



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: JUNE 21, 2006

FROM: CITY ATTORNEY

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

TITLE OF PROPOSED ORDINANCE

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

PURPOSE OF ORDINANCE

This ordinance implements the moratorium approved by Council at its Special Meeting on June 21, 2006. The ordinance imposes 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.

REASON WHY LEGISLATION IS NEEDED

The B-7 circuit is loaded beyond its rated capacity, exceeds industry thresholds for reliable service, and, in an extreme situation, a major power outage on the B-7 circuit could extend throughout large parts of the City. The Water and Power Department will explore an engineering solution to this overload during the time the ordinance is in effect.

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.

MEETING OF 06/21/06

AGENDA ITEM NO. 9.A.2.

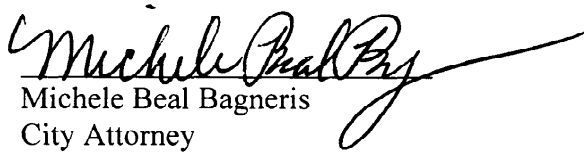
FISCAL IMPACT

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.

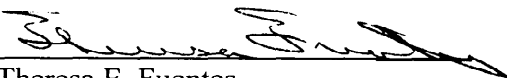
ENVIRONMENTAL DETERMINATION

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.

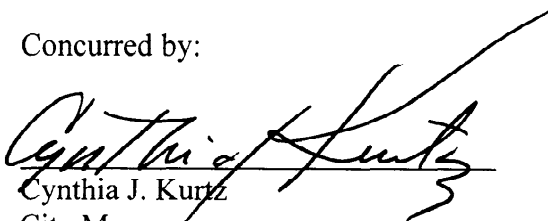
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Deputy City Attorney

Concurred by:


Cynthia J. Kurtz
City Manager

Introduced by: _____

ORDINANCE NO. _____

**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**

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 has 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, the City Council finds that there is a current and immediate threat to the public health, safety and welfare because, without the moratorium, granting building permits (including but not limited to mechanical or electrical permits) that will require electrical service from the B-7 electric circuit of the City will place demands on the B-7 circuit that are likely to overwhelm the circuit, and likely cause a major power outage in the B-7 circuit area as the City enters the hottest months of the year, an outage which in an extreme situation could extend throughout large parts of the City; and

WHEREAS, pursuant to California Government Code Section 65858, and in order to protect the public health, safety and welfare, the City Council may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning proposal that the City intends to study within a reasonable time.

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. _____ temporarily prohibits the issuance of building permits, (including but not limited to mechanical and electrical permits, or any other permit which will lead to the demand for new or increased electrical service) 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 45 days from the date of adoption, in accordance with California Government Code Section 65858."

SECTION 2. The provisions of this ordinance temporarily prohibit the issuance of building permits (including but not limited to mechanical and electrical permits, or any other permit which will lead to the demand for new or increased electrical service) 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. During the effective period of this 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 3. During the effectiveness of this ordinance, the City will undertake a review of the B-7 electric circuit overload condition and explore engineering solutions, in consideration of the goals and policies established in the City's Land Use Element, Public Services Element, and zoning code.

SECTION 4. Unless extended pursuant to California Government Code Section 65858, the provisions of this ordinance shall expire at the end of the 45 day period following its date of adoption.

SECTION 5. 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 6. 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 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 8. This ordinance shall take effect upon publication, and shall remain in effect for a period of 45 days from the date of adoption, in accordance with California Government Code Section 65858.

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:

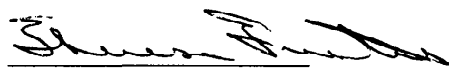
ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



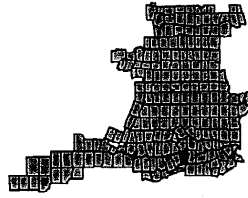
Theresa E. Fuentes
Deputy City Attorney

City of Pasadena



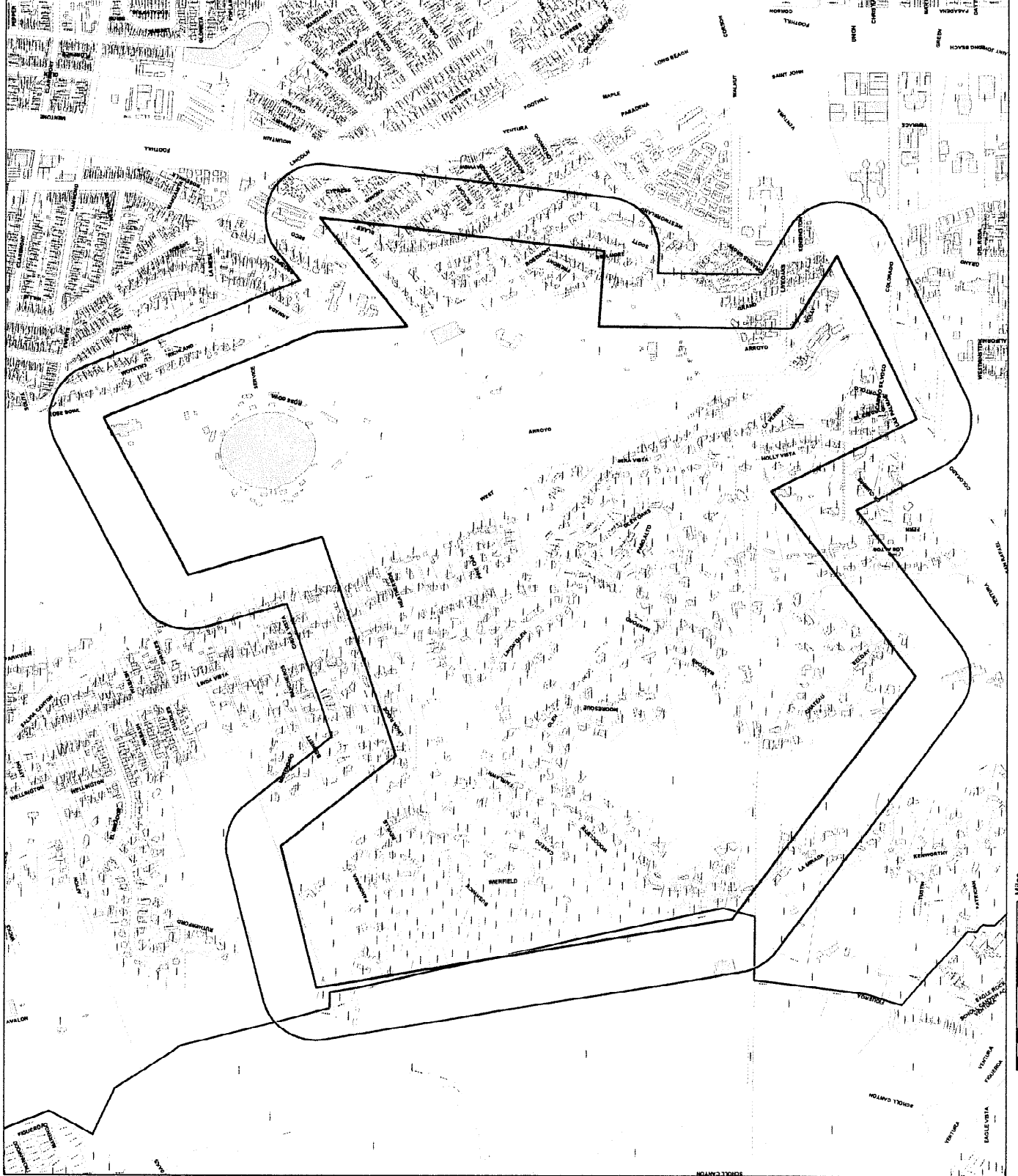
PASADENA
Water & Power

B-7 CIRCUIT BOUNDARY AND PARCEL APN NUMBERS



Legend

- B-7 Circuit
- B-7 Parcels
- B-7 500ft Buffer
- Building Footprint
- Assessor Parcel
- City Boundary



Miles
0 0.0375 0.075 0.15 0.225 0.3

June 05, 2006