Protection (CDF). 2000. *Monterey County Natural Hazard Disclosure (Fire) map*. http://www.fire.ca.gov/ab6/nhd27.pdf.
10. California Department of Toxic Substances (CDTS). 2009. EnviroStor Database. http://www.envirostor.dtsc.ca.gov/ public/ (accessed April 2009).
11. Central California Regional Water Quality Control Board – Central Coast Region (CCRWQCB). 1994. *Water Quality Control Plan*. http://www.swrcb.ca.gov/rwqcb3/
12. City of Monterey. 1995. *Ordinance No. 3172 Amending the Monterey City Code Section 37 Regarding Regulation of Trees.*
13. City of Monterey. 1997. *Zoning Ordinance.*
14. City of Monterey. 2003. *Housing Element Initial Study.*
15. City of Monterey. 2005. *General Plan.* As amended January 2005.
16. City of Monterey. 2004. *General Plan Environmental Impact Report.*
17. City of Monterey. 2009. Fire Department. http://www.monterey.org/fire/ (accessed April 2009).
18. City of Monterey. 2009. Maintenance Division-Parks & Beaches. 2009. http://www.monterey.org/parks/index.html (accessed April 2009).
19. City of Monterey. 2009. Maintenance Division-Streets & Utilities. http://www.monterey.org/streets/index.html (accessed April 2009).
20. City of Monterey. 2009. Planning and Engineering. *Historic Master Plan.* http://www.monterey.org/planningengineering/historic/masterplan.html (accessed April 2009).
21. City of Monterey. 2009. *Monterey City Code.* As amended 2009.

22. City of Monterey. 2009. Office of the Harbormaster. 2009. http://www.monterey.org/harbor/ (accessed April 2009).
23. City of Monterey. 2009. Plans & Public Works Department. http://www.monterey.org/ppw/ (accessed April 2009).
24. City of Monterey. 2009. Police Department. http://www.monterey.org/mpd/ (accessed April 2009).
25. City of Monterey. 2009. Recreation and Community Services Department. http://www.monterey.org/rec/ (accessed April 2009).
26. City of Monterey. 2009. Solid Waste & Recycling Division. http://www.monterey.org/recycle/index.html (accessed April 2009).
27. Federal Emergency Management Agency. 2009. *Flood Insurance Rate Map for Monterey County, Map Number 050530329G.*
28. Governor's Office of Planning and Research, State of California (OPR). 2004. *Guidelines for Implementation of the California Environmental Quality Act,* as amended 2004.
29. Monterey Bay Unified Air Pollution Control District (MBUAPCD). 2005. *2005 Report on Attainment of the California Particulate Matter Standards in the Monterey Bay Region.*
30. Monterey Bay Unified Air Pollution Control District (MBUAPCD). 2008a. *2008 Air Quality Management Plan for the Monterey Bay Region*.
31. Monterey Bay Unified Air Pollution Control District (MBUAPCD). 2008b. *2008 CEQA Air Quality Guidelines.*
32. Monterey Peninsula Airport District (MPAD). www.montereyairport.com (accessed April 2009).
33. Monterey Peninsula Airport District (MPAD). 2007. *Figure 4-3-FAR Part 150 Airport Noise Exposure Map of the 2007 Noise Exposure Maps Update Report.*
34. Monterey Peninsula Unified School District (MPUSD). www.mpusd.k12.ca.us/ (accessed April 2009).
35. Monterey Peninsula Water Management District (MPWMD). www.mpwmd.dst.ca.us/ (accessed April 2009).
36. Monterey Regional Waste Management District (MRWMD). www.mrwmd.org/ (accessed April 2009).
37. Monterey Regional Water Pollution Control Agency (MRWPCA). www.mrwpca.org/ (accessed April 2009).
38. Metropolitan Washington Council of Governments. Plastic Bag Report. 2009.
39. Lewis, Helen. Verghese Karli and Fizpatrick. Evaluating the sustainability impacts of packaging: the plastic carry bag dilemma. 2010.
40. Nolan – ITU /Environment Australia. Plastic Shopping Bags – Analysis of Levies and Environmental Impacts. December 2002.
41. Ecobilan 2004.
42. Chet Chaffee and Bernard R. Yaros, Boustead Consulting & Associates, Life Cycle Assessment for Three Types of Grocery Bags - Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper
43. James Cadman, Suzanne Evans, Mike Holland (ERMC), Richard Boyd (Metroeconomica), AEA Technology Environment, Proposed Plastic Bag Levy - Extended Impact Assessment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ORDINANCE NO. ____ C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

