

WEST PASADENA RESIDENTS' ASSOCIATION
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September 14, 2009

Via E-Mail

Mayor Bill Bogaard
Members of the City Council
City of Pasadena
100 North Garfield Avenue
Pasadena, California 91109

Re: Agenda Item 4.B – 16 East California Boulevard, Pasadena

Dear Mayor Bogaard and Members of the City Council:

On September 14, 2009, the Pasadena City Council will consider a call for review of a Hearing Officer decision regarding Minor CUP #5078 for the proposed office building project at 16 East California Boulevard, California. The purpose of this letter is to request that the City of Pasadena develop and implement a comprehensive traffic management plan for the South Fair Oaks Specific Plan corridor.

The West Pasadena Residents' Association recognizes that the proposed project is largely consistent with the requirements of the South Fair Oaks Specific Plan. The project also has some laudable characteristics, including proposed open space at the corner of Fair Oaks and California. However, the WPRA cannot overlook the fact that the Specific Plan laid the groundwork for increased density and traffic congestion in the Fair Oaks corridor. Several high density projects built in recent years, together with the at-grade Gold Line crossings, have resulted in increased traffic congestion that will only get worse as new projects are built in the area.

It is undisputed that the proposed project will increase traffic congestion in the Specific Plan corridor. On a policy level, we hope the upcoming update of the General Plan Mobility Element will result in new City guidelines yielding more transparent and effective traffic studies for future EIRs. Rightly or wrongly, many residents who closely follow Pasadena planning and development issues lack confidence in the City's current

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traffic studies. Questionable methods too often have been used resulting in EIRS that preclude reviewers and citizens from understanding significant impacts of projects. The WPRA is committed to working with the City during the General Plan update to improve Pasadena's traffic study guidelines.

In the meantime, as we work through the General Plan update, the WPRA believes the City should take steps now to mitigate and reduce traffic congestion in the Specific Plan area. Toward that end, the WPRA recommends that the City Council immediately direct City staff to develop and implement a comprehensive traffic management plan for the Specific Plan corridor.

This is not a new idea. The Planning Commission and the Transportation Advisory Commission made similar recommendations when they reviewed the Huntington Outpatient Pavilion project and the Huntington Hospital emergency room project. The Planning and Transportation Commissions understand that traffic gridlock in the Specific Plan area is an issue of Citywide significance. Residential neighborhoods in West Pasadena and Madison Heights are negatively impacted by traffic congestion in this area. Moreover, commuters and visitors traveling east and west are greatly inconvenienced by congestion and gridlock at the Gold Line crossings.

In the context of the discussion of 16 East California Boulevard, the WPRA hopes the City Council will take the opportunity on Monday night to clearly direct staff to develop and implement a comprehensive traffic management plan for the Specific Plan corridor. With clear direction from the Council, the WPRA is confident City staff will quickly move forward with a plan to improve traffic in this area.

Very truly yours,

Audrey O'Kelley
President

Mic Hansen
Vice-President

From: Chris Williams [mailto:chris.williams@huntingtonhospital.com]
Sent: Friday, September 11, 2009 2:32 PM
To: Clark, Erin
Cc: Duyshart, Eric; Madison, Steve
Subject: 16 E. California Project

Erin,

I would like to re-submit my letter of support for the project at 16 E. California Blvd. I understand the project may be brought up at this Monday's Council meeting and I am forwarding my support for you to share with whomever it concerns.

Thanks for your assistance on this,
Chris

From: Chris Williams
Sent: Wednesday, July 29, 2009 2:49 PM
To: 'Clark, Erin'
Subject: 16 E. California Project

Dear Erin,

I want to extend my support for the project under hearing on July 20, 2009, listed as MCUP #5078 or otherwise known as "16 E. California Blvd Office Building & Parking Lot." I have had an opportunity to review the plans and meet with the developers and am very impressed with the improvements anticipated on that very visible corner within Pasadena. The current status of that corner is an eye sore and the sooner we can initiate the improvements the better from the hospital's perspective. With the interesting architecture, beautiful landscaping, underground parking facility, close proximity to the Fillmore Station, I see this as a tremendous benefit to Pasadena and the South Fair Oaks area and give it my full support.

If you have any questions of me on this matter, my contact information is below.

Respectfully,
Chris

Christopher J. Williams, FACHE
Vice President
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Richard Norton

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(626) 396-1121 rdnorton@sbcglobal.net

September 14, 2009

via email to mjomsky@CityofPasadena.net

Mayor Bill Bogaard
Vice Mayor Victor Gordo
Members of the City Council
100 N. Garfield Avenue
Pasadena, CA 91109

Subject: Agenda Item 4.B. Call for Review of MCUP# 5078 for 16 East California Blvd.

