

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE LAS ENCINAS HOSPITAL 2007 MASTER DEVELOPMENT PLAN AMENDMENT, AND ADOPTING ENVIRONMENTAL FINDINGS AND A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Las Encinas Hospital 2007 Master Development Plan project (the "Project") proposes to continue the use of the site primarily as a psychiatric care facility. The Project proposes approximately 50,400 square feet of demolition and the construction of approximately 346,000 square feet of floor area. The Project proposes the following new buildings for the 24.7 acre site: 34,400 square feet of outpatient medical offices, a 28-bed adolescent psychiatry unit, a 120-bed psychiatric hospital (30 more beds than existing), a 52-bed assisted living facility, a 100-unit independent living facility, 32 detached independent living units, and a 105-car subterranean and surface level parking structure. The Project also includes the removal of 61 protected trees. The Project would be designed to qualify for a Leadership in Energy and Environmental Design ("LEED") energy efficiency certification and would be developed in compliance with the City Green Building Ordinance (PMC 14.90). The Project requires approval of a Master Plan and a Tree Removal Permit, Design Review, and other subsequent discretionary approvals, from the City and other regional and State agencies; and

WHEREAS, the City of Pasadena is the lead agency for the Project pursuant to the California Environmental Quality Act ("CEQA," Cal. Pub. Res. Code

§21000 *et seq.*), the State CEQA Guidelines (the “Guidelines,” 14 Cal. Code Regs. §15000 *et seq.*), and the City’s local environmental policy guidelines; and

WHEREAS, 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: (1) Aesthetics; (2) Air Quality; (3) Biological Resources; (4) Cultural Resources; (5) Hazards and Hazardous Materials; (6) Noise; (7) Public Services; (8) Transportation/Traffic; (9) Utilities and Service Systems; and (10) Mandatory Findings of Significance; and

WHEREAS, pursuant to Guidelines Sections 15064 and 15081, and based upon the information in the Initial Study, the City ordered the preparation of an environmental impact report for the Project (“EIR”). On July 19, 2007, the City prepared and sent a Notice of Preparation of the Draft EIR and a copy of the Initial Study to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Sections 15082(a) and 15375; and

WHEREAS, pursuant to Guidelines Section 15082, the City solicited comments from potential responsible and trustee agencies for a 30-day period, commencing on July 19, 2007, requesting details about the scope and content of the environmental information related to the responsible agency’s area of statutory responsibility that should be studied in the EIR, as well as the significant environmental

issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the Draft EIR. The City received 70 comment letters in response to the NOP. In addition, an EIR scoping meeting was held by the City of Pasadena, on August 8, 2007; and

WHEREAS, pursuant to Public Resources Code section 21092, the City provided a public Notice of Completion and Availability (“NOA”) of the Draft EIR on December 29, 2008 to the Office of Planning and Research, interested parties, and through mailing to all property owners within 500 feet of the Project. The NOA also gave notice of public meetings before the Transportation Advisory Commission on January 9, 2008; the Historic Preservation Commission on January 20, 2008, the Design Commission on January 26, 2008, and the Planning Commission on January 28, 2008, at which comments on the Draft EIR would be taken. Copies of the Draft EIR were also placed at the City’s Planning and Development Department at 175 North Garfield Avenue, the Pasadena Central Library and on the City’s website; and

WHEREAS, the Draft EIR was circulated, together with technical appendices, to the public and other interested persons for a 45-day public comment period, from December 29, 2008 through February 11, 2009. During the comment period, the City held four duly noticed public meetings at which the public was given the opportunity to provide comments on the Draft EIR, as follows: Transportation Advisory Commission on January 9, 2009; Historic Preservation Commission on January 20,

2009; Design Commission on January 26, 2009; and Planning Commission on January 28, 2009; and

WHEREAS, during the public comment period the City received written and oral comments on the Draft EIR, and consulted with all responsible and trustee agencies, and other regulatory agencies pursuant to Guidelines Section 15086; and

WHEREAS, the City subsequently prepared written responses to all written 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 on July 15, 2009, in accordance with the provisions of Public Resources Code Section 21092.5 and Guidelines Section 15088. The written responses to comments were also made available for a 78 day period of public review before the commencement of the public hearing regarding the certification of the Draft EIR. After reviewing the responses to comments and the revisions to the Draft EIR, the City concludes that the information and issues raised by the comments and the responses thereto did not constitute new information requiring further recirculation of the Draft EIR; and

WHEREAS, the Final Environmental Impact Report (the "Final EIR" or "EIR") is comprised of: the Draft EIR (State Clearinghouse No. 2007071094); the comments and responses to comments on the Draft EIR set forth in the Final EIR dated July, 2009; technical appendices; and

WHEREAS, the City Council held a duly noticed public hearing on the Final EIR and the Project on September 21, 2009; and

WHEREAS, the findings made in this resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at all public meetings regarding the Project 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 Planning and Development Department and with the Director of Planning, who serves as the custodian of these records; and

WHEREAS, the City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the Final EIR and that the comment process has fulfilled all requirements of State and local law; and

WHEREAS, the City Council, as the decision-making body for the lead agency, has independently reviewed and considered the contents of the Final EIR and all documents and testimony in the record of proceedings prior to deciding whether to certify the Final EIR and approve the Project; and

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
PASADENA RESOLVES AS FOLLOWS:**

I. RESOLUTION REGARDING CERTIFICATION OF THE EIR

Pursuant to State CEQA Guidelines Section 15090, the City Council certifies that: (1) the City Council has reviewed and considered the Final EIR prior to approving the Project, (2) the Final EIR is an accurate and objective statement that fully complies with CEQA, the State CEQA Guidelines, the City's local environmental guidelines, and (3) the Final EIR reflects the independent judgment of the lead agency. The City Council certifies the Final EIR based on the findings and conclusions herein.

The City Council finds that the additional information provided in the staff report, in the comments (and any responses thereto) received after circulation of the Draft EIR, in the evidence presented in written and oral testimony presented at public meetings, and otherwise in the administrative record, does not constitute new information requiring further recirculation of the Final 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.

**II. RESOLUTION REGARDING ENVIRONMENTAL IMPACTS NOT ANALYZED
IN THE EIR**

The City Council hereby finds that the following potential environmental impacts of the Project were found to be less than significant in the Initial Study, did not require the

imposition of mitigation measures, and therefore did not require study in the EIR: (1) Agricultural Resources; (2) Energy; (3) Geology and Soils; (4) Hydrology and Water Quality; (5) Land Use and Planning; (6) Mineral Resources; (7) Population/Housing; and (8) Recreation (see Initial Study).

III. RESOLUTION REGARDING ENVIRONMENTAL IMPACTS MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City Council finds that mitigation measures have been identified in the Final EIR which will reduce the following potentially significant environmental impacts to below a level of significance.

a. AESTHETICS

i. Potential Significant Impacts

- VIS-1** The Project would not have a substantial adverse effect on a scenic vista. (EIR, p. 3.1-8.)
- VIS-2** The Project would not substantially damage scenic resources, including, but not limited to, tree, rock outcroppings, and historic buildings within a state scenic highway. (Id. at p.34.1-13.)
- VIS-3** The Project would not substantially degrade the existing visual character or quality of the site and its surroundings. (Ibid.)

ii. Proposed Mitigation

No mitigation measures are required.

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

The Project is in an area where there are views to the north of the San Gabriel Mountains from the site. The existing medical offices (Buildings 23 and 18) will be replaced with one 2-story structure located on the northwest corner of the site off of Del Mar Boulevard, will not be visible from the public right-of-way, and will not block views of the San Gabriel Mountains from residents and public vantage points located south of the site. The western portion of the site fronting San Gabriel Boulevard would be redeveloped primarily with 1-story independent living cottages (Building 36) and two story structures closer to the interior of the site, neither of which will interfere with existing views of the mountains from Diana Street or Millicent Way. (EIR, p. 3.1-9.)

Many residents within Monte Vista Grove expressed concerns during the scoping process about views from their vantage points. The Project provides for construction of a 1- to 3-story independent living facility (Building 34) and a 2-story Assisted Living facility (Building 32) along the southern boundary of the site adjacent to Monte Vista Grove. After the scoping meeting, the applicant consulted with representatives of Monte Vista Grove and toured the site to establish the location of existing view corridors, and redesigned the independent living structure, placing the tallest portions in locations where viewsheds were already impacted and lower portions of the structure in

the location of the most important view corridors, with the result that this building will now barely be visible from San Pasqual Street, and will not have a significant impact on views from the Monte Vista Grove site. (Id. at pp. 3.1-9 and 10.) Further, views from the south, near the proposed Building 32, are currently blocked by the Oaks (Buildings 9 and 10) and substantial existing site landscaping, so the addition of Building 32 will not change currently obscured views of the San Gabriel Mountains. (Ibid.) The acute psychiatric hospital (Building 35, 3-story structure), the adolescent psychiatric facility (Building 33), the new medical offices (Building 38), and the senior living cottages (Building 36) would be constructed in the site interior, and as a result will not impact views. (Id. at p. 3.1-10.)

During construction, the majority of views to the site will not be impacted as most of the construction is internal to the site or is blocked by existing block walls. However, construction of the senior living cottages (Building 36) located off of San Gabriel Boulevard will be visible. This short-term condition would create a temporary visual distraction. The construction area will be fenced and screened on all sides to reduce the visual intrusion on the surrounding uses and for safety purposes, similar to other construction sites throughout the City and in nearby urban areas, and will not substantially degrade the existing visual character or quality of the site and its surroundings. (Id. at p. 3.1-14.)

Tree removal at the site will occur primarily within the site, so the visual impact to offsite views of the site that arise from tree removals will be less than significant. (Ibid.)

Views from Del Mar Boulevard will remain substantially unchanged since new buildings will be barely visible above the existing tree line and block wall. The changed views from El Nido Avenue will remain in character for the surrounding single family neighborhood and will be less than significant. From the south and along San Pasqual, there will be little change in the views to the site, and the changes that do exist are also compatible with the neighborhood. The greatest visual change would occur along the San Gabriel Boulevard frontage where there is no existing perimeter fencing. With implementation of the Project, Building 11 would be retained and buildings 12, 13, and 13C would be removed to allow for construction of the senior cottages. Although the site will appear more intensely developed than the current condition, it would not be out of character with the surrounding single-family residences. In sum, the increased site density as a result of the Project will generally not be visible from the public viewpoints on the exterior of the Project; where visible, it will be screened from view by trees and will be compatible with current views and structures onsite. (Id. at p. 3.1-14 to 16.)

The Project site is not within the viewshed of the Angeles Crest Highway (the only designated state scenic highway near the City of Pasadena), and thus, would have no impact on a state scenic highway. (EIR, p. 3.1-13.)

From within the site, the views of existing structures would not be significantly impacted by new structures. There will be short term construction impacts due to screening of construction, but since construction will take place in phases, the impact remains less than significant. Upon completion of the Project, patients, employees, and

residents will notice new structures, however all new structures will be compatible with the existing structures, and be constructed of a similar architectural style. Further, the new structures will be built primarily in undeveloped portions of the interior or along the boundary of the site. The existing National Register-eligible historic district that is located in the central portion of the site and makes up the key visual resource from within the site will not be significantly impacted. (EIR, p. 3.1-16.)

A suggested mitigation measure that the Project should be subject to review by the Design Commission for all new construction was rejected as legally infeasible. The City's zoning code sets forth the parameters under which the Project will be subject to design review, either through staff or the Design Commission. To change that process on a project-by-project basis would violate the zoning code and would raise due process concerns. (See EIR, p. 7-5.)

Cumulative Impacts

Planned and pending developments in the site vicinity are listed in Table 4-1 of the EIR, p. 4-6, and include projects within a 1 mile radius of the site which could contribute to area aesthetic impacts. Such development includes both demolition of existing uses and new developments that could cumulatively increase the urbanized nature and intensity of the Project vicinity. However, as discussed above, changed views of the site will not be significant and thus the incremental aesthetic effect from the Project is not cumulatively considerable. (EIR, pp. 4-8 to 9.) The City's General Plan, Urban Design Concepts, Design Guidelines and Zoning Ordinance provide a variety of

standards, regulations and guidelines specifically intended to ensure that visual impacts from new development projects are minimized and that projects are designed and constructed in accordance with the City's aesthetic vision. These policy and regulatory documents, combined with the City's Design Review process, ensure that cumulative aesthetic impacts would not be cumulatively considerable. Accordingly, the incremental effect of the Project does not contribute to a cumulatively considerable aesthetic impact.

b. AIR QUALITY

i. Potential Significant Impacts

- AIR-1** During the construction phase, VOC emissions would exceed the SCAQMD significance threshold, and therefore, the Project would violate an air quality standard. During the operational phase, regional pollutant emissions would not exceed the SCAQMD significance thresholds and would not violate an air quality standard. (EIR, p. 3.2-15.)
- AIR-2** The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment during construction or operation. (Id. at p. 3.2-18.)
- AIR-3** The Project would not expose sensitive receptors to substantial pollutant concentrations from on-site emissions of criteria pollutants, off-site emissions of CO, or TACs. (Id. at p. 3.2-19.)
- AIR-4** The Project would not conflict with the state goal for reducing greenhouse gas emission, and will not have a negative impact on global climate change. (Id. at p. 3.2-21.)

ii. Proposed Mitigation

- AIR-A** During construction, the construction contractor shall only use paint that contains no more than 0.22 pounds/gallon (100 grams/liter) of volatile organic compounds (VOCs).

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

The air quality analysis conforms to the methodologies recommended in the South Coast Air Quality Management District (“SCAQMD”) CEQA Air Quality Handbook (1993). Quantitative pollution emissions estimates for the Project were calculated using URBEMIS 2007 (Version 9.2.4), which was developed by the California Air Resources Board to evaluate construction emissions, area emissions and operational emissions associated with new development. (EIR, p. 3.2-12.) For purposes of this analysis, it was assumed the Project would be developed in five phases. (Id. at p. 3.2-15.) Air pollutant emissions generated by construction of the Project would not exceed SCAQMD thresholds for NO_x, CO, SO_x, or PM₁₀ or PM_{2.5}. (Id. at p. 3.2-17, Table 3.2-7.) However, volatile organic compounds (“VOC”), which are released primarily during the finishing phase of construction upon application of paints and varnishes, are expected to exceed SCAQMD thresholds. (Ibid.) Implementation of mitigation measure

AIR-A is required to reduce VOC emissions below the SCAQMD daily emissions thresholds and reduce the level of impact to less than significant. (Id. at p. 3.2-17.)

Operational emissions of the Project were analyzed based on the land use type and square footage, as well as the estimated average daily vehicle trips. While Project operations will increase air emissions, overall emissions would not exceed SCAQMD thresholds, and are less than significant. (EIR, pp. 3.2-17 and 18, Table 3.2-8.)

With regard to sensitive receptors, the local emissions study in the EIR concluded that grading from the Project will not have a significant impact. SCAQMD has developed screening tables for evaluating localized impacts from NO_x, CO, PM₁₀, and PM_{2.5} based on the thresholds shown in the Ambient Air Quality for Criteria Pollutants. The EIR concluded that the short term impacts of the Project are less than significant for each of these pollutants. (Id. at p. 3.2-19, Table 3.2-9.)

Long term localized impacts analysis takes place in the form of the potential to create carbon monoxide “hot spots.” Typically for an intersection to exhibit a significant CO concentration, it would operate at level of service D or worse. The EIR modeling was performed using 2018 “Future With Project” traffic volumes and emissions factors. As a reasonable worst-case scenario, the analysis assumes the retention of the existing intersection capacity and does not consider measures outlined in the traffic analysis to improve traffic flow through the project area. Even so, the anticipated CO concentrations are less than significant. (EIR, pp. 3.2-19 and 20, Table 3.2-10.)

The Project also will not generate toxic air contaminants at a potentially significant level. All asbestos-containing materials and lead based paints will be removed prior to the start of demolition in accordance with state requirements for LBP and the SCAQMD's requirements for ACM. (EIR, p. 3.2-20.) With regard to diesel particulate matter, the only exposure to occur as a result of the Project is from construction machinery over a short period of time. Thus, because the use of diesel engine construction equipment would occur over a period of a few years, it would not meet the criteria for a 70-year exposure period. Accordingly, short term construction activities would not result in exposure of sensitive receptors to substantial toxic air contaminant emissions. (Id. at p. 3.2-21.) With regard to long term operations, mandatory adherence to the SCAQMD rules would ensure a less than significant impact to TACs during project operation. (Ibid.)

Greenhouse Gases

Greenhouse gases ("GHG") are almost exclusively related to cumulative impacts. The primary concern is whether the Project will conflict with state goals set forth in AB 32 for reducing GHG emissions. Three types of analyses were used to determine whether the Project would be in conflict with any of the state's goals. (EIR, p. 3.2-22.) The Project does not pose any apparent conflict with the list of early action strategies for addressing GHG emissions as listed by the California Air Resources Board. (Ibid.) The Project greenhouse gas emissions would be approximately 3,020 metric tons of CO₂E/yr, based on URBEMIS 2007 estimates, (including emissions from vehicle trips,

space heating and indirect emissions from use of electricity). The Project would not be classified as a major source of greenhouse gas emissions. Finally, the Project is subject to all Title 24 building standards for energy efficiency, as well as Pasadena's numerous "green" requirements already in place (e.g., trip reduction requirements, transit-oriented development requirements, and green building standards). Of note, the proposed project must comply with the City's Green Building Ordinance, which requires new construction to be built in a way that is capable of being certified by the U.S. Green Building Council under the Leadership in Energy and Environmental Design (LEED) standards, and the Project is proposed to meet LEED Silver. In addition, the applicant has agreed to voluntary conditions to further reduce greenhouse gas emissions, including but not limited to, providing bicycle parking, preferential parking for alternative fuel vehicles, using drought resistant landscaping, using energy efficient appliances, and installing light colored paving materials. The City's conditions of approval serve as the binding mechanism for the Project's promises. (EIR, pp. 3.2-21 to 22.) Finally, it should be noted that global climate change would not be expected to have a substantial impact on the Project, as discussed in the EIR. (Id. at p. 3.2-23.)

Cumulative Impacts

The South Coast Air Basin is a non-attainment area for federal and state standards for ozone and PM₁₀. In accordance with SCAQMD methodology, any project that does not exceed or can be mitigated to a less than the daily threshold values does not contribute to a cumulatively considerable impact. With implementation of mitigation

measure AIR-A, the Project's contribution of VOC emissions during construction would be reduced to a less than significant level. Therefore, it would not contribute to a cumulatively considerable air quality impact. (EIR, p. 3.2-18; see also pp. 4.9 and 10.) Further, the City will evaluate each development contained in the cumulative project list and impose mitigation measures to reduce impacts to the greatest extent feasible. Further, the Project is consistent with the AQMP, which accounted for additional growth in the area. (See EIR, p. 3.2-22.) Thus, the Project would not add an incremental effect to a cumulative impact and its impacts are not cumulatively considerable.

c. BIOLOGICAL RESOURCES

i. Potential Significant Impacts

- BIO-1** The Project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFG or USFWS. (EIR, p. 3.3-11.)
- BIO-2** The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS. (Ibid.)
- BIO-3** The Project would not have a substantial adverse effect of federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (EIR, p. 3.3-12.)
- BIO-4** The Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Ibid.)
- BIO-5** The Project would conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Ibid.)

ii. Proposed Mitigation

- BIO-A** Should tree or other vegetation clearance and/or construction work need to occur during the breeding season for migratory non-game native bird species (generally March 1-September 1, as early as February 1 and as late as September 15 for raptors), weekly bird surveys shall be performed to detect any protected native birds in the trees to be removed and other suitable nesting habitat within 300 feet of the construction work area (500 feet for raptors). The surveys shall be conducted 30 days prior to the disturbance of suitable nesting habitat by a qualified biologist with experience in conducting nesting bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the construction contractor shall delay all clearance/construction disturbance activities in suitable nesting habitat or within 300 ft. ft of nesting habitat (within 500 feet for raptor nesting habitat) until August 31 or continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) shall be postponed until the nest is vacated, juveniles have fledged, and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field by a qualified biologist with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area. The results of this measure shall be recorded to document compliance with applicable state and federal laws pertaining to the protection of native birds.
- BIO-B** During construction, no grading, trenching, material storage, or equipment parking shall be permitted within the tree protection zone. Tree protection zones shall be fenced using a 6-foot tall chain link fence. On each fenced tree protection zone a sign shall be hung noting which trees are located within the area. The Arborist of Record shall be responsible for establishing the tree protection zones. Construction fencing shall be installed prior to demolition activities around the trees to be preserved.
- BIO-C** During construction, the Arborist of Record shall conduct regular meetings with the construction contractor to assure compliance with Tree Protection Specifications. The Tree Protection Specifications shall be developed by the Arborist of Record and shall include a schedule of different tree protection and maintenance activities, such as mulch application, supplemental watering, and root protection to be employed and maintained throughout the duration of construction. The Tree Protection Specifications shall be approved by the City prior to the receipt of a tree removal permit.

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

Removal of vegetation during construction would not result in direct or indirect impacts to sensitive plant species or vegetation communities on the Project site since there is no native vegetation, riparian habitat areas or wetlands on the site. (EIR, p. 3.3-11.) However, the site contains approximately 1,032 trees which provide potential habitat for raptorial birds (hawks and owls) as foraging perches and nest sites, including Cooper's hawk, which is a sensitive bird species. Tree removal could result in direct impacts to nesting birds and would be a significant impact. Mitigation measure BIO-A requires pre-construction surveys for tree removal and construction work that would occur within the breeding bird season (generally March 1 to September 1, but as early as February 1 and as late as September 15 for raptors) to determine the presence of native birds in the trees to be removed. Construction monitoring would be required to ensure that construction activity does not occur within 500 feet of active raptor nests until the nest is vacated, or within 300 feet of nest for non-raptor species. With

implementation of mitigation measures BIO-A, construction impacts to migratory bird species would be avoided and this impact would be reduced to less than significant. (EIR, pp. 3.3-11 to 12, 3.3-14.)

With regard to tree removal, the EIR analyzed a Project that would require removal of approximately 250, or 24 percent, of existing trees and relocation of approximately 26, or 3 percent of existing trees. Of the trees to be removed, approximately 61 qualify as protected by the City of Pasadena Tree Protection Ordinance, and one of the trees to be relocated qualifies as protected. Approximately 165,493 square feet of existing canopy coverage would be removed from the site during construction, of which approximately 51,000 square feet of canopy is created by protected trees. Approximately 178 new trees would be planted, and at 5 years, it is estimated that the new canopy coverage would measure approximately 22,600 square feet. (EIR, p. 3.3-12.) The Project is proposed to rely on the public benefit finding (defined as a “public purpose, service, or use which affects residents as a community and not merely as particular individuals”) of the Tree Protection Ordinance. Six public benefits have been identified for the Project as follows:

- A sustainable and healthier urban forest with more native trees and less nonnative and invasive species;
- The provision of senior housing – 160 additional independent living units and 72 assisted living units;
- The construction of a modern, safe, and secure hospital building with 100 beds;
- The conversion of a landmark eligible building to a community resources for community organizations, physician lectures, and support groups such as Narcotic Anonymous and Alcoholics Anonymous;

- The creation of additional medical offices that will expand the outpatient services the hospital provides for psychiatric care; and
- The long-term preservation of the hospital by placing the site on the National Register of Historic Places.

Compliance with the Tree Protection Ordinance would ensure that the Project would not conflict with local policies or ordinances protecting biological resources. (Id. at p. 3.3-13.) The actual finding of compliance is not made within the CEQA context because that is a local land use and policy decision, and instead will be analyzed in the separate resolution of Project approval.

The Project would require construction to occur within the drip lines and root zones of many mature trees and could result in indirect impacts to trees that are not intended for tree removal. The impact would be significant. Implementation of mitigation measure BIO-B would establish Tree Protection Zones where construction activities are strictly controlled. In addition, mitigation measure BIO-C requires tree protection during construction activities. With implementation of these mitigation measures, the indirect impacts to trees would be mitigated to a less than significant level. (EIR, pp. 3.3-13 and 14.)

Cumulative Impacts

The Project site and the related projects are located in an urban and developed area within the City of Pasadena. The project site and surrounding areas do not contain habitat or support sensitive wildlife species because they are developed urban sites. The Project and any related impact involving tree removal would have the potential to

adversely impact migratory bird species. As such, all projects would be required to comply with the Migratory Bird Treaty Act. Similarly, any project involving tree removal would be subject to the City of Pasadena Trees and Tree Protection Ordinance. Compliance with existing regulations would ensure that the project's incremental effect is not cumulatively considerable. (EIR, p. 4-10.)

After the close of the comment meeting and at Council meetings on April 27, 2009 and June 1, 2009, members of the Native American community commented that there would be potentially significant impacts (particularly on a cumulative basis) to trees as a result of the Project. Staff corresponded with and spoke with some of these representatives and was unable to get the representatives to provide any information substantiating these claims. Staff further attempted to understand if there was evidence to substantiate the claims through further correspondence and conversations with the Native American Heritage Commission. The City Council finds that the comments raised in this regard were not supported by any evidence, and do not trigger recirculation of the EIR.

d. HYDROLOGY AND WATER QUALITY

i. Potential Significant Impacts

- HYDRO-1** The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. (EIR, p. 3.5-3.)
- HYDRO-2** The Project would not create or contribute runoff water in excess of the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. (EIR, p. 3.5-4.)

ii. Proposed Mitigation

No mitigation measures are required.

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

Surface drainage patterns would be altered by development activities, and new infrastructure to support changes in drainage patterns and accommodate a larger volume of runoff would be constructed as part of the Project. (EIR, pp. 3.5-3 and 4.) All new drainage would be designed in accordance with standards of the County of Los Angeles Department of Public Works and City Public Works requirements, and will be required to control the rate at which storm water is released into the City storm water drainage system such that there is no increase from existing conditions. During construction, and in accordance with the NPDES General Construction Permit requirements, the applicant would be required to implement “best management practices” to control storm water runoff that is generated at the site. Compliance with

existing standards and review processes would ensure that storm water runoff does not exceed the capacity of existing and planned storm water drainage. The impact would be less than significant, and no mitigation measures are required. (Id. at pp. 3.5-4 to 5.)

Cumulative Impacts

Like the Project, the related projects listed in Table 4-1 would likewise have to comply with local and state standards regarding the control and treatment of stormwater runoff. Although the Project would increase the amount of impervious surfaces on-site, the rate and amount of runoff discharged from the site would be carefully controlled through storm water control measures. The related projects identified in Table 4-1 would also be required to control with storm water volume and pollution control measures during construction and operation. Accordingly, the Project's incremental impacts would not be cumulatively considerable when analyzed in conjunction with the related projects. (EIR, p. 4-11.)

e. NOISE AND VIBRATION

i. Potential Significant Impacts

- NOISE-1** The Project would expose persons to or generate noise levels in excess of City standards during project construction and operation. (EIR, p. 3.6-8.)
- NOISE-2** The Project would not expose persons to or generate excessive groundbornevibration during construction or operation. (EIR, p. 3.6-14.)
- NOISE-3** The Project would result in a substantial permanent increase in ambient noiselevels in the vicinity of the project area during construction or operation. (Id. at p. 3.6-15.)
- NOISE-4** The Project would result in a substantial temporary increase in ambient noiselevels in the vicinity of the project area. (Ibid.)

ii. Proposed Mitigation

- NOISE-A** Prior to the start of construction of the adolescent psychiatry facility (Building 33), the applicant shall vacate Building 3 (Las Flores). If use of Building 3 is deemed necessary to the functioning of the hospital, the applicant shall seek approval of an alternative means of mitigating construction noise levels. An alternative mitigation measure must be reviewed and approved by the Planning Division.
- NOISE-B** Prior to the start of construction of the acute psychiatric hospital (Building 35), the construction contractor shall install a temporary eight-foot wood wall along the perimeter of the construction site where a direct ground level line of sight exists between the construction area and the sensitive receptors located in the adolescent psychiatry facility (Building 33).
- NOISE-C** During construction, the construction contractor shall equip all mobile construction equipment with properly operating mufflers or other noise reduction devices.
- NOISE-D** During construction, the contractor shall schedule activities to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- NOISE-E** Prior to the start of construction, the construction contractor shall notify residences immediately adjacent to the project site (e.g., via flyers). The notices shall include a telephone number to the Pasadena Health Department for referral to determine if a violation of the City's Noise Ordinance is occurring.

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

Noise impacts are a function of the type of activity being undertaken, the distance to the receptor location, the type of equipment being used. Noise will increase during the construction period. The EIR analyzed noise impacts from the probable types of construction equipment to be used. Noise estimates were made at a distance of 50 feet from the noise source. (EIR, pp. 3.6-8 and 9, Table 3.6-5.) Peak noise events would occur during the 8-month demolition and excavation phase. Average hourly noise levels would be 5 to 10 dBA less than the maximum noise levels. The anticipated phasing of construction and potential overlap was taken into account in the EIR. (Id. at pp. 3.6-9 and 10.) None of the construction noise impacts rose to the level of significant.

Nonetheless, the noise impacts from construction activities associated with the adolescent psychiatry facility (Building 33) would occur approximately 65 feet from Las Flores (Building 3) and a bungalow immediately south of Building 3, which would result in the generation of noise levels on the order of 83 dBA Leq at the nearest noise sensitive receptors, only 2 dBA Leq less than the City threshold of 85 dBA Leq. To ensure that this impact remains below that level of significance, mitigation measure NOISE-A requires that construction of the adolescent psychiatry facility (Building 33) only take place while Building 3 is vacant. (Id. at pp. 3.6-10.)