TO BAN SINGLE-USE CARRY-OUT BAGS AND PROHIBIT THE FREE DISTRIBUTION OF RECYCLED PAPER BAGS BY RETAIL ESTABLISHMENTS, TO BE EFFECTIVE

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

WHEREAS, it is the intent of the City of Monterey to eliminate the common use of single-use carry out bags, encourage the use of reusable bags by consumers and retailers, and to reduce the consumption of single-use bags. The use or benefits of paper bags rather than plastic bags is not the issue addressed by this Ordinance. Rather it is to urge the City of Monterey residents and visitors to the City of Monterey to avoid single-use bags altogether and be in favor of reusable bags when purchasing goods.

WHEREAS, the City of Monterey has an obligation to protect the environment, the economy and public health. Globally, an estimated 500 billion to one trillion petroleum-based plastic bags are used each year, which equals over one million per minute. Over 12 million barrels of oil are used to produce plastic bags. CalRecycle estimates that Californians use nearly 20 billion single-use plastic bags per year and discard over 100 plastic bags per second. Further the EPA estimates that only 5% of the plastic bags in California and nationwide are currently recycled.

WHEREAS, the production and disposal of plastic bags causes significant environmental impacts, including contamination of the environment, the deaths of thousands of marine animals through ingestion and entanglement, widespread litter and debasement of the urban environment, and increased waste disposal costs.

WHEREAS, most plastic carry out bags do not biodegrade but instead persist in the environment for hundreds of years, slowly breaking down through abrasion, tearing, and photo degradation into toxic plastic bits that contaminate soil and water while entering the food web when animals inadvertently ingest these materials. Toxic substances present in plastics are believed to cause death or reproductive failure in fish, shellfish and wildlife and in the humans that ingest the fish.

WHEREAS, the US Marine Mammal Commission estimates that 257 marine species have been reported entangled in or having ingested marine debris. Plastic can constrict the animals' movements or block their digestive system, killing the animals through starvation, exhaustion or infection from deep wounds caused by tightening material.

WHEREAS, according to Save Our Shores, a Santa Cruz based marine conservation non-profit that conducts beach, river and inland cleanups in the coastal regions of Santa Cruz, San Mateo and Monterey County, from June 2007 to March 2010, it conducted 395 cleanups where volunteers removed a total of 19,080 plastic bags. Unchecked, this material would have likely entered the marine environment of the Monterey Bay National Marine Sanctuary.

WHEREAS, compostable plastic carry out bags, as currently manufactured, do not solve the above referenced issues of wildlife damage, litter, or resource use. Further, compostable carry-out bags are designed to remain intact until placed in a professional compost facility, so do not degrade quickly as litter and do not degrade in a marine environment. Producing compostable bags consumes nearly as much fossil fuel as non-compostable bags. Mixing compostable bags with regular plastic bags prevents recycling or composting. Accordingly, the City has determined that it should not grant an exemption to this Ordinance *for compostable carry-out bags.*

WHEREAS, according to Californians Against Waste, Californians pay up to $200 per household each year in State and Federal taxes to clean up litter and waste associated with single-use bags, on top of the $40 per household per year in hidden grocer costs to offset the expense of nearly 1,000 “free” bags received from grocers.

WHEREAS, reusable bags are readily available with numerous sources and vendors for these bags. Many grocery and other retail stores throughout the City of Monterey already offer reusable bags for sale at a price as low as 99 cents.

WHEREAS, this Ordinance recognizes that there are energy and environmental consequences of using paper bags. While paper bags do not have the end of use impacts of plastic bags, they may use comparable or more energy and resources to manufacture. For this reason, a fee on paper bags is indicated as an incentive to reduce their use and encourage reusable bags.

WHEREAS, paper shopping bags with 40% post consumer recycled content are easily available and such bags are in wide use by City of Monterey merchants. Paper bags that contain a minimum of 40% post-consumer recycled content have fewer negative impacts than virgin paper bags.

WHEREAS, State law currently prohibits local jurisdictions from placing fees on single-use carry-out plastic bags. Therefore, several California cities have adopted or are pursuing a ban as the most effective remaining means to eliminate the impacts these plastic bags cause. State law does not prohibit jurisdictions from placing fees on paper bags.

WHEREAS, this Ordinance directly impacts retail establishments throughout the City of Monterey, excluding Public Eating Establishments that receive 90% of its revenue from the sale of prepared food eaten on or off-premises, Nonprofit Charitable Re-users, and participants of the California Special Supplement Food Program, for Women, Infants, and Children.

NOW THEREFORE, the Monterey City Council declares as follows:

ARTICLE 4.

A new Article 4 is hereby added to Chapter 14 of the Monterey City Code, commencing with section 14-21, as set forth below:

ARTICLE 4

Section 14-21. After 90 days from the ordinance’s final passage and adoption, the following will be required:

(a) No retail establishment, that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer, shall provide a single-use carryout 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. A reusable bag or a recycled bag may be provided to the customer, pursuant to this Section.

(i) A “single-use carryout bag” is defined as a bag, other than a reusable bag or recycled 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. Single-use carryout bags do not include bags without handles provided to the customer (1) to transport produce, bulk food or meat from a product, bulk food or meat 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 bag.

(ii) A “reusable bag” is defined as a bag made of cloth or other machine washable fabric that has handles that is at least 2.25 millimeters thick and is specifically designed and manufactured for multiple reuse, meaning manufactured to carry a minimum of 22 pounds for at least 125 times over a distance of at least 175 feet.

(iii) A “recycled paper bag” is defined as a bag that contains no old growth fiber and a minimum of 40% post-consumer recycled content, is 100% 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.

(b) Public eating establishments, defined as restaurants, take-out food establishments, or any other business that receives 90% or more of its revenue from the sale of food which is prepared on the premises, to be eaten on or off its premises, are not considered retail establishments for the purpose of this Ordinance.

(c) Nonprofit charitable re-users, which is 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 re-uses and recycles donated goods or materials and receives more than 50% of its revenues from the handling and sale of those donated goods or materials, are not considered retail establishments for the purpose of this Ordinance.

(d) Ninety (90) days from the Ordinance’s final passage and adoption, a retail establishment may make available for sale to a customer a recycled paper bag for a minimum charge of 10 cents ($0.10). One hundred and eighty (180) days from the Ordinance final passage and adoption, a retail establishment shall raise the cost it charges a customer for a recycled paper bag to a minimum charge of twenty-five cents ($0.25). A retail establishment may also make available to the customer, a reusable bag.

(e) Notwithstanding this Section, when a recycled paper bag is distributed to the customer, the amount of the sale of the recycled paper bag shall be separately itemized on the sales receipt.

(f) A retail establishment may provide 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 or at no cost or reusable bag.

Section 14-22. **Recordkeeping and Inspection**

All retail establishments shall keep complete and accurate records or documents of the purchase and sale of any recycled paper bag by the retail establishment, for a minimum period of one year from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Section. 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 City shall be a violation of this Section.

Section 14-23. **Enforcement and Notice of Violation.**

(a) The remedies provided by this Ordinance are cumulative and in addition to any other remedies available at law or in equity.
(b) Retail establishments shall state that they are in compliance with this Ordinance on their annual business license renewal forms.

Section 14-24. **Penalties and Fines for Violations.**

(a) For the first violation, a written warning shall be issued to the provider specifying that a violation of this Ordinance has occurred, and which further notifies the provider of the appropriate penalties to be assessed in the event of future violations. The provider will have 14 days to comply.
(b) Upon failure of the provider to comply within the 14 day period set forth in subsection (a) above, the City may pursue enforcement of this Ordinance utilizing any of the remedies set forth in the City's Administrative Fine Resolution.
(c) Providers who violate this Ordinance in connection with special events, as defined in this Article, shall be assessed a graduated administrative fine which shall increase in amount depending upon the number of persons attending said special event. The amount of the graduated administrative fine shall be established and set forth in the City's Administrative Fine Resolution.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

This Ordinance shall be in full force and effect 90 days from and after its final passage and adoption; however, Section 14-21(e) shall not be operative until, 180 days from and after its final passage and adoption, on which day it shall be implemented in its entirety.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this _____ day of _____, 2011, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

APPROVED:

ATTEST:

_____
Mayor of said City

_____
City Clerk thereof