

## **CITY OF DANA POINT ENVIRONMENTAL CHECKLIST FORM**

### **I. INTRODUCTION**

1. Project Title: Municipal Code Amendment to Prohibit the Distribution of Expanded Polystyrene (Styrofoam) Food Service Ware at Local Food Vendors, City Facilities and City-Sponsored Events. The City of Dana Point proposes to adopt an ordinance to prohibit Expanded Polystyrene (EPS, commonly known as Styrofoam) disposable food containers.
2. Lead Agency Name and Address: City of Dana Point, Community Development Department, 33282 Golden Lantern, Suite 212, Dana Point, CA 92629
3. Contact Person and Phone Number: Christy Teague, Economic Development Manager (949) 248-3519
4. Project Location: Citywide
5. Project Sponsor's Name and Address: City of Dana Point, 33282 Golden Lantern #212, Dana Point, CA 92629; (949) 248-3519
6. General Plan Designation: Various
7. Zoning: All Zoning Districts
8. Description of Project: Prohibit the Distribution of Expanded Polystyrene (EPS or Styrofoam) Food Service Ware at Local Food Vendors, City Facilities and City-Sponsored Events.

### Objectives

The environmental analysis has been conducted in the attached initial study for a proposed ordinance to prohibit the distribution of expanded polystyrene (EPS, commonly known as Styrofoam) disposable food containers in the City of Dana Point. EPS is a significant component of litter in the environment, is not biodegradable, and remains indefinitely in the environment. EPS commonly breaks up into small pieces that disperse widely, are difficult to clean up, and can be ingested by marine animals, birds and other wildlife that mistake pieces of EPS for food. Studies have shown that EPS does not biodegrade, has adverse effects on marine wildlife and the marine environment, and can cause death to marine animals and birds. Not all EPS litter found in Dana Point and its nearby marine environment originates in the City; however, the proposed project would decrease EPS debris generated in the City. The ordinance would prohibit food vendors from selling or providing prepared food to customers in EPS food service containers and would prohibit use of EPS at City facilities and City-sponsored events. The goal of the project is to reduce the amount of persistent litter

entering the environment. The environmental analysis is required prior to adoption of the Municipal Code Amendment by the City of Dana Point.

9. Surrounding Land Uses and Setting (Briefly describe the project's surroundings):

Environmental Setting

The City of Dana Point is located in south Orange County, California and is bounded by the City of Laguna Beach to the west, the City of Laguna Niguel to the north, the City of San Juan Capistrano and San Clemente and to the east, and by the Pacific Ocean to west and south. Dana Point encompasses a total area of 6.5 square miles and is approximately 90 percent developed. The topography of Dana Point consists of rolling terrain with an elevation variation from approximately 400 feet above sea level to sea level at the ocean.

10. Approvals required: Ordinance Approval by the City of Dana Point City Council

11. Other Public Agencies Whose Approval is Required: None

**II. 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.

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.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |   |

**III. DETERMINATION:** (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

- 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 be 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 **EIR** or **NEGATIVE DECLARATION** pursuant to the 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.

November 10, 2011

Date

/s/ Kyle Butterwick

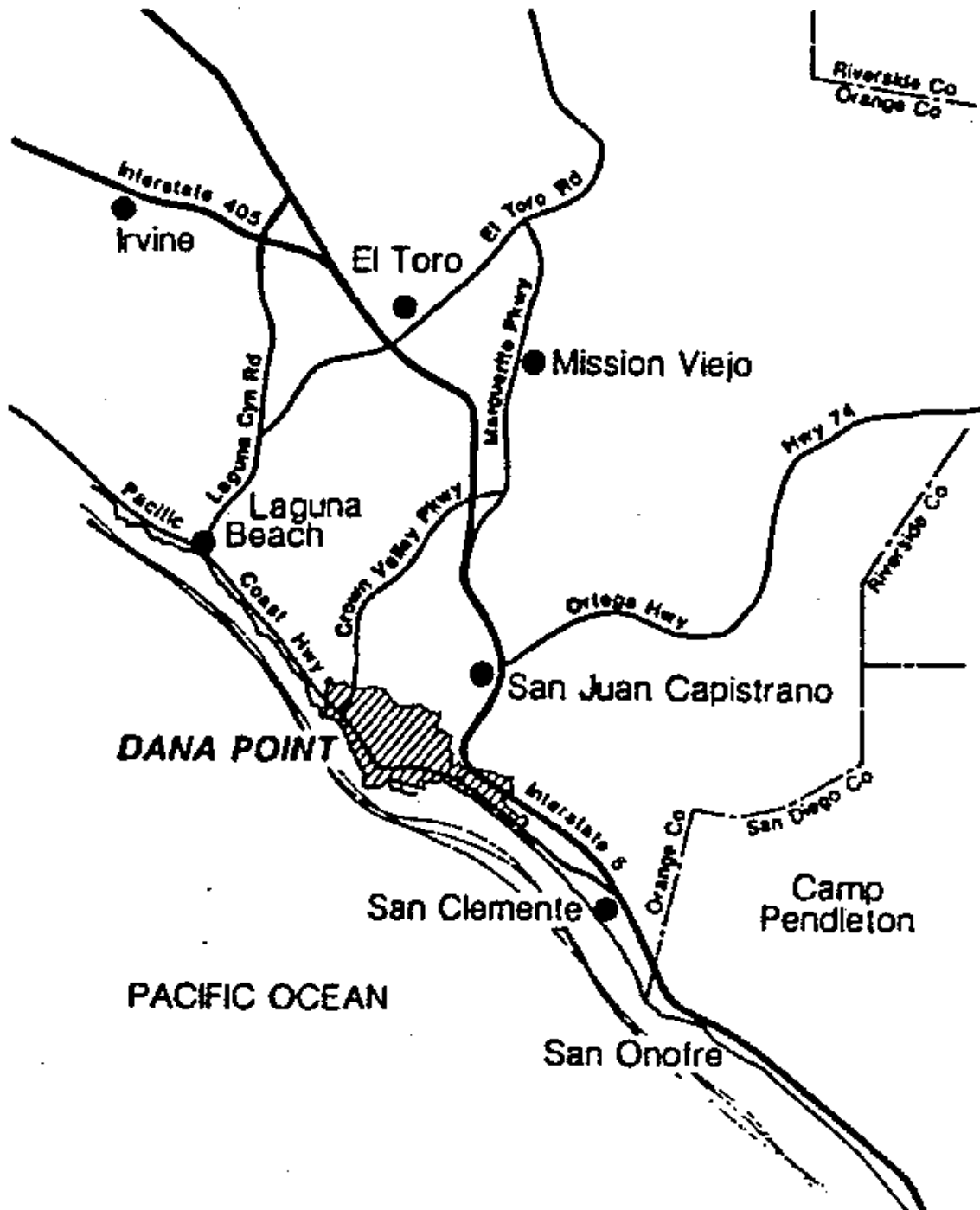
Signature

City of Dana Point

For

Kyle Butterwick  
Director of Community Development  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629  
(949) 248-3563

FIGURE 1: REGIONAL LOCATION MAP



EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analysis,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

**1. AESTHETICS – Would the project:**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**1 (a-d). No Impact:** Expanded Polystyrene (EPS) is a significant component of litter in the environment. Often, EPS is white or brightly colored, creating a significant eyesore throughout the community, which is currently aesthetically detrimental. Even when they have been disposed of properly, EPS products easily break down into smaller pieces, which are so light that they float in water and get carried by the wind, creating a significant eyesore throughout the community, which is currently aesthetically detrimental. Adoption of a prohibition of EPS food ware would prohibit EPS distribution Citywide, thereby decreasing the amount of EPS that become litter and improving visual aesthetics. The project would not adversely affect any scenic vistas, damage scenic resources, degrade existing visual character, and will not create a source of substantial light or glare. Therefore, no impact is anticipated and no further investigation is required.

**2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**2 (a-c). No Impact:** The proposed project involves the adoption of an ordinance which would ban EPS food ware distribution Citywide, and will have no impact on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or land within a Williamson Act contract. Therefore, no impact is anticipated and no further investigation is required.

