

EXHIBIT C

RESOLUTION NO. 05-R-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE ROSE BOWL STADIUM RENOVATION PROJECT

THE CITY COUNCIL OF THE CITY OF PASADENA HEREBY FINDS AND RESOLVES AS FOLLOWS:

Section 1. The City Council is considering a proposal to renovate the Rose Bowl Stadium (the "Stadium") in connection with a lease of the Stadium to the National Football League (the "Project"). The City Council has been presented with a conceptual design for the renovation of the Stadium and a term sheet of the principal terms for the lease with the National Football League. A Draft Environmental Impact Report dated February 2, 2005 (the "Draft EIR") was prepared for the Project. In accordance with the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §21000 *et seq.*) and the State CEQA Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 *et seq.*), the City analyzed the Project's potential impacts on the environment.

Section 2. Pursuant to Section 15063 of the Guidelines, the City prepared an Initial Environmental Study (the "Initial Study") for the Project. The Initial Study concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources and governmental services, including aesthetics, biological resources, hazards and hazardous materials, land-use and planning, aesthetics, transportation/circulation, air quality, noise, cultural resources, geology and soils, population and housing, public services and utilities, hydrology and water quality, and recreation.

Section 3. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report for the Project. The City contracted with an independent consultant for the preparation of the environmental impact report and, on October 18, 2004, prepared and sent a Notice of Preparation of the Draft EIR to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Section 15082(a).

Section 4. The City circulated the Draft EIR, together with technical appendices (the "Appendices"), to the public and other interested persons between February 2, 2005 and March 21, 2005, for a 45-day public comment period. During the public comment period, a public hearing was held to solicit comments on the Draft EIR and various commissions held public meetings concerning the Draft EIR and provided comments on the document.

Section 5. During the public comment period the City received written and oral comments on the Draft EIR. The City prepared written responses to all written comments and many oral comments received on the Draft EIR and made revisions to the Draft EIR, as appropriate, in response to those comments. The City distributed written responses to comments on the Draft EIR in accordance with the provisions of Public Resources Code Section 21092.5. The written responses to comments were also made available for public review before the commencement of the hearing on the certification of the Draft EIR. After reviewing the responses to comments and the revisions to the Draft EIR, the City concluded that the information and issues raised by the comments and the responses thereto did not constitute new information requiring recirculation of the Draft EIR.

Section 6. In response to comments on the Draft EIR from the public and City commissions, staff has presented in its report to the City Council an additional mitigation measure (the "design mitigation") that would reduce impacts to aesthetics and cultural resources. In general, the design mitigation would involve a change to the design of the Project to preserve the character defining elements of the north end of the Stadium, including the historic berm, and the view of the exterior of the Stadium from the north. The change would also better preserve the view to the north from the interior of the Stadium and would reduce the aesthetic impact to the view of the Stadium from the east by including a new berm at the plaza level that would reference the historic berm to be removed. As demonstrated in the EIR, the environmental impacts of the design mitigation are no greater than the environmental impacts of the Project, as originally proposed and mitigated and the design mitigation would reduce impacts in two impact areas.

Section 7. The Final Environmental Impact Report (the "EIR") is comprised of: the Draft EIR, including Appendices, dated February 2, 2005; the Comments and Responses to Comments on the Draft EIR, including revisions to the Draft EIR, contained in Volume 2 and dated April 28, 2005; Errata to the Final Environmental Impact Report for the Rose Bowl Stadium Renovation Project dated May 9, 2005 which includes an analysis of the design mitigation; and the supplements to the staff report prepared by the City's traffic consultant and the EIR author for the May 16, 2005 City Council meeting. The City Council held a duly noticed public hearing on the EIR and the Project on May 9 and May 16, 2005 (the "Hearing").

Section 8. The findings made in this resolution and the resolution containing environmental findings are based upon the information and evidence set forth in the EIR and upon other substantial evidence that has been presented at the Hearing and in the record of the

proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this resolution is based are on file and available for public examination during normal business hours in the Department of Planning and Development and with the Director of Planning and Development, who serves as the custodian of these records.

Section 9. The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR and that the comment process has fulfilled all requirements of State and local law.

Section 10. The City Council has independently reviewed and considered the contents of the EIR prior to deciding whether to approve the Project. The City Council hereby finds that the EIR reflects the independent judgment of the City and the City Council. The City Council further finds that the additional information provided in the staff reports, in the responses to comments received after circulation of the Draft EIR, and in the evidence presented in written and oral testimony presented at the Hearing, does not constitute new information requiring recirculation of the EIR under CEQA. None of the information presented to the City Council after circulation of the Draft EIR has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

Section 11. The City Council finds that the comments regarding the Draft EIR and the responses to those comments have been received by the City; that the City Council received public testimony regarding the adequacy of the EIR; and that the City Council, as the decision-making body for the lead agency, has reviewed and considered all such documents and

testimony prior to acting on the Project. Pursuant to Guidelines Section 15090, the City Council hereby certifies that the EIR has been completed in compliance with CEQA.


Section 12. The City Clerk shall certify to the adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Council of this City.

