

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** November 3, 2014

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE AMENDING THE ZONING CODE TO AUTHORIZE NON-ELECTED BODIES TO TAKE ACTIONS UNDER CEQA, AND TO REQUIRE AFFIRMATIVE VOTES ON CEQA MATTERS ON APPEAL OR CALL FOR REVIEW

TITLE OF PROPOSED ORDINANCE

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

PURPOSE OF ORDINANCE

This ordinance implements direction given by the Council on this same date regarding amendments to the Pasadena Municipal Code ("PMC") to bring it in line with the California Environmental Quality Act ("CEQA").

REASON WHY LEGISLATION IS NEEDED

This legislation proposes two amendments to the PMC to bring it in line with recent published and unpublished case law. In late August of 2014, a new CEQA case was published which held that a non-elected decision making body cannot take action on a CEQA document unless they have been expressly given that authority by the elected body, even though the nonelected body has the authority to approve the underlying entitlement. Also, in recent litigation regarding the CEQA and land use approvals for

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the Constance Hotel development project, a trial court and an appellate court have found the "deemed affirmed" procedure to be in violation of CEQA, and have held that the appellate body must affirmatively vote on all CEQA decisions.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning & Community Development Department will implement the ordinance through the land use permit and CEQA review process. Other departments, such as City Manager's Office, operating companies, and other City commissions and bodies will also implement the ordinance as they take discretionary actions subject to CEQA.


FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this amendment to the PMC.

ENVIRONMENTAL DETERMINATION

On this same date, the Council determined that the proposed Pasadena Municipal Code Amendments are exempt from environmental review under Section 15061(b)(3) (general rule) of the California Environmental Quality Act (CEQA), in compliance with the California Environmental Quality Act.

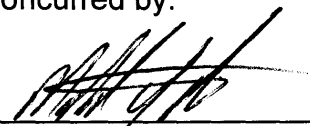
Respectfully submitted,


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