

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: JULY 31, 2006

FROM: CITY ATTORNEY

**SUBJECT: AN EXTENSION OF THE URGENCY ORDINANCE TEMPORARILY
ADOPTING A BUILDING MORATORIUM IN THE B-7 ELECTRIC
CIRCUIT AREA**

TITLE OF PROPOSED ORDINANCE

AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF BUILDING, MECHANICAL, AND ELECTRICAL PERMITS IN THE B-7 ELECTRIC CIRCUIT AREA OF THE CITY

PURPOSE OF ORDINANCE

This ordinance extends and narrows the moratorium approved by Council at its Special Meeting on June 21, 2006. The original urgency ordinance imposed a moratorium on building, mechanical, and electrical permits, and all other permits which will lead to the demand for new or increased electrical service from the B-7 electrical circuit. This extension narrows the urgency ordinance to apply only to new electrical service connections, or upgrades of existing service, and any associated Certificates of Occupancy or final building permit sign-offs.

REASON WHY LEGISLATION IS NEEDED

The B-7 circuit is loaded beyond its rated capacity, exceeds industry thresholds for reliable service, and additional electrical service from the B-7 circuit could exacerbate the current condition; jeopardize the integrity of the circuit; could cause fire, electrocution, property damage and bodily injury; and will likely impact the ability to provide essential electric service to the area City and cause long lasting outages. The Water and Power Department explored engineering solutions to this overload during the initial 45 day time in which the ordinance was in effect, and has concluded it needs additional time to study and implement its recommended solutions.

MEETING OF 07/31/2006

AGENDA ITEM NO. 10.A.1.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department, and the Water and Power Department, will implement the proposed ordinance as requests for permits subject to the moratorium are sought. Planning will continue to process the permits during the moratorium. The permits may be issued during the moratorium on a finding that the particular parcel is not served by the B-7 circuit.

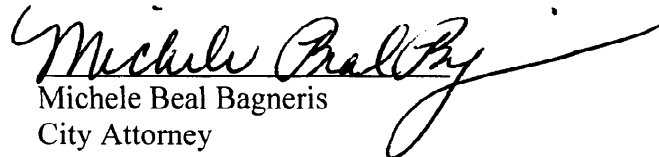
FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this temporary moratorium. Staff will report back on the fiscal impact of the engineering solution proposed by the Water and Power Department.

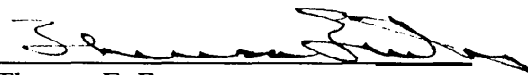
ENVIRONMENTAL DETERMINATION

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to State CEQA Guidelines Section 15262, because the ordinance 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.

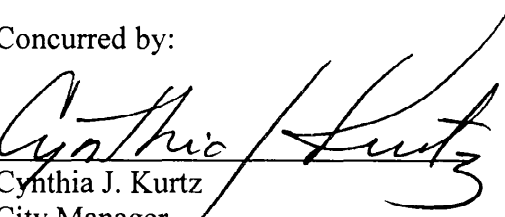
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Deputy City Attorney

Concurred by:


Cynthia J. Kurtz
City Manager
Urgency ordinance extension fact sheet

Introduced by: _____

ORDINANCE NO. _____

AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF BUILDING, MECHANICAL, AND ELECTRICAL PERMITS IN THE B-7 ELECTRIC CIRCUIT AREA OF THE CITY

WHEREAS, the City of Pasadena (“City”) has adopted the Land Use Element and Public Services Element of the General Plan; and

WHEREAS, the Land Use Element sets forth policies and goals toward the betterment of infrastructure and capital improvements which will maintain or rehabilitate utility infrastructure, and the Public Facilities Element of the General Plan directs the continued provision of a high level of public services; and

WHEREAS, in March of 2005, the City Council adopted the Electric Distribution System Master Plan (“Master Plan”) acknowledging that a large portion of the electrical system equipment rated as 4 kV is loaded beyond its rated capacity, and exceeds industry thresholds deemed adequate for reliability; and

WHEREAS, the Master Plan established reliability standards for the provision of electrical service throughout the City; and

WHEREAS, throughout late 2005 and early 2006, when reviewing the impact of new development along the western edge of the City, the Water and Power Department came to the conclusion that electrical circuit B-7 was overloaded, as its capacity carrying limit had reached the point of exceeding the reliability standard established in the Master Plan; and

WHEREAS, the Water and Power Department concluded that further addition of new electrical loads in the form of new construction, or renovations and upgrades to current structures, could jeopardize the integrity of the circuit and cause outages and unreliable electrical service in the area; and

WHEREAS, on June 26, the City Council adopted an INTERIM URGENCY ORDINANCE OF THE CITY OF PASADENA TEMPORARILY PROHIBITING THE ISSUANCE OF BUILDING, MECHANICAL, AND ELECTRICAL PERMITS IN THE B-7 ELECTRIC CIRCUIT AREA OF THE CITY (“Interim Urgency Ordinance”); and

WHEREAS, during the initial effective period of the Interim Urgency Ordinance, the Water and Power Department continued its analysis of the electrical distribution system, and in particular the B-7 circuit, and as set forth in the report prepared consistent with Government Code Section 65858(d), has concluded that, while it could propose short term solutions to address the B-7 circuit condition, it needs additional time to complete its study, choose, and then implement, a solution; and

WHEREAS, the Water and Power Department also concluded that the condition on the B-7 circuit was so serious that no new electrical service connections, or upgrades of existing service, could be “grandfathered” out of the moratorium; and

WHEREAS, the Water and Power Department also concluded that, since it could propose short term solutions to address the B-7 circuit condition, the Interim Urgency Ordinance could be narrowed to apply only to new electrical service connections, or upgrades of existing service, and any associated Certificates of Occupancy or final building permit sign-offs; and

WHEREAS, on those bases, the City Council continues to find that there is a current and immediate threat to the public health, safety and welfare because, without the extension of the narrowed moratorium, granting new electrical service connections, or upgrades of existing service (and any associated Certificates of Occupancy or final building permit sign-offs), from the B-7 electric circuit of

the City will place demands on the B-7 circuit that will jeopardize the integrity of the circuit; could cause fire, electrocution, property damage and bodily injury; and will likely impact the ability to provide essential electric service to the area and cause long lasting outages, especially as the region is currently experiencing a severe and prolonged heat wave and associated extreme demand on electrical systems; and

WHEREAS, the City Council further finds that, since this moratorium may extend past the expiration of building permits and/or development permits issued for projects in the affected area, the Building Official, the Planning Manager, or the Zoning Administrator may stay the expiration of any building permits or development permits for projects in the affected area to a date necessary to allow the project to obtain the new electrical service connections, or upgrades of existing service approvals, which are the subject of this moratorium; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may extend the Interim Urgency Ordinance for a period of up to 10 months and 15 days.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding publication will be published by title and summary as permitted by Section 508 of the Charter of the City of Pasadena. The approved summary of this ordinance is as follows:

“Summary

Ordinance No. _____ extends the temporary moratorium adopted by Ordinance No. 7048, and further narrows the moratorium to apply only to the issuance of new electrical service connections, or upgrades of existing service, and any associated Certificates of Occupancy or final building permit sign-offs, for all structures which will demand any new or increased electrical service in the B-7 electric

circuit area, and within a 500-foot buffer of that area, of the City. A map depicting the area subject to the moratorium is attached to the full text of the ordinance and is on file in the City Clerk's Office.

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.”

SECTION 2. The provisions of this ordinance extend the temporary prohibition on granting new electrical service connections, or upgrades of existing service, and any associated Certificates of Occupancy or final building permit sign-offs, for all structures which will demand any new or increased electrical service from the B-7 electric circuit area, and within a 500-foot buffer of that area, of the City, as shown within the purple boundaries on the map titled Exhibit A, attached hereto and incorporated herein.

SECTION 3. During the effective period of this extended moratorium, the City will continue to process applications for affected parcels, and may, upon a finding that a particular parcel is not served by the B-7 circuit, issue the requested permit. This moratorium shall not apply in the event of an emergency, as determined by the City Manager or the City Manager's designee.

SECTION 4. During the effectiveness of this ordinance, the City will continue its review of the B-7 electric circuit overload condition and implement engineering solutions suggested by the Water and Power Department, in consideration of the goals and policies established in the City's Land Use Element, Public Services Element, and zoning code.

SECTION 5. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 10 month and 15 day extension period following its date of adoption. The City may cause this ordinance to expire at an earlier time if possible.

SECTION 6. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein, any provision of the Pasadena Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SECTION 7. The City Council hereby declares that, should any section, paragraph, sentence, phrase, term or word of this ordinance, hereby adopted, be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this ordinance irrespective of any such portion declared invalid.

SECTION 8. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 9. 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.

Signed and approved this _____ day of _____, 2006.

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 _____ 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Theresa E. Fuentes
Deputy City Attorney

TEF Ordinances/Resolutions: Urgency ordinance extension