

The Project will be LEED certified, and the Project has already committed to incorporating numerous active water conservation measures. (EIR, p. IV.F-26.) The EIR sets forth an exhaustive explanation of the City's water supply constraints and demand levels, and concludes that, even in this time of drought caused by legal actions and by environmental factors, the City can supply projected demand from the Project based on existing entitlements. (EIR, pp. IV.F-8 to 27, particularly Table IV.F-4.) However, the City requires that projects conserve at least 20% on potable water for water supply impacts to be considered less than significant. Implementation of mitigation measures MM F-1 and MM F-2 would result in a 20% water use reduction over normal baseline usage and achieve consistency with the City's goal of increasing water conservation by 20% by 2020. In fact, MM F-2 is in keeping with the City's work on the drafting of a water efficient landscape ordinance as required by the Water Conservation in Landscaping Act (Govt. Code §§ 65591 et. seq.). (See staff report dated July 30, 2009, attachment E.) Therefore, the Project's water supply impact is reduced to less than significant.

Cumulative Impacts

The Project, in conjunction with the cumulative list of projects, would create additional demand for water. However, the exhaustive analysis in the EIR indicates that water supplies are adequate to serve projected development increases. (EIR, pp. IV.F-8 to 25, Tables IV.F-1 to IV.F-3.) Conservation programs, in addition to plans and policies at the regional and local level and the development of additional diversified

supplies, are part of the evolving strategy to continue meeting increasing water demands in the future, and chief among those at the local level is Pasadena's requirement that all new developments implement measures to help meet the City's 20% conservation goal. With that standard measure, the Project's incremental effect to the cumulative impacts arising from the legal and environmental drought is not cumulatively considerable. (EIR, pp. IV.F-28 to 29; see also staff report dated July 30, 2009, attachment E.)

IV. RESOLUTION REGARDING ENVIRONMENTAL IMPACTS UNABLE TO BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The Hearing Officer finds that, although mitigation measures have been identified in the Final EIR which reduce the following potentially significant environmental impacts, the impacts cannot be mitigated to below a level of significance.

a. AIR QUALITY

i. Potential Significant Impacts

Construction of the Project has the potential to create air quality impacts through substantial grading on site, the use of heavy-duty combustion-powered construction equipment and through vehicle trips generated from construction workers traveling to and from the site. Potentially significant fugitive dust emissions would result from demolition and construction activities.

ii. Proposed Mitigation

MM A-1: Contractors shall implement a fugitive dust control program pursuant to the provisions of SCAQMD Rule 403.

MM A-2: All construction equipment shall be properly tuned and maintained in accordance with manufacturer's specifications.

MM A-3: Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

MM A-4: Electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible.

MM A-5: All construction vehicles shall be prohibited from idling in excess of ten minutes, both on- and off-site.

iii. Findings Pursuant to CEQA Guidelines Section 15091

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or Project alternatives identified in the Final EIR.

iv. Supporting Explanation

Construction Impacts

Assuming a construction period of approximately 19 months, construction-related daily maximum regional construction emissions would not exceed the South Coast Air Quality Management District ("SCAQMD") daily significance thresholds for PM₁₀, PM_{2.5}, CO, VOC, or SO_x. Likewise, maximum localized construction emission estimates do not exceed the localized screening thresholds set by the SCAQMD. However, regional

construction NOx emissions would exceed SCAQMD daily significance thresholds. (EIR, p. IV.A-47, Table IV.A.-4.) Thus, construction emissions would result in a significant short-term regional air quality impact. (Id. at p. IV.A-46.) The short term NOx emissions do not, however, make the Project inconsistent with SCAQMD's Air Quality Management Program ("AQMP"). The NOx emissions are short-term in nature, would not cause or contribute to new air quality violations, and would not have a long-term impact on the frequency or severity of air quality standard violations or the region's ability to meet State and national air quality standards. (EIR, p. IV.A-58.)

Implementation of the mitigation measures listed above would reduce construction emissions for all pollutants. (EIR, p. IV.A-70, Table IV.A-10.) However, even with implementation of these mitigation measures, maximum daily NOx emissions during Phase 2 construction (mass site grading) would still exceed the SCAQMD regional significance threshold. Although CARB has passed a regulation to reduce emissions from diesel vehicles through the replacement of older, dirtier engines with newer emission controlled models, NOx would only be reduced by 32% at full implementation in 2020. Therefore, emissions of NOx from construction after mitigation would represent a significant and unavoidable impact. (EIR, p. IV.A-69.)