Adopted at the meeting of the City Council on the      day of May 2005, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Jane L. Rodriguez  
City Clerk

APPROVE AS TO FORM:

 5/12/05  
(Michele B. Bagneris)

*MB*

Michele B. Bagneris  
City Attorney

## EXHIBIT D

# Findings and Facts In Support Of Findings

## **Section I. Introduction.**

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (the "Guidelines") provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings regarding the potential mitigation of these impacts:

- a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.
- b. Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Pursuant the requirements of CEQA, the City Council hereby makes the environmental findings set forth below. These findings are based upon evidence presented in the record of proceedings, both written and oral, the EIR, and staff and consultants' reports prepared and presented to the City Council.

## **Section II. Project Objectives.**

As set forth in the EIR, the objectives of the Project include:

- To facilitate long term economic viability of the Rose Bowl Stadium by attracting a long-term tenant;
- To provide modern, state-of-the-art amenities to enhance the patron experience and upgrade safety features
- To improve traffic and parking conditions in the Arroyo;
- To preserve the setting and integrity of the Arroyo Seco;
- To maintain the National Historic Landmark status of the Rose Bowl without impairing the ability to make the improvements necessary for long term continued use.

## **Section III. Potentially Significant Environmental Impacts**

The following environmental impact issue areas were examined in the EIR: (1) Aesthetics; (2) Air Quality; (3) Biological Resources; (4) Cultural Resources; (5) Geology/Soils; (6) Hazards and Hazardous Materials; (7) Hydrology/Water Quality; (8) Land Use/Planning; (9) Noise and Vibration; (10) Public Services; (11)

Recreation; (12) Traffic, Parking, and Circulation; and (13) Utilities and Service Systems. The findings, impacts, and mitigation measures that are applicable to the Project are set forth below.

A. Aesthetics

**Impact 3.1-1 The proposed project could result in a substantial adverse effect on a scenic vista.**

There are no designated scenic vistas in the Arroyo Seco designated in the City of Pasadena Comprehensive General Plan, nor is the Arroyo Seco visible from the Angeles Crest Highway, the nearest designated scenic highway. However, the open space corridor provided by the Arroyo Seco, which runs from the upper reaches in the Angeles National Forest south to the City's southern boundary, is considered to be one of the most scenic areas in the region. The City of Pasadena Comprehensive General Plan contains a scenic highway diagram that depicts Linda Vista Avenue and the Foothill Freeway as Los Angeles County Recommended Scenic Highways (unofficial). Linda Vista Avenue and the Foothill Freeway extend the length of the Upper Arroyo Seco, the Central Arroyo Seco and the northern portion of the Lower Arroyo Seco. The Stadium is approximately 0.25 mile from the Foothill Freeway. There are limited views of the Stadium from the Foothill Freeway, and, therefore, the proposed project would not significantly affect views from this recommended scenic highway.

The proposed project would alter the views of the San Gabriel Mountains from both inside the Stadium and looking down on the Stadium from both sides of the Arroyo. The new structure would be greater in mass than the existing Stadium, and the increased height would interfere with scenic vistas from various viewpoints.

**Mitigation Measures:** The following mitigation measures will be required to lessen the impact.

MM 3.1-3 *Consistent with the implementation methods MM3.3-2a (see Section 3.3 Biology) and the provisions of the Tree Protection Ordinance, the City of Pasadena shall also require that any Replacement Tree Canopy Coverage (for removed or damaged trees) be concentrated on the east side of the Stadium. Also, replacement plantings (24 in. box minimum) of one tree for every one lost or removed shall be installed along the edges of existing hardscape parking lots within the Arroyo. In addition, vines shall be planted to grow to be permanently secured to vertical building wall surfaces on the east side of the Stadium. At retaining walls, vines and shrubs shall be installed and spaced so as to completely cover walls when mature. All plantings shall be implemented in accordance with a City approved landscape plan. Planting off site within the Arroyo shall be done under the direction of the City.*

MM 3.1-3 (a) *The project operator shall prepare a landscape plan for improvements to the perimeter areas of Parking Lots B, D, F, I, J-East, J-West, K, and M for City approval prior to the issuance of grading permits. The landscape improvements shall include the planting of trees (minimum of 24 in. box, planted 30 feet on center or equivalent as determined by the City) with complementary ground cover and supporting irrigation system. The improvements shall be completed prior to issuance of occupancy permits to the tenant.*

MM 3.1-3 (b) *The project operator shall prepare a hardscape plan for improvements to Parking Lots J-East and J-West for City approval prior to the issuance of grading permits. The improvements shall include the installation of a hard drivable surface that remains permeable (such as turf block) and developed to industry standards. The improvements shall be completed prior to issuance of occupancy permits to the tenant.*

In addition to the mitigation measures identified in the EIR, the City Council has also adopted the design mitigation that will further reduce the impacts described above. However, even with implementation of these mitigation measures, significant and unavoidable impacts related to scenic views and the Stadium viewing experience would remain.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen some of the significant environmental effect as identified in the Final EIR, but the impact resulting from substantial degradation of the visual quality and character related to the Stadium viewing experience and scenic views remain significant and unavoidable.

<b>Impact 3.1-2</b>	<b>The proposed project could substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a scenic highway.</b>
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The project site does not contain rock outcroppings, and effects on the historic Stadium are addressed in Section 3.4 (Cultural Resources); this analysis addresses other scenic resources, specifically trees. The project site contains over 250 trees of varying size and type within the project boundaries. Some of these trees would require removal with construction of the proposed project. As described in Chapter 2 (Project Description), and as modified by the design mitigation, a portion of the landscaped berms around the Stadium would be removed. Much of the area adjacent to the Stadium would be enhanced with pedestrian amenities, allowing access around the entire Stadium via a concentric path beyond the security fence that would mimic the elliptical seating bowl. Plazas and entries would be landscaped with trees and plantings matching those that are on site.

While the project would comply with the City Tree Protection Ordinance, (see Section 3.3, Biology), the effect of removing and/or relocating these trees is identified here also as a potentially significant impact on visual resources. While construction phases would be expected to result in short-term impacts to scenic resources during construction, there would be no significant long-term impacts in conjunction with related projects in the vicinity of the Arroyo Seco.



**Mitigation Measures:** The following mitigation measures will be required to lessen the impact. MM 3.1-3 would address tree removal/relocation and would reduce this impact to less than significant. MM 3.1-1 and MM 3.1-2 would address short-term construction impacts and would reduce this impact to less than significant.

MM 3.1-1 *The City of Pasadena shall require construction contractors to strictly control the staging of construction equipment and the cleanliness of construction equipment stored or driven beyond the limits of the construction work area as a means of minimizing temporary degradation of the visual character of surrounding areas and the associated impact to aesthetics. Prior to completion of final plans and specifications, the City of Pasadena shall review the plans and specifications to ensure that all construction vehicles and equipment shall be parked in designated staging areas when not in use. Vehicles shall be kept clean and free of mud and dust before leaving the project site. Completion of this measure shall be monitored and enforced by the City of Pasadena.*

MM 3.1-2 *The City of Pasadena shall require construction contractors to provide temporary screening from the public view, around construction work areas, for all improvements that require grading during construction and enhancement, as a means of minimizing the temporary effects to the visual character of the surrounding area and the associated impacts to aesthetics.*

MM 3.1-3, MM 3.3-1, and MM 3.3-2 would also apply.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR.

<b>Impact 3.1-3</b>	<b>The proposed project would result in new sources of increased light and glare from new lighting systems.</b>
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New lighting systems include field lighting and scoreboard lighting. To address spill illumination and environmental glare from proposed field lighting systems, the project would include high performance sports light fixtures that improve the efficiency of the light beam from each sports fixture to 55 percent compared to the older style sports fixtures of 22 percent. The illumination is focused on the field and does not spill light outside the seating bowl. Data has shown that less than 3 foot-candles can be achieved one thousand feet from the Stadium and less than 1 foot-candle of illumination three thousand feet from the Stadium. (Three and 1 foot-candle is comparable to normal street lighting in most residential streets in most cities.) As originally proposed and as modified by the design mitigation, the scoreboard would be oriented in such a way as to minimize light and glare impacts on the surrounding land uses. The project will also include new fixture technology that has developed a black interior trim to reduce and eliminate 80 to 90 percent of the glare from lighting that could occur at night.

Lighting would be placed along the east and west roofs of the new suite level structures; therefore, it is expected that light that would escape the confines of the Stadium would be somewhat reduced. Since the heights of the east and west structures would be the same, each structure would be anticipated to

essentially block the view of the light blocks on the opposite side from view outside the Stadium. With design features intended to reduce light spill from the Stadium and implementation of MM 3.1-4 through MM 3.1-8, this impact would be reduced to a less-than-significant level and effects on the nighttime environment from new lighting would be minimized.

Glare could occur from building materials utilized in the new structures and could affect recreational users of the site and vicinity and drivers on local roadways such as Linda Vista Avenue, West Drive, Rosemont Drive, and Arroyo Boulevard. Construction materials would include glass, concrete, stucco, wood, core-ten steel, and other materials compliant with City design guidelines and architectural standards. To ensure that glare from the new structure would not adversely affect recreational users or drivers to the site and vicinity, MM 3.1-9 has been identified. Implementation of MM 3.1-9 would reduce impacts related to increased glare to less than significant.

**Mitigation Measures:** The following mitigation measures will be required to lessen light and glare impacts from new lighting systems.

- MM 3.1-4** *Security lighting for the project shall be designed to minimize light migration in accordance with this measure. The City of Pasadena shall specify the lighting type and placement on the project site to ensure that the effects of security lighting are limited as a means of minimizing night lighting and the associated impacts to aesthetics. Prior to completion of final plans and specifications, the City of Pasadena shall review the plans and specifications to ensure that all light fixtures will use glare-control visors, arc tube suppression caps, and will use a photometric design that maintains 70 percent of the light intensity in the lower half of the light beam. Completion of this measure shall be monitored and enforced by the City of Pasadena.*
- MM 3.1-5** *Prior to opening the Stadium with the newly proposed lighting, the Applicant shall test the installed field-lighting system to ensure that lighting meets operating requirements in the Stadium and minimizes obtrusive spill lighting in the Stadium facility. Testing would include light-meter measurements at selected locations in the vicinity to measure spill lighting from field-lighting fixtures, permit adjustment of lighting fixtures, and confirm that spill-lighting effects would not exceed 3 foot-candles 1,000 feet from the Stadium perimeter and no more than 1 foot-candle 3,000 feet from the Stadium perimeter.*
- MM 3.1-6** *Stadium lighting and advertising (including signage) shall be oriented in such a manner to reduce that amount of light shed onto sensitive receptors and incorporate "cut-off" shields as appropriate to minimize any increase in lighting at adjacent properties.*
- MM 3.1-7** *All interior floodlights, exterior parking lot, and other security lighting shall be directed away from sensitive receptors and towards the specific location intended for illumination. State-of-the-art fixtures shall be used, and all lighting shall be shielded to minimize the production of glare and light spill onto both existing and proposed residential units on the adjacent hillsides. A lighting design plan shall be submitted to the City for approval at plan check.*

