

report contains detailed recommendations for materials to be used to protect various types of piping from corrosive soils. Adherence to the recommendations in the geotechnical report and appendix D as required by mitigation measure GEO-2 would ensure that the Project is designed and constructed in a manner that would reduce the potential for adverse effects from soil expansivity, soil settlement, soil corrosivity, and soil collapse to a level that is less than significant. (EIR, pp. 4.4-6 and 7.)

### **Cumulative Impacts**

The proposed development, in conjunction planned and pending development, would expose additional people and property to geologic hazards. Cumulative impacts from geologic hazards such as seismically related ground shaking, and soil stability would be similar to what is described under this project's impact analysis, and would be addressed on a project-by-project basis. Adherence to Uniform Building Code requirements and site specific geotechnical recommendations for individual projects would reduce the potential for adverse effects to a level that is less than significant. In any event, the Project's incremental effect is not cumulatively considerable. (EIR, p. 4.4-8.)

### **e. WATER SERVICE**

#### **i. Potential Significant Impacts**

**Impact W-1** The proposed project would generate increased demand for water. (EIR, p. 4.6-22.)

## **ii. Proposed Mitigation**

**W-1 LEED Water Efficiency Credit 3.1** Employ strategies that in aggregate use 20% less water than the water use baseline calculated for the building (not including irrigation) after meeting the Energy Policy Act of 1992 fixture performance requirements. Calculations are based on estimated occupant usage and shall include only the following fixtures (as applicable to the building): water closets, urinals, lavatory faucets, showers and kitchen sinks.

## **iii. Findings Pursuant to CEQA Guidelines Section 15091**

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

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

## **iv. Supporting Explanation**

The City is well aware of the current water shortage facing public entities throughout the State, and the EIR sets forth an as up-to-date as possible picture of this ever-changing situation as of the circulation date for the Draft EIR. However, even after circulation of the Draft EIR began, the City continued to take action to address the shortage at the local level as changing circumstances dictate. (See staff report dated October 12, 1009.) The City Council finds that none of the actions or events summarized in the staff report impact the adequacy of the water supply analysis in the

EIR or constitute new information that would trigger recirculation or further CEQA analysis.

Taking into account the existing 66,000 square foot retail building, the Project would result in a net increase in demand of 16.4 AFY. These 16.4 AFY represent standard water consumption rates absent water conservation techniques. (EIR, p. 4.6-22.) The Project will be LEED certified.

The EIR sets forth an exhaustive explanation of the City's water supply constraints and demand levels, and concludes that, even in this time of drought caused by legal actions and by environmental factors, the City can supply projected demand from the Project based on existing entitlements. (EIR, pp. 4.6-1 to 4.6-20, particularly Table 4.6-2.) However, the City requires that projects conserve at least 20% on potable water for water supply impacts to be considered less than significant. (Id. at p. 4.6-21.) Implementation of mitigation measure W-1 would result in a 20% reduction of water usage over normal baseline usage. This measure would achieve project consistency with the City's goal of increasing water conservation by 20% by 2020. The Project could further reduce water consumption by incorporating LEED Water Efficiency Credit 3.2, which would further reduce on-site water consumption by an additional 10%. LEED Water Efficiency Credit 3.2 is recommended as a priority design feature under the Greenhouse Gas Discussion near the end of Section 4.2 Air Quality. However, the project's impact to water service would be less than significant with implementation of

mitigation measure W-1. Therefore, the Project's water supply impact is reduced to less than significant. (EIR, p. 4.6-23.)

### **Cumulative Impacts**

The Project, in conjunction planned and pending development, would create additional demand for water. However, as indicated in the EIR and in tables 4.6-1 through 4.6-3, water supplies are adequate over a 20-year planning horizon in single dry year, multiple dry year and average years to serve projected development increases. Further, other development projects in the City will also be required to show compliance with the City's water conservation goals related to the Urban Environmental Accords and the Governor's 20% by 2020 water reduction plan. There may be periods when local and regional plans to curtail water usage are implemented to offset reduced supplies during shortage periods. However, conservation programs, plans and policies at the regional and local level, and development of additional diversified supplies – all of which are ongoing in the City at this time – will allow the City to continue meeting future water demand. Accordingly, the Project's incremental effect is not cumulatively considerable, and water supply issues do not present a significant cumulative impact at this time. (EIR, p. 4.6-23; see also staff report dated October 12, 2009.)

#### **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. TRAFFIC AND CIRCULATION**

###### **i. Potential Significant Impacts**

**Impact TC-1** The Project would incrementally increase traffic levels at study area intersections. The increased traffic levels would not cause an exceedance of adopted significance criteria at 12 of the 13 intersections. (EIR, p. 4.5-15.)

**Impact TC-2** The Project would incrementally increase traffic levels along study area roadways. (EIR, p. 4.5-23.)

**Impact TC-3** The Project would provide 522 parking spaces, of which 155 would be public spaces to serve the Playhouse District. (EIR, p. 4.5-27.)

**Impact TC-4** The Project would not generate trips exceeding congestion management plan ("CMP") criteria at CMP locations. (EIR, p. 4.5-28.)

**Impact TC-5** The Project would incrementally increase demand for public transit service. (EIR, p. 4.5-29.)

**Impact TC-6** Access to the subterranean parking structure would be provided by a two-way driveway/ramp from El Molino Avenue. (EIR, p. 4.5-29.)

###### **ii. Proposed Mitigation**

**TC-1(a) Prohibited Left-Turns.** Left-turn movements at the northbound and southbound approaches on El Molino Avenue at the Colorado Boulevard Intersection shall be prohibited.

**TC-1(b) Left-turn Pocket Installation on El Molino Avenue at Union Street Intersection.** A left-turn pocket shall be installed at the northbound approach on El Molino Avenue at the Union Street intersection. The northbound and southbound approaches on El Molino Avenue shall be restriped to accommodate the installation of the northbound left-turn pocket. The resultant lane configurations at the northbound approach to the intersection would be one exclusive left-turn lane and one through lane. The traffic signal at the El Molino Avenue/Union Street Intersection shall be modified to provide northbound left-turn phasing.

**TC-1(c) Left-turn Pocket Installation on El Molino Avenue at Green Street Intersection.** The northbound and southbound approaches on El Molino Avenue shall be restriped and a southbound left-turn pocket shall be installed. The re-striping would necessitate reconstruction/modification of the existing catch basin on the northeast corner to accommodate safe movement of vehicles traveling northbound on El Molino Avenue. The resultant lane configurations at the southbound approach to the intersection would be one exclusive left-turn lane and one through lane. The traffic signal at the El Molino Avenue/Green Street intersection shall be modified to provide southbound left-turn phasing.

**TC-1(d) Transportation Demand Management (TDM).** The project shall comply with the City's Trip Reduction ordinance. Upon submittal of a TSM Program for review and approval, the owner/developer shall place a deposit based on the current General Fee Schedule with the Department of Transportation prior to the issuance of a building permit. This deposit is subject to a refund or an additional billing in the event that the deposit amount is not sufficient to cover the cost of the review. The developer shall pay an annual Transportation Demand Management status report review fee based on the current General Fee Schedule, in compliance with the requirements of the Trip Reduction Ordinance.

The TSM program shall encourage a mix of tenants with varying start/stop times to help reduce AM/PM peak-hour traffic. The TSM shall also require the use of marketing materials and website design that directs site visitors to the site via the City's arterials and traffic corridors, instead of using de-emphasized streets like El Molino and Glenarm.

**TC-1(e) Traffic Reduction and Transportation Improvement Fee.** The City's Traffic Reduction and Transportation Improvement Fee (TR-TIF) program funds key intersection improvements, completes roadway extension projects identified in the Mobility Element, funds improvements to manage traffic on designated multimodal corridors and funds public transit improvements to encourage non-automobile travel in the City. The TR-TIF program is applicable to new industrial, office, retail and residential development. The current fee schedule for the land uses are as follows:

- Industrial use: \$3.20 per square-foot of net new space
- Office use: \$3.84 per square-foot of net new space
- Retail use: \$8.89 per square-foot of net new space
- Residential use: \$2,556.88 per net new residential unit the proposed

The applicant shall make the required payment based on the fees in affect at the time of payment, prior to the issuance of building permits. It should be noted that as the existing commercial building which would be removed to accommodate the proposed project is currently vacant, existing use trip credits will not be applied in the TR-TIF program fee calculation.

**TC-2 Street Segment Mitigation.** The following measures are required conditions by PASDOT:

- Contribute funds toward a pedestrian safety study in the vicinity of the project. The plan shall study measures such as mid-block signals, curb extensions, pedestrian countdown signals, enhanced crosswalks etc to improve walking safety and convenience to and from parking structures/businesses in the area.
- Provide wayfinding signage between the parking garage and the Pasadena Playhouse, directing patrons to utilize designated crosswalks at Green Street or Colorado Boulevard. The sign program and format is subject to the review and approval of the Planning Division and the Department of Transportation.
- Provide pedestrian lighting to and from the project to the nearest transit stops within a quarter mile radius.
- Offer unbundled parking option with lease.
- Contribute funds to the Pasadena ARTS program.
- Provide Metro Corporate Transit Passes to employees of this project site.

### **iii. Findings Pursuant to CEQA Guidelines Section 15091**

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

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

### **iv. Supporting Explanation**

#### **Traffic Impacts**

Traffic volumes expected to be generated by the Project were estimated consistent with past City practices. (EIR, p. 4.5-9, see also Table 4.5-3.) The increased traffic arising from the Project does not rise to the level of a significant impact at 12 of the 13 intersections studied. However, Project-generated traffic would cause a

potentially significant impact at the El Molino Avenue/Colorado Boulevard intersection during the PM peak hour. (EIR, p. 4.5-15, Table 4.5-6.) Implementation of mitigation measures TC-1 (a-c) would improve the level of service (“LOS”) of this intersection to LOS C (0.780) from LOS D (0.822) during the PM peak hour. Implementation of mitigation measure TC-1(d) would ensure compliance with the City of Pasadena’s Transportation Management Ordinance. Implementation of Mitigation Measure TC-1(e) would ensure that the applicant pay the required Traffic Reduction and Transportation Improvement Fee. Therefore, implementation of mitigation measures TC-1 (a-e) would reduce impacts to a less than significant level. There are no significant secondary impacts as a result of the turn restrictions arising from mitigation measures TC-1(a-c). (EIR, pp. 4.5-23, 8-24.)

With regard to segment impacts, the EIR used the City’s standard methodology to conclude that the percentage increase in average daily trip (“ADT”) volumes on study area street roadway segments during the Project year that is due to Project traffic was less than significant on all studied intersections with the exception of four segments. (EIR, pp. 4.5-23 to 26, see also Table 4.5-7.) After circulation of the Draft EIR, members of the public commented that the segment impact analysis had not reached far enough into the surrounding neighborhoods to capture all potentially significantly impacted street segments. The City ran the segment impact analysis a second time, reaching further out from the Project site, and found that there was one additional street segment impacted at a potentially significant level (El Molino Ave, north of Colorado



Boulevard to Union Avenue). Accordingly, the City recirculated the traffic section of the EIR. (EIR, p. 8-34.) The EIR has been edited accordingly, and concludes that implementation of mitigation measures TC-2 and TC-1 (a-e) will reduce Project-generated traffic on two of the four impacted street segments. However, for the segments of El Molino Avenue from Colorado Boulevard south to Green Street, and Colorado Boulevard north to Union Avenue, these mitigation measures do not reduce the impact to below a level of significance. (Id. at pp. 4.5-26 to 27, 8-24; 8-34.) The City Council finds that there are no feasible mitigation measures to reduce the impacts on these two segments to below a level of significance, and rejects the suggested mitigation measure of turning El Molino into a one-way street or to close it altogether, because those options would not reduce impacts, and instead would have potentially significant secondary effects. (EIR, pp. 8-35 to 36, 8-48.) The City Council also finds that there is no new information or changed circumstances that would warrant further traffic analysis or recirculation.

The Project does not generate trips that exceed the County of Los Angeles Congestion Management Program criteria, and therefore the Project does not have significant impacts in this regard. (EIR, p. 4.5-28.) Likewise, while the Project will incrementally increase demand for public transit services, the existing system will serve the new demand and no significant impacts in this regard are anticipated. (Id. at p. 4.5-29.) Finally, vehicular access to the subterranean parking garage can be fully

accommodated at a proposed driveway on El Molino Avenue. No potentially significant safety impacts in this regard have been identified. (Id. at p.. 4.5-29 and 30.)

### **Parking Impacts**

The Project proposes 522 parking spaces in a six level subterranean garage. Of those spaces, 155 would be public spaces to serve the Playhouse District, and 367 would serve the Project as required by the Zoning Code. (EIR, p. 4.5-27.) Since the Project provides all of its required parking onsite, there are no potentially significant impacts to arise from parking. (Id. at p. 4.5-28.)

During public comment, the question was raised about the traffic impacts that would arise from the 155 public spaces. In 2005, the City Council found that there was a shortage of parking in the Playhouse District. The logical extension of that finding is that traffic is already circulating in the area, searching for traffic. That logic has been used by the City in the past with regard to its approach to traffic analysis impacts with parking garages. The 155 public spaces provided by the Project are intended to address that shortage, and the existing circulating traffic. (EIR, pp. 8-35, 8-50.) Therefore, the City Council finds that there are no additional traffic impacts that would arise from the 155 public parking spaces.

### **Pedestrian Safety Impacts**

The project description never included a mid-block crosswalk between Colorado Boulevard and Green Street, and therefore the City Council finds that analysis of the potential safety impacts of the crosswalk was not required by CEQA. Nonetheless,

concern was expressed that the EIR should have analyzed potential pedestrian safety impacts from pedestrians exiting the Project at a proposed paseo opening on El Molino Avenue, across from the Pasadena Playhouse. Crossing at that location is legal with or without the Project, per the California Vehicle Code. The Council finds that the Project, as designed, includes signage that will encourage pedestrians to proceed to the crosswalks at the corners of El Molino and Colorado Boulevard, and El Molino and Green Street. To satisfy the public concern regarding safety, mitigation measure TC-2 was modified to include a wayfinding component. (See EIR, pp. 8-31 to 32.) Further, if a crosswalk were ever actually proposed on El Molino, its potential safety impacts would be studied at that time. (Ibid.) With these measures, the Council finds that there is no evidence in the record of potentially significant pedestrian safety impacts that should have been studied in the EIR.

### **Cumulative Impacts**

The traffic methodology described above is standard in the industry and incorporates an analysis of cumulative traffic growth, both with and without the Project. (EIR, p. 4.5-14 to 16.) Further, the City Council finds that the cumulative impact analysis is in keeping with the methodology adopted by the City Council in 2004, after being subject to peer review. Related project trips were estimated and also assigned to the street system. Resulting cumulative traffic volumes and street segment impacts (with and without the Project) are presented in the EIR. (Id. at pp. 4.5-16, 4.5-23, see also Tables 4.5-6 and 4.5-7.) Traffic associated with the Project would incrementally

increase delays at study intersections at a less than significant level at all but one intersection. With the implementation of mitigation measures set forth above, these impacts would remain below the respective significance thresholds at all of the analyzed intersections and on eight of the ten analyzed roadway segments. However, impacts resulting from Project-traffic would remain significant and unavoidable at the roadway segments of El Molino Avenue between Colorado Boulevard and Green Street and between Union Street and Colorado Boulevard, and therefore the Project's incremental effect to the overall change would be cumulatively considerable, even after mitigating to the extent feasible. (EIR, p. 4.5-30.)

The City Council finds that none of the other information provided in the Responses to Comments regarding any traffic, pedestrian safety, or parking issues triggers recirculation of the EIR.

## **V. RESOLUTION REGARDING ALTERNATIVES**

The City Council declares that the City has considered and rejected as infeasible the alternatives identified in the Final EIR as set forth herein. CEQA requires that an EIR evaluate a reasonable range of alternatives to a project, or to the location of a project, which: (1) offer substantial environmental advantages to the proposed project, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. An EIR must only evaluate reasonable alternatives to a project which could feasibly attain most of the basic project objectives, and evaluate the comparative merits

of the alternatives. In all cases, the consideration of alternatives is to be judged against a rule of reason.

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

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

- Construct a substantial commercial building at a prominent corner location and infill a relatively under-utilized site.
- Increase employment and provide job opportunities in a Transit Oriented District.
- Provide a subterranean parking facility for shoppers, visitors, and entertainment related venues.
- Enhance the architectural and urban character of Colorado Boulevard.
- Provide a public plaza that creates a linkage to the Playhouse building.
- Support the City's environmental sustainability goals by constructing a LEED certified building. (EIR, p. 2-6.)

The alternatives analyzed in the EIR represent a reasonable range of alternatives based on the applicable provisions of the CEQA Guidelines. The City Council finds that the City properly rejected analysis of additional reduced density alternatives, such as a 50% or 75% reduced-density alternative. (See EIR, p. 8-35.) These alternatives would not avoid any significant environmental impacts of the Project beyond what has already been addressed by the 80% Reduced Project Alternative set forth below.

Consequently, if the City were to want to analyze those additional alternatives for land use planning purposes, it would be appropriate to do so in the staff report, but not in the CEQA document. Furthermore, such alternatives would not achieve all of the basic objectives of the Project and could undermine the economic feasibility of the Project.

**a. Alternative 1: No Project Alternative**

Pursuant to Guidelines Section 15126.6, the EIR discussed a No Project Alternative. The No Project Alternative assumes that the two story commercial retail building would not be demolished, the current 36 surface parking spaces and 28 trees would remain onsite, and the visual character of the Playhouse District would remain in its current state. (EIR, p. 6-3.) While this alternative would not result in any environmental change, simply re-leasing the currently vacant structure onsite would have potentially significant environmental effects in terms of traffic and street segment impacts, yet those impacts would go unmitigated since re-leasing of the site by the applicant would likely not trigger a discretionary CEQA action through which the City could impose mitigation measures. Accordingly, the No Project Alternative would reduce or avoid some, but not all, of the potentially significant impacts of the Project. (Ibid.)

The City Council finds that the No Project Alternative would not achieve most of the basic objectives of the Project. It would keep in place a hard-to-lease site, perpetuating the underutilized and often vacant nature of the site. It would not further the goals of the Transit Oriented District since it would provide very few jobs to the area.

It would maintain the run-down, architecturally dull façade of the current structure on Colorado Boulevard. Finally, it would not benefit the nearby historic structures, provide pedestrian linkages, nor would it support the City's environmental sustainability goals.

**b. Alternative 2: Offsite Parking Alternative**

The Offsite Parking Alternative would include the same office uses as the Project, however this alternative includes two options for off-site parking that would divert some traffic from El Molino Avenue. The on-site subterranean parking structure would be reduced from six levels, to four and a half levels to accommodate 400 on-site spaces (304 project-only spaces and 96 public spaces). The remaining 122 parking spaces (60 public spaces and 62 Project-only spaces) would be available off-site either at the Madison Structure located on South Madison Avenue along Playhouse Alley or at 621 East Colorado Boulevard between Madison Avenue and El Molino Avenue. Of the spaces provided off-site neither of these alternatives would involve additional construction at off-site locations. (EIR, p. 6-3; see also Appendix E, p. 10.)

Excavation under this alternative would be reduced by 25% over the Project, and would divert some traffic from the immediate Project streets to nearby streets. This alternative would have the same impacts as the Project with the exception of temporary air quality effects and traffic effects. (EIR, pp. 6-3 to 6-5.) This alternative was fully analyzed in the traffic report (see EIR, Appendix E). Like the Project traffic study, this alternative assumes that traffic traveling to the public parking spaces is already in the baseline system. The traffic mitigation measures imposed on the Project would be

imposed under this alternative, but the impact to the street segments on El Molino would remain significant and unavoidable. (Id. at p. 6-5.)

The City Council finds that the Offsite Parking Alternative does not meet all of the Project objectives. It does not provide adequate parking for visitors to the Pasadena Playhouse, directly across the street from the Playhouse. Further, the parking at the Project was to be available during the daytime, whereas the alternate parking sites are generally available only at night. In addition, this alternative puts Project parking spaces offsite, thereby decreasing the rental appeal of the site to future tenants and potentially undermining the job opportunities in a TOD District. This alternative otherwise meets most of the basic Project objectives.

**c. Dual Access Alternative**

This alternative is similar to the Project, except that it includes two options for on-site vehicle access: one on El Moline Avenue, and one on Green Street. This alternative would have the same impacts as the Project with respect to all issue areas except for traffic effects because the development intensity is the same. The only difference would be traffic distribution patterns. (EIR, pp. 6-5 to 6.) This alternative was fully analyzed in the traffic report (referred to as Alternative 2 in that study, see Appendix E to the EIR). This alternative would result in a significant impact at the Colorado Boulevard/El Molino Avenue intersection and at the street segments of El Molino Avenue north of Walnut Street, between Walnut Street and Union Street, between Green Street and Cordova Street, and between Cordova Street and Del Mar



Boulevard. Implementation of mitigation measures TC-1(a-e) would mitigate the impact at the intersection and street segments at the same level as the Project. This alternative would additionally result in a significant impact on the street segments between Colorado Boulevard and Playhouse Alley and between Union Street and Colorado Boulevard, the same as with the Project. Mitigation measure TC-2 would apply, but would not mitigate the impact to below a level of significance. Accordingly, this alternative has the same significant impacts as the Project. (Ibid.)

The City Council finds that, since this alternative is the same as the Project in every aspect except access, it would attain the Project objectives. However, the City Council also finds that this alternative is not feasible. The applicant has tried numerous times to negotiate with the owner of the property on the corner of El Molino Avenue and Green Street for access across the property into the Project site and has been unsuccessful every time. (EIR, p. 8-33.) Further, the City has attempted to assist the applicant in this regard, with no success.

**d. 100% Floor Area Ratio Alternative**

This alternative assumes a 10% FAR reduction from the Project, or, in other words, construction of the Project without the 10% FAR bonus allowed by Pasadena Municipal Code Section 17.30.050. With this alternative, the building size would be 145,128 square feet, approximately 14,843 square feet less than the Project, all of which would come out of the office space on the upper levels. (EIR, p. 6-6.)

This alternative would have very similar environmental effects as the Project, albeit slightly decreased in most cases. However, with regard to traffic, this alternative would generate about 10% less traffic, which is not enough to eliminate the significant but mitigable impacts at the Colorado Boulevard/El Molino intersection and at the street segments along El Molino. Mitigation measures TC-1(a-e) and TC-2 would still be required, and the same significant and unmitigable impacts as the Project remain. (EIR, pp. 6-6 to 6-7.)

The City Council finds that this alternative is substantially similar to the Project and would attain most of the basic Project objectives. However, for CEQA purposes this alternative is rejected because it does not reduce any of the unmitigable significant effects of the Project.

**e. 80% Reduced Project Alternative**

This alternative would involve reducing the overall square footage of the development by 80% -- from 159, 971 square feet to 31,471 square feet. (EIR, p. 6-7.) This alternative would require construction of a building that is less than half the size of the existing building, but would still require additional parking to satisfy City requirements. (Id. at p. 6-8.)

This alternative reduces all of the Project impacts to below a level of significance after mitigation, and in the case of traffic does away with the requirement for mitigation. (EIR, pp. 6-8 to 6-9.) However, this alternative does not achieve any of the basic Project objectives. It perpetuates the underutilized semi-blighted condition of the site,

reduces opportunities for employment below those currently existing onsite, does not provide public parking, and does not enhance the urban character of Colorado Boulevard. For this reason, this alternative is rejected.

CEQA Guidelines Section 15126.6(c) requires identification of the environmentally superior alternative, and if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. The No Project Alternative is **not** the environmentally superior alternative in this case. (EIR, p. 6-13.) Among the other alternatives, the 80% Reduced Project Alternative would be the environmentally superior alternative. The reduction in impacts with the 80% Reduced Project Alternative to street segment impacts makes this alternative environmentally superior. (Ibid.) However, the alternative would not meet the basic Project objectives, as discussed above.

**f. Height Averaging Alternative**

This alternative shifts the Project massing such that the building tapers or steps down as it transitions from Zone 1 to Zone 3 through height averaging as allowed by PMC Section 17.30.050. (EIR, p. 6-9, Figure 6-2.) Under this alternative, 30% of the fifth floor would be relocated to create a sixth floor on the northernmost portion of the property adjacent to Colorado Boulevard. The maximum building height would be 88 feet at the top of the sixth floor, 76 feet at the top of the fifth floor, 63 feet at the top of

the fourth floor, 50 feet at the top of the third floor, 35 feet at top of the second floor, and about 25 feet at the top of the parking garage canopy. (Ibid.)

The City Council finds that this alternative would have virtually identical environmental effects as the Project, would require the same mitigation measures, and would attain most of the basic Project objectives. (EIR, pp. 6-9 to 6-10.) However, for CEQA purposes this alternative is rejected because it does not reduce any of the unmitigable significant effects of the Project.

## **VI. RESOLUTION REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES**

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

Construction of the Project would result in a commitment of limited, slowly renewable, and nonrenewable resources. Such resources would include certain types of lumber and other forest products; metals such as steel, copper, and lead; aggregate materials used in concrete and asphalt (e.g., stone, gravel, and sand); and other

construction materials such as plastic. In addition, fossil fuels used in construction vehicles would also be consumed during construction of the Project. Operation of the Project would involve the continued consumption of limited, nonrenewable, and slowly renewable resources similar to other urban developments. These resources would include natural gas and electricity, petroleum-based fuels, fossil fuels, and water. Energy resources would be used for heating and cooling of buildings, transporting people and goods to and from the site, heating and refrigeration for food storage and preparation, heating and cooling of water, and lighting. The additional vehicle trips associated with the Project would increase regional air pollutant emissions, which would incrementally contribute to the degradation of air quality. (See EIR, p. 5-2.) Mitigation measures recommended in Section 4.2, Air Quality, including ROG, ozone precursor, Under Title 24, Part 6 of the California Code of Regulation, conservation practices limiting the amount of energy consumed by the Project is required during operation. In addition, LEED standards would be incorporated into the Project that would reduce greenhouse gas emissions while also reducing energy and water usage through building efficiency measures. Further, as the Project is in a transit oriented district, the number of vehicle trips to and from the Project should be reduced. Despite conservation practices and guidelines in energy conservation, commitment to the use of the nonrenewable resources would be long-term.

## **VII. RESOLUTION REGARDING GROWTH-INDUCING IMPACTS**

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

The Project would replace existing uses on the site and would constitute infill development within a highly urbanized area, and therefore have limited growth inducing effects. The proposed Project would not involve any extension of infrastructure and would not open up undeveloped areas to new development. The Project's generation of 320 new jobs and generation of demand for 18 additional residential units is consistent with the vision for the Central District, the Land Use Element and the General Plan which envisions 2,750 new residential units and 1.25 million square feet of non-residential development within the Central District between 2004 and 2015. (EIR, p. 5-1.)

## **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 as set forth herein, finds that this Statement of Overriding Considerations is supported by substantial evidence in the administrative record, and therefore adopts the following Statement of Overriding Considerations.

**STATEMENT OF OVERRIDING CONSIDERATIONS**

1. Implementation of the Project will revitalize the underutilized site by providing Class A, pedestrian oriented, office space and more economically productive uses of the property than previously existed. The Project will also bring tenants and employees to the site that will patronize existing businesses within the vicinity and thereby contribute to their viability.
2. Implementation of the Project will promote the City's Mobility Element guiding principle that "Pasadena will be a city where people can circulate without cars," and also implements Pasadena's Transit Oriented Development policies by coordinating

and concentrating development in proximity to transportation alternatives such as the Gold Line, and in proximity to higher density housing. The Project will also provide secure bicycle parking facilities on site.

3. Implementation of the Project will provide 155 dedicated public parking spaces, during the daytime and evening hours. These spaces meet more than 50% of the identified 300 parking stall deficit outlined in the 2005 Meyer, Mohaddes Associates parking deficit study adopted by the City Council. In addition, during non-working hours, the remaining parking spaces (367) will also be available to the public and will service the needs of the Pasadena Playhouse, the Lemmele Theater, the Arcade Lane patrons, and the Playhouse District in general.
4. The design of the Project includes a pedestrian paseo that connects Arcade Lane and the proposed dedicated public parking with the surrounding pedestrian circulation system in the area, thereby contributing to the reuse and preservation of the Arcade Building and other historic structures in the area which lack sufficient parking.
5. The Project will assist the City by providing the efficient office space needed to retain local companies within Pasadena. The City's lack of quality, large block office space contributed to significant job losses when companies such as Yahoo/Overture, Kaiser Permanente, MWH Laboratories, and Xerox could not find space in Pasadena. In recent times, about 5,000 residential units have been constructed in the City, but only about three office buildings have been constructed.



6. The project includes 9800 square feet of landscaped area and enhanced hardscape outdoor public open space that will serve as a public gathering place within the Playhouse District.
7. Implementation of the Project will improve social and economic conditions in Pasadena and Los Angeles County through:
  - a. providing approximately 350-400 construction jobs;
  - b. creating approximately 765 new full and part-time employment opportunities at the site, with about the same number of new diners and shoppers at District restaurants; and
  - c. providing the City with annual increased revenues from sources such as property taxes, sales taxes, utility taxes, and business license.
8. Implementation of the Project will provide a LEED Silver certified, energy efficient and environmentally conscious development at the site, thereby contributing to Pasadena's efforts to achieve the goals of its Green City Action Plan.

#### **X. RESOLUTION REGARDING CUSTODIAN OF RECORDS**

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

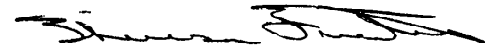
**XI. RESOLUTION REGARDING NOTICE OF DETERMINATION**

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

Adopted by the City Council for the City of Pasadena on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
City Council

APPROVED AS TO FORM:



\_\_\_\_\_  
Theresa E. Fuentes  
Assistant City Attorney