Emissions of greenhouse gases ("GHG") were estimated for the construction period, and compared with the California Air Resources Board's estimated Statewide GHG emission inventory total for 2004, the latest year for which data are available, expressed as metric tons of CO2 equivalent. (EIR, p. IV.A.-49, Table IV.A-5.)

Temporary increase in GHG emissions from on-road mobile sources and on site equipment associated with project construction, expressed as a fraction of the 2004 Statewide GHG emission inventory total, is projected to be 0.00301% in 2009 and 0.00122% in 2010. (Id. at p. IV.A-48.) The construction mitigation measures and regulatory requirements above include requiring construction vehicles to meet strict emission standards and limiting construction vehicle idling, and the diversion of all construction and demolition debris from landfills. The implementation of these construction mitigation measures would reduce energy consumption and thus GHG emissions. Accordingly, the Project would be consistent with the State's strategy to reduce GHG emissions and would have a less than significant impact after implementation of mitigation measures. (EIR at pp. IV.A-48 and 49.)

Toxic air contaminant ("TAC") exposure from construction could arise from diesel particulate emissions associated with heavy equipment operations during grading and excavation, but only for the month during which grading is estimated to take place. SCAQMD methodology describes health effects from TAC in terms of "individual cancer risk" over a 70-year lifetime. The Project would not be a substantial long term source of TAC emissions. (EIR, p. IV.A-49.) Nor will the Project be a source of odor emissions during construction activities because it will comply with SCAQMD Rule 1113, which limits the amount of volatile organic compounds that become airborne from architectural coatings and solvents. (Id. at p. IV.A-50.)

Operational Impacts

Operation of the Project would not introduce any major new on-site sources of air pollution. Project-generated traffic volumes are forecasted to have a negligible effect on the projected 1-hour and 8-hour CO concentrations at the intersections studied. Thus, the Project would not cause any new or exacerbate any existing CO hotspots, and, as a result, impacts related to localized mobile-source CO emissions would be less than significant. Emissions estimates for criteria air pollutants from on-site sources, such as natural gas consumption, consumer product use and landscaping activities, were well below SCAQMD's significance thresholds. (EIR, pp. IV.A-51 to 52. Tables IV.A-6 and A-7.) The Project does not include any uses identified by the SCAQMD as being associated with odors, and has a less than significant impact. (Id. at p. IV.A-56.) Further, the Project is consistent with SCAQMD's AQMP since Project operations would result in less than significant impacts with regard to CO, PM10, PM2.5, and SO2 emissions and associated local concentrations; the Project is consistent with the population and employment projections, goals and policies in the AQMP. (Id. at pp. IV.A-57 to 60.)

With regard to greenhouse gases, the estimated emissions from the Project are 1,109 million metric tons of carbon dioxide equivalent, a net increase as percentage of 2004 Statewide Total of 0.00023%. (EIR, pp. IV.A-53 to 55; Table IV.A-8.) Reducing GHG emissions is an important priority and reasonable reduction efforts should be taken. The Project will be constructed to achieve a certification from the USGBC's

LEED program (silver is anticipated), consistent with the City's Green Building Ordinance, and has incorporated design features to reduce the Project's potential impact with respect to GHG emissions that are consistent with the goals of AB32 and the State Climate Action Team. (Id. at p. IV.A-56.) Accordingly, its GHG emissions are less than significant.

Cumulative Impacts

Pursuant to the California Resources Agency guidelines, a lead agency may base its determination of whether the project's incremental contribution to a cumulative air quality impact is cumulatively considerable largely on compliance with any applicable requirements imposed by the SCAQMD's AQMP. As discussed above, the Project is consistent with the AQMP, and will not have any significant cumulative impacts. (EIR, pp. IV.A-61-66.) With regard to greenhouse gases, the EIR analyzed the Project's consistency with the Climate Action Team's recommendations and strategies for GHG reduction, and concluded that the Project features and GHG reduction measures, coupled with the City's initiatives, result in an finding that the Project would not result in a cumulatively considerable increase in GHG emissions and cumulative impacts on global climate change. (Id. at pp. 66-69.)

b. TRANSPORTATION

i. Potential Significant Impacts

The Project has the potential for a significant traffic impact on nearby street segments, as well as nearby intersections.

