

Agenda Report

TO CITY COUNCIL

DATE: OCTOBER 21, 2002

FROM: CITY MANAGER

SUBJECT: ENVIRONMENTAL POLICY GUIDELINES CITY OF PASADENA

RECOMMENDATION:

It is recommended that the City Council, following a public hearing:

1. Acknowledge that the project is exempt from the California Environmental Quality Act (CEQA) under the "General Rule", Section 15061 (b) (3) of the CEQA Guidelines (Attachment 2);
2. Adopt the attached resolution (Attachment 1) which adopts the "Environmental Policy Guidelines City of Pasadena" (Attachment 4);
3. Adopt the Level of Service (LOS) sliding traffic thresholds scale for Intersection Capacity Analysis to determine when a project's traffic impacts are significant for the purposes of CEQA; and
4. Direct the City Clerk to file the Notice of Exemption with the County of Los Angeles Registrar-Recorder/County Clerk

PLANNING COMMISSION RECOMMENDATION:

On August 28, 2002 the Planning Commission considered the proposed "Environmental Policy Guidelines City of Pasadena" at a public hearing. The Commission recommended the City Council approve the changes to the "Environmental Policy Guidelines City of Pasadena" with the following additions:

1. Increase required minimum Noticing Radius from staff recommended 300 feet to 500 feet for projects that are subject to a Negative Declaration or an Environmental Impact Report.
2. Increase required minimum public review period for a Negative Declaration from 20 to 30 days and

3. Require Environmental Impact Reports in which the main impact is not within the decision making body's or decision maker's area of expertise to be reviewed by the hearing body with expertise in that area prior to the decision making body certifying the EIR.

In regard to recommendation #1, adoption of the staff recommendation does not preclude a decision to expand noticing radius. Staff is still reviewing the impacts (fiscal and workload) and will be making a specific recommendation as a part of the revised zoning code to be presented to Council for consideration on November 25, 2002. In regard to recommendation #2, staff recommends that the City retain flexibility in defining the public review period. Staff concurs with Planning Commission recommendation #3.

BACKGROUND:

The "Environmental Guidelines for the City of Pasadena" have been revised into a legislative document titled "Environmental Policy Guidelines-City of Pasadena" and into a future administrative procedures document.

The "Environmental Policy Guidelines City of Pasadena" contain the CEQA Guidelines with provisions added to make these guidelines specific to Pasadena. These policy guidelines govern the City use of the CEQA Guidelines, describe the process for evaluating a project's environmental impacts and determining if the project is exempt, subject to an Initial Study or needs an Environmental Impact Report. Any revisions to the policy guidelines must be approved and adopted by resolution of the City Council.

The "Administrative Procedures" guide staff in following the policy guidelines in practical application. For example the procedures will contain the forms needed to document environmental analysis and determinations, thresholds for study, a compilation of required standards and best practices, mitigation monitoring procedures and sources of information. Administrative procedures are prepared by staff and are not reviewed by City Council.

The City Council is being asked to adopt revisions to the guidelines and a threshold of study regarding traffic impacts. The majority of the proposed revisions incorporate changes adopted by the State since 1997. These state required changes fall into the categories of: Better defining project, and environmental setting; Expanding mitigation measures, cumulative impact and "de minimis" impact discussion, Expanding public notification requirements and Encouraging lead agencies to adopt their own thresholds of significance.

Further additions proposed by staff to the guidelines are to:

1. Use the City's standard contracting procedures to hire environmental consultants;
2. Use the Notice of Preparation of an EIR as the cut off point for considering related projects in cumulative impact analysis;
3. Define projects to be included in cumulative impact analysis;

4. Require a 300-foot minimum mailing radius or the mailing radius for the project application if it is stricter for notifying property owners of a public review period for a Negative Declaration or an EIR; and
5. Add a list of ministerial exemptions specific to Pasadena.

Proposed changes to the guidelines are shown in Attachment 3.

Contracting Procedures

Using the City Standard contracting procedures to hire environmental consults brings the guidelines into conformance with these procedures.

Cut off Point for Considering Related Project in EIR Cumulative Impact Analysis

The issuance of the Notice of Preparation (NOP) is recommended as the cut-off point for considering adding projects to the list of projects used in an EIR's required cumulative Impact analysis. Revisions to the CEQA Guidelines since 1997 use the NOP as the point at which the project's environment is determined. In practical terms for EIR analysis the environment is frozen in time when the NOP is issued. Using this point in time gives the applicant, consultant and staff some certainty on conditions to be analyzed.

Defining Projects to be included in EIR Cumulative Impact Analysis

The following physical projects are recommended to be included in a proposed project's cumulative impact analysis for the purposes of EIR preparation:

1. Projects approved but not built, if the approval is not more than two years old,
2. Projects being built but not yet ready for occupancy,
3. Projects which have submitted an application, and
4. Projects, which are about to submit an application and are well enough defined to be analyzed in an EIR.

CEQA does not require the analysis of projects that are speculative or theoretical in nature.

Public Review Periods

On August 28, 2002 the Commission recommended that all public review periods for Negative Declarations be 30 days. The requirement under CEQA is for a minimum of 20 days. Staff currently has the authority to extend review periods when necessary. Staff recommends the City retain this flexibility to allow extension of review when desirable but move projects quickly when appropriate. This recommendation enables the City to respond appropriately to individual projects.

Notification Radius

The Commission recommended that the minimum notification radius be 500 feet for projects that are subject to a Negative Declaration or an Environmental Impact Report (EIR). This increase could double the number of mailings and postings. Under CEQA, if notification is mailed it need only be mailed to adjacent property owners and residents. The staff recommendation is that the environmental noticing requirement be tied to the

noticing requirement for the project. Thus if a project required a Conditional Use Permit with a notification of 300 feet, then the Negative Declaration or EIR would be noticed at the same distance. Making the noticing radii the same for projects with a noticing radius of 300 feet or greater avoids having two different radii for these projects and ensures consistency in notification. As part of the Zoning Code revisions the notification requirements are being reviewed and are planned for presentation to the City Council on November 25th. If the Council decides to change the notification requirement for applications, then the CEQA notification would automatically change for projects. If a project has no notification requirement or a requirement that is less than 300 feet, then the recommendation is to notify at 300 feet to ensure a more adequate notification of Negative Declarations and EIRs available for public review and allow greater opportunity for public participation. For citywide projects it is still recommended that notification be by publication in a newspaper of general circulation.

Ministerial Exemptions

The following ministerial exemptions specific to Pasadena are recommended:

1. Sale and disposal of unclaimed personal property;
2. Issuance of permits for grandstands, radio and television stands;
3. Issuance of program sale permits, business licenses, dog and cat licenses, and vaccination certificates;
4. Permits for moving buildings on public streets;
5. Excavation permits and Issuance of City building, plumbing, electrical, mechanical, health and fire permits in accordance with applicable codes;
6. Issuance of non-hillside grading permits;
7. Approval or waiver of parcel maps and approval of final subdivision maps;
8. Individual utility service connections;
9. Home Occupation Permits and
10. Tree removal permits.

Any of the above actions would be automatically approved if they comply with existing codes and/or regulations. If any of these actions are combined with discretionary actions they are no longer considered ministerial for CEQA purposes. Under CEQA the whole of a project must be considered; it cannot be divided into actions that are ministerial and discretionary.

Certification of EIRs

In response to the Planning Commission's recommendation that EIRs should be certified by discretionary bodies that have the task of examining the project comprehensively, it is recommended that the environmental administrative procedures include a provision that limits EIR certification to the following discretionary bodies: Subdivision Committee (for tract and parcel maps), Zoning Hearing Officer, Planning Commission, Board of Zoning Appeals or City Council. These bodies have experience dealing with a broad range of issues and an overall project. The certified EIR would then go back to the discretionary commission or committee making the decision on a specific aspect of a project or project application for example, the Design or Cultural Heritage Commission.

Additionally, the administrative procedures will include a provision that during the public review period, an EIR is to be circulated to any appointed committee or commission with expertise in any environmental area the project might significantly impact. Comments from these committees or commissions help the decision-making body make an informed decision when considering the certification of an EIR. This requirement to circulate an EIR will not apply to a Negative Declaration whose Initial Study is supported by technical studies.

Recommended Threshold of Significance:

Thresholds of significance are defined in CEQA Guidelines Section 15064.7 as:

...an identifiable quantitative, qualitative or performance level of a particular environmental effect, non-compliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant.

CEQA Guidelines require that these thresholds be adopted after being developed through a public review process.

For environmental review purposes, staff found approximately twenty-five City thresholds in use. The only City threshold in use that has not been formally adopted is the Level of Service (LOS) sliding traffic thresholds for the Intersection Capacity Analysis. These thresholds have been in use since 1999 when they were proposed as part of the "Traffic Impact Report Preparation Guidelines". The LOS thresholds have been presented to the City Council but never proposed for adoption. These thresholds are shown below:

Intersection Level of Service (LOS) Under Current Conditions	Increase in Intersection Level of Service due to Project Traffic Considered Significant (v/c)*
A	0.060
B	0.050
C	0.040
D	0.030
E	0.020
F	0.010

* V/C = volume to capacity ratio

The use of Thresholds for Study and Required Standards and Practices increases consistency in project review.

Thresholds of significance will be included as Thresholds for Study and Required Standards and Best Practices in the administrative procedures. The Required

Standards and Best Practices will contain already adopted Federal, State, Public Agency and City regulations.

PUBLIC OUTREACH:

Articles on the revision of the "Environmental Guidelines for the City of Pasadena" were placed in the Neighborhood Connections Newsletter and Pasadena In Focus. Staff contacted the Chamber of Commerce, Developers Forum and several homeowners associations.

Information on the revision has been and is available at the Permit Center.

ENVIRONMENTAL IMPACT:

The Environmental Administrator has determined that the revision of the "Environmental Guidelines for the City of Pasadena" into the proposed "Environmental Policy Guidelines City of Pasadena" and future "Environmental Administrative Procedures City of Pasadena" to be prepared at the direction of the City Manager are exempt from CEQA under the "General Rule" (CEQA Guidelines Section 15061 (b) (3)) that states when it can be seen with certainty that a project will have no impact on the environment, that project is exempt from CEQA.

CHILDREN, YOUTH AND FAMILY IMPACT:

The adoption of revised environmental policy guidelines will have no negative impact on children, youth and family. Since two of the CEQA and the City's environmental policy guidelines are to disclose to the public and decision makers the possible environmental impacts of proposed projects and to propose mitigation measures to lessen these impacts, children, youth and family should benefit from a better environment.

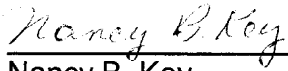
FISCAL IMPACT:

If the staff recommendation is approved there will be a minimal fiscal impact associated with the proposed "Environmental Policy Guidelines City of Pasadena". Review of projects for environmental impacts is required and currently addressed in the Planning and Development Department work program and the General Fee Schedule.

Respectfully submitted,


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ATTACHMENTS

1. Resolution
2. Notice of Exemption and Exemption Notice
3. Table titled *Proposed Changes to "Environmental Policy Guidelines City of Pasadena"*
4. "Environmental Policy Guidelines City of Pasadena"