**3. 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:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**3 (a,b). No Impact:** The proposed project involves the adoption of an ordinance which would ban EPS food ware distribution Citywide. The project would not conflict or obstruct the implementation of the applicable air quality plan nor violate any air quality standards in the City. The City of Dana Point is included within the South Coast Air Quality Management District and subject to the requirements of the Clean Air Act at both the Federal and State level. The South Coast Air Quality Management Plan (AQMP) is the primary planning document to monitor if air quality standards and objectives are being achieved in the South Coast Air Basin. The air quality objectives in the AQMP are based upon population and growth projections provided in a City's General Plan. Implementation of the proposed project would not result in new development. Therefore, the project would not result in significant long-term air quality impacts, nor would it result in violation of any air quality standard or contribute to any existing or projected air quality violation.

**3 (c). Less Than Significant Impact:** There is a potential that the banning of EPS in the City of Dana Point may result in an increase in alternative paper product usage. The manufacture and distribution of paper products may consume more energy than for EPS products. This increased use of energy could have an impact on the environment by increasing emissions from power plants and possibility from trucks carrying the heavier, bulkier paper products.

The population of Dana Point, however, is only 33,351 according to the 2010 Census. There are approximately 108 restaurant and food service businesses within the City which might use EPS. The City conducted a comprehensive survey of restaurants and food service businesses in June 2009, and found

38% of restaurants do not use any EPS products. The most common form of EPS product used is Expanded Polystyrene cups, which at the time of the survey was used in 43.5% of restaurants and food service businesses.

Based on the foregoing, it appears that any increase in the total use of alternative paper products in Dana Point (and even considering it as a cumulative increase from the bans in other cities) would be relatively small with a minimal or nonexistent increase in energy consumption. Therefore, the project should not conflict with nor obstruct AQMP implementation, and no further investigation is required.

**3 (d). No Impact:** The project would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

**4. BIOLOGICAL RESOURCES –**

Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Have 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**



**4 (a-f). No Impact:** The project consists of the adoption of an ordinance which would ban EPS food ware, thereby decreasing the prevalence of EPS litter in the marine environment in and near the City. The proposed project is not expected to result in any impacts to federally protected wetlands. It is not expected to substantially interfere with the movement of any native resident or migratory fish or wildlife species or impact any native wildlife nursery sites. The proposed project does not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other local or regional conservation plans.

EPS debris is a major pollutant of coastal waters. EPS is a petroleum-based plastic resin which, in its “foamed” or “expanded” state is frequently used for food packaging or containers. EPS is not biodegradable, thus EPS litter remains indefinitely in the environment where it breaks up into small pieces that disperse widely. EPS is difficult to clean up and can be ingested by marine and wildlife that mistake EPS pieces for food. EPS debris poses a risk to the fragile ecological balance because wildlife ingestion of EPS can result in reduced appetite and nutrient absorption and death by starvation. While it may be difficult to ascertain the exact numbers of marine life which perish every year due to ingestion of or choking on EPS debris, there are numerous anecdotal accounts of marine life being discovered with EPS debris in their stomachs. A study of beach debris at 43 sites along Orange County found that EPS was the second-most abundant form of beach debris. While EPS is technically recyclable, there is no meaningful recycling of EPS food containers due to high food contamination rates and a weak market because of the cost to clean, handle, and process EPS material.

Reducing the distribution and use of EPS in Dana Point will have only a modest positive impact on the migration of EPS debris into the ocean. However, as a coastal City, the imposition of the ban is likely to have some modest impact on improving water quality and removing a potential biohazard from the marine environment. The proposed project would not result in substantial adverse effect, directly or through habitat modification on any species identified as a candidate, sensitive or special species. The adoption of the ordinance would not adversely affect riparian habitats or other sensitive natural communities identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services. A prohibition of EPS is anticipated to result in a positive effect on species and habitats. No impacts to listed species or habitat plans are anticipated, and no further investigation is required.

Consequently, no impacts to biological resources are anticipated. No further investigation is required.

**5. CULTURAL RESOURCES –**

Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**5 (a-d). No Impact:** The proposed project involves the adoption of an ordinance to ban distribution of EPS food ware Citywide and does not include any development or alterations of physical sites or structures. The City’s General Plan indicates that previously prepared cultural resources studies for the City have identified archeological sites in Dana Point. The project would not directly or indirectly destroy a unique paleontological resource or site, nor disturb any human remains, including those interred outside of formal cemeteries. Consequently, there is no impact and no further research is necessary.