Dear Mayor, Vice Mayor and Councilmembers:

As a means of introduction, I am a retired attorney. For nearly thirty years my law practice focused exclusively on litigation of real estate issues. CEQA compliance and Environmental Impact Report (EIR) adequacy were significant components in my practice. For example, early in my career I wrote the construction industry's brief to the California Supreme Court in Friends of Mammoth, et al v Board of Supervisors of Mono County (1972) 8 Cal 3rd 247, the case which held for the first time that CEQA applied to private projects. In the months after that decision I worked on the amendments to the CEQA statute necessitated by Friends of Mammoth and was a principal draftsman of the original State CEQA guidelines. Years later my specialization led the City of Pasadena to retain me as its legal council to bring its own CEQA challenge of a State project planned in Pasadena, see City of Pasadena v. State of California (1993) 14 CA 4th 810.

I am also a member of the City's Planning Commission. I am writing this letter as an individual resident who became aware of this issue as part of my duties on the Planning Commission. I have reviewed the EIR for the proposed project located at the former "Monty's Restaurant" site on the corner of California and Fair Oaks. This location is one of the busiest intersections in the City of Pasadena - just to the east of Huntington Hospital and just west of a Gold Line crossing.

In my opinion, the City has utterly failed its duty to prepare an adequate EIR for this proposed project. I have listed some of my concerns in Attachment A of this letter.

Therefore, my recommendations to the City Council include:

- **This Environmental Impact Report (EIR) is fundamentally flawed and should not be certified in its current form, and a Statement of Overriding Considerations may not lawfully be adopted until the EIR is revised. *Therefore I urge you to vote to call this project up for review.***
- **In general, proposed projects of this size, or projects located on such heavily used intersections or areas of high impact, should not be decided by a Hearing Officer, but rather should go to the Planning Commission and the City Council for EIR and project**

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approval. Therefore, I also urge the Council to consider a municipal code change. (In the municipal code, the existing approval process is too broad. In Section 17 of the Municipal Code, Table 6-1 (Review Authority), a homeowner with a variance request regarding a gate-height is treated the same as this 113,200 sq. ft. proposed project at California and Fair Oaks, one of the most impacted intersections in the city.)

I believe that the City's residents are confused, frustrated and angry about the approval process for large projects in our city. Certainly, the accumulated impacts of more than a decade long commercial building boom have affected our traffic conditions, infrastructure capacity, and our future ability to accommodate the water and electrical needs of our citizens and existing businesses.

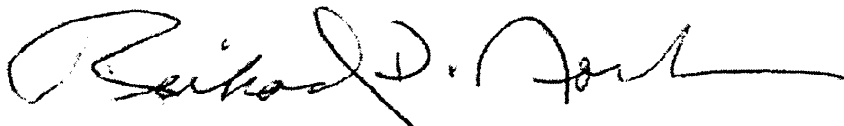
Also, in fairness to the development community, there seems to be uncertainty in the EIR and project approval process. **To balance these competing interests and to establish common sense fairness, I strongly recommend that the standards of EIR studies be improved and the large project approval process be revised and removed from Hearing Officer approval.**

As a city, I believe that we must ask ourselves if EIRs are just a thick stack of boilerplate paperwork to be pushed through the system in order to push through projects, or should EIRs be thorough, accurate planning tools so that the policy makers can see the impacts, both good and bad, and then make the decision as to whether a project should be approved.

I will be unable to attend the City Council meeting this evening because I am also a member of the Design Commission which meets this evening as well. If you would like more information about this EIR, or any other matter, I would be happy to help.

Thank you for your service to the citizens of Pasadena.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Norton". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard D. Norton

ATTACHMENT A

This proposed project (16 East California Boulevard) is on the site of the old Monty's restaurant (closed and unused for some years). The project is at one of the most heavily used intersections in the city, California Blvd. and Fair Oaks Avenue. It is directly across the street from the Huntington Pavilion medical office building soon to open, and a quarter-block east of the Huntington Hospital, including the hospital's newest Emergency Room expansion. It is also just west of the at-grade Gold Line crossing at California. It is a 4-story, 113,200 sq. ft. office building with 255 parking spaces provided in a 2-level subterranean parking garage

The project Final Environmental Impact Report (FEIR) is fundamentally flawed and inadequate to meet the requirements of the California Environmental Quality Act (CEQA). Its heft is intended to divert the Council's attention from the project's significant unaddressed adverse impacts and instead is stuffed with hundreds of pages of "boilerplate" unanalyzed and unchanged from earlier documents.

THE "CUMULATIVE IMPACTS" SLEIGHT OF HAND

I believe that the upper echelon of the Planning and Development Department has concocted a system where the decision-makers never get the information needed to analyze cumulative impacts. The result is that those impacts creep up to emergency levels and no one notices except the enraged residents of Pasadena.

The cumulative traffic impacts of new projects in and near the Fair Oaks Specific Plan area will be dreadful, but are deliberately excluded from the City's CEQA reviews, not just for this project. What are cumulative traffic impacts under CEQA? Members of the staff know the answer. They recite it accurately in the Final EIR for another pending project, 680 E. Colorado:

"Cumulative impacts are defined as two or more individual events that, when evaluated together, are significant or would compound other environmental impacts. Cumulative impacts are the changes in the environment that result from the incremental impact of development of the proposed project and other nearby projects. For example, traffic impacts of two nearby projects may be inconsequential when analyzed separately, but could have a substantial impact when analyzed together."

The last sentence is crucial: traffic impacts of "nearby projects may be inconsequential when analyzed separately, **but could have a substantial impact when analyzed together.**"

Do we know that such substantial impacts are present here? Absolutely, we do from Table 6, page 26 of Appendix E. That table compares "Levels of Service" ("LOS") at intersections near

this project. It shows the impacts of this project and nearby related projects—at least those listed in Table 4 called “Trip Generation for the Related Projects.”

This is what Table 6 reveals:

Pasadena Ave/California Ave AM rush hour goes from Existing LOS C to Cumulative LOS D;

Fair Oaks/Glenarm AM rush hour goes from Existing LOS C to Cumulative LOS D;

Fair Oaks/Glenarm PM rush hour goes from Existing LOS C to Cumulative LOS D;

Arroyo Pkwy/California PM rush hour goes from Existing LOS C to Cumulative LOS D;

Fair Oaks/Del Mar PM rush hour goes from Existing LOS C to Cumulative LOS D.

How do these deteriorations at critical intersections become “insignificant” and therefore unworthy of consideration by the Council?

To find the answer let’s examine what the procedure is. The staff set benchmarks for “Project-related Increase in V/C [vehicle count] to determine whether a project individually has a significant adverse environmental impact.” Supposedly, this project alone does not generate those increases (but see below for a reality check).

Now here is the sleight of hand: For cumulative impacts, the staff merely repeats itself: the additional V/C from this individual project does not exceed the individual project benchmarks, therefore magically and inexplicably they don’t need to look at whether there are significant cumulative impacts from this project and the related projects. The City knows the CEQA cumulative impacts standard: That traffic impacts from “nearby projects may be inconsequential when analyzed separately, but could have a substantial impact when analyzed together.”

But, the cumulative substantial impact of two or more projects never gets recognized in Pasadena. If the project individually fails to reach significant impacts, then without further analysis, the staff contends there can no cumulative impacts. Before the Planning Commission, the city attorney expressly, explicitly confirmed that is the staff’s position. **I believe that position is contrary to law.**

So, the cumulative traffic impacts creep up and up to gridlock, and meanwhile the alarm is never sounded.

THE TRAFFIC STUDY FAILS THE SMELL TEST

If it weren't so serious, the traffic study for this project would be comically inadequate. But it is accepted without question. I believe that staff is so anxious to defend the applicant they apparently left their common sense outside the door when they came to work.

There are too many faults to list all, but just a few should make the point.

The traffic study rests on a computer model. But, as the saying goes: Garbage in, garbage out.

This proposed project will have many hundreds of tenants and visitors arriving by car during morning and evening rush hours. As will the other related projects like Huntington Pavilion, Sares Regis, Huntington Hospital Emergency Room Expansion, and the 8 or so others listed in Table 4 of Exhibit E. By the way, the project across the street, Huntington Pavilion alone, is projected to generate 5,059 daily trips.

So, where do these cars go? The supposed answer is in Table 6 of Appendix E. There, it shows that once the new projects are built, cars passing Fair Oaks and Glenarm will increase substantially from existing (2008) conditions during the morning rush hour. ***But, apparently, according to the conclusions in the EIR, all additional cars going northbound on Fair Oaks toward these new projects get vaporized!*** None of that increased traffic, not one single additional V/C, reaches Fair Oaks and Congress St., the intersection immediately south of this project. ***At Fair Oaks and Congress the change to the existing level made by adding all the new related projects (including this one) during the morning rush hour is exactly 0.000*** (Table 6). By the way, in case one thinks this is just a morning anomaly: The same thing happens at Fair Oaks/Congress in the evening rush hour. ***At the PM rush hour the change in vehicle count (V/C) for all the cars from all the projects studied again is 0.000!***

In fact, all of the traffic counts defy common sense. e.g., where will the 5,059 daily trips generated by the Huntington Pavilion go? It's hard to believe that none of them moves the needle on any nearby intersections.

The other subject of the Traffic Study, "Roadway Segment Impacts" is equally nonsensical.

The Planning Commission at the hearing on the Draft EIR pointed out that **NO roadway segments were studied north of California Blvd., *not even Fair Oaks north of California!*** