

Boulevard would be reduced to below a level of significance. (Id. at pp. 31-27 to 28.)

Construction of Mitigation Measure 3I-1 is consistent with the General Plan. (Id. at p. 9-27.)

With regard to street segment impacts, the Project would have significant impacts at the following street segments: Pasadena Avenue north of Green Street, and Del Mar Boulevard west of Fair Oaks Avenue. Impacts to Pasadena Avenue north of Green Street would be significant based on the City's impact criteria, however, even after the addition of project traffic to this street segment, it would continue to operate at LOS A. (Id. at p. 31-28.) The significant impacts on Pasadena Avenue north of Green Street and on Del Mar Boulevard west of Fair Oaks Avenue will be mitigated by increasing the capacity of these street corridors by implementing advanced ITS signal coordination on the Pasadena Avenue/St. John Avenue corridors from Columbia Street north to Walnut Street. (Id. at p. 31-29.)

Pursuant to the Municipal Code, the Project will be required to provide approximately 1,693 motor vehicle spaces, approximately 144 bicycle stalls, and one loading space for the restaurant uses. (Id. at p. 31-30.) Since there is adequate parking within the Old Pasadena area, the removal of parking spaces currently used by non-Project related uses is less than significant. (Id. at p. 9-17.) Further, it would be a conflict with the Municipal Code, and the intent of a transit-oriented district, to require more parking spaces than dictated by the Code. (Ibid.)

As shown in the EIR, the Project also would not create a significant regional impact at the analyzed Congestion Management Plan arterial monitoring intersection of

Pasadena Avenue/St. John Avenue and California Boulevard. The incremental impact resulting from the addition of project traffic would be less than two percent. (Id. at p. 31-31.) While both of the analyzed segments of I-210 and SR-134 are projected to operate at LOS F during the weekday PM peak hour in the southbound and eastbound direction with the Project, the Project's incremental impact of Project traffic on the freeway segments is less than the two percent CMP criteria and the one percent Caltrans criteria, which is below the threshold for significance. Thus, Project and cumulative impact would be less than significant. (Id. at pp. 31-32 and 33.) The Project site is well served by numerous transit routes, and thus the Project would result generate an average increase of approximately two riders per transit line in the weekday AM and PM peak hours, which is a less than significant impact. However, the Project will contribute to measures that would enhance and promote ridership on local and regional transit lines and encourage non-automotive travel pursuant to Mitigation Measure 31.2. (Id. at p. 31-34.)

Finally, in response to comments, a study of the Project's impacts on pedestrian traffic was undertaken. (See EIR, pp. 9-22 to 25.) All of the sidewalks are projected to operate at LOS A in year 2015, which represents an optimal condition for pedestrians. (Id. at p. 9-24.) Further, no changes in levels of service are projected at intersections around the Project site due to the additional pedestrian volume, as there is enough time allotted to pedestrians in the current signal phasing. (Id. at p. 9-25; see also pp 9-72 and 73.)

Cumulative Impacts

Construction of the related projects would occur in the same area and overlap with construction of the Project. The potential for concurrent construction of the related projects in the vicinity of the Project site would result in a significant and unavoidable cumulative construction traffic impact. The applicant would be required to prepare a construction staging plan in coordination with City staff, pursuant to Mitigation Measure 3I.4. The plan will outline proposed lane closures, construction staging, haul routes, and construction worker routes. Staff will also be able to take into account concurrent construction at other projects around the Project site when it reviews the Plan, and can require modifications as necessary to reduce impacts. Thus, cumulative construction impacts are reduced to less than significant. (EIR, pp. 3I-35 to 36; 9-31.)

As stated above, the analytical method used for traffic incorporates cumulative traffic impacts. The Project's incremental contribution to the impact at local intersections would not be cumulatively considerable, as determined by comparing Project impacts to the thresholds identified for a potentially cumulative considerable impact in the EIR, and because the Project will voluntarily pay a fee toward implementation of the Mobility Element improvements. (Id. at p. 3I-35.)

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

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

a. AIR QUALITY

i. Potential Significant Impacts

Impact 3B.1: Construction activities associated with the project would result in temporary adverse impacts to regional ambient air quality (significant). (EIR, p. 3B-8.)

Impact 3B.3: Operational activities associated with the project would result in adverse impacts to regional ambient air quality (significant). (Id. at p. 3B-11.)

Impact 3B.7: Pollutant emissions associated with the proposed project would result in an adverse impact to cumulative air quality (significant). (Id. at p. 3B-16.)

ii. Proposed Mitigation

The following mitigation measures are recommended to reduce PM₁₀, NO_x, and ROC emissions:

Measure 3B.1: During construction, water three times daily or non-toxic soil stabilizers shall be applied by the applicant, according to manufacturers' specifications, as needed to reduce off-site transport of fugitive dust from all unpaved staging areas and unpaved road surfaces.

Measure 3B.2: During construction, all paved access roads, parking areas, and staging areas shall be swept daily by the applicant using SCAQMD Rule 1186 certified water sweepers or recommended water sweepers using reclaimed water.

Measure 3B.3: During Construction, general contractors shall use low-sulfur diesel fuel with a sulfur content of 15 parts per million by weight or less, as defined in SCAQMD Rule 431.2.

Measure 3B.4: Traffic speeds on unpaved roads shall be limited to 15 mph or less. The applicant and all contractors shall comply with this limit.

Measure 3B.5: Prior to construction, contractors shall properly tune and maintain all construction equipment in accordance with manufacturer's specifications. During construction, tuning shall be monitored to ensure compliance with manufacturer's specifications.

Measure 3B.6: During construction, general contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During

construction, trucks and vehicles in loading and unloading queues shall have their engines turned off when not in use, to reduce vehicle emissions. Construction activities shall be phased and scheduled to avoid emissions peaks and discontinued during second-stage smog alerts.

Measure 3B.7: To the extent possible, petroleum powered construction activity by all contractors shall utilize electricity from power poles rather than temporary diesel power generators and/or gasoline power generators.

Measure 3B.8: During construction, heavy-duty trucks provided by any contractor shall not idle in excess of five minutes.

Measure 3B.9: During construction, contractors shall limit architectural coatings to a VOC content of 75 grams per liter or less. (EIR, pp. 3B-9 to 10.)

The following mitigation measures are recommended to reduce operational NOX emissions:

Measure 3B.10: The applicant shall use light-colored roofing materials to deflect heat away from buildings.

Measure 3B.11: The applicant shall use double-paned windows to reduce thermal loss in buildings.

Measure 3B.12: The applicant shall install automatic lighting on/off controls and energy-efficient lighting, as feasible.

Measure 3B.13: The applicant shall install solar panels on roofs to supply electricity for home heating and cooling systems, as feasible. (Id. at pp. 3B-11 to 12.)

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

Project Construction Impacts

Construction of the Project will create air quality impacts through the use of heavy-duty construction equipment for site preparation and construction activities, and vehicle trips generated from construction workers traveling to and from the Project site. Mobile source emissions, primarily NOX, would result from the use of construction equipment such as bulldozers, wheeled loaders, and cranes. During the finishing phase, paving operations and the application of architectural coatings (i.e., paints) and other building materials would release reactive organic compounds (ROC). (EIR, p. 3B-8.) Maximum regional emissions related to construction would exceed the SCAQMD daily significance thresholds for ROC, NOX, and PM10, but not for CO. (Id. at p. 3B-9.) Even after the imposition of mitigation measures 3B-1 through 3B-10, maximum regional construction emissions would still exceed the SCAQMD daily significance thresholds for ROC, NOX and PM10. The regional construction impacts remain significant and unavoidable. (EIR, p. 3B-10.)

Project Operation Impacts

Regional emissions associated with Project operations would be generated by on-road vehicles and consumption of electricity and natural gas. These operational emissions would exceed the SCAQMD thresholds for NOX, but not for ROC, CO, or PM10, and are a significant impact. (Id. at p. 3B-11.) Maximum regional operational emissions would still exceed the SCAQMD daily significance threshold for NOX after

implementation of the above mitigation measures. (Id. at p. 3B-12.) Thus, air quality impacts from the Project remain significant and unavoidable.

Cumulative Impacts

Construction of the related projects includes the development of hundreds of thousands of square feet of commercial and residential uses. It is anticipated that related project development would result in significant regional air quality impacts much like those of the Project. As related project development is many times that of the Project, it is also likely that significant regional construction impacts would result with regard to CO emissions. While SCAQMD required mitigation measures would reduce air quality impacts, it is forecasted that the construction of the related projects, in addition to the Project, would result in a significant impact with regard to ROC, NOX, PM10, and CO emissions. (EIR, p. 3B-16.)