**6. GEOLOGY AND SOILS –**

Would the project:

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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 of based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii.	Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii.	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv.	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**6 (a-e). No Impact:** The project does not include any development; therefore, the project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, landslides, or substantial soil erosion or loss of top soil. A prohibition of distribution of EPS food ware would not result in future development that would be located on a geologic unit or soil that is unstable, or that would become unstable, or result in offsite landslide, lateral spreading, subsidence, liquefaction or collapse as a result of the project. No further investigation is required.

**7. HAZARDS AND HAZARDOUS MATERIALS – Would the project:**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, <u>substances, or waste within one-quarter mile of an existing or proposed school?</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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 where residences are intermixed with wildlands?

**Explanation of Checklist Judgments:**

**7 (a-h). No Impact:** The project involves the adoption of an ordinance to ban distribution of EPS food ware in the City of Dana Point and does not cause increased use, disposal or disruption of hazardous materials or create a public or safety hazard or affect existing emergency response plans or routes. The City is not within an airport land use plan or within two miles of a public airport and the project would not create or result in a safety hazard for people residing or working in the project area. The proposed ordinance would not affect emergency procedures or result in exposure of people or structures to a significant risk of loss, injury or death involving wildland fires. The City's General Plan indicates that Dana Point does not contain any major wild land fire or urban fire hazards. Therefore, implementation of the proposed project would not increase fire hazards in the City.

**8. HYDROLOGY AND WATER QUALITY – Would the project:**

		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Potentially Significant Impact	Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h)	Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k)	Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l)	Result in significant alteration of receiving water quality during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m)	Could the proposed project result in increased erosion downstream?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
n)	Result in increased impervious surfaces and associated increased runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o)	Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
p)	Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
q)	Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Significant Potentially Significant Impact	Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
r)	Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
s)	Have a potentially significant adverse impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
t)	Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
u)	Impact aquatic, wetland, or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**8 (a-u). No Impact:** The proposed project does not involve any development; therefore, would not violate water quality standards or water discharge requirements. Furthermore, the proposed reduction of EPS distribution and usage would not generate increased use of groundwater, alter existing drainage patterns, increase surface water runoff or degrade water quality. The project does not involve placing structures within a 100-year flood hazard area or impede and redirect flood flow. The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, or inundation by seiche, tsunami or mudflow. The proposed project is anticipated to have a positive impact on water quality by reducing the potential for EPS debris entering storm drains and the ocean from the Dana Point area.

The proposed project would not involve routine waste discharges that would be in conflict with water quality standards established by the State Regional Water Quality Control Board. The long-term operation of the proposed project would not have any impacts on groundwater supplies. Additionally, the proposed project would not interfere with ground water recharge. Therefore, implementation of the proposed project would not result in adverse impacts to underground water supplies.

Tsunamis are seismically induced sea waves generated by offshore earthquake, submarine landslide, or volcanic activity. The City’s General Plan indicates that because the location and orientation of Dana Point the occurrence of life or property-threatening tsunami is not likely. Implementation of the proposed project would not increase the likelihood of a tsunami occurring.

There is a potential that the banning of EPS in the City of Dana Point may result in an increase in alternative paper product usage. The population of Dana Point, however, is only 33,351 according to the 2010 Census. There are only 108 restaurant and food service businesses within the City. The City conducted a comprehensive survey of restaurants and food service businesses in June 2009, and found 38% of restaurants do not use any EPS products. The most common form of EPS product used is Expanded Polystyrene cups, which the survey found was used in 43.5% of restaurants and food service businesses.

EPS debris is a major pollutant of coastal waters. EPS is a petroleum-based plastic resin which, in its “foamed” or “expanded” state is frequently used for food packaging or containers. EPS is not biodegradable, thus EPS litter remains indefinitely in the environment where it breaks up into small pieces that disperse widely. EPS is difficult to clean up and can be ingested by marine and wildlife that mistake EPS pieces for food. EPS debris poses a risk to the fragile ecological balance because wildlife ingestion of

EPS can result in reduced appetite and nutrient absorption and death by starvation. While it may be difficult to ascertain the exact numbers of marine life which perish every year due to ingestion of or choking on EPS debris, there are numerous anecdotal accounts of marine life being discovered with EPS debris in their stomachs. A study of beach debris at 43 sites along the Orange County coast found that EPS was the second-most abundant form of beach debris. While EPS is technically recyclable, there is no meaningful recycling of EPS food containers due to high food contamination rates and a weak market because of the cost to clean, handle, and process EPS material.