**MM 3.1-8** *Landscape illumination and exterior sign lighting shall follow the City's Municipal Code guidelines and be accomplished with low-level unobtrusive fixtures.*

**MM 3.1-9** *All facilities shall emphasize the natural setting and use of natural materials. Building color shall be warm and earth-toned. Non-reflective materials shall be used on the exterior surfaces. Where appropriate, arroyo stone shall be incorporated into the design.*

**Finding:** **Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.**

<b>Impact 3.1-4</b> <b>The proposed project could result in new sources of increased light and glare from the new scoreboard and advertising systems.</b>
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Some oblique views of the scoreboards would be apparent to the residences on the east and west sides of the Stadium. The video board technology that would be used would ensure that reflection and glare from the scoreboards and advertising media would be directed towards the viewing stands and interior of the Stadium. These oblique views are not likely to reflect more light than the existing scoreboard. Although the new scoreboards would be larger than the existing scoreboards, their design would help to shield views of the scoreboards from the outside of the Stadium, would direct their lighting, and therefore, this impact would be considered less than significant with implementation of MM 3.1-6, above. Furthermore, implementation of the design mitigation will relocate the scoreboards to minimize impacts on views from inside and outside the Stadium.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Impact 3.1-5** Implementation of the proposed project would substantially adversely impact the visual character or quality of the existing architectural features of the Rose Bowl Stadium.

The proposed structure and new site layout would significantly alter the design character of the existing Stadium. The proposed new structure would have included east and west side luxury suites that would mirror each other as well as a roofline that would reach to 105 feet. The evenness and regularity of the new structure design is contrary to the elliptical shape, uneven height (with the Press Box), and low-intensity design of the existing Rose Bowl Stadium. In addition, the open concourse that surrounds the Stadium would become enclosed with the 105-foot-tall structure removing the current "setback" and pulling the Stadium flush into the surrounding vegetation. These changes are considered to constitute a significant and unavoidable impact. Implementation of MM 3.1-9, above, as well as the design mitigation would reduce this impact, although not to less-than-significant levels.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that substantially lessen the significant environmental effect as identified in the Final EIR, although the degradation of the existing visual quality and character of the Rose Bowl would remain significant and unavoidable.

**Impact 3.1-6** Implementation of the proposed project would substantially adversely impact the existing visual character or quality of the viewing experience from within the Stadium.

Views to the south, west, and north as currently seen from within the Stadium would be altered. Existing views of treetops and rugged hillsides and ridgelines would be mostly obstructed with construction of the 105-foot-tall concourse and suite levels, lighting structures, and other components of the project. This is a significant and unavoidable impact of the project. Implementation of the design mitigation would reduce this impact by reducing the bulk of the structure on the east side and restoring views to the north from within the Stadium. However, impacts would not be reduced to a level of insignificance.

**Finding:** The project would significantly eliminate views of treetops, hillsides, and ridgelines as seen from within the Stadium. This impact is significant and unavoidable, as no feasible mitigation would reduce this impact to a level of insignificance.

B. Air Quality

**Impact 3.2-1** The proposed project would be consistent with the AQMP, and would not interfere with attainment of air quality standards.

The 1997 Air Quality Management Plan (AQMP) was prepared to accommodate growth, to reduce the high levels of pollutants within the areas under the jurisdiction of the South Coast Air Quality

Management District (SCAQMD), to return clean air to the region, and to minimize the impact on the economy. Projects that are considered to be consistent with the AQMP would not interfere with attainment because this growth is included in the projections utilized in the formulation of the AQMP. The project is consistent with all adopted land use designations for the site. Therefore, the proposed project would be consistent with the AQMP employment forecasts for the Arroyo Verdugo and San Gabriel Valley subregions, and it would not jeopardize attainment of State and federal ambient air quality standards.

**Finding:** As proposed, the project would have less-than-significant impacts on air quality standards and no mitigation would be necessary.

**Impact 3.2-2 Project implementation is not anticipated to significantly affect local air quality.**

The simplified CALINE4 screening procedure was used to predict future CO concentrations at the study-area intersections in 2008, when all cumulative development in the area of the project is expected to be completed. The results of these calculations for special events held on weekdays and weekends show that future CO concentrations near these intersections would not exceed federal or State ambient air quality standards. CO hotspots are not predicted to exist near these intersections in the future and the contribution of project traffic-related CO at these intersections would not be considered significant.

**Finding:** As proposed, the project would have less-than-significant impacts on local air quality and no mitigation would be necessary.

**Impact 3.2-3 Project implementation would not release significant amounts of toxic air contaminants.**

Toxic or carcinogenic air pollutants are not expected to occur in any meaningful amounts in conjunction with operation of the proposed land uses within the project site. During construction, incidental amounts of toxic substances such as oils, solvents, and paints would be used. These substances would comply with all applicable SCAQMD rules for their manufacture and use. When completed and operational, only common forms of hazardous or toxic substances typically used, stored, or sold in conjunction with normal operation and maintenance of the proposed uses would be present in small quantities. Based on the common uses expected on the site and anticipated construction operations, potential impacts associated with the release of toxic air contaminants would be less than significant.

**Finding:** As proposed, the project would have less-than-significant impacts related to toxic air contaminants and no mitigation would be necessary.

**Impact 3.2-4 Project implementation would not create objectionable odors affecting nearby sensitive receptors.**

The project does not propose, and would not facilitate, uses that are significant sources of objectionable odors. The most likely potential sources of odor associated with the proposed project would result from

construction equipment exhaust during construction activities or the storage of operation-related solid waste. Given the short-term and temporary nature of construction activities, as well as the standard construction requirements imposed on the applicant, impacts associated with construction-generated odors would be less than significant. Any project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations, and operational waste would not be significantly greater in amount than under current conditions.

**Finding:** As proposed, the project would have less-than-significant impacts related to objectionable odors and no mitigation would be necessary.

<b>Impact 3.2-5</b>	<b>Site preparation and construction activities would contribute to an existing air quality violation (NO<sub>x</sub> and PM<sub>10</sub> only).</b>
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Construction emission calculations, which assume that appropriate dust control measures would be implemented during each phase of development as required by SCAQMD Rule 403—Fugitive Dust, indicate construction-related activities would generate daily emissions of NO<sub>x</sub> during the demolition and grading phase that exceed SCAQMD significance thresholds, while PM<sub>10</sub> emissions would exceed SCAQMD significance thresholds during the grading phase. Therefore, with respect to NO<sub>x</sub> and PM<sub>10</sub> emissions, this impact, while short-term in nature, contributes to an existing air quality violation and would be significant and unavoidable. MMs 3.2-1 and 3.2-2 would lessen the severity of this impact, but not to a less-than-significant level.

**MM 3.2-1** *The project builder(s) shall develop and implement a construction management plan, as approved by the City of Pasadena, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the City of Pasadena:*

- *Configure construction parking to minimize traffic interference*
- *Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person)*
- *Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable*
- *Consolidate truck deliveries when possible*
- *Maintain equipment and vehicle engines in good condition and in proper tune as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions*
- *Use methanol- or natural gas-powered mobile equipment and pile drivers instead of diesel to the extent commercially practical*
- *Use propane- or butane-powered on-site mobile equipment instead of gasoline to the extent commercially practical*

**MM 3.2-2**

*The project builder(s) shall implement all rules and regulations by the Governing Board of the SCAQMD that are applicable to the development of the Project (such as Rule 402—Nuisance and Rule 403—Fugitive Dust) and that are in effect at the time of development. The following measures are currently recommended to implement Rule 403—Fugitive Dust. These measures have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 85 percent depending on the source of the dust generation:*

- *Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading and excavation to keep the soil damp enough to prevent dust from being raised by the operations*
- *Wet down the areas that are to be graded or that are being graded and/or excavated, in the late morning and after work is completed for the day*
- *All unpaved parking or staging areas, or unpaved road surfaces shall be watered three times daily or have chemical soil stabilizers applied according to manufacturers' specifications*
- *Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications*
- *The construction disturbance area shall be kept as small as possible*
- *All trucks hauling dirt, sand, soil, or other loose materials shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas*
- *Wheel washers shall be installed where vehicles enter and exit unpaved roads onto paved roads and used to wash off trucks and any equipment leaving the site each trip*
- *Streets adjacent to the project site shall be swept at the end of the day if visible soil material is carried over to adjacent roads*
- *Wind barriers shall be installed along the perimeter of the site*
- *All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period*
- *A traffic speed limit of 15 miles per hour shall be posted and enforced for the unpaved construction roads (if any) on the project site*

Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust on the surrounding area

**Finding:** As proposed, the project would have significant and unavoidable impacts related to construction emissions.

**Impact 3.2-6 Project implementation would exceed daily operational emissions thresholds.**

The analysis of operational emissions from the project was prepared utilizing the URBEMIS 2002 computer model recommended by the SCAQMD. The results of calculations for additional special events show that operational emissions associated with those events would exceed SCAQMD thresholds. Although MM 3.2-1 and MM 3.2-2 would be required for the project, these measures would not be sufficient to reduce impacts to less than significant levels. There are no other feasible mitigation measures that could reduce operational air emissions from the project, and impacts would be significant and unavoidable.

**Finding:** The project would result in significant and unavoidable impacts related to operational emissions.

C. Biological Resources

**Impact 3.3-1 Project implementation would impact a relatively small area of primarily developed and/or landscaped ground that has limited wildlife movement function.**

The proposed project would alter the landscaped areas and enlarge the developed areas directly adjacent to the bowl. These actions would not alter the Arroyo channel, or include significant amounts of fencing or other structures that would significantly reduce the movement of wildlife through or across the site from the current levels. Although the proposed project would result in increased usage and human presence of the project area, it is unlikely that the design components of the proposed project would significantly interfere with any known migratory wildlife corridors, impede the use of native wildlife nursery sites, or significantly alter the current disturbance regime. Therefore impacts to wildlife movement would be less than significant.

**Finding:** As proposed, the project would have less-than-significant impacts related to wildlife movement.

**Impact 3.3-2 Implementation of the proposed project would not impact non-sensitive wildlife species.**

As the majority of the proposed project site is developed and ornamental vegetation, the amount of habitat for wildlife that would be affected by implementation of the proposed project is quite small. The majority of the site is landscaped and thus many of the wildlife species that do occur on site are highly mobile and will be able to temporarily relocate from the relatively small area of impact to the adjoining



larger areas of land. Other, less mobile individuals in the impact areas will be lost during project implementation. As the golf course water hazard is artificial in structure and hydrology, and is subject to high levels of disturbance and pollutants from the golf course, it is unlikely that wildlife would utilize this as habitat. The project impacts to non-sensitive wildlife species would be less than significant, as the loss of these species would not do the following:

- Cause a substantial reduction of the habitat of a wildlife species
- Produce a drop in a wildlife population below self-sustaining levels
- Eliminate a plant or animal community
- Cause a reduction or restriction of the number or range of a rare or endangered plant or animal
- Have a substantial affect on a rare or endangered species of animal or plant or the habitat of the species

As such, impacts to non-sensitive wildlife species would be less than significant.

**Finding:** As proposed, the project would have less-than-significant impacts related to non-sensitive wildlife species.

<b>Impact 3.3-3</b>	<b>Construction and operation of the proposed project could have direct and indirect effects upon the hydrology and aquatic habitat quality of the Arroyo Seco.</b>
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Grading for construction of the project has the potential to increase erosion and subsequent deposition of soil particles into the Arroyo Seco channel. Additionally, surface water runoff containing excess fertilizers or other chemicals could alter the aquatic community or the water quality of the Arroyo Seco by altering the nutrient regime. Toxics contained in herbicides, insecticides, and fungicides used to maintain landscaping could also result in direct kill of aquatic and riparian plants and animals within the channel.

Runoff produced during and after construction is subject to National Pollution Discharge Elimination System Regulations, (NPDES) as well as local water quality and runoff standards. Therefore, the Applicant will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). California Stormwater Best Management Practices (BMPs) for Construction Activity, as prepared by the California State Stormwater Quality Task Force, will also need to be incorporated into the construction plans. BMPs for Municipal Activities would be incorporated into a long-term site management program which, when implemented, would reduce operation-related impacts from sedimentation and contaminant loading to an insignificant level. Implementation of NPDES and County BMPs and compliance with state and federal clean water regulations would ensure that the impacts of construction and operation of the proposed project would be less than significant.

**Finding:** Due to State and federal pollution prevention requirements, the project would have less-than-significant impacts on the hydrology and aquatic habitat quality of the Arroyo Seco.

**Impact 3.3-4** Implementation of the project would not result in impacts to special status or sensitive plant species.

No endangered, rare, threatened, or special status plant species (or associated habitats) designated by the U.S. Fish and Wildlife Service, California Department of Fish and Game, or California Native Plant Society were known to occur or found within the project site. In addition, focused surveys for sensitive species identified under the Arroyo Seco Master Plan failed to identify any occurrence within the site; thus, there would be no impact to special status plant species or sensitive habitats.

**Finding:** The project would not impact special status or sensitive species.

**Impact 3.3-5** Implementation of the project would not, through habitat modifications, result in a potential loss of special-status bat species breeding/roost in the project vicinity.

Although not observed during any of the surveys, two species of bats—the pallid bat (*Antrozous pallidus*) and California mastiff bat (*Eumpos perotis californicus*), which are listed as California Species of Special Concern—have the potential to forage within the project area. No breeding or roosting habitat suitable for these species exists on the site. While foraging habitat in the vicinity of the project is present for bats, the lack of roosting habitat in the vicinity would be expected to keep their population densities very low, though population numbers for bats in the area are unknown. Due to the probable low population numbers of foraging bats in the area and the very low probability of project-related impact to foraging bats, impacts would be less than significant.

**Finding:** The project as proposed would not impact special-status bat species.

**Impact 3.3-6** Implementation of the project could, through habitat modifications, result in a potential reduction in nesting opportunities for resident and migratory avian species of special concern, including raptors or the loss of an active avian nest.

Some sensitive species, such as the white-tailed kite, and migratory avian species and other raptors, such as the red tailed hawk (*Buteo jamaicensis*), may use portions of the site and adjacent areas during breeding season; these species are protected under the Migratory Bird Treaty Act. Project implementation and construction-related activities including, but not limited to, grading, materials lay down, facilities construction, and construction vehicle traffic may result in the disturbance of nesting and/or wintering special status species such as the loggerhead shrike and white-tailed kite which each have a moderate or greater probability of occurring within the proposed project area. The loss of a special status species, an occupied nest, or substantial interference with roosting and foraging opportunities for migratory species of special concern or raptors as a result of construction or demolition activities, would constitute a

potentially significant impact. However, this impact would be reduced to a less-than-significant level through the implementation of MM 3.3-1.

**Mitigation Measures:** The following mitigation measure will be required to reduce potential impacts on nesting birds.

**MM 3.3-1** *To ensure that avian species of concern, protected migratory species and raptor species are not injured or disturbed by construction in the vicinity of nesting habitat, the following measures shall be implemented:*

- *When feasible, all tree removal shall occur between August 30 and February 15 to avoid the breeding season of any raptor species that could be using the area, and to discourage hawks or bats from nesting/roosting in the vicinity of an upcoming construction area. This period may be modified with the authorization of the CDFG; or if it is not feasible to remove trees outside this window then, prior to the beginning of mass grading, including grading for major infrastructure improvements, during the period between February 15 and August 30, all trees and potential burrowing owl habitat within 350 feet of any grading or earthmoving activity shall be surveyed for active raptor nests or burrows by a qualified biologist no more than 30 days prior to disturbance. If active raptor nests are found, and the site is within 350 feet of potential construction activity, a fence shall be erected around the tree at a distance of up to 350 feet, depending on the species, from the edge of the canopy to prevent construction disturbance and intrusions on the nest area. The appropriate buffer shall be determined by the City in consultation with CDFG.*
- *No construction vehicles shall be permitted within restricted areas (i.e., raptor protection zones), unless directly related to the management or protection of the legally protected species.*
- *In the event that a nest is abandoned, despite efforts to minimize disturbance, and if the nestlings are still alive, the developer shall contact CDFG and, subject to CDFG approval, fund the recovery and hacking (controlled release of captive reared young) of the nestling(s).*
- *If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after August 30th, or until the adults and young of the year are no longer dependent on the nest site as determined by a qualified biologist.*

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potentially significant environmental effect on nesting birds.

<b>Impact 3.3-7</b>	<b>Implementation of the proposed project could be inconsistent with Pasadena's Tree Ordinance in that the proposed project would cause the loss of native and/or specimen trees.</b>
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Implementation of the proposed project could result in the removal of approximately 250 public trees, which would be a potentially significant impact, as removal of or damage to the public trees could violate

the Pasadena Tree Ordinance. The project developer would be required to submit a tree replacement and relocation plan to the City for approval prior to issuance of a grading permit. Strict adherence to Best Management Practices and successful implementation of a comprehensive mitigation and monitoring plan, as outlined in MM 3.1-3 (above), MM 3.3-2a, MM 3.3-2b, and MM 3.3-2c would reduce potential impacts to these protected tree species to less-than-significant levels. In addition, the design mitigation will reduce the number of trees subject to removal and relocation.

**Mitigation Measures:** The following mitigation measures will be required to reduce potential impacts on protected trees.

MM 3.3-2(a) *The Applicant, prior to being issued a grading permit, shall submit a tree report prepared by a certified arborist that meets the requirements of the Pasadena City Tree Ordinance identifying trees to be removed and trees to be saved. It shall specifically identify, by number according to the tree inventories prepared in March 2004 and March 2005, all trees that are candidates for relocation as well as the best and most feasible locations where the trees shall be replanted. It shall also include the preparation and submission of a tree protection and replacement plan. The tree replacement plan shall include replanting for increased canopy and include a minimum replacement ratio for removed or damaged trees of 1:1. Native plant species shall be used to the maximum extent feasible. The plan shall be prepared and approved by the City prior to grading or construction and shall include the following:*

- *Identification of specific Best Management Practices for those trees to be relocated, including specific removal and replanting procedures to maximize successful relocation.*
- *The details and procedures required to prepare the restoration site for planting (i.e. grading, soil preparations, soil stocking, etc.).*
- *The methods and procedures for the installation of the plant materials.*
- *Guidelines for the maintenance of the mitigation site during the establishment phase of the plantings. The maintenance program shall contain guidelines for the control of nonnative plant species and the replacement of plant species that have failed to recolonize.*
- *The revegetation plan shall provide for monitoring to evaluate the growth of the trees. Annual monitoring of the replacement trees shall occur for the first five years after which it shall be performed on the seventh and tenth year. Specific success criteria for replaced trees shall include the following:*
- *For a replacement ratio greater than 1:1: 90 percent or more of the transplanted/replacement trees surviving 10 years after transplantation with overall no net loss of trees*
- *For a replacement ratio of 1:1: 100 percent survival*
- *Contingency plans and appropriate remedial measures shall also be outlined in the replacement plan should the plantings fail to meet designated success criteria and planting goals.*

- *When construction activities occur near protected tree species that are proposed to be saved, Best Management Practices (BMPs) to avoid damage to the trees shall be implemented, and verified by the developer. The BMPs will include, but are not limited to (1) installing protective fencing prior to and during construction, using wire mesh or plastic barrier fencing placed at 2.25 times the canopy of the tree; (2) avoiding disturbance and trenching within the tree drip line; (3) maintaining the surface grade around the tree; and (4) prohibiting the placement of paving or landscaping requiring summer irrigation in the vicinity of trees.*

MM 3.3-2(b) *A drainage plan shall be designed in such a way as to avoid changes to hydrology in the vicinity of the protected trees.*

MM 3.3-2(c) *Construction staging areas shall be designated on the construction plans and parking, loading, and grading during all construction activities prohibited within the root zone of the protected trees.*

MM 3.1-3 also applies to this impact.

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potentially significant environmental effect on protected trees.

**Impact 3.3-8** Increases in nighttime illumination could disturb nighttime activities of local wildlife species, and alter local species composition.

Nighttime illumination is known to adversely impact animals in natural areas. It can disturb or disrupt resting, foraging, nesting, and breeding behavior and cycles. Project operation would increase the number of nighttime light sources on site. If unchecked, this light, where proximal to natural areas, could adversely impact the wildlife of the area.

Any potential disruption to breeding, foraging, or resting cycles, as well as alteration of the behavior of wildlife species remaining on site as a result of increased nighttime lighting and glare would be considered a significant impact. As such, implementation of MM 3.3-3 would be required to reduce these impacts to less-than-significant levels.

**Mitigation Measure:** The following mitigation measure will be required to reduce potential impacts from nighttime illumination.

MM 3.3-3 *All lighting along the perimeter of natural areas such as the channel shall be downcast luminaries with light patterns directed away from natural areas, as coordinated with a certified lighting engineer and project biologist.*

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potentially significant environmental impacts from nighttime illumination.

D. Cultural Resources

<b>Impact 3.4-1</b>	<b>Construction activities associated with implementation of the proposed project could cause a substantial adverse change in the significance of an archaeological resource.</b>
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Archaeological materials have been recovered or recorded in the vicinity of the project site, and Native American activity is considered likely to have occurred adjacent to the flow channel, in the area now occupied by the Stadium. Consequently, ground-disturbing activities associated with construction of the proposed project would have the potential to damage or destroy archaeological resources. However, because the development under the proposed project would occur on a previously developed site (within the footprint of the existing Stadium and associated development) that has already been subject to disturbance for existing structures or infrastructure, the likelihood of encountering archaeological resources on the project site is considered very low. Nevertheless, MM 3.4-1(a) and MM 3.4-1(b) require implementation of provisional measures in the event that archaeological resources are identified, which would reduce this impact to a less-than-significant level. Implementation of MM 3.4-1(a) and MM 3.4-1(b) would further reduce less-than-significant impacts on archaeological resources by requiring an instructional program to assist construction personnel in identifying archaeological resources and requiring the scientific recovery and evaluation of any archaeological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.

**Mitigation Measures:** The following mitigation measures will be required to reduce potential impacts on archaeological resources.

*MM 3.4-1(a) Prior to site preparation or grading activities, the Applicant shall retain a qualified (ROPA-listed) archaeologist to inform construction personnel of the potential for encountering unique archaeological resources and the regulatory framework of cultural resources protection. All construction personnel shall be instructed to stop work within 50 feet of a potential discovery until a qualified (ROPA-listed) archaeologist assesses the significance of the find and implements appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of archaeological resources is prohibited.*

*MM 3.4-1(b) The Applicant shall retain a qualified archaeologist to provide spot-checks—on a schedule approved by the City—during grading and excavation activity and to be available on-call in the event of a discovery. In the event of a discovery, the archaeologist shall first determine whether an archaeological resource uncovered during construction is a “unique archaeological resource” under Public Resources Code Section 21083.2(g). If the archaeological resource is determined to be a “unique archaeological resource,” the archaeologist shall formulate a mitigation plan in consultation with the City that satisfies the requirements of Section 21083.2.*

*If the archaeologist determines that the archaeological resource is not a unique archaeological resource, the archaeologist shall record the site and submit the recordation form to the California*

*Historic Resources Information System South Central Coastal Information Center, and no further investigation of the particular find would be required.*

*The archaeologist shall prepare a report of the results of any study prepared as part of a mitigation plan, following accepted professional practice. Copies of the report shall be submitted to the City and to the California Historic Resources Information System South Central Coastal Information Center.*

**Finding:** Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the potentially significant environmental impacts on archaeological resources.

<b>Impact 3.4-2</b>	<b>Construction activities associated with implementation of the proposed project could directly or indirectly result in damage to, or the destruction of, unique paleontological resources on the site.</b>
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Nearby area rock units have the potential to yield significant paleontological specimens that contributed to scientific understanding of the distant past, and are considered paleontologically sensitive. Fossils from these units could be considered unique resources due to the potential to yield information important in history or prehistory. Although extensive disturbance of the soils underlying the Stadium occurred as a result of construction of the Stadium, paleontological resources could still be present in areas deeper than where initial excavation occurred, as Older Alluvium is initially observed at depths of about 5 feet. Therefore, construction-related, earth-disturbing activities resulting from implementation of the proposed project could reach a depth sufficient to damage or destroy fossils in these rock units. Because fossils that could be present could be considered unique archaeological resources, due to their scientific value, this damage or destruction would be considered a potentially significant impact. However, MM 3.4-2(a) and MM 3.4-2(b) require spot monitoring of earth-disturbing activities, as well as additional provisional measures if paleontological resources are identified. Implementation of MM 3.4-2(a) and MM 3.4-2(b) would reduce potentially significant impacts on paleontological resources to a less-than-significant level by requiring an instructional program to inform construction personnel regarding paleontological resources and the laws protecting the resources, as well as by requiring the scientific recovery and evaluation of any paleontological resources or unique geologic features that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.

**Mitigation Measures:** The following mitigation measures will be required to reduce potential impacts on paleontological resources.

*MM 3.4-2(a) Prior to site preparation or grading activities, the Applicant shall retain a qualified paleontologist to inform construction personnel of the potential for encountering paleontological resources and the regulatory framework of cultural resources protection. All construction personnel shall be*