The Project would result in a significant NOX impact during operations, and therefore would result in a regional cumulative operations impact since the Basin is in non-attainment for ozone and the Project would exceed the regional daily emissions threshold for an ozone precursor (NOX). (Ibid.) Even with implementation of the mitigation measures, Project emissions combined with related-project emissions would continue to exceed the SCAQMD thresholds, resulting in a significant and unavoidable cumulative impact. (Id. at p. 3B-17.)

V. RESOLUTION REGARDING ALTERNATIVES

The City Council declares that it has considered and rejected as infeasible the alternatives identified in the Final EIR as set forth herein. CEQA requires that an EIR evaluate a reasonable range of alternatives to a project, or to the location of a project, which: (1) offer substantial environmental advantages to the proposed project, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. An EIR must only evaluate reasonable alternatives to a project which could feasibly attain most of the basic project objectives, and evaluate the comparative merits of the alternatives. In all cases, the consideration of alternatives is to be judged against a rule of reason. The lead agency is not required to choose the environmentally superior alternative identified in the EIR if the alternative does not provide substantial advantages over the proposed project, and (1) through the imposition of mitigation measures the environmental effects of a project can be reduced to an acceptable level, or (2) there are social, economic, technological or other considerations which make the alternative infeasible.

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

- To promote transit-oriented development in the City through development of an urban residential project that provides for housing of the permitted density within the Central District Specific Plan, while providing on-site ground-floor commercial to serve the project and the surrounding community.
- To support, in part, the City's inclusionary housing requirements by providing a mix of market-rate and affordable housing units in accordance with the City's Inclusionary Housing Ordinance.

- To develop a project that provides substantial public open space and creates an attractive pedestrian environment.
- To preserve the architectural character of Old Pasadena and the surrounding neighborhood by constructing a project whose design is unique yet compatible with the character of Old Pasadena.
- To promote transit-oriented development in the City through construction of a residential development in the heart of downtown Pasadena in proximity to employment, the Gold Line and other transit opportunities, as well as within walking distance of Old Pasadena. (EIR, pp. 4-1 to 4-2.)

Because the proposal to relocate the Dearth House to the proposed new Waverly School campus at 112 Waverly Drive is a separate project, each of the alternatives below is based on the assumption that the Dearth House would be removed from the Project site prior to construction of the Project.

a. ALTERNATIVES ELIMINATED FROM CONSIDERATION

The City of Pasadena eliminated the following alternatives from full consideration in the EIR. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the project objectives, are infeasible, or do not avoid any significant environmental effects (CEQA Guidelines Section 15126.6(c)).

i. SB 1818 Alternative

The Project would provide about 110 inclusionary units on-site. (See errata.) California Senate Bill (SB) 1818, codified at Government Code Section 65915, provides a density bonus of up to 35 percent for the provision of affordable housing units. The Project seeks a 35 percent density bonus on Block 3 under SB 1818. (Ibid.) If the Project were to apply the full density bonus permitted under SB 1818, the Project could include development of 972 residential units over the entire Project site. This would

result in a total average density of 81 dwelling units per acre, which exceeds the site density of 60 dwelling units per acre permitted by the Central District Specific Plan. Development of this alternative would increase the number of new vehicle trips and associated traffic impacts. This alternative would not reduce or eliminate any of the significant impacts of the Project. (Ibid.) No further analysis of this alternative was warranted in the EIR.

ii. Alternative Site

CEQA Guidelines Section 15126.6(f)(2) requires examination of an alternative location for the Project if such locations would result in the avoidance of or lessening of significant impacts. The Project is intended to redevelop the site which was vacated by the Worldwide Church of God over the past decade. (EIR, p. 4-3.) This location was purchased by the applicant for the purpose of redevelopment. The Project would fulfill the CDSP Sub-district Land Use Concept by developing residential units very near the Metro Gold Line station on Del Mar Boulevard. (Ibid.) Development of the Project at another location could avoid impacts to cultural resources and aesthetics, but air quality, noise, and traffic impacts would be similar. In addition, there are no comparably sized (12 acres or more) properties within the City of Pasadena that are currently underutilized and warrant redevelopment on this scale. (Ibid.) As such, further analysis of this alternative was not warranted in the EIR.

iii. Tree Ordinance Compliant Alternative

The Project would remove or relocate 165 mature trees that are scattered throughout the site. (EIR, pp. 4-3, 4-4.) An alternative could retain all of the trees

protected under the City's Tree Protection Ordinance, in addition to a project that complies with the CDSP and the City's Inclusionary Housing Ordinance. (Ibid.) However, given the numerous mature trees on site, a cohesive development proposal that would retain all of the protected and mature trees would unacceptably constrain development of the Project site, as it would not be possible to construct underground parking on-site, and it would not be possible to create a north-south pedestrian walkway connecting Blocks 2 and 3 and several pockets of green space currently proposed. (Ibid.) Due to the constraints imposed upon development by this alternative, no further analysis of this alternative was warranted in the EIR.

b. Alternative 1: No Project/No Build

Pursuant to Guidelines Section 15126.6, the EIR discussed a No Project/No Build alternative. (EIR, p. 4-4.) Under this alternative, the Project would not be constructed and the existing, vacant institutional and industrial uses would continue to be vacant in the absence of an approved development program. The No Project/No Build Alternative would not result in any significant environmental impacts. However, it is unlikely that the site will remain vacant indefinitely since it is in a prime urban area with intense pressures to develop. (Id. at p. 4-5.) This alternative, however, fails to meet any of the Project objectives. (Id. at p. 4-6.) For these reasons, the City finds that the No Project/No Build alternative is infeasible.

c. Alternative 2: Code Compliant

The Project site is within the CDSP, which limits the maximum residential density on the three blocks at 60 units per net acre. In accordance with the CDSP, this

alternative evaluates 715 residential units over the three blocks, a reduction in total residential units by 105 units. The project would continue to include approximately 22,240 square feet of retail uses. In accordance with the City's Inclusionary Housing Ordinance, this alternative assumes a total of 608 units would be market rate and 107 units would be reserve for Low and Moderate Income households. This alternative conforms to the requirements of the General Plan Land Use Element, CDSP, and Zoning Ordinance and would not require any density bonuses or exceptions. This alternative would still result in the removal and relocation of trees protected by the City's Tree Protection Ordinance. (EIR, p. 4-6.)

The alternative's impacts are substantially similar to those of the Project, in all resource areas. As with the Project, this alternative would generate the same significant and unavoidable air quality during construction and operation and cumulative air quality and traffic impacts. Also like the Project, impacts to aesthetics, biological resources, hazards and hazardous materials, historic resources, land use and planning, noise and public services, recreation and utilities would be less than significant. (Id. at pp. 4-7 to 4-9.) With respect to air quality, this alternative would result in a marginal decrease in peak hour traffic, but mobile emissions would still exceed the SCAQMD significance thresholds, and the impact remains significant and unavoidable. (Id. at p. 4-7.) This alternative would meet all of the Project objectives. (Id. at p. 4-9.) However, since this alternative does not avoid or substantially lessen any of the significant environmental impacts of the Project, it is rejected.

d. Alternative 3: Less Dense

The Less Dense Alternative would reduce Project development by 25 percent, and would include approximately 615 residential units and 16,655 square feet of retail use in shorter structures (two- to four-stories), but would be developed over the same footprint as the Project. Like the Project, this alternative assumes that ordinance protected trees would be removed from the site or relocated on-site. (EIR, p. 4-8.)

The Less Dense Alternative would generally reduce traffic and operational air quality impacts compared to the Project. However, the significant and unavoidable construction air quality and cumulative air quality and traffic impacts would remain under this alternative. (EIR, pp. 4-9 to 4-10.) As with the Project, this alternative would result in a less than significant impact to aesthetics, operational air quality, biological resources, hazards and hazardous materials, historic resources, land use and planning, noise, and public services, utilities and recreation. (Id. at p. 4-10.) This alternative meets all of the Project objectives. (Ibid.) However, since this alternative does not avoid or substantially lessen any of the significant environmental impacts of the Project, it is rejected.

CEQA Guidelines Section 15126.6(c) requires that, if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. (EIR, p. 4-10.) The No Project Alternative is the environmentally superior alternative, but would not achieve any of the Project objectives. (Ibid.) Among the other alternatives, the Less Dense Alternative would be the environmentally superior alternative. (Id. at pp. 4-11, 12.)

VI. RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

State CEQA Guidelines Section 15126.2(c) requires an EIR to discuss the significant irreversible environmental changes which would be caused by the proposed project. An impact would occur under this category if, for example: (1) the Project involved a large commitment of nonrenewable resources; (2) the primary and secondary impacts of the Project would generally commit future generations to similar uses; (3) the Project involves uses in which irreversible damage could result from any potential environmental incidents associated with the Project; and (4) the proposed consumption of resources are not justified (for example, results in wasteful use of resources).

The Project would result in an irretrievable and irreversible commitment of natural resources through the use of fossil fuels and construction materials. (Final EIR, p. 5-2.)

VII. RESOLUTION REGARDING GROWTH-INDUCING IMPACTS

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

The Project is consistent with the City's General Plan, Zoning Code and Central District Specific Plan. It does not directly induce growth, but instead accommodates the population growth anticipated in the City's 2004 General Plan Land Use Element. (Final

EIR, p. 5-3.) The Project also does not indirectly induce growth through the increase in sewer line capacity that is required to serve the Project, since the increased capacity will be used by the Project and thus not available to serve another project. (Id. at p. 5-4.)

VIII. RESOLUTION ADOPTING A MITIGATION MONITORING PLAN

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

IX. RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

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

The City Council finds that the Project’s benefits outweigh its unavoidable adverse environmental effects, finds that the Statement of Overriding Considerations is supported by substantial evidence in the administrative record, and therefore adopts the following Statement of Overriding Considerations.

STATEMENT OF OVERRIDING CONSIDERATIONS

1. The Project will provide all of its inclusionary housing units required by the City Municipal Code on-site. (EIR, p. 2-16.) By providing these units on-site, and across the range of affordability proposed, this Project provides access to affordable housing to the labor pool necessary to service many of the adjacent Old Pasadena merchants (i.e., dishwashers, kitchen staff, wait staff, janitors, gardeners, etc.), and to serve the personal employment needs of the surrounding single family residences (i.e., gardeners, housekeepers, child care professionals, etc.). This Project will place these workers within walking, bicycling, or convenient bus transit distance from jobs.

2. The Project will provide medium-density, transit oriented residential housing in very close proximity to the Gold Line, as well as ARTS and Metro bus stops. The Project is thus a key element in the realization of the City's goal to become a City where people can circulate without cars. Further, the City's and regional taxpayers' return on investing in the public transit systems is realized with the development of this Project at its proposed density and at its proposed location.

3. The residential density provided by the Project will ensure a consistent, reliable source of patronage to the businesses in Old Pasadena. Further, the retail uses provided on site are intended to be neighborhood-serving uses, such as drycleaners or convenience stores, and will not compete with Old Pasadena merchants. (See EIR, pp. 9-21 and 22.) As such, the Project adds

to the vitality and stability of Old Pasadena as a major regional commercial center.

4. While the Project is required to provide open space on-site, the applicant has agreed to provide a key component of its open space as publicly-accessible and fronting a public street. This configuration will draw more than just neighborhood users to the site, and assist the City with providing public open space which is clearly accessible to all City residents.
5. The applicant has agreed to contribute a significant amount toward the construction of certain traffic improvements. Based on the applicant's agreement, the City can be assured partial funding for certain of the transportation improvements identified in the 2004 Mobility Element, funding which the City would not have otherwise. (See EIR, pp. 3I-14 and 15.)
6. Pasadena prides itself on the beauty provided to the City by its urban tree canopy coverage. While the Project will remove 118 non-protected trees, it will replace them with more than triple that number, or about 380 new trees. Within ten years of Project completion, the Project will provide nearly double the existing tree canopy coverage. (EIR, p. 3C-5.)
7. The applicant has agreed to provide pedestrian safety improvement enhancements at three crosswalks bordering the Project site, bike amenities beyond those required by the Municipal Code, as well as improvements at an existing bus stop at the site. These voluntary enhancements improve pedestrian safety and provide non-auto transit amenities.

8. Completion of the Project provides the City the opportunity to address certain public facility deficiencies on or near the Project area that would not be realized without the Project. In particular, the Project will correct deficient, narrow and dangerous sidewalk widths around the entire border of the site. The Project will also provide funding to relieve bottlenecks in the City sewer system near the site. Finally, the Project applicant will also assist the City with remedying electrical capacity deficiencies in the area. The secondary effects of these improvements serve to benefit the Old Pasadena area, as well as City residents in the area of the Project.

9. Although the Project is required to pay certain development fees as part of the entitlement process, the magnitude of the Project and the resulting fees provide the City with a unique opportunity to invest in the broader public good. These fees, and the broader public good that will arise from the payment of these fees, would not be realized without the Project.

X. RESOLUTION REGARDING CUSTODIAN OF RECORDS

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

XI. RESOLUTION REGARDING NOTICE OF DETERMINATION

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

Adopted at the regular meeting of the City Council on the _____ day of _____, 2006, by the following vote:

AYES:

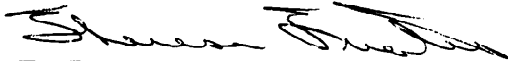
NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Deputy City Attorney