

# Agenda Report

August 8, 2022

**TO:** Honorable Mayor and City Council

**THROUGH:** Public Safety Committee (August 3, 2022)

**FROM:** Fire Department

**SUBJECT: PREPARATION OF AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.80 AND TITLE 14, CHAPTER 14.28 OF THE PASADENA MUNICIPAL CODE REGARDING HAZARDOUS MATERIALS PERMITTING THRESHOLDS**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061 (b)(3), the General Rule that CEQA applies solely to projects that may have an effect on the environment
2. Direct the City Attorney to prepare an ordinance and return within 60 days amending the Pasadena Municipal Code Title 8 and Title 14 regarding hazardous materials.

**BACKGROUND AND ANALYSIS:**

The Life Science/Biotech industry represents an important market for the City. These companies bring in high paying jobs and help support local businesses without impact to surrounding land uses. While the demand for traditional office space remains in flux, there has been a strong desire for these types of companies to find a home in Pasadena. Our regulations serve as a hindrance to operating in the City without providing meaningful safety measures.

Pasadena Fire performed an extensive review of other agencies within California and found that no other jurisdiction has requirements as strict as ours. Amending the Pasadena Municipal Code (PMC) would maintain industry and state standards for health and safety while eliminating unnecessary process. The current code requires nearly 850 businesses to maintain a hazardous materials permit and

requires permits and disclosures for the storage of *any* quantity of hazardous materials. Many Life Science/Biotech companies use minor amounts of certain chemicals that are completely ancillary to their business operations but are treated in the same way as industrial uses which store, manufacture or sell hazardous materials as their primary business.

## **PROPOSED CHANGES TO THE MUNICIPAL CODE**

The Pasadena Fire Department is recommending that the Municipal Code be amended to align with the California Fire and Health and Safety Codes.

The proposed changes will provide a more concise and clear understanding of the City's regulations and be more closely aligned with surrounding agencies and the state. The proposed changes will also maintain the benefit of a consolidated permit (verses duplicative permits as some agencies require), which will further streamline the regulatory process.

Pasadena Fire is recommending that our regulations be brought in line with current state requirements. Instead of requiring businesses to report "any quantity" of hazardous material, it is recommended that we adopt the reporting thresholds in California State law which include:

- Greater than or equal to 55 gallons (liquids), 500lbs (solids), 200 cubic feet (gases) of a hazardous material, or at the threshold planning quantity for extremely hazardous substances.

With this change, businesses with larger quantities of hazardous materials would see no reporting changes and would still obtain necessary permits and report out required amounts.

## **COUNCIL POLICY CONSIDERATION:**

The proposed ordinance amendment furthers the City Council's strategic planning goal to ensure public safety while creating a more business friendly approach.

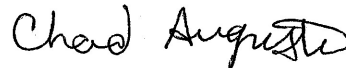
## **ENVIRONMENTAL ANALYSIS:**

The proposed amendment change has no environmental impact; therefore, it is exempt from CEQA review pursuant to State CEQA Guidelines and Section 15061 (b) (3), the general rule that CEQA only applies to projects that may have an effect on the environment.

**FISCAL IMPACT:**

It is anticipated that Fire will have a decrease in revenue by less than \$10,000 annually due to a decrease in the number of hazardous materials permits required; however, the decrease in revenue will be absorbed within the Department's budget. There are no anticipated impacts to other operational programs or capital projects as a result of this action.

Respectfully submitted,



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CHAD AUGUSTIN  
Fire Chief  
Fire Department

Approved by:



CYNTHIA J. KURTZ  
Interim City Manager