ii. Proposed Mitigation

MM D-1: In order to address increased traffic volumes on Pico Street associated with the proposed project the applicant shall provide a contribution to the citywide traffic monitoring program to purchase and install two traffic monitoring stations on Pico Street.

iii. Findings Pursuant to CEQA Guidelines Section 15091

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures or Project alternatives identified in the Final EIR.

iv. Supporting Explanation

Nine intersections in the vicinity of the Project were evaluated for weekday A.M. and P.M. peak hour traffic conditions, and four street segments surrounding the Project were evaluated as well. (EIR, p. IV.D-3.) Existing conditions at the intersections and street segments were determined, and included traffic generated by existing uses on the site, in compliance with CEQA's requirement that project impacts be compared to "on the ground" traffic impacts and to avoid overstating the Project's impacts. (EIR, pp. IV.D-4 and 5, see also Response to Comment No. 1-6, pp. VII-8 to 10.) The EIR analyzed potential traffic impacts from the project consistent with its past practices and guidelines. The geographic distribution patterns for Project traffic was based on the

Pasadena General Plan Model. (EIR, p. IV.D-13.) The analysis utilized the established thresholds for intersection analysis as outlined in the City's Transportation Impact Review Current Practice and Guidelines, used the City's standard 1.5% growth rate, and granted the Project a trip credit for its TDM Plan. (EIR Responses to Comments 1-5, 1-6 and 1-7, pp. VII-8 to 10.)

The Project must implement a Construction Staging and Traffic Management Plan, which must be approved by the Department of Public Works. As part of the plan, construction-related trips would be limited to off-peak commuter periods (arrive prior to 7:00 A.M. and depart between 3:00 to 4:00 P.M.) and delivery trucks/equipment must park on site. Consequently, the traffic impact from construction is less than significant. (EIR, pp. IV.D-11 to 13.) Further, the Project must implement a Transportation Demand Management ("TDM") Program subject to approval by the City Department of Transportation to address long term operational traffic impacts. (Id. at pp. IV.D-12 to 13.) Finally, the Project provides the required number of parking spaces pursuant to City code. (EIR Response to Comment 3-6, pp. 25 to 26.)

Traffic will enter the parking garage off of Edmondson Alley. There are two main access ways to Edmondson Alley. First, a one-way driveway which connects Fair Oaks Avenue with Edmondson Alley will provide over 180 feet of on-site queuing. Second, Edmondson Alley can be directly accessed from California Boulevard. (EIR, p. II-13 and 14, Figure II-8.) While Edmondson Alley is assumed to be used for two-way travel providing access to California Boulevard to the north and Pico Street to the south and to

access the parking structure, a 305 foot section of Edmondson Alley adjoining the site between California Boulevard and the one way driveway from Fair Oaks Avenue will be widened four feet from 20 feet to 24 feet to serve vehicle traffic from the north and south. (EIR, pp. IV.D-10 to 11.) One-way operation of Edmondson Alley was rejected because of the potentially significant secondary impacts that would be generated under that scenario. (EIR Response to Comment No. 1-3, pp. IV.D-7 to 8.)

Table IV.D-5 on page IV.D-18 of the EIR summarizes the intersections levels of service under Year 2010 With Project and Without Project conditions, including the change due to the addition of Project-related traffic. Based on the City of Pasadena's impact criteria, the Project traffic would not result in traffic impact increases large enough to result in significant impacts at any of the study intersections, and therefore Project related traffic impacts are less than significant. (EIR, pp. IV.D-13 to 19.)

The Project is expected to increase daily traffic on Pico Street, west of Raymond Avenue by 8.2%, although daily traffic volumes on Pico Street would remain modest under the 2010 With Project condition, and the adjacent intersection at Raymond Avenue is projected to operate smoothly at LOS A during both peak hours.

Nonetheless, the estimated 8.4% increase in daily traffic on Pico Street is a significant impact based on the City's street segment significance criteria. (Id. at pp. IV.D-19 and 20, Table IV.D-6.) The City did not adopt the suggestion to study segments further out than those studied in the EIR because it found that the furthest segments studied in the EIR would experience an increased daily trip load of less than 1%, which is below the

City's threshold of significance. Study of further outlying segments has virtually no potential of identifying additional potentially significant segment impacts. (EIR Response to Comment 1-9, pp. IV.D-11 to 12.)

