

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 2 (ORGANIZATION AND ADMINISTRATION) AND TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO AUTHORIZE THE ADOPTION/CERTIFICATION OF CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEWS BY NON-ELECTED DECISION MAKERS AND TO REQUIRE AN AFFIRMATIVE VOTE ON CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEWS UNDER APPEAL OR CALL FOR REVIEW

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. _____ amends various provisions of Title 2 (Organization and Administration) and Title 17 (Zoning) of the Pasadena Municipal Code to authorize the adoption/certification of California Environmental Quality Act reviews to non-elected decision makers and to require an affirmative vote on California Environmental Quality Act reviews under appeal or call for review.

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 2, Article 3, Chapter 2.75 (Historic Preservation Commission), Section 2.75.025 (Purpose), Subsection J, is amended to read as follows:

“Fulfill the city's responsibilities for Federal Section 106 reviews.”

SECTION 3. Pasadena Municipal Code, Title 2, Article 3, Chapter 2.80 (Design

Commission), Section 2.80.110 (Purpose and functions), Subsection B, Paragraph 9, is amended to read as follows:

“Comment and make recommendations for proposed amendments to the zoning ordinance or map, subdivisions, general plan amendments, significant public improvements, and such other land use proposals or projects that may affect the architectural, aesthetic or design quality of Pasadena;”

SECTION 4. Pasadena Municipal Code, Title 2, Article 4, Chapter 2.155 (Pasadena Community Access Corporation Board), Section 2.155.110 (Purpose and functions.), Subsection B., is amended to add a new paragraph 13 to read as follows:

“13. Adopt and/or certify environmental reviews performed in compliance with the California Environmental Quality Act.”

SECTION 5. Pasadena Municipal Code, Title 2, Article 4, Chapter 2.165 (Pasadena Center Operating Company Board), Section 2.165.110 (Purpose and functions.), is amended to add a new paragraph 7 to read as follows:

“7. To adopt and/or certify environmental reviews performed in compliance with the California Environmental Quality Act.”

SECTION 6. Pasadena Municipal Code, Title 2, Article 4, Chapter 2.175 (The Rose Bowl Operating Company), Section 2.175.110 (Purpose and functions.), is amended to add a new paragraph G to read as follows:

“G. The corporation shall have the authority to adopt and/or certify environmental reviews performed in compliance with the California Environmental Quality Act.”

SECTION 7. Pasadena Municipal Code, Title 2, Article 2, Chapter 2.40 (City Manager's Department), Section 2.40.030 (City manager—Charter functions, powers and duties.), is amended to add a new paragraph L to read as follows:

“L. The City Manager, or his designee, shall have the authority to adopt and/or certify environmental reviews performed in compliance with the California Environmental Quality Act.”

SECTION 8. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.60, Section 17.60.070 (Environmental Assessment), is amended to read as follows:

“After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and the City's Environmental Policy Guidelines. In addition to the elected City Council, any non-elected City Body, Official, Agency, Board, Commission, Department Official, Director, or employee (“City Bodies”) who has the authority under the City's Charter, Municipal Code, Ordinance, Resolution, or State law to approve a discretionary action for a project shall have the authority to approve, certify, or deny approval, or deny certification of any CEQA Document related to the discretionary action. City Bodies include but are not limited to the Planning Commission, Design Commission, Historic Preservation Commission, Board of Zoning Appeals, Hearing Officer, Zoning Administrator, Director of Planning and Community Development and his/her designees, and the City Manager and his/her designees. For purposes of this section, “CEQA Documents” include, but are not limited to, any documents prepared pursuant to CEQA, or documents which are required to be acted

upon concurrently with CEQA, such as (A) Environmental Impact Reports, (B) Negative Declarations or Mitigated Negative Declarations, (C) determinations that a project is exempt from CEQA pursuant to Statutory or Categorical Exemptions, (D) and all variations thereto, including but not limited to Subsequent and Supplemental environmental documents, Addenda, Master EIRs, Focused EIRs, joint CEQA and NEPA documents, (E) Water Supply Assessments prepared pursuant to Water Code Sections 10910 et seq., (F) CEQA Findings, (G) CEQA Statements of Overriding Considerations, and (H) CEQA Mitigation Monitoring and Reporting Programs.”

SECTION 9. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, Section 17.72.070 (Processing and Action on Appeals or Calls for Review), Subsection B is amended by modifying Paragraph 5 to read as follows:

“Failure to Act. If the review authority fails to act upon an appeal or a call for review, the decision from which the appeal or call for review was taken shall be deemed affirmed, except that there must be an affirmative vote to approve or certify any action taken pursuant to the California Environmental Quality Act. A failure to affirmatively approve or certify any CEQA action shall be deemed a denial thereof. A failure to act, and any action taken pursuant to CEQA, shall be considered a decision and may be called for review or appealed.”

SECTION 10. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 11. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2014.

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 _____ 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney