

ATTACHMENT B

**PASADENA ENTERPRISE ZONE FEIR & FINAL
EIR RESOLUTION**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
“ENTERPRISE ZONE DESIGNATION” PROJECT, AND ADOPTING
ENVIRONMENTAL FINDINGS**

WHEREAS, the Enterprise Zone designation project (the “Project”) proposes a new 15 year designation of the City’s Enterprise Zone, whose purpose is to stimulate economic growth in the designated economically distressed areas by making additional State and local incentives and programs available to businesses within these zones. The Project requires approval by the State Department of Housing and Community Development; and

WHEREAS, the City of Pasadena is the lead agency for the Project pursuant to the California Environmental Quality Act (“CEQA,” Cal. Pub. Res. Code §21000 *et seq.*), the State CEQA Guidelines (the “Guidelines,” 14 Cal. Code Regs. §15000 *et seq.*), and the City’s local environmental policy guidelines; and

WHEREAS, pursuant to Section 15063 of the Guidelines, the City prepared an Initial Environmental Study (the “Initial Study”) for the Project. The Initial Study concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources, including: (1) land use and planning; (2) cultural resources; and (3) air quality; and

WHEREAS, the Initial Study concluded that the Project would not have a significant impact on the following resources, and therefore they are not addressed in the EIR: aesthetics, agricultural resources, biological resources, cultural resources, geology, energy and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise,

population and housing, public services, recreation, transportation and traffic, and utilities and service systems; and

WHEREAS, pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, and to satisfy the requirements of Government Code Sections 7070 et. seq. (the “Enterprise Zone Act”), the City ordered the preparation of an environmental impact report for the Project (“EIR”). On October 29, 2006, the City prepared and sent a Notice of Preparation of the Draft EIR and a copy of the Initial Study to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Sections 15082(a) and 15375; and

WHEREAS, pursuant to Guidelines Section 15082, the City solicited comments from potential responsible and trustee agencies, requesting details about the scope and content of the environmental information related to the responsible agency’s area of statutory responsibility that should be studied in the EIR, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would have analyzed in the Draft EIR, and the City received three comment letters in response to the NOP. In addition, an EIR scoping meeting was held by the City of Pasadena on January 25, 2007, and

WHEREAS, pursuant to Public Resources Code section 21092, the City provided a public Notice of Completion and Availability (“NOA”) of the Draft EIR on February 26, 2007. The NOA was mailed to all of the Neighborhood Associations within the proposed Enterprise Zone and was posted at five Zone areas based on a 500 foot radius from the boundaries of the Zone on major streets. Copies of the Draft EIR were also placed at the City’s Planning and Development Department at 175 North Garfield Avenue, as well as at the Pasadena Central Library, La Pintoresca Branch Library, and on the City’s website; and

WHEREAS, the Draft EIR was circulated, together with technical appendices, to the public and other interested persons for a 45-day public comment period, from February 26, 2007 through April 11, 2007; and

WHEREAS, during the public comment period the City received written and oral comments on the Draft EIR, and consulted with all responsible and trustee agencies, other regulatory agencies and others pursuant to Guidelines Section 15086. The City received four written comment letters on the Draft EIR. The City prepared written responses to all written comments received on the Draft EIR and made revisions to the Draft EIR, as appropriate, in response to those comments. The City distributed written responses to comments on the Draft EIR on April 25, 2007, in accordance with the provisions of Public Resources Code Section 21092.5 and Guidelines Section 15088, and made the Final EIR in its entirety available to the public on May 10, 2007. The written responses to comments were thus made available for a 27 day period of public review before the commencement of the public meeting regarding the certification of the Draft EIR. After reviewing the responses to comments and the revisions to the Draft EIR, the City concludes that the information and issues raised by the comments and the responses thereto did not constitute new information requiring recirculation of the Draft EIR; and

WHEREAS, the Final Environmental Impact Report (the “Final EIR” or “EIR”) is comprised of: the Draft EIR, dated February, 2007 and numbered State Clearinghouse No. 2006091160; the Comments and Responses to Comments on the Draft EIR set forth in the Final EIR dated April, 2007; a separate volume comprised of Technical Appendices; and

WHEREAS, the City Council held a duly noticed public hearing on the Final EIR on May 21, 2007; and

WHEREAS, the findings made in this resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at all public meetings regarding the Project and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this resolution is based are on file and available for public examination during normal business hours in the Planning Department and with the Director of Planning, who serves as the custodian of these records; and

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

WHEREAS, the City Council has independently reviewed and considered the contents of the Final EIR prior to deciding whether to approve the Project; and

WHEREAS, the City Council finds that the comments regarding the Draft EIR and the responses to those comments have been received by the City; that the City Council received public testimony regarding the adequacy of the Final EIR; and that the City Council, as the decision-making body for the lead agency, has reviewed and considered all such documents and testimony prior to acting on the Project; and

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

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

I. RESOLUTION REGARDING CERTIFICATION OF THE EIR

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

The City Council finds that the additional information provided in the staff report, in the responses to comments received after circulation of the Draft EIR, and in the evidence presented in written and oral testimony presented at public meetings, does not constitute new information requiring recirculation of the Final EIR under CEQA. None of the information presented to the City Council after circulation of the Draft EIR has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement

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

The City Council hereby finds that the following potential environmental impacts of the Project were found to be less than significant in the Initial Study, did not require the imposition of mitigation measures, and therefore did not require study in the EIR: aesthetics, agricultural resources, biological resources, cultural resources, geology, energy and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, population and

housing, public services, recreation, transportation and traffic, and utilities and service systems (see Initial Study; see also EIR, Chapter 7).

III. RESOLUTION REGARDING ENVIRONMENTAL IMPACTS ANALYZED IN THE EIR, BUT FOR WHICH NO MITIGATION WAS REQUIRED

The City Council finds that the Final EIR did not identify any potential environmental impacts of the Project which required mitigation, and thus the Final EIR did not propose any mitigation measures.

a. Land Use and Planning

i. Potentially Significant Impacts

- Would the project physically divide an established community?
- Would the project conflict with any applicable plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to: the general plan, specific plan, local coastal program, zoning ordinance, etc.) adopted for the purpose of avoiding or mitigating an environmental effect?
- Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

ii. Supporting Explanation – No Mitigation Required

Establishment of the Enterprise Zone and future development/redevelopment within the zone boundaries will not physically divide a community. Instead, the Enterprise Zone facilitates the ultimate buildout of commercial and industrially zoned property in accordance with the City of Pasadena's Comprehensive General Plan and Zoning regulations, and does not propose any changes in land use patterns or distributions from that established in the City's General Plan. (EIR, pp. 4.1-6 to 7.) For the same reasons, the Project will not conflict with General Plan and

Zoning Code. Development within the Enterprise Zone is anticipated to occur in accordance with the City's Comprehensive General Plan and Zoning Code. The Land Use Policy Map of the Pasadena General Plan will govern the distribution of land use and land use patterns throughout the City and throughout the Enterprise Zone areas. As part of the Enterprise Zone Designation, the City does not propose any change to the Land Use Policy Map and Pasadena's long-established land use patterns will remain. (EIR, pp. 4.1-7 to 8.) Likewise, the Project will not involve any change in existing zoning. The Enterprise Zone Designation also does not propose any change to current density and intensity standards of any Specific Plans encompassed by the Enterprise Zone (Fair Oaks-Orange Grove, Central District, East Pasadena and East Colorado Specific Plans). Potential development/redevelopment resulting from the Enterprise Zone Designation would be required to adhere to the land use patterns, development standards, and design guidelines within the applicable specific plan boundaries. (Id. at p. 4.1-9.) With regard to potential conflict with the Mobility Element of the General Plan, although the Final EIR for the 2004 Mobility Element identified significant impacts that would result in future conditions, the Project will not change any land use designations or propose specific development that would contribute to the identified significant traffic impacts. Thus, the Project will not result in any conflicts with the 2004 Mobility Element or the Congestion Management Plan, and therefore, will not result in significant impacts. (EIR, pp. 4.1-10 to 12.) Currently there are no adopted Habitat Conservation or Natural Community Conservation Plans within the City, and there is also no approved local, regional or state habitat conservation plan, therefore the Project would not conflict with such a plan. (Ibid.)

iii. Cumulative Impacts

Potential development/redevelopment resulting from the Project pursuant to the 2004 Land Use Element and the Zoning Code will occur in accordance with land use designation and development intensities identified in the 2004 Land Use Element. The Enterprise Zone is not anticipated to alter existing, established land use patterns. Minimal land use conflict will result from potential Enterprise Zone land uses because these land uses will be integrated with existing development. Given that the Enterprise Zone will facilitate development/redevelopment in accordance with the General Plan, it will also be consistent with the Southern California Association of Governments (SCAG) regional growth management goals and projections and will not result in a significant impact. (EIR, p. 5-3.)

b. Cultural Resources

i. Potentially Significant Impacts

- Would the project cause a substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines §15064.5?
- Would the project disturb any human remains, including those interred outside of formal cemeteries?

ii. Supporting Explanation – No Mitigation Required

The Enterprise Zone Designation by itself does not cause a direct affect on the cultural resources in the area, and therefore, no significant effects are anticipated to result from Project implementation. The Project could be a catalyst for future development projects that could have the effect of accelerating the loss of the older building stock. However, there is no specific information relative to future development, and without that information, it is overly speculative to guess at what specific effects may result. (EIR, pp. 4.2-8 to 10.) The Project does not involve

any development or other physical changes in the environment and, as such, would have no impact on human remains. Potential future projects facilitated by the Enterprise Zone would be subject to State regulations, should any human remains be discovered and adversely affected.

(Id. at pp. 4.2-10 to 11.)

iii. Cumulative Impacts

The Project does not have any cumulative cultural resource impacts. Adopted City policies, programs, standards, guidelines, and regulations provide for a full and comprehensive array of mitigation measures that will apply to future development projects. Continued implementation of existing cultural resource requirements will provide the means to protect historic resources, as well as archaeological and paleontological resources, for each new development project, and thus will ensure that no potential impact to cultural resources occurs.

(EIR, p. 5-5.)

c. Air Quality

i. Potentially Significant Impacts

- Would the project conflict with or obstruct implementation of the applicable air quality plan?
- Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- Would the project expose sensitive receptors to substantial pollutant concentrations?
- Would the project result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- Would the project create objectionable odors affecting a substantial number of people?

ii. Supporting Explanation – No Mitigation Required

The 2003 Air Quality Management Plan (AQMP) and the sub-regional air quality plan – the West San Gabriel Valley Air Quality Plan – govern analysis of the Project’s impacts. The Project encourages development and redevelopment in accordance with the City of Pasadena’s Comprehensive General Plan and Zoning regulations, but does not propose any specific development project. The Enterprise Zone is consistent with the growth expectations for the region, and as a result, is also consistent with the AQMP and the West San Gabriel Valley Air Quality Plan, and has no associated independent air quality impacts. (EIR, pp. 4.3-6 to 7.)

Because specific tenants, buildings or uses in the Enterprise Zone are not known at this time, emissions associated with specific research and development or light industrial operations are too speculative to analyze at this point. Any use in the Enterprise Zone would have to comply with the Rules and Regulations governing sources in the Pasadena Enterprise Zone, as well as any other applicable laws. Implementation of the Land Use and Mobility Elements of the General Plan would not result in CO “hot spots,” and the Pasadena Enterprise Zone is consistent with the General Plan. Thus, no CO “hot spots” are anticipated. (EIR, pp. 4.3-8 to 10.) Future projects that could take advantage of the Enterprise Zone Designation Project could produce objectionable odors. Because specific uses are unknown at this time, it is too speculative to evaluate what odors could be generated from operations within the Enterprise Zone. Specific industrial uses are not known at this time; however, the project’s emissions would be consistent with land uses in the surrounding area. (EIR, p. 4.3-11.)

iii. Cumulative Impacts

There are no cumulative air quality impacts as a result of the Project. The Project encourages development and redevelopment in accordance with the City of Pasadena’s

Comprehensive General Plan and Zoning regulations, but does not propose any specific development project. While the San Gabriel Valley basin (in which the Project is located) is identified as a non-attainment area with regard to meeting federal standards for ozone and particulate matter (PM10), potential cumulative air quality impacts from development/redevelopment within the Enterprise Zone will be reduced through implementation of the AQMP and policies and programs contained in local General Plans, including those in the 2004 Land Use and Mobility Elements of the City's General Plan. (EIR, p. 5-4.)

IV. 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:

1. Facilitate economic growth and revitalization in economically distressed areas through State and local incentive programs;
2. Contribute to buildout of commercial and industrially zoned property in the City of Pasadena; and
3. Increase employment opportunities for local residents. (EIR, p. 2-2.)

a. Alternative 1: No Project/Retain Existing Conditions

Pursuant to Guidelines Section 15126.6, the EIR discussed a No Project alternative. (EIR, pp. 8-1 to 3.) The No Project alternative assumes that the Enterprise Zone Designation and addition of the Colorado Boulevard corridor from Catalina Avenue to South Altadena Drive into the Enterprise Zone would not occur. The lack of economic incentives may result in slower buildout of the same zones with uses that would not generate the anticipated level or type of employment, and level or type of tax revenue possible under the Enterprise Zone expansion. This could reduce the City's ability to provide infrastructure and services at the level that is anticipated with the incentives. Impacts associated with this alternative on air quality could be slightly less than with the Project, but impacts on land use, and cultural resources, would be substantially similar to those of the Project. However, the No Project Alternative would not meet any of the basic Project objectives. (EIR, pp. 8.1 to 8.3.) For these reasons, the City finds that the No Project alternative is infeasible.

b. Alternative 2: Northwest Program Area Only Alternative

This project alternative assumes that the Enterprise Zone Designation would only consist of the Northwest Program Area generally north of I-210, east of Arroyo Seco and west of Lake Avenue. Impacts associated with this alternative on air quality could be slightly less than with

the Project, but impacts on land use, and cultural resources, would be substantially similar to those of the Project.

The Northwest Program Area Only Alternative would fulfill most of the basic Project objectives. However, the area within which economic incentives would be provided would be substantially reduced from the proposed Project, thereby limiting opportunities within the City for development/redevelopment. This alternative does not provide substantial impact reduction in comparison to the proposed Project. For these reasons, the City finds that the No Project alternative is infeasible. (EIR, pp. 8.3 to 8.4.)

The Northwest Program Area Only Alternative is the environmentally superior alternative. This alternative does not fulfill all of the objectives of the Project, because the area within which the economic incentives would be offered is substantially reduced. (EIR, p. 8.4.)

V. 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).

Implementation of the Project would not directly result in irreversible environmental changes. However, one of the objectives of the Project is to contribute to buildout of commercial

and industrially zoned property in the City of Pasadena and facilitate growth. This would indirectly lead to the development/redevelopment of land within the Enterprise Zone to commercial and industrial uses. This resultant development would constitute a long-term commitment to urban/suburban land uses and would represent permanent change. (EIR, p. 6-1.)

VI. 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 Land Use Policy Map of the Pasadena General Plan will govern the distribution of land use patterns throughout the City and Enterprise Zone areas. As part of the Project, the City does not propose any change to the Land Use Policy Map, specific plan amendment or any change in existing zoning. Potential development/redevelopment resulting from the Project must adhere to the land use patterns, development standards, and design guidelines within the applicable specific plan boundaries. In addition, future development/redevelopment resulting from the Enterprise Zone located outside of Specific Plan boundaries would be required to adhere to threshold development levels for the total number of units or square footage within each land use category. Therefore, the Project would be consistent with existing planned growth projections, and would not result in the extension of utilities or service systems that would facilitate growth in areas beyond what is projected in regional forecasts. The Project would thus not have any growth-inducing effects. (EIR, p. 5-7.)

VII. 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.

VIII. 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 _____, 2007 by the following vote:

AYES:

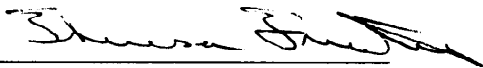
NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



Theresa E. Fuentes
Deputy City Attorney