The Pico Street segment impact is at a level where physical mitigation would be required to reduce the impact to below a level of significance. However, there are no feasible physical mitigation measures to reduce the segment impact on Pico Street to below levels of significance. Physical mitigation measures such as capacity enhancement will not change the outcome of estimated increase in traffic. Physical prohibition of the Project trips from Edmondson Alley to Pico Street would have a detrimental impact on traffic circulation of the adjacent streets. The current traffic volumes on Pico Street are insignificant and expected to increase moderately in the future. Accordingly, mitigation measure MM D-1, in the City's methodology, reduces the impact to the extent feasible, but the impact remains significant and unavoidable. (EIR, p. IV.D-22.)

Cumulative Impacts

The EIR considered the list of related projects for the purposes of assessing cumulative traffic impacts. Cumulative construction traffic impacts would be temporary and would only occur during periods when construction of one or more of the related projects is occurring at the same time as Project construction, and then only to the extent that construction traffic is traveling on the same streets at the same time. Such cumulative traffic impacts are addressed through Construction Staging and Traffic

Management Plans for each project, therefore there is no anticipated cumulative construction traffic impact, and in any event the Project's incremental effect is not cumulatively considerable. (EIR, pp. IV.D-22 to 23.)

Cumulative effects on intersection and street segment operations attributable to traffic from ambient growth and related projects were incorporated into the EIR traffic study. As described under the Year 2010 With Project condition with implementation of the prescribed mitigation measure, cumulative development and project-generated traffic would not exceed the City's established traffic impact threshold for any of the study area roadway segments or intersections. Thus, less-than-significant cumulative impacts regarding traffic would occur with Project implementation. (Id. at p. IV.D-23.)

A comment was raised as to whether the list of related projects in the EIR was adequate. The cumulative impact analysis was re-run to include two projects that the comment thought should have been included, and the conclusion reached in the EIR did not change. A third project was not included because it remains too speculative to add value to the analysis. (EIR, Response to Comment No. 3-3, pp. VII-23 to 25.)

The Hearing Officer finds that none of the information provided in the Responses to Comments regarding any traffic issue triggers recirculation of the EIR.

V. RESOLUTION REGARDING ALTERNATIVES

The Hearing Officer declares that the City has considered and rejected as infeasible the alternatives identified in the Final EIR as set forth herein. CEQA requires that an EIR evaluate a reasonable range of alternatives to a project, or to the location of

a project, which: (1) offer substantial environmental advantages to the proposed project, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. An EIR must only evaluate reasonable alternatives to a project which could feasibly attain most of the basic project objectives, and evaluate the comparative merits of the alternatives. In all cases, the consideration of alternatives is to be judged against a rule of reason.

The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed project, and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological or other considerations which make the alternative infeasible.

The Final EIR identified the objectives for the Project as follows:

- To promote TOD in the Specific Plan area through development of an urban office project consistent with the permitted density within the Specific Plan, in proximity to employment, the Gold Line and other transit opportunities.
- To provide an aesthetically attractive office project with pedestrian friendly and community enhancing features, including a large inviting landscaped plaza at the intersection of California Boulevard and Fair Oaks Avenue.

- To develop a project that provides substantial public open space and creates an attractive pedestrian environment.
- To enhance the appearance of the Specific Plan area by redeveloping an underutilized site containing obsolete and deteriorating buildings with a modern structure of exceptional architectural design.
- To provide a distinctive office project that will attract and retain businesses in Pasadena and promote economic diversity and jobs in the City.
- To enhance the Specific Plan area's prestige as a center for high-quality commercial development.
- To construct a State-of-the-art sustainable development, thereby reducing dependence on non-renewable resources, and that encourages recycling for both construction activities and long-term operation. (EIR, pp. II-5 and 6.)

a. Alternatives Eliminated from Further Consideration

The City of Pasadena eliminated three alternatives from consideration in the EIR: (1) alternative uses of the site; (2) alternative site design; and (3) alternative location. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines Section 15126.6(c)).

Generally speaking, the selection of an alternative use at the Project site has limited value in reducing the Project's significant impacts. The Project's only significant

impacts pertain to NOx emissions during construction and a significant street segment impact on Pico Street. Assuming reconstruction of the outdated buildings on the site, construction activities for any project (regardless of use) similar in size to the Project would not be avoided. The significant impact on Pico Street is a function of the relative increase in the number of daily trips from Project operations on a roadway with low traffic volumes, and would occur with almost any use at the site. (EIR, p. V-4.)

The Project is appropriate for the proposed use, consistent with the Design Guidelines of the South Fair Oaks Specific Plan, and consistent with the height, setback, and open space requirements of the City's Zoning Code. Accordingly, the size of the site and zoning requirements would not support a substantial alteration in the basic design of the proposed Project. Further, there are no significant impacts that could be avoided through a project redesign. (Ibid.)

With regard to an alternative site, the underlying objective of the Project is to develop a site that is currently under the ownership of the Project Applicant. CEQA does not require that alternatives be evaluated for sites that proponents cannot reasonably acquire, control or otherwise access. The EIR considered other sites in the project area and concluded that the proposed site is well suited for the proposed use, and that an alternative at an alternative site would not likely result in a meaningful change or reduction in the impacts of the Project given the built out nature of the area. (EIR, p. V-5.)

The alternatives analyzed in the EIR represent a reasonable range of alternatives based on the applicable provisions of the CEQA Guidelines. The Hearing Officer finds that the City properly rejected analysis of additional reduced density alternatives, such as a 25% or 50% reduced-density alternative. These alternatives would not avoid any significant environmental impacts of the Project beyond what has already been addressed by the Reduced Density Alternative set forth below. Consequently, if the City were to want to analyze those additional alternatives for land use planning purposes, it would be appropriate to do so in the staff report, but not in the CEQA document. Furthermore, such alternatives, including reducing the size of the project by half, would not achieve the basic objectives of the Project to the same extent as the Reduced Density Alternative, and could undermine the economic feasibility of the Project. (See also EIR Response To Comment 1-12, pp. VII-13 to 14.)

The City also properly rejected an alternative that called for the conversion of Edmondson Alley to a one-way alley. Such a conversion would increase the potentially significant traffic impacts of the Project, and therefore does not satisfy CEQA's requirements of analyzing alternatives that reduce the Project's significant effects. (EIR Response to Comment 1-3, pp. VII-7 to 8.)

b. Alternative 1: No Project Alternative

Pursuant to Guidelines Section 15126.6, the EIR discussed a No Project Alternative. The No Project Alternative assumes that there would be no demolition of the existing buildings on the site and that the buildings would be occupied with

commercial uses similar to those which have been on the site in the past. Minor tenant improvements could be provided. As such, the No Project Alternative would provide 12,635 square feet of commercial space that would be occupied by restaurants or other complementary uses. The site would continue to contain approximately 75 parking spaces. However, eventual development of the property could occur, as it is reasonable to assume that the applicant could seek to sell the property if unable to develop or reoccupy the site. (EIR, p. V-7.) The No Project Alternative would reduce or avoid all the significant, less than significant, and significant but mitigated environmental impacts that would occur with the Project. (Id. at pp. V-7 to 11.)

However, the No Project Alternative would not achieve most of the basic objectives of the Project. It would not provide the type of project encouraged in the South Fair Oaks Specific Plan, would not further the City's transit oriented development goals because it would not provide a transit-oriented urban office project consistent with the permitted density in proximity to employment, the Gold Line and other transit opportunities. It would not provide a project that will attract and retain businesses in Pasadena and promote economic diversity and jobs in the City; nor enhance the Specific Plan area's prestige as a center for high-quality development. Finally, it would not redevelop an underutilized site with obsolete and deteriorating buildings and limited landscaping. (EIR, p. V-12.)

c. Alternative 2: Reduced Density Alternative

The Reduced Density Alternative would include the same office uses as the Project with the overall site density reduced by 16 percent, which is the point at which the potential traffic impacts along Pico Street would not exceed the City's 4.9 percent threshold for physical mitigation for roadway segments. The Reduced Density Alternative would reduce development from 113,200 gross square feet to 95,088 gross square feet (82,453 gross square feet of new development). With less development on the site, parking could be reduced from 255 parking spaces to 214 spaces. It is assumed that the site layout and access would be similar to the Project since that layout provides efficient accessibility and has been designed to accommodate site access with maximum distances between the garage entrance and site entry points. (EIR, p. V-12.)

The Reduced Density Alternative would avoid the significant street segment impact of the Project, but not the significant air quality impact. At the same time, the Reduced Density Alternative would not provide the same beneficial contribution to the efficient use of the TOD zone for reducing regional vehicle miles. (EIR, pp. V-13 to 17; see also EIR Responses to Comment No. 1-12, pp. V-12 to 13; 3-12, pp. V-27 to 28.)

The Reduced Density Alternative does not meet all of the objectives due to its decreased density. It would still provide a transit-oriented urban office project in proximity to employment, the Gold Line and other transit opportunities; provide a project that will attract and retain businesses in Pasadena and promote economic diversity and jobs in the City; and enhance the Specific Plan area's prestige as a center for high-

quality development. However, it would not meet the component of the objectives seeking a project consistent with what the City has already determined as the permitted density. (Id. at p. V-18.)

CEQA Guidelines Section 15126.6(c) requires that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The No Project Alternative is the environmentally superior alternative, but would not achieve any of the Project objectives. (EIR, p. V-25.) Among the other alternatives, the Reduced Density Alternative would be the environmentally superior alternative. The reduction in impacts with the Reduced Density Alternative to street segment impacts makes this alternative environmentally superior, but does not reduce the potentially significant construction air quality impacts. (Ibid.) However, the alternative would not meet all of the Project objectives, as discussed above.

d. Alternative 3: Medical Office/Commercial Use Alternative

This alternative assumes a building of generally similar size and configuration to that of the Project, but with an alternative mix of uses. The Medical/Office Commercial Use Alternative would include 75,000 square feet of medical office use, and 25,000 square feet of commercial space, in a four story building with commercial activities on the ground floor. It would include commercial activity to complement the on-site medical uses as well as serve the off-site project vicinity. (EIR, p. V-18.)

The Medical Office/Commercial Alternative would meet the basic objectives of the Project. However, the presentation of commercial uses at the ground level and necessity to accommodate some parking on the ground level would not provide an attractive project design with pedestrian friendly public open space/landscaped plaza to the same extent as would the proposed Project. (EIR, p. V-24.) More importantly, the EIR concluded that impacts of the Medical Office/Commercial Alternative were greater than those of the Project. This alternative has an increased parking demand associated with the medical office use which requires greater excavation, increasing the level of significant air quality (NOx) impacts due to construction. Particulate emissions (PM₁₀ and PM_{2.5}) would also notably be increased, potentially exceeding significance levels. The greater amounts of excavation would increase the potential for encountering paleontological resources. Also, these uses would increase the number of daily trips to the site, thereby increasing significant traffic impact on Pico Street. Further, project operations would increase impacts related to water consumption, intersection impacts and related air quality and noise impacts. (EIR, pp. V-19 to 24.) For these reasons, the City finds that the Medical Office/Commercial Use Alternative is infeasible.

VI. RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

State CEQA Guidelines Section 15126.2(c) requires an EIR to discuss the significant irreversible environmental changes which would be caused by the proposed project. An impact would occur under this category if, for example: (1) the Project

involved a large commitment of nonrenewable resources: (2) the primary and secondary impacts of the Project would generally commit future generations to similar uses; (3) the Project involves uses in which irreversible damage could result from any potential environmental incidents associated with the Project; and (4) the proposed consumption of resources are not justified (for example, results in wasteful use of resources).

Construction of the Project would result in a commitment of limited, slowly renewable, and nonrenewable resources. Such resources would include certain types of lumber and other forest products; metals such as steel, copper, and lead; aggregate materials used in concrete and asphalt (e.g., stone, gravel, and sand); and other construction materials such as plastic. In addition, fossil fuels used in construction vehicles would also be consumed during construction of the Project. Operation of the Project would involve the continued consumption of limited, nonrenewable, and slowly renewable resources similar to other urban developments. These resources would include natural gas and electricity, petroleum-based fuels, fossil fuels, and water. Energy resources would be used for heating and cooling of buildings, transporting people and goods to and from the site, heating and refrigeration for food storage and preparation, heating and cooling of water, and lighting. Under Title 24, Part 6 of the California Code of Regulation, conservation practices limiting the amount of energy consumed by the Project is required during operation. In addition, LEED standards would be incorporated into the Project that would reduce greenhouse gas emissions while also reducing energy and water usage through building efficiency measures and

reductions in vehicle trips. Despite conservation practices and guidelines in energy conservation, commitment to the use of the nonrenewable resources would be long-term. (EIR, pp. VI-1 to 2.)

VII. RESOLUTION REGARDING GROWTH-INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(d) requires an EIR to discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth inducement, however, is not considered necessarily detrimental, beneficial, or significant to the environment.

The Project would replace existing uses on the site and would constitute infill development within a highly urbanized area, and therefore have limited growth inducing effects. The proposed Project would not involve any extension of infrastructure, such as roads or utilities, and would not open up undeveloped areas to new development. Implementation of the Project is consistent with the land use objectives for the area as set forth in the South Fair Oaks Specific Plan to accommodate technology-based industries, particularly within the biomedical field. Although the Project would not foster population growth, it could result in economic growth in the surrounding area as it would contribute to the overall economic success of the City and Specific Plan area. The Project would expand the City's commercial base as well as improve the City's tax base, which would be a beneficial impact. (EIR, p. V-3 to 4.)

VIII. RESOLUTION ADOPTING A MITIGATION MONITORING PLAN

Pursuant to Public Resources Code Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Plan attached to this Resolution as Exhibit A, and incorporated herein.

IX. RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to State CEQA Guidelines Section 15093, the Hearing Officer declares that the City of Pasadena has balanced the economic, legal, social, technological, and other benefits of the Project against its unavoidable environmental risks in determining whether to approve the Project. If these benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

The Hearing Officer finds that the Project's benefits outweigh its unavoidable adverse environmental effects as set forth herein, finds that this Statement of Overriding Considerations is supported by substantial evidence in the administrative record, and therefore adopts the following Statement of Overriding Considerations.

STATEMENT OF OVERRIDING CONSIDERATIONS

1. Implementation of the Project will provide a LEED certified, energy efficient and environmentally conscious development at the site, thereby contributing to Pasadena's efforts to achieve the goals of its Green City Action Plan.

2. Implementation of the Project will revitalize the mostly vacant and underutilized site by providing Class A office space and more economically productive uses of the property than previously existed. The Project will also bring tenants and employees to the site that will patronize existing businesses within the vicinity and thereby contribute to their viability. (The secondary impact of Project employee spending on local businesses is estimated to be approximately \$1,193,000 on an annual basis).
3. Implementation of the Project will provide 5,500 square feet of open plaza area, which is 5,200 square feet more than the amount required per the Zoning Code and South Fair Oaks Specific Plan. The most prominent plaza would be a 4,000 square foot area adjacent to the intersection of Fair Oaks Avenue and California Boulevard. The location of the large plaza serves as an approximately 96' x 42' corner yard setback, which is otherwise not required by the applicable Specific Plan guidelines for the site.
4. Implementation of the Project will promote the City's General Plan guiding principle that "Pasadena will be a city where people can circulate without cars," and also implements Pasadena's Transit Oriented Development policies by coordinating and concentrating development in proximity to transportation alternatives such as the Gold Line. The Project will also provide secure bicycle parking facilities on site.
5. Implementation of the Project will provide public art, designed to be compatible with the character and context of the South Fair Oaks Specific Plan area and the

surrounding vicinity, and other public amenities including open space, plazas, and street trees.

6. Implementation of the Project will improve social and economic conditions in Pasadena and Los Angeles County through:
 - a. providing approximately 520 construction jobs;
 - b. creating approximately 1,000 new full and part-time employment opportunities (approximately 400 jobs at the site and approximately 600 indirect and induced jobs), with an approximate total of about \$35 million in compensation (\$20 million paid to workers at the Project site, and \$15 million in compensation paid to those holding indirect and induced jobs); and
 - c. providing the City with annual increased revenues from sources such as property taxes, utility taxes, and business license fees.

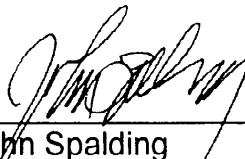
X. RESOLUTION REGARDING CUSTODIAN OF RECORDS

The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City of Pasadena, City's Planning and Development Department at 175 North Garfield Avenue, Pasadena, California 91101.

XI. RESOLUTION REGARDING NOTICE OF DETERMINATION

Staff is directed to file a Notice of Determination with the Clerk of the County of Los Angeles within five working days of final Project approval.

Adopted by the Hearing Officer for the City of Pasadena on the 30th day of July, 2009.



John Spalding
Hearing Officer

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney