



CITY OF POMONA

COUNCIL REPORT

February 2, 2026

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: Betty Donavanik, Development Services Director

SUBJECT: ADOPTION OF A RESOLUTION DELEGATING CERTAIN AUTHORITY TO NON-ELECTED DECISION-MAKING BODIES AND OFFICIALS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

RECOMMENDATION:

It is recommended that the City Council take the following action:

- 1) Adopt the following resolution (Attachment No. 1):

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)

EXECUTIVE SUMMARY:

California Public Resources Code Section 21082 requires all public agencies (i.e. the City of Pomona) 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. The laws and rules governing the environmental review process are contained in the California Environmental Quality Act (CEQA) statute (Public Resources Code Section 21000 and following), the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 and following), published court decisions interpreting CEQA, and locally adopted CEQA procedures. The City of Pomona (the “City”) acts as the lead agency under CEQA for discretionary projects. CEQA and the State CEQA Guidelines authorize a lead agency’s legislative body (the City Council) 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)). The proposed Resolution No. 2026-12 would 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.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$500 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$500 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

There is no fiscal impact related to this action.

DISCUSSION:

The California Environmental Quality Act (CEQA) requires government agencies (i.e. the City of Pomona) to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project. This process is intended to: (1) inform government decisionmakers and the public about the potential environmental effects of proposed activities; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable environmental damage by requiring changes in projects, either by the adoption of alternatives or imposition of mitigation measures; and (4) disclose to the public why a project was approved if that project has significant environmental impacts that cannot be mitigated to a less than significant level.

In accordance with the City of Pomona Zoning & Development Code Section 1110.E. Environmental Review, the City must conduct an environmental review of any activity within the City that constitutes a “project” pursuant to CEQA, the CEQA Guidelines and the City’s local guidelines for the implementation of CEQA. Depending upon the nature and scope of a “project,” it may be found to be exempt from further environmental review, or a negative declaration, mitigated negative declaration or environmental impact report may be required to be completed. Negative declarations, mitigated negative declarations, and environmental impact reports must be prepared pursuant to the requirements of CEQA and the implementing guidelines, and the City’s local guidelines for the implementation of CEQA.

A "project" is defined as an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. "Projects" include discretionary activity by a public agency, a private activity that receives any public funding, or activities that involve the public agency's issuance of a discretionary or entitlement approval and is not statutorily or categorically exempt from CEQA. Examples of a "project" include, but are not limited to, code amendments, specific plans, development plan reviews, conditional use permits, tentative maps, etc.) that are reviewed by the City Council or non-elected decision-making bodies and officials of the City (i.e. Planning Commission, Zoning Administrator, etc.).

The City currently does not have its own local adopted CEQA guidelines that delegates CEQA review authority to non-elected decision-making bodies. However, CEQA and the State CEQA Guidelines authorizes a lead agency's legislative body to delegate to a non-elected decision-making body or official the responsibility for making certain CEQA determinations. It has been the City's practice to have the non-elected decision-making bodies that review/take action on the project's entitlements to also review/take action on the project's accompanying environmental review (i.e. mitigated negative declarations, negative declarations, and exemptions); with the exception of environmental impact reports, which would be certified by the City Council.

The proposed Resolution No. 2026-12 would formally 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.

The intent of this Resolution is to provide non-elected decision-making bodies and officials (Commissions and Zoning Administrator) 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. 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.

Resolution No. 2026-12 would specifically delegate CEQA authority outlined below.

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.

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 delegation would not change how the City currently processes environmental reviews for projects. The proposed Resolution would codify the City's current policy practices. The delegation would take effect immediately upon adoption of Resolution No. 2026-12 and shall apply to all projects currently under review and any future projects.

CONCLUSION:

Staff recommends that the City Council adopt Resolution No. 2026-12 delegating certain authority to non-elected decision-making bodies and officials under the California Environmental Quality Act.

Prepared by:

Betty Donavanik
Development Services Director

ATTACHMENT:

Attachment No. 1 – Resolution No. 2026-12