

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE:

April 8, 2013

FROM: CITY ATTORNEY

SUBJECT: AN EXTENSION OF URGENCY ORDINANCE TEMPORARILY PROHIBITING RECYCLING CENTERS

TITLE OF PROPOSED ORDINANCE

AN EXTENSION OF INTERIM URGENCY ORDINANCE NO. 7226 OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE APPROVAL OF NEW RECYCLING FACILITIES, THE EXPANSION OR MODIFICATION OF EXISTING FACILITIES, AND THE RESUMPTION OF DISCONTINUED LEGAL NONCONFORMING STATUS FOR RECYCLING FACILITIES

PURPOSE OF ORDINANCE

This ordinance extends for 10 months and 15 days the existing moratorium (Ordinance No. 7226) on the approval of new recycling facilities, the expansion or modification of existing facilities, and the resumption of discontinued legal nonconforming facilities.

REASON WHY LEGISLATION IS NEEDED

Pursuant to Government Code Section 65858, Council may extend for 10 months and 15 days the moratorium established by Ordinance No. 7226, after conducting a duly noticed public hearing, receiving a written report describing the measures taken to alleviate the condition which led to the adoption of Ordinance No. 7226, and finding that there is still a current and immediate threat to the public health, safety and welfare. The Planning Department and the Public Works Department will continue to study the issue to determine the extent of the problem and whether there is a solution, and needs additional time to do so during which no new, expanded, modified or resumed facilities can come in and adversely impact the City's ability to regulate any negative effects.

MEETING OF 04/08/2013

AGENDA ITEM NO. 21

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the moratorium, with support from the Public Works Department.

FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this extension of the temporary moratorium.

ENVIRONMENTAL DETERMINATION

Prior to first reading, Council is being asked to find that the extension of Ordinance No. 7226 is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15060 (C)(2) states that projects which will not result in a direct or reasonably foreseeable indirect physical change in the environment are not subject to CEQA. The exemptions from CEQA pursuant to Section 15262 apply to projects that involve 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.

Respectfully submitted,

Michele Beal Bagneris City Attorney

Prepared by:

Theresa E. Fuentes

Assistant City Attorney

Concurred

Michael J Beck City Manager

Introduced by:

ORDINANCE NO.

AN EXTENSION OF INTERIM URGENCY ORDINANCE NO. 7226 OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE APPROVAL OF NEW RECYCLING FACILITIES, THE EXPANSION OR MODIFICATION OF EXISTING FACILITIES, AND THE RESUMPTION OF DISCONTINUED LEGAL NONCONFORMING STATUS FOR RECYCLING FACILITIES

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of

publication, will be published by title and summary as permitted in Section 508 of the

Pasadena City Charter. The approved summary of this ordinance is as follows:

"Summary

"Ordinance No. ______ extends for 10 months and 15 days the provisions of

Ordinance No. 7226, which temporarily prohibits the approval of new recycling facilities,

the expansion or modification of existing recycling facilities, and the resumption of

discontinued legal nonconforming recycling facilities. During that time, the City will

undertake a review of state law, including but not limited to the California Beverage

Container Recycling and Litter Reduction Act, to determine the extent to which the City

can further regulate, or even prohibit, recycling facilities, and will conduct outreach and

discussion with affected communities. This ordinance may be further extended after a

duly noticed public hearing.

Ordinance No. _____ shall take effect upon publication."

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 3. This ordinance shall take effect upon publication, and shall remain in effect for a period of 10 months and 15 days from the date of adoption, in accordance with California Government Code Section 65858.

Signed and approved this _____ day of _____, 2013.

Bill Bogaard Mayor of the City of Pasadena I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____day of _____2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC City Clerk

Approved as to form:

Surend

Theresa E. Fuentes Assistant City Attorney

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