

RESOLUTION NO. 2026-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DELEGATING CERTAIN AUTHORITY TO NON-ELECTED DECISION-MAKING BODIES AND OFFICIALS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the City Council of the City of Pomona (“City Council”) is the legislative body of the City of Pomona (“City”) and serves as the decision-making body under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.); and

WHEREAS, Public Resources Code section 21082 requires all public agencies to adopt objectives, criteria and procedures for: (1) the evaluation of public and private projects undertaken or approved by such public agencies; and (2) the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the City acts as the lead agency under CEQA for discretionary projects subject to approval by the City Council; and

WHEREAS, CEQA and the State CEQA Guidelines authorize a lead agency’s legislative body to delegate to a non-elected decision-making body or official the responsibility for making certain CEQA determinations, including findings of exemption and the adoption of Negative Declarations and Mitigated Negative Declarations, subject to the lead agency’s appeal procedures. (State CEQA Guidelines §§15061(e), 15074(f)); and

WHEREAS, the City Council desires to delegate the authority to approve certain environmental review documents, excluding Environmental Impact Reports (“EIRs”), to non-elected decision-making bodies and officials of the City, pursuant to CEQA and the State CEQA Guidelines, where a non-elected decision-making body or official of the City has authority to make a final decision on a permit or approval under the City of Pomona’s Municipal Code and Zoning & Development Code; and

WHEREAS, it is the intent of this Resolution to provide non-elected decision-making bodies and officials of the City with authority to approve certain environmental review documents under CEQA including but without limitation, the authority to determine exemptions, adopt Negative Declarations and Mitigated Negative Declarations and to make findings and approve or deny discretionary project entitlements in connection therewith, all subject to appeal of such decisions to the City Council, and only when the non-elected decision-making body or official has authority to approve all of the permits or authorizations that constitute the “project” for purposes of CEQA review; and

WHEREAS, by authorizing non-elected decision-making bodies and officials of the City to review and approve certain environmental review documents under CEQA, members of the

public will be better able to present issues of concern to the body hearing the underlying project and have those issues addressed by the City and project proponents, since such issues of concern will be addressed at an earlier stage of the development process; and

WHEREAS, the City Council does not intend by this Resolution to delegate its authority to review, consider, or certify EIRs and expressly intends to retain exclusive authority over the determination of whether an EIR is required for a project, the certification of all EIRs, all related CEQA findings, and project entitlements associated with projects requiring an EIR; and

WHEREAS, the City Council desires to clarify the scope of CEQA authority delegated to the Planning Commission, Historic Preservation Commission, Cultural Arts Commission, and Zoning Administrator and the appeal process for CEQA determinations made by non-elected decision-makers; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Pomona (“City”) hereby resolves as follows:

SECTION 1. Incorporation of Recitals. The City Council hereby finds and determines that the Recitals set forth above are true and correct and are incorporated herein by this reference as though fully set forth.

SECTION 2. Delegation of CEQA Authority to Non-Elected Decision-Making Bodies and Officials

A. General Delegation

The City Council hereby delegates to non-elected decision-making bodies and officials of the City the authority to make all applicable CEQA determinations for projects subject to their review under the Pomona Municipal Code and Zoning & Development Code, except as expressly provided in subsection B below. Such delegated CEQA authority may include, without limitation:

1. Determination that a project is or is not exempt from CEQA;
2. Adoption or approval of a Negative Declaration, and related findings; and
3. Adoption or approval of a Mitigated Negative Declaration, and related findings and Mitigation Monitoring and Reporting Programs.

B. Reservation of EIR Authority

Notwithstanding any other provision of this Resolution, the City Council expressly retains exclusive authority to:

1. Determine whether a project requires preparation of an EIR.
2. Review, consider, and certify all EIRs, including any subsequent or supplemental EIRs and addendums.

3. Adopt all related CEQA findings, statements of overriding considerations, and mitigation monitoring and reporting programs.
4. Review and take final action on all project entitlements associated with any project requiring an EIR.

No subsidiary body, commission, board or official is authorized to certify an EIR. For projects requiring an EIR, CEQA review and all related project entitlements shall be considered and acted upon by the City Council as the highest decision-making body.

SECTION 3. Appeal of CEQA Determinations by Non-Elected Bodies. Any CEQA determination made by a non-elected body or official of the City, pursuant to the authority delegated by this Resolution, shall be appealable to the City Council in accordance with the City's established appeal procedures that apply to the underlying project entitlements.

In the absence of a specific procedure governing such an appeal, any CEQA determination made by a non-elected decision-maker shall be appealable to the City Council within ten (10) days of the decision-maker's CEQA determination. If no timely appeal is filed, the CEQA determination shall become final.

SECTION 4. Final Authority of the City Council. The City Council shall have the final responsibility and authority for determining whether an Environmental Impact Report is required for any project and for the certification of any EIR prepared for the project. The City Council's CEQA determinations shall be final and conclusive on all persons, including Responsible and Trustee Agencies, except as otherwise provided by law, including State CEQA Guidelines section 15050(c) and Public Resources Code section 21151.

SECTION 5. Effective Date. The City Clerk shall attest and certify to the passage and adoption of this Resolution and shall become effective immediately upon its approval. This Resolution shall apply to all projects currently under review and all future submitted projects.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pomona on this 2nd day of February, 2026.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

Resolution No. 2026-12
February 2, 2026
Page 3 of 4

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on February 2, 2026, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk