

# Agenda Report

**TO: CITY COUNCIL**

**DATE: June 19, 2006**

**FROM: CITY MANAGER**

**SUBJECT: ADOPTION OF A DEVELOPMENT MORATORIUM ON BUILDING, MECHANICAL AND ELECTRICAL PERMITS THAT INVOLVE ELECTRICAL UPGRADES OR NEW ELECTRICAL CONSTRUCTION WITHIN THE B-7 ELECTRIC CIRCUIT AREA BOUNDARY (WEST OF 210 FREEWAY TO WESTERN CITY LIMIT, NORTH OF COLORADO BOULEVARD TO CHARLES STREET)**

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## **RECOMMENDATION**

It is recommended that the City Council:

1. Find the proposed moratorium to be exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines Section 15060(C)(2), because the moratorium will not result in a direct or reasonably foreseeable indirect physical change in the environment; and State CEQA Guidelines Section 15262, because the project involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.
2. Approve a development moratorium for a period of 45 days on all building, mechanical and electrical permits which involve new electrical construction or electrical upgrades on all parcels within the B-7 electric circuit area boundary defined in Attachment A (B-7 Area).
3. Find that the proposed moratorium is consistent with the objectives and policies of the General Plan.
4. Find that (a) continued approval of new electrical construction and electrical upgrades on all parcels in the B-7 Area under the existing requirements would have adverse impacts on the public health, safety, or welfare pursuant to the standards and policies set forth in the General Plan and (b) an interim ordinance establishing the proposed moratorium is necessary to avoid these adverse impacts.

5. Direct the City Attorney to prepare an interim urgency ordinance implementing this recommendation.

## **BACKGROUND**

Pasadena's electric distribution system consists of a network of electrical circuits and equipment that delivers electricity to many homes and businesses. The circuits are either 4kV or 17kV. The lower voltage circuit typically feeds residential areas, and the 17kV circuit serves high density areas and commercial areas.

The recently adopted Electric Distribution Master Plan (Master Plan) acknowledged that a large portion of the electrical system equipment rated at 4 kV is loaded and beyond its rated capacity, and exceeds industry thresholds deemed adequate for reliability. The potential for this condition affecting service is more acute during summer periods of high electric demand. In reviewing potential impacts of a proposed new residential development along the western edge of the City, the Pasadena Water and Power Department (PWP) evaluated a 4kV electrical circuit, B-7, serving this area, and determined that it is overloaded to a degree that reliability could be seriously compromised. The Department is concerned that addition of new electrical loads resulting from new residential construction or renovations and upgrades could further jeopardize the integrity of the circuit, resulting in voltage fluctuations and outages in the service area. Adding more service connections could also result in sustained damage to the circuit and affect service throughout the electrical system. Currently, approximately 695 parcels are served by the B-7 circuit.

A typical solution would be to replace this mostly underground 4KV circuit with a new 17kV circuit. The affected area will be difficult to access and construction of a new circuit would be costly, challenging and cause significant inconvenience to residents along a narrow hillside road. Such a project has not yet been budgeted.

The Master Plan recommended the conversion of all 4kV circuits to 17kV following an analysis of the entire citywide electrical distribution system. This analysis will result in the identification of all circuits that need to be upgraded or replaced and a prioritization of such upgrades based on the severity of the condition of the circuitry. The study is expected to be completed in September, 2006. The resulting work will likely take 15 years to complete, with the most serious conditions being addressed first.

In order to address the immediate concerns for the area served by the B-7 circuit, staff recommends an initial 45-day development moratorium as the department evaluates the best approach to the current problem. A temporary moratorium on all types of building permits and mechanical or electrical permits for any project that will require a new electric service connection or an upgrade of the existing one in the area served by the 4kV B-7 circuit, as delineated on the map in Attachment A, would allow time for PWP to:

1. Determine what conditions and / or restrictions may be necessary to relieve the overload and to explore potential interim and long-term solutions for this problem
2. Explore various ways of converting the 4kV B-7 circuit to 17kV;
3. Investigate methods of minimizing existing and future electrical loads.

Feasibility studies must be performed to determine whether the construction or conversion can be achieved. Considerations should also be given to other circuits requiring a conversion and their related prioritization. Staff may need to come back with a request to extend the moratorium until the study is completed and all the overloaded circuits are identified and solutions are designed.

**Applicability:**

During the period of the moratorium, the City will not issue building, mechanical or electrical permits for any project that will require a new electric service connection or an upgrade of the existing one.

**Exceptions:** Due to the severity of this condition, staff is proposing that there be no exceptions to this policy, other than those projects that have been issued a building or electrical permit prior to the effective date of this urgency ordinance.

**Processing:**

During the period of the moratorium, the City will continue to accept applications for discretionary entitlements and plan checks. However, any discretionary approvals will, as a condition of approval, note that development may be subject to solutions developed by the PWP study.

**GENERAL PLAN OBJECTIVES AND POLICIES**

The moratorium provides an opportunity to determine what infrastructure improvements are necessary in order to provide the services that are directed by the General Plan.

The Public Facilities Element of the General Plan directs “the continued provision of a high level of public services which adds to the quality of life in the City and increases its attractiveness.”

The Land Use Element of the General Plan supports the betterment of infrastructure and capital improvements, which is a major goal to be accomplished as a result of the study that is being performed.

Policy 1.10 – Capital Improvements states “Approve new City capital improvements consistent with concentrated development under Specific Plans for targeted areas, while emphasizing maintenance and upgrades in areas outside targeted areas”.

Policy 7.4 – Infrastructure Improvements states “Continue to implement capital improvements which will maintain or rehabilitate infrastructure, including improvements related to upgrading the water supply system and sewer system”.

Typically when reviewing the General Plan, PWP focuses on the electric demand and water demand to meet the needs of high growth areas identified in the Plan as such. PWP has not commented on possible impacts in single-family districts, where there is less potential for additional housing. The area served by B-7 circuit was identified in the Plan as a low-density, single-family area, with minimal population growth.

Though the population total is not changing significantly in the area, electric demand increases as homeowners upgrade, add on to their homes, and include many electrical appliances such as larger air conditioning units, several TVs and pools, etc... That is the case in the area served by the B-7 circuit; this situation could be duplicated many times throughout Pasadena. The extent of this situation will not be known until the electric system model and analysis are completed.

PWP became aware of this condition when evaluating a new development that would require electrical service from B-7 and after reviewing the electric data information captured by its Supervisory Control and Data Acquisition system (SCADA) completed last year.

## **STATE LAW REQUIREMENTS**

California law states that "[t]he legislative body of a...city..., to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time." (Government Code Section 65858) With legislative findings that there is a current and immediate threat to the public health, safety, and welfare, and with a four-fifths vote of the body, the interim ordinance may be in effect for 45 days. The legislative body may extend an interim ordinance for a 10 month and 15 day period, and again for another one year period, with a four-fifths vote, to a total period of two years, if certain additional findings are made. The additional findings concern specific, adverse impacts on health and safety, the necessity of the moratorium, and the absence of a feasible alternative.

## **ENVIRONMENTAL DETERMINATION**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines, Section 15060 (C)(2) because the moratorium will not result in a direct or reasonably foreseeable indirect physical change in the environment, and State CEQA Guidelines Section 15262, because the project involves only the feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, and does not involve adoption of a plan that will have a legally binding effect on later activities.

## **HOUSING IMPACT**

The proposed moratorium will temporarily delay the issuance of building permits and potential construction of single family residential development that involves new electrical construction or electrical upgrades.

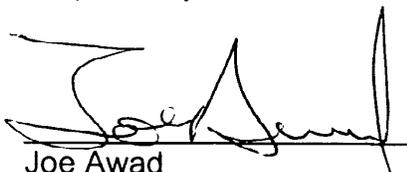
## **FISCAL IMPACT**

Revenue from fees for permits and for construction tax will not be received for projects subject to the moratorium during the period of the moratorium. Receipt of property tax attributable to the construction of new projects would be delayed.

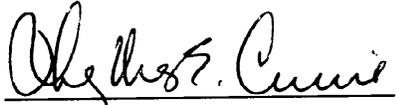
Respectfully submitted,

  
CYNTHIA J. KURTZ  
City Manager

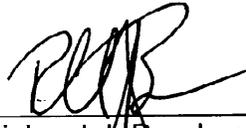
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Attachments:

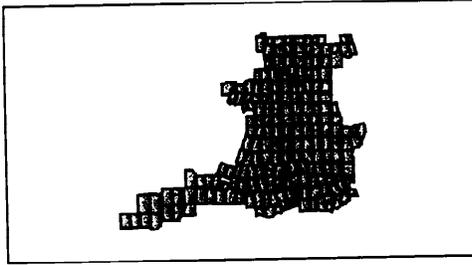
- A. Map – Proposed B-7 Circuit Boundary Area



PASADENA  
Water & Power



**B-7 CIRCUIT  
BOUNDARY  
AND PARCEL  
APN NUMBERS**



**Legend**

-  B\_7 Circuit
-  City Boundary
-  Assessor Parcel
-  B\_7\_Parcel

**City of Pasadena**



May 08, 2006