Reducing the distribution and use of EPS in Dana Point will have only a modest positive impact on the migration of EPS debris into the ocean. However, as a coastal City, the imposition of the ban is likely to have some modest impact on improving water quality and removing a potential biohazard from the marine environment.

Based on the foregoing, it appears that any increase in the use of alternative paper products resulting from the proposed ban on EPS in Dana Point would be relatively small. This is counterbalanced by a modest reduction in EPS refuse generated in a coastal region. Consequently, no impacts to hydrology and water quality are anticipated and no further investigation is required.

**9. LAND USE AND PLANNING**

– Would the project:

		Potentially Significant Impact	Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**9 (a). No Impact:** The proposed project involves the adoption of an ordinance which would ban distribution of EPS Citywide. The project does not physically divide an established community. No further investigation is required.

**9 (b,c). No Impact:** The proposed ordinance would not conflict with any applicable land use plan and policy or conflict with any habitat or natural community conservation plans. Furthermore, the proposed ordinance would complement the water pollution policies of the City of Dana Point to protect marine resources by decreasing the prevalence of EPS litter. The project would result in beneficial impacts to litter prevention efforts Citywide. No further investigation is required.

**10. MINERAL RESOURCES –**

Would the project:

		Potentially Significant Impact	Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**10 (a-b). No Impact:** The proposed project is the adoption of an ordinance and does not affect known state, regional, or local mineral resources. The City's General Plan identifies that there are no areas in Dana Point that contain Significant Mineral Aggregate Resource Areas. No impacts to mineral resources are anticipated. Consequently, no impact or interference with mineral recovery will result, and no further investigation is required.

**11. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**



**11 (a-d). No Impact:** The project would not expose people to, or generate, noise levels in excess of standards established in the General Plan Noise Element or the Dana Point Noise Ordinance. The proposed ordinance would not expose people to excessive ground vibration or result in a substantial permanent or a temporary increase of ambient noise. No further investigation is required.

**11 (e-f). No Impact:** The proposed ordinance is effective Citywide, but will not cause any additional exposure to airport noise. According to the City’s General Plan, Dana Point is not significantly impacted by aircraft noise. Additionally, there are no private airstrips in the city. Implementation of the proposed project would not expose people residing in or working in Dana Point to excessive aircraft noise impacts. No further investigation is required.

**12. POPULATION AND**

**HOUSING** – Would the project:

	Significant Potentially Significant Impact	Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**12 (a-c). No Impact:** The proposed project includes the adoption of an ordinance and would not increase, decrease, or otherwise affect population or local population growth rates. Therefore, no impacts to population or housing would occur as a result of the proposed project. No further investigation is required.

**13. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Explanation of Checklist Judgments:**

**13 (a-d). No Impact:** The proposed project is the adoption of an ordinance to ban distribution and use of EPS Citywide and does not involve Public Safety, School, or Parks services. No further investigation is required.

**13 (e). Less Than Significant Impact:** The implementation of the ordinance is anticipated to involve comparable staff resources to similar ordinances previously adopted by the City of Dana Point. Any impacts to government services and facilities are anticipated to be less than significant, and no further investigation is required.

**14. RECREATION**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**14 (a-b). No Impact:** the proposed project is the adoption of an ordinance and would not increase the use of recreational facilities. The project does not require the construction or expansion of recreational facilities or otherwise affect existing recreational facilities. No further investigation is required.

**15. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?				

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**15 (a-c). Less Than Significant Impact:** The proposed project involves the adoption of an ordinance to ban distribution and use of EPS Citywide and would not directly affect current traffic loads, the street system capacity, existing levels of service, or air traffic patterns.

There is a potential that the banning of EPS in the City of Dana Point may result in an increase in alternative paper product usage which has more mass and weight per square foot compared to EPS and may increase traffic involved in shipping paper products to retail establishments.

The population of Dana Point, however, is only 33,351 according to the 2010 Census. There are approximately 108 restaurant and food service businesses within the City which might use EPS. The City conducted a comprehensive survey of restaurants and food service businesses in June 2009, and found 38% of restaurants do not use any EPS products. The most common form of EPS product used is Expanded Polystyrene cups, which at the time of the survey was used in 43.5% of restaurants and food service businesses.

Based on the foregoing, it appears that any increase in the total use of alternative paper products in Dana Point (and even considering it as a cumulative increase from the bans in other cities) would be relatively small with a minimal or nonexistent increase in truck traffic.

**15 (d-f). No Impact:** The project is the adoption of an ordinance, and does not include any development; therefore, no increases in traffic hazards, impacts to emergency access or parking capacity are anticipated.

**15 (g). No Impact:** The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. No further investigation is required.

**16. UTILITIES AND SERVICE SYSTEMS – Would the project:**

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Require or result in the construction of new storm water drainage facilities or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

expansion of existing facilities, the construction of which could cause significant environmental effects?

- |    |  |                          |                          |                                     |                                     |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) | Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Explanation of Checklist Judgments:**

**16 (a-e). No Impact:** The proposed project involves the adoption of an ordinance to ban distribution and use of EPS Citywide. The adoption of the proposed ordinance would not affect wastewater treatment requirements of the Regional Water Quality Control Board or result in construction of a new water or wastewater treatment facility or expansion of existing facilities. The project does not require any additional water supply or wastewater capacity. No further investigation is required.

**16 (f). Less Than Significant Impact:** While the ordinance would ban distribution and use of EPS Citywide, it would allow paper products to be used. Substituted paper products can also become litter. The substitution of paper products for plastic that does occur, although larger in mass and weight per square foot compared to EPS, would not significantly impact landfill capacity since a larger portion of paper products are more biodegradable than EPS and the City of Dana Point represents a small proportion of regional landfill users. No further investigation is required.

**16 (g). No Impact:** The proposed ordinance complies with federal, state, and local statutes and regulations related to solid waste. No further investigation is required.

**V. MANDATORY FINDINGS OF SIGNIFICANCE:**

- |    |   | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|----|---|--------------------------------|--|------------------------------|-------------------------------------|
| 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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulative 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Explanation of Checklist Judgments:**

**V. (a-c). No Impact:** The proposed project involves the adoption of an ordinance to ban distribution of EPS and does not include any development. The proposed ordinance does not have the potential to degrade the quality of the environment or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop, or threaten to eliminate a plant or animal community. The project would not eliminate important examples of the major periods of California history or prehistory. The project would not have environmental effects or substantial adverse effects on human beings, either directly or indirectly. Furthermore, the proposed ordinance would decrease the prevalence of EPS litter in the marine environment, which adversely impacts marine wildlife. The proposed ordinance would decrease the prevalence of EPS litter in the City. The local impacts of potentially-increased paper product usage is anticipated to be insignificant because any increase in paper product usage resulting from the ordinance would be uncertain and small due to the small number of restaurants and food service businesses in the City of Dana Point. Furthermore, the impacts of the project in areas outside the City itself are indirect and difficult to predict. The ban would have a small contributive effect on the broad impacts because any increase in paper product production would be insubstantial. Therefore, the cumulative impacts of the proposed ordinance are insignificant given the small numbers of businesses impacted within of the City of Dana Point.

**VI. DETERMINATION**

Based upon the evidence in light of the whole record documented in the above evaluation and cited references, I find that the proposed project would not have a significant impact on the environment and a Negative Declaration has been prepared.

**VII. REFERENCES**

City of Dana Point, General Plan, Adopted July 9, 1991.

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Californians Against Waste, [www.cawrecycles.org/issues/plastic\\_campaign/polystyrene/local](http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/local)

National Oceanic and Atmospheric Administration, Marine Debris Program, [www.marinedebris.noaa.gov](http://www.marinedebris.noaa.gov).

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Woods Hole Oceanographic Institution: Plastics in Our Oceans, [www.whoi.edu/science/B/people/kamaral/plasticsarticle](http://www.whoi.edu/science/B/people/kamaral/plasticsarticle), 2008.

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Ocean Conservancy, Marine Debris, [www.oceanconservancy.org/site](http://www.oceanconservancy.org/site).

Resource Venture, [www.resourceventure.org/plasticfoamban](http://www.resourceventure.org/plasticfoamban)

## **VIII . PREPARERS/CITY OF DANA POINT STAFF**

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Document comparison by Workshare Professional on Wednesday, November 09, 2011 4:20:09 PM

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