

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING
FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR
100 WEST WALNUT PLANNED DEVELOPMENT PROJECT ("PARSONS
PROJECT")**

Section 1. The applicant, PPF OFF 100 West Walnut, LP ("Applicant"), proposes to covert the 22.67-acre Parsons Corporation tower site from a single-function office complex with over 900,000 square feet to a mixed-use development consisting of 620,000 square feet of office uses (including 30,000 square feet of ancillary retail uses); 10,000 square feet of restaurant uses; and 475 residential units ("Project").

Section 2. The Notice of Preparation ("NOP") for the Project was issued on July 8, 2013 to solicit comments and input on what topics the Environmental Impact Report ("EIR") should analyze. The comment period of the NOP was from July 8, 2013 to August 17, 2013. During this time, two scoping meetings were held to provide information on the Project and to receive additional comments on issues to be addressed in the EIR. The first was held on July 18, 2013, and the second was held by the Planning Commission on July 24, 2013.

Section 3. The Design Commission held a public meeting for the Project's Preliminary Consultation on February 25, 2014.

Section 4. In June of 2014 a Draft Environmental Impact Report (the "DEIR") was prepared for the Project. In accordance with the California Environmental Quality

Act ("CEQA") (Cal. Pub. Res. Code §21000 *et seq.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 *et seq.*) promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

Section 5. The City circulated the DEIR and the Appendices for the Project to the public and other interested parties for a 60-day comment period, in accordance with Guidelines Section 15105, from June 20, 2014 through August 4, 2014; however the comment period was extended to August 29, 2014 for a total of 71 days of review time

Section 6. The Notice of Availability for the Project was filed with the County Clerk and received by the State Clearinghouse on June 20, 2014.

Section 7. During the comment period the DEIR was presented at the Planning Commission meeting on August 27, 2014, and the Transportation Advisory Commission meeting on July 28, 2014.

Section 8. Thereafter, the Applicant, in response to comments received on the Draft EIR, refined the project to provide for a more pedestrian-oriented development by removing the work/live units originally proposed on the ground floor of Fair Oaks Avenue in Development Area A and adding ground floor retail use along the Fair Oaks Avenue frontage. However, the overall square footage of the project remained the same. The changes to the Project are summarized as follows:

- Elimination of the 12 work/live units on the ground floor of Fair Oaks Avenue in Development Area A as part of the Phase 1 project;

- Incorporation of 15,000 square feet of ground floor retail area in Development Area A along the Fair Oaks Avenue frontage as part of the Phase 1 project;
- Reduction of the restaurant square footage in Development Area B from 10,000 square feet to 2,500 square feet as part of the Phase 1 project;
- Reduction of the office square footage in Development Area C from 410,000 square feet (including up to 30,000 square feet of ancillary retail) to 402,500 square feet of project area; and
- Reduction of the building setbacks to zero feet (no setback) along Fair Oaks Avenue in Development Areas A and B.
- The Project, including the requested Zone Change Planned Development approval and Development Agreement, and incorporating the above provisions is referred to as the “Refined Project” and is the Project analyzed for purposes of CEQA.

Additional information and analysis of the Refined Project is presented in Section II, Analysis of the Refined Project, of the Final Environmental Impact Report (the “Final EIR”).

Section 9. The City prepared written responses to all comments received on the DEIR and those responses to comments are incorporated into the Final EIR. The Responses to Comments were distributed to all public agencies that submitted comments on the DEIR at least ten days prior to certification of the Final EIR.

Section 10. The Final EIR is comprised of the DEIR dated June 2014 and all appendices thereto; the Final EIR document dated December 2014 including the Analysis of the Revised Project, Corrections and Additions, the Comments and Response to Comments on the DEIR, and all Final EIR appendices.

Section 11. On January 14, 2015, the Planning Commission held a duly noticed public hearing to take testimony regarding the Final EIR, the proposed Zone Change from CD-1 (Central District Specific Plan, Old Pasadena) to Planned Development (Planned Development 33 – 100 West Walnut Planned Development) with the Conditions of Approval for the Project. Evidence, both written and oral, including the staff reports and supporting documentation was presented at that hearing.

Section 12. On February 25, 2015, the Planning Commission held the duly noticed public hearing that was a continuation of the January 14, 2015 hearing. Evidence, both written and oral, including the staff reports and supporting documentation was presented at that hearing. At the conclusion of the hearing, the Planning Commission recommended that the City Council (1) certify the Final EIR, adopt the Mitigation Monitoring and Report Program and adopt a Statement of Overriding Considerations for the Project; (2) adopt the findings to approve a Zone Change from CD-1 (Central District Specific Plan, Old Pasadena) to Planned Development; (3) adopt the findings to approve Planned Development 33 – 100 West Walnut Planned Development with the Conditions of Approval and (4) approve a Development Agreement for the Project.

Section 13. On March 30, 2015, the City Council held a duly noticed public hearing to consider the Final EIR, the Zone Change, the Planned Development, and the Development Agreement for the Project. Evidence, both written and oral, including the staff reports and supporting documentation was presented at that hearing.

Section 14. 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 the hearings 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 for public examination during normal business hours at the Planning and Development Department, City of Pasadena, 175 North Garfield Avenue, Pasadena, California 91109. The custodian of records is David Sanchez with the City of Pasadena Planning Department. Each of those documents is incorporated herein by reference.

Section 15. 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 the Project.

Section 16. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:

(a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,

(b) Such changes or alterations are within the responsibility and 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; or,

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

These required findings are set forth in the attached Exhibit A.

Section 17. Environmental impacts identified in the Initial Study and Final EIR that are found to be less than significant and do not require mitigation are described, respectively, in Sections V and VI of Exhibit A, attached hereto and incorporated herein by reference.

Section 18. Environmental impacts, or certain aspects of impacts, identified in the Final EIR as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Exhibit A, Section VII, attached hereto and incorporated herein by reference.

Section 19. Environmental impacts identified in the Final EIR as significant and unavoidable despite the imposition of all feasible mitigation measures are described in Exhibit A, Section VIII, attached hereto and incorporated herein by reference.

Section 20. Alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Exhibit A, Section IX, attached hereto and incorporated herein by reference.

Section 21. Public Resources Code Section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program is attached hereto as Exhibit B, and is hereby incorporated herein by reference.

Section 22. Prior to taking action, the City Council reviewed, considered and has exercised its independent judgment in considering the Final EIR and all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings and finds that the Final EIR is adequate and was prepared in full compliance with CEQA. No comments or any additional information submitted to the City have produced any substantial new information requiring recirculation or additional environmental review of the Project under CEQA.

Section 23. **NOW THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Pasadena, California, hereby certifies the Final Environmental Impact Report, adopts findings pursuant to the California Environmental Quality Act as set forth in Exhibit A attached hereto and incorporated herein by reference; and adopts the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B and incorporated herein by reference. The mitigation measures set forth in the Final EIR and the Mitigation

Monitoring and Reporting Program, are hereby incorporated into the project and made conditions of the Project.

Adopted at the _____ meeting of the City Council on the ____ day of _____, 2015 by the following vote:

AYES:

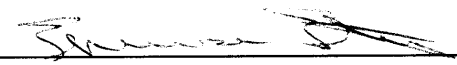
NOES:

ABSENT:

ABSTAIN:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Assistant City Attorney

EXHIBIT A

Findings and Facts in Support of Findings

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:

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 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, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.¹

Pursuant to the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed Project. These findings are based upon evidence presented in the record of these proceedings, both written and oral, the DEIR, and all of its contents, the Comments and Responses to Comments on the EIR, and staff and consultants' reports presented through the hearing process, which comprise the Final EIR.

II. Project Location and Setting.

The Project Site, commonly known as the "Parsons" site, is located at the southwest corner of Fair Oaks Avenue and Walnut Street, near the intersection of the 210, 134, and 710 freeways in the City of Pasadena, Los Angeles County, California. The site consists of two parcels (Assessor Parcel Numbers 5713-002-015 at 100 West

¹ Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

Walnut Street and 5713-003-024 at 75 North Fair Oaks Avenue; collectively referred to as the "Project Site") that total approximately 22.67 acres in area. The Project site is bounded by Fair Oaks Avenue on the east, Union Street on the south, Pasadena Avenue on the west and Walnut Street on the north. Holly Street divides the Project Site into two areas (North Development Area and South Area). The Project Site is also adjacent to Old Pasadena and within 850 feet of the Memorial Park Gold Line Station.

The Project Site is currently developed with office buildings that total 929,585 square feet of floor area. Under the Refined Project all existing on-site uses would remain and no Project development (i.e., no increase in square feet of development) is proposed south of Holly Street. The North Development Area, located north of Holly Street (100 West Walnut Street), is currently developed with the 12-story Parsons tower constructed in 1974 and three four-story wings (referred to by the occupants of the building as "pods") that connect to the 12-story tower as well as surface parking lots. The existing buildings in the North Development Area provide a total of 408,590 square feet of floor area and the existing 12-story tower is 193 feet in height. Existing on-site development is concentrated in the center of the North Development Area and is surrounded by large areas of surface parking providing a total of 1,361 surface parking spaces. The portion of the Project Site located south of Holly Street (75 North Fair Oaks Avenue) is currently developed with two eight-story buildings, constructed in 1977 and 1981 with each building supported by an above-grade parking structure. These two buildings provide a combined total of 520,995 square feet of floor area. The existing buildings in the North Development Area are occupied by Parsons Corporation, a multi-service engineering and consulting company, whereas the existing buildings to the south of Holly Street are occupied primarily by office and related uses, including a small credit union. The existing on-site buildings and the current main Parsons Corporation entrance off of Walnut Street would remain in place with the proposed Project.

The Project Site is located within the Central District of Pasadena, which is an area developed with mostly commercial uses. East of the Project Site on the east side of Fair Oaks Avenue is a gas station at the southeast corner of Fair Oaks Avenue and Walnut Street, south of the gas station is the Marriott Courtyard Hotel and a small surface parking lot is located at the northeast corner of Fair Oaks Avenue and Holly Street. Between the parking lot and the Marriott Courtyard are one- and two-story commercial buildings that are mostly vacant. On the east side of Fair Oaks Avenue south of Holly Street, retail and restaurant uses are located on the ground floor of predominantly two-story buildings, with various commercial uses occupying the second floor of these buildings. South of the Project Site across Union Street are various retail and restaurant uses that are part of Old Pasadena. West of the Project Site across Pasadena Avenue is the 710 Freeway right-of-way. North of the Project Site across Walnut Street, at the corner of Fair Oaks Avenue, is the site of the proposed Marriott

Residence Inn project with an existing restaurant and two-story office building located to the west.

III. Project Objectives.

As set forth in the Final EIR, the proposed Project is intended to achieve a number of objectives (the "Project Objectives"), as follows:

A. To create an urban campus for the City of Pasadena by transforming a suburban style campus defined by centralized buildings and large expanses of surface parking to a pedestrian-oriented development with a mix of uses.

B. Increase patronage for Old Pasadena businesses by increasing on-site employment and introducing permanent residents to the Project Site.

C. Stem the loss of existing large companies and employers that leave the City by increasing the inventory of Class "A" office space, particularly within the Central District.

D. Develop sufficient Class "A" office space at the Project Site to attract new companies to the City, particularly in the technology, creative office, and other growth sectors as they emerge.

E. To facilitate travel across the Project Site by improving and extending Holly Street as a traffic and pedestrian corridor connecting Fair Oaks Avenue to Pasadena Avenue.

F. To restore Holly Street in accordance with the intent of the original Bennett Plan by visually linking City Hall to the proposed Project.²

G. To establish an urban design framework for the Project Site that responds to on-site conditions and creates a positive interface with the surrounding community.

² The Bennett Plan was published in 1925 and included architectural concepts and strategies that included a grand civic center Beaux-Arts Axial plan and ceremonial western entrance, a formal arrangement of civic buildings; an overall plan for the extension, widening, and landscaping of key axial streets and boulevards, and an implementing zoning ordinance. Currently, the most visible portion of the Bennett Plan is the Civic Center, a collection of ten historic buildings, a park and several newer compatible developments.

H. To integrate the existing Parsons buildings into a large revitalized urban fabric.

I. To expand upon the adjacent mixed use fabric of the City.

J. To develop open space systems that support an environmentally integrated development, e.g., building orientations that promote the use of passive solar systems.

K. To create linkages between the Project Site and Old Pasadena.

L. To implement a Project design that responds to the local climate and weather through the use of passive design strategies (e.g., building orientation, exterior shading, daylighting, and natural ventilation).

M. To create a pedestrian oriented environment defined by a hierarchy of public spaces and pathways.

N. To create new buildings and open spaces that are compatible with the rich architectural history found in Old Pasadena and the existing Parsons building.

IV. Background

The following presents a summary of the Project's characteristics as presented in the Draft EIR amended to reflect the changes proposed by the Applicant as part of the Refined Project.

The proposed Project (the "Project") is a mixed-use development that seeks to transform the Project Site from a single-function office complex with over 900,000 square feet, which features the 12-story Parsons Corporation tower, to a mixed-use office campus and residential community. The proposed Project includes adding the following uses and buildings to the site:

- 612,500 square feet of office uses, of which up to 22,500 square feet could be used for ancillary retail uses;
- 15,000 square feet of retail uses;
- 2,500 square feet of restaurant uses; and

- 475 residential uses.

The Project Site is divided by Holly Street into two areas, with the new development proposed on the surface parking areas located north of Holly Street (the "North Development Area"). Parking for the Project would support all existing on-site uses, continued use of the Project Site for Rose Bowl parking, and all of the parking that is required to support the land uses that comprise the proposed Project. Parking within the North Development Area added as part of the Project would be provided via a multi-level subterranean parking structure. The Project also includes improving and extending Holly Street as a traffic and pedestrian corridor connecting Fair Oaks Avenue to Pasadena Avenue. Streetscape improvements are also proposed for Holly Street, as well as Leonard J. Pieroni Street, between Holly Street and Union Street, to facilitate pedestrian travel and enhance pedestrian connections between the Project Site and Old Pasadena. North of Holly Street the proposed Project also includes a network of interconnected open spaces, with the largest open space being "Holly Plaza," a multi-purpose publicly accessible plaza located at the northwest corner of Holly Street and Leonard J. Pieroni Street. The Final EIR memorializes various features of the Project that were considered in completing the environmental analysis. Those Project Design Features are listed in Exhibit C.

The Refined Project is proposed to be developed in two phases. Phase 1 development (east of the existing Parsons Corporation tower) consists of 210,000 square feet of office uses, 15,000 square feet of retail uses, 2,500 square feet of restaurant space, and all proposed residential units. Phase 2 development consists of 402,500 square feet of office uses, of which up to 22,500 square feet could be developed with ancillary retail uses. Based on current market conditions, Phase 2 construction would start after Phase 1 construction has been completed.

The Project is proposed to be implemented via a PD (Planned Development) Permit pursuant to the requirements set forth in Section 17.26.020.C of the Pasadena Municipal Code (PMC). The Project includes a Zone Change, Planned Development approval, and Development Agreement, and the Final EIR contemplated additional future city approvals necessary to implement the Project.

V. Effects Determined to be Less Than Significant/No Impact in the Initial Study/Notice of Preparation.

The City of Pasadena issued a Notice of Preparation (NOP) and conducted an Initial Study to determine the potential environmental effects of the Project. In the course of this evaluation, the Project was found to have no impact in certain impact categories because a project of this type and scope would not create such impacts or

because of the absence of project characteristics producing effects of this type. The following effects were determined not to be significant or to be less than significant for the reasons set forth in the Initial Study, and were not analyzed in the EIR because they require no additional analysis to determine whether the effects could be significant. The refinements to the Project after circulation of the Draft EIR do not change any of the conclusions regarding the following potential effects.

A. AESTHETICS, VISUAL CHARACTER AND VIEWS

1. The Project will not have a substantial adverse effect on a scenic vista.
2. The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

B. AGRICULTURAL RESOURCES

1. The Project will not convert prime farmland, unique farmland, or farmland of statewide importance to non-agricultural use.
2. The Project will not conflict with existing zoning for agricultural use or a Williamson Act contract.
3. The Project does not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned as Timberland Production.
4. The Project does not result in the loss of forest land or conversion of forest land to a non-forest use.
5. The Project does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

C. BIOLOGICAL RESOURCES

1. The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the

California Department of Fish and Game or U.S. Fish and Wildlife Service.

2. The Project will not have a substantial adverse effect on any riparian habitat identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
3. The Project will not have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means.
4. The Project will not 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.
5. The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
6. The Project will not conflict with any local policies or ordinances protecting biological resources such as the preservation policies or ordinances.

D. GEOLOGY AND SOILS

1. The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving Landslides.
2. The Project will not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

3. The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known active fault trace. Refer to Division of Mines and Geology Special Publication 42.
 - b. Strong seismic ground shaking;
 - c. Seismic related ground failure, including liquefaction and lateral spreading.
4. The Project will not result in substantial soil erosion or the loss of topsoil.
5. The Project will not be located in a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
6. The Project will not be located in expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

E. HAZARDOUS AND HAZARDOUS MATERIALS

1. The Project is not located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, and thus the Project would not result in a safety hazard for people residing in the Project area.
2. The Project is not located within the vicinity of a private airstrip.
3. The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are subject to urbanized areas or where residences are intermixed with wildlands.

F. HYDROLOGY AND WATER QUALITY

1. The Project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
2. The Project will not place structures within a 100-year flood hazard area that would impede or redirect flood flows.
3. The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
4. The Project will not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.

G. MINERAL RESOURCES

1. The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
2. The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

H. NOISE

1. The Project is not located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport.
2. The Project is not located within the vicinity of a provide air strip.

I. POPULATION AND HOUSING

1. The Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

2. The Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

J. TRANSPORTATION/TRAFFIC

1. The Project will not result in a change of air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

VI. Effects Determined to be Less Than Significant without Mitigation in the EIR.

The EIR found that the proposed Project would have a less than significant impact without the imposition of mitigation on a number of environmental topic areas listed below. For some of these environmental topics, regulatory measures will be imposed as mitigation measures and are detailed in the Mitigation Monitoring and Reporting Program, and will have the effect of ensuring that the less than significant impacts remain less than significant. A less than significant environmental impact determination was made for each of the following topic areas listed below, based on the more expansive discussions contained in the Final EIR.

A. AESTHETICS, VISUAL CHARACTER, AND VIEWS

1. The Project will not have significant impacts to views during construction.
2. The Project will not impact aesthetics, visual character, or views at buildout and operation of the Project.

B. AIR QUALITY

1. The Project would not result in regional operational emissions as a result of Phase 1 and Phase 2 development that exceed SCAQMD prescribed threshold levels.
2. The Project would not result in localized emissions during Phase 1 and Phase 2 construction and operations that exceed SCAQMD prescribed threshold levels.

3. The Project would not result in emissions of toxic air contaminants during Phase 1 and Phase 2 construction and operations that exceed SCAQMD prescribed threshold levels.
4. The Project does not include any uses identified by the SCAQMD as being associated with odors, thus the Project will result in less than significant impacts with respect to odors in both the construction and operational stages of the Project.
5. Project development is consistent with the policies and objectives of the SCAQMD's Air Quality Management Plan and City of Pasadena policies pertaining to air quality.

C. CULTURAL RESOURCES

1. The Project will not significantly impact any historic resources.

D. ENERGY

1. The Project will not conflict with adopted energy conservation plans.
2. The Project will not use non-renewable resources in a wasteful and inefficient manner.

E. GREENHOUSE GAS EMISSIONS (GHG)

1. The Project would not result in GHG emissions that are less than 16 percent below the "business-as-usual" significance threshold and as a result Project development would be consistent with the requirements of AB 32.
2. The Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

F. HAZARDS AND HAZARDOUS MATERIALS

1. The Project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.

G. HYDROLOGY

1. The Project would not directly pollute a public water source or indirectly result in the degradation of the water quality of a public water source.
2. The Project would not reduce the beneficial uses of receiving waters.
3. The Project would not result in a net extraction of known groundwater resources or involve excavation within an active groundwater recharge area.
4. 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, resulting in substantial erosion or siltation.
5. The Project would not alter the existing drainage pattern of the site or area, increasing the rate or amount of surface water runoff in a manner that could result in flooding on- or off-site.
6. The Project would not create runoff that exceeds the capacity of existing storm water facilities.
7. The Project would not result in significant impacts to surface water hydrology, surface water quality, groundwater hydrology or groundwater quality.

H. LAND USE

1. The Project will not result in a significant project level or cumulative impact to land use compatibility or land use consistency in either the construction or operational phase of the Project

I. LIGHT, GLARE, AND SHADING

1. The Project will not result in construction related impacts in the areas of light, glare or shading.

2. The Project will not result in light, glare or shading impacts from the operations of the built-out Project.

J. NOISE

1. Project operational noise sources including on-site mechanical equipment, parking facilities, and service areas, as well as off-site motor vehicle noise would not create noise that exceeds established levels, and thus result in a less than significant impact.
2. Project sources of vibration during construction and operations would not result in building damage or human annoyance, and thus result in less than significant impacts.

K. PARKING

1. The project will not result in operational or cumulative parking impacts.

L. POPULATION AND HOUSING

1. The Project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads and other infrastructure).

M. PUBLIC SERVICES

1. The Project will not have a significant impact on other public facilities, including schools, parks and recreation, and libraries.

N. TRANSPORTATION

1. The Project will not result in impacts to regional transportation systems.
2. The Project will not result impacts related to the applicable Congestion Management Plan.

O. UTILITIES AND SERVICE SYSTEMS

1. The Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
2. The Project will comply with federal, state, and local statutes and regulations related to solid waste, and would not have significant construction or operational impacts.
3. The Project will have less than significant construction and operational impacts on water supplies.
4. The Project will have less than significant construction and operational impacts on sewer systems.

VII. Potentially Significant Environmental Impacts Determined to be Mitigated to a Less Than Significant Level.

The EIR identified the potential for the Project to cause significant environmental impacts in the areas of transportation, parking, aesthetics, cultural resources, air quality, noise, hazards and hazardous materials, public services, and energy.

The City Council finds that the feasible mitigation measures for the Project identified in the Final EIR would reduce the Project's impacts in certain Transportation, Parking, Aesthetics, Cultural Resources, Noise, Hazards and Hazardous Materials, Public Services, and Energy impact areas to a less than significant level, as described below. The Project's significant and unavoidable impacts are discussed in Section VIII. In Section 23 of this Resolution, the City Council adopts all of the feasible mitigation measures for the Project described in the Final EIR as conditions of approval of the Project and incorporates those into the Project.

A. TRANSPORTATION

The Project, with mitigation, would have less than significant impacts to transit system. Construction of the proposed project may adversely affect key elements of the transportation infrastructure in the Project area.

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential impact to the transit system and key

elements of the transportation infrastructure in the Project area. Further, changes or alterations have been required to address potential construction related transportation impacts. Specifically, the following measures are imposed upon the Project to ensure less than significant impacts:

Mitigation Measure B.1-3: Transit Passes. The Project Applicant, or successor in interest, shall provide all eligible employees and residents monthly transit passes such as the EZ Transit TAP card or a modified version of the same to allow access to all transit lines including the Pasadena ARTS.

Mitigation Measure B.1-4: Re-Routing of Pasadena ARTS Line 40. The Project Applicant, or successor in interest, shall coordinate with the City to re-route ARTS Line 40 via Holly Street to provide direct access to the transit line to and from the Project Site.

Mitigation Measure B.1-5: On-Site Transit Kiosk. The Project Applicant, or successor in interest, shall provide an on-site transit kiosk that may include "Next Bus" or a similar Transit System Real-Time Information system. "Next Bus" Real-Time information regarding bus location and status shall be available over the internet and at bus stops. The buses shall be equipped with GPS (global positioning system) or other vehicle tracking system devices and communications systems in order to be able to provide the "Next Bus" location and status input and to respond to calls from the extended service areas in real-time.

Mitigation Measure B.1-17: The Project Applicant, or its successor in interest, shall prepare a Construction Traffic Management Plan to the satisfaction of the City of Pasadena Department of Transportation and Public Works Department at the time of final design. This Construction Traffic Management Plan shall include, at a minimum, the following key elements:

- Final haul routes, dust control, noise control and the methods demonstrating compliance with City regulations;
- Measures to be used to ensure that the construction activities and workers follow the provisions of the Project's Construction Traffic Management Plan;

- Provide details of activities planned on-site at the time of final design, prior to commencement of construction;
- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow;
- Provide dedicated turn lanes for movement of construction trucks and equipment on-and off-site; and
- Reroute construction trucks away from congested streets or sensitive receptor areas.

Mitigation Measure B.1-18: The Project driveway along Pasadena Avenue shall be closed during the periods of construction when this section of Pasadena Avenue is used for construction staging.

b. Facts in Support of Findings

The Draft EIR concludes that there is existing capacity in the transit system, and that Phase 1 and Phase 2 development would result in less than significant impacts. Nonetheless, the Final EIR and Draft EIR identified an array of mitigation measures to address potential Project impacts. Further, to maintain key elements of the transportation infrastructure during construction, a construction management plan is required. Based on the mitigation measures listed above, impacts to transit systems and transportation infrastructure in the Project area during construction will be less than significant.

B. PARKING

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential impact to parking. Specifically, the following measure is imposed upon the Project to ensure a less than significant impact:

Mitigation Measure B.2-1: The Construction Traffic Management Plan required by Mitigation Measure B.1 17, shall include provisions to address construction worker parking requirements during Phase 1 construction (e.g., use parking within the on-site parking structures located south and east of Leonard J. Pieroni Street, off-site City-

operated parking structures within the Project area, off-site remote parking, off-site remote parking facilities with shuttles to the Project Site, etc.).

b. Facts in Support of Findings

The Project would provide replacement parking for all existing parking spaces displaced by Project construction. The Project's proposed parking facilities would provide parking to meet the Project's Pasadena Municipal Code (PMC) parking requirements. Temporary construction parking demand can be accommodated on site for Phase 2, and the foregoing mitigation measure addresses any on-site parking shortfall that may occur during Phase 1 construction by identifying sufficient parking to meet needs.

C. AESTHETICS and VISUAL CHARACTER

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential impact to aesthetics and visual character that could occur during Project construction. Specifically, the following measures are imposed upon the Project to ensure a less than significant impact:

Mitigation Measure C.1-1: Where Project construction is visible from pedestrian locations adjacent to the Project Site, temporary construction fencing shall be placed along the periphery of the development site to screen construction activity from view at the street level from off-site locations.

Mitigation Measure C.1-2: The Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

b. Facts in Support of Findings

Project construction during Phases 1 and 2 would adversely affect the visual appearance of the Project Site due to the removal of the existing surface parking area and landscaping, as well as by construction activities including site preparation, grading, and excavation; the staging of construction equipment and materials; and during building construction, as well as during the proposed improvements to Holly Street and

Leonard J. Pieroni Street. These construction related impacts to aesthetics and visual character are reduced to less than significant levels through implementation of the foregoing mitigation measures that require temporary construction fencing along the periphery of the Project site to screen much of the construction activity from the street level, with further mitigation to ensure the screening remains visually attractive during construction.

D. CULTURAL RESOURCES

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential impact to cultural resources, including archaeological and paleontological resources. Specifically, the following measures are imposed upon the Project to ensure a less than significant impact:

Mitigation Measure E.2-1: A qualified Principal Archaeologist meeting the Secretary of the Interior's Qualification Standards for Archaeology shall be retained prior to the start of excavation. The Principal Archaeologist shall prepare and implement a monitoring plan to reduce potential Project effects on unanticipated discoveries of buried prehistoric archaeological resources. The plan should include the professional qualifications required of key staff, monitoring protocols, provisions for evaluating and treating sites discovered during ground-disturbing activities, and reporting requirements. The monitoring protocols could include the following:

- 1) Prior to construction in any given area, the Principal Archaeologist shall evaluate the extent to which construction activities have the potential to unearth cultural resources;
- 2) Activities with a high potential for unearthing cultural resources shall be monitored continuously during ground-disturbing activities. Areas with a moderate potential shall be monitored on a part-time basis. Areas with a low potential shall be monitored on a periodic basis. Areas evaluated as having no potential require no monitoring. The Principal Archaeologist shall be empowered to change the status rating of any given area based on field observations.
- 3) If cultural resources are discovered during construction that may be eligible for listing in the CRHR, all ground disturbing activities in the

immediate vicinity of the find shall be halted until the find can be evaluated by the Principal Archaeologist. If the find is recommended eligible by the Project Archaeologist, the project proponent and City of Pasadena shall be notified and a treatment plan developed and implemented to reduce project effects on the newly discovered resource to a less than significant level.

- 4) If human remains are discovered, all ground-disturbing activities shall cease in the immediate area and the Los Angeles County Coroner shall be contacted. Disposition of human remains and any associated grave goods, if encountered, shall be treated in accordance with procedures and requirements set forth in California Health and Safety Code Section 7050.5 and PRC 5097.91 and 5097.98, as amended.

The monitoring plan would also include a provision for Native American monitoring during ground-disturbing activities.

Mitigation Measure E.2-2: Prior to construction, an inventory and a testing plan shall be prepared to identify and evaluate the buried historical-period archaeological deposits suspected to exist within the North Development Area. The testing plan shall include: a summary of pertinent background information, including the environmental and cultural settings of the Project area; a research design, to guide the testing program; proposed field and laboratory methods; reporting methods; plans for curation of collected materials; and a schedule for completing the proposed work.

Mitigation Measure E.2-3: A qualified Principal Paleontologist approved by the City of Pasadena shall be retained prior to the start of excavation to implement the following mitigation measures during or following excavation, as appropriate. The Paleontologist shall have an M.S. or Ph.D. degree in paleontology or geology and shall be familiar with paleontological salvage or mitigation procedures and techniques.

Mitigation Measure E.2-4: The Principal Paleontologist shall examine bore logs of the Project Site to determine if the strata underlying the site are sufficiently fine grained to contain fossilized remains and, if so, what level of paleontological monitoring shall be implemented during excavation.

Mitigation Measure E.2-5: If it is determined that the strata underlying the Project Site are sufficiently fine grained to contain fossilized remains, the Principal Paleontologist shall develop a written storage agreement with a

recognized museum repository such as the LACM regarding the permanent storage and maintenance of any such remains recovered as a result of implementing these mitigation measures.

Mitigation Measure E.2-6: If the review of the bore logs, per Mitigation Measure E.2.4, reveals that monitoring is appropriate, the Principal Paleontologist and/or his Field Supervisor shall be present at a preconstruction meeting to consult with appropriate City of Pasadena and Construction Contractor staff. During the meeting, the Paleontologist and/or the Field Supervisor shall conduct an employee environmental awareness training session for all personnel who will be involved in excavation.

Mitigation Measure E.2-7: If the review of the bore logs, per Mitigation Measure E.2-4, reveals that monitoring is appropriate, a Paleontological Monitor, under the direction of the Principal Paleontologist or the Field Supervisor, shall be on site to inspect new exposures created by excavation once that earth-moving activity has reached a depth 5 feet below the current ground surface. Monitoring will allow for the recovery of fossil remains that might be uncovered by excavation.

Mitigation Measure E.2-8: If fossil remains are discovered, the monitor shall recover them. If necessary, excavation at the fossil locality shall be halted or diverted temporarily around the locality until the remains have been recovered. The Paleontological Monitor shall be equipped to allow for the timely recovery of such remains. If necessary to reduce the potential for a delay of excavation, additional personnel shall be assigned to the recovery of an unusually large or productive fossil occurrence. Following the discovery of the remains, monitoring shall be raised to full time if full-time monitoring is not already in effect. On the other hand, if too few or no fossil remains have been found once 50 percent of the base of the excavation has been exposed, the Principal Paleontologist can recommend that monitoring be reduced.

Mitigation Measure E.2-9: If appropriate, bulk samples of fine-grained sediment shall be recovered and processed to allow for the recovery of micro vertebrate remains. The total weight of those samples shall not exceed 6,000 pounds. Splits of the samples will be submitted to commercial laboratories for microfossil or radiometric dating analysis.

Mitigation Measure E.2-10: Recovered fossil remains shall be prepared to the point of identification, identified by knowledgeable paleontologists, curated, and cataloged in compliance with designated museum repository requirements.

Mitigation Measure E.2-11: The entire fossil collection (along with associated specimen data and corresponding geologic and geographic locality data and copies of pertinent field notes, photos, and maps) shall be transferred to the repository for permanent storage and maintenance. Associated specimen data and corresponding geologic and geographic locality data shall be archived at the repository and, along with the fossil specimens, shall be made available to paleontologists for future study.

Mitigation Measure E.2-12: Within three months following completion of excavation, a final report of findings that summarizes the results of the work conducted under these mitigation measures shall be prepared by the Principal Archaeologist and the Principal Paleontologist with regard to archaeological and paleontological resources respectively. These reports shall be submitted to the City of Pasadena.

With regard to archaeological resources, the final report shall contain site forms, as needed, site significance, and mitigation measures. Any information regarding site locations, Native American human remains, and associated funerary objects shall be in a confidential addendum, and not made available for public disclosure pursuant to California Government Code Section 6254.10. With regard to paleontological resources, a copy of the final report shall be filed at the museum repository. Submission of the reports as outlined above shall signify completion of the mitigation program.

Mitigation Measure E.2-13: If human remains are encountered during ground-disturbing activities, work in the affected area and the immediate vicinity shall be halted immediately. The construction manager at the Project Site shall be notified, and shall notify the Native American Heritage Commission and the County Coroner pursuant to procedures and requirements set forth in California Health and Safety Code Section 7050.5. Disposition of the human remains and any associated grave goods shall also be in accordance with this regulation and Public Resources Code Sections 5097.91 and 5097.98, as amended. The archaeologist and the Native American monitor, with the concurrence of the City, shall determine the area of potential impact and the timing when construction activities can resume.

b. Facts in Support of Findings

The Project has the potential to cause a substantial adverse change in the significance of any archaeological resource that may exist on the Project site. Earthmoving activities associated with construction of the Project have the potential to

directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The EIR determined that potential impacts to archaeological and paleontological resources would occur during construction and not during development operations. The extent of impacts to archaeological and paleontological resources is related to the extent of surface area disturbed and the depth of excavation. With the incorporation of mitigation measures, impacts with regard to archaeological and paleontological resources would be less than significant. Further, the refined Project requires less excavation with the elimination of one level of subterranean parking. As such, impacts would be less than significant with implementation of the foregoing mitigation measures.

E. AIR QUALITY (Construction – Localized Emissions; TAC Emissions)

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential localized emission impacts during Project construction. Specifically, the following measures are imposed upon the Project to ensure a less than significant impact:

Mitigation Measure F-1: All off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of Phase 1 or Phase 2 construction activities for the proposed Project shall meet Tier 3 standards where commercially available per SCAQMD. In addition, after January 1, 2015, all construction equipment subject to this mitigation measure shall meet Tier 4 standards, where available, and be outfitted with CARB-certified BACT devices, to the extent feasible and commercially available (e.g., void the manufacturer's engine warranty or create workplace conditions that are not consistent with OSHA requirements). The Project Applicant shall make available to the lead agency and the South Coast Air Quality Management District a comprehensive inventory of equipment subject to this mitigation measure. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board or Air Quality Management District operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment. The Project shall use as many haul trucks for soil export/import that meet 2010 NOx emission levels as are commercially available. In the event that a sufficient number of haul trucks that meet 2010 NOx emission levels are not commercially available to meet the Project's requirements, then the Project shall use as many haul trucks for soil

export/import that meet 2007 NOx emission levels as are commercially available. The Project Applicant shall make available to the City of Pasadena a comprehensive inventory of the haul trucks subject to this mitigation measure.

Mitigation Measure F-2: All construction equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications.

Mitigation Measure F-3: Petroleum powered construction activity shall utilize electricity from power poles rather than temporary diesel power generators and/or gasoline power generators unless use of electricity from power poles would present a safety concern to the general public or construction personnel.

Mitigation Measure F-4: Architectural coatings for interiors shall meet super-compliant architectural coating requirements as identified by the SCAQMD (www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf), and where practical, the use of materials that do not require painting or the use of pre-painted construction materials shall be encouraged.

Mitigation Measure F-5: Maximum daily soil disturbance during Phase 1 shall not exceed 6.66 acres of active grading area and 3,400 cubic yards of export of earth materials per day. Maximum daily soil disturbance during Phase 2 shall not exceed 5.6 acres of active grading area and 3,400 cubic yards of export of earth materials per day.

b. Facts in Support of Findings

Implementation of the mitigation measures described above would reduce construction emissions for all pollutants. However, even with the incorporation of the mitigation measures, as shown in Table IV.F-11 on page IV.F-60, the proposed Project would exceed the SCAQMD regional significance threshold for NOX during Phase 1 construction. Phase 2 regional construction VOC and NOX impacts would be reduced to less than significant with the incorporation of the proposed mitigation measures. All other criteria pollutant emissions during Phase 1 and Phase 2 construction would be less than significant. Nonetheless, Phase 1 and Phase 2 construction would result in significant and unavoidable Project-level and cumulative regional impacts, as discussed in section VII below, even with the incorporation of all feasible mitigation measures. With respect to localized emissions from construction activities, localized impacts attributable to Phase 1 and Phase 2 construction would be less than significant on a Project level and cumulative basis. As shown in Table IV.F-12 on page IV.F-61, implementation of the mitigation measures described above would further reduce the less than significant localized construction impacts. Furthermore, actual construction

activities would on average occur at a somewhat reduced level compared to the maximum predicted day and would have a corresponding reduction in pollutant emissions. Therefore, the modeled set of conservative assumptions overstates the potential regional and localized impacts. With mitigation, localized emissions would be reduced to less than significant levels.

F. NOISE

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential construction noise from the Project itself. Specifically, the following measure is imposed upon the Project to ensure a less than significant impact:

Mitigation Measure H-1: No person shall operate any pile driver, power shovel, pneumatic hammer, derrick power hoist, forklift, cement mixer or any other similar construction equipment at any time other than as listed below:

1. From 7:00 A.M. to 7:00 P.M. Monday through Friday;
2. From 8:00 A.M. to 5:00 P.M. on Saturday;
3. Operation of any of the listed construction equipment is prohibited on Sundays and holidays.

The prohibitions set forth above shall not apply to the performance of emergency work as defined in Section 9.36.030 of the Pasadena Municipal Code. For purposes of this section, holidays are New Year's Day, Martin Luther King Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, and Christmas.

b. Facts in Support of Findings

Project construction within the boundaries of the Project Site would not generate noise levels that exceed 85 dBA at 100 feet from the source. Off-site construction truck travel attributable to the Project would generate less than significant noise levels, although cumulative off-site construction truck travel may result in significant impacts for the noise sensitive receptors located on and near Corson Street leading to Marengo Avenue on-ramp to the I-210 freeway.

Compliance with the regulatory compliance measures, project design features, and required mitigation measures would reduce Project construction noise levels to the extent feasible. Implementation of Mitigation Measure H-1 would limit the construction hours to daytime hours during weekday and Saturday, which would reduce the duration of the Project's less than significant construction noise impacts.

G. HAZARDS AND HAZARDOUS MATERIALS

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential impact to hazards and hazardous materials. Specifically, the following measures are imposed upon the Project to ensure a less than significant impact:

Mitigation Measure J-1: Prior to the start of Project construction, the Applicant shall conduct a Phase 2 ESA in the portion of the Project Site formerly occupied by possible dry cleaners and gasoline station to assess the potential for the presence of on-site contaminated materials. The Phase 2 ESA shall be reviewed and approved by the Pasadena Fire Department. In the event that on-site contamination is identified, treatment options may include, but are not be limited to, excavation and off-site disposal, soil vapor extraction, or other in-situ remedial measures. All treatment options shall be conducted in accordance with all applicable regulations and in accordance with the requirements of the Pasadena Fire Department and any other regulatory agency with jurisdiction.

Mitigation Measure J-2: A Soil Management Plan shall be prepared and implemented, by the Applicant, that establishes the protocol to manage the environmental conditions that may be encountered during construction, including soil contamination, as well as underground features such as an underground storage tank, septic tank, clarifier, etc. The Soil Management Plan shall be reviewed and approved by the Pasadena Fire Department. The Soil Management Plan shall include protocols for the following:

- Obtaining necessary permits (e.g., South Coast Air Quality Management District Rules 1166, 402, and 403);
- Identifying impacted soil and underground features;

- Notification to the appropriate regulatory agencies (e.g., Regional Water Quality Control Board, Pasadena Fire Department) if environmental contamination is encountered;
- Removal of underground storage tank(s) by licensed professionals;
- Excavation of impacted soil;
- Approval for backfilling and proceeding with the construction;
- Segregation of potentially impacted material;
- Loading and transportation;
- Potential disposal options;
- Monitoring and mitigation (if required) of volatile organic compounds (if encountered) and fugitive dust in workers breathing zone, as well as the perimeter of the Project; and
- Reporting to the appropriate agency or agencies.

Mitigation Measure J-3: During Project construction in areas of the Project Site with suspected contaminated soils, there shall be an environmental contractor on-site to monitor for contamination when construction occurs in those areas. During Project construction in areas where contaminated soils are not suspected, the environmental contractor shall be on call and available in the event that unanticipated contamination is found. If contamination is found, it would be handled in accordance with applicable regulations.

Mitigation Measure J-4: If excavation is expected to occur in the vicinity of the natural gas transmission pipeline, a plan shall be developed detailing protective measures for the pipeline. This plan shall be submitted to the Pasadena Fire Department for review and approval prior to any Project excavation activities.

Mitigation Measure J-5: Prior to the issuance of any building permit in proximity to the natural gas transmission pipeline, the Applicant shall coordinate with the Pasadena Fire Department during their review of site plans to include consideration of the potential risks associated with line failure emergencies on

the proposed structure, including, but not limited to, specific setback changes and/or other recommendations to decrease any potential risks.

In addition, see Mitigation Measure K.1-1 (Public Services—Police), and Mitigation Measure K.2-4 (Public Services—Fire Protection).

b. Facts in Support of Findings

The Project has the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The Project also has the potential to create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. The Project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.

With implementation of the regulatory compliance measures set forth in the Draft EIR and mitigation measures set forth above, Project-level and cumulative impacts related to hazards and hazardous materials during construction and operations of Phase 1, Phase 2 and Project Buildout would be less than significant.

In the event hazardous materials are unearthed during Project construction, construction workers and nearby sensitive receptors may be exposed to impacted soils by either direct contact or indirect exposure during earth moving activities, loading, and transportation. With implementation of Mitigation Measures J-2 and J-3, which require the preparation of a Soil Management Plan and an environmental contractor to monitor for contamination, respectively, as well as adherence to Regulatory Compliance Measure J-2, which requires OSHA regulations pertaining to impacted soils, impacts during Phase 1 and Phase 2 construction would be less than significant.

H. PUBLIC SERVICES (POLICE AND FIRE SERVICES)

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential impact to public police and fire protection services. Specifically, the following measures are imposed upon the Project to ensure less than significant impacts:

Mitigation Measure K.1-1: The Applicant shall include provisions in the Project's construction management plan that addresses emergency vehicle access to the Project Site, particularly during the period of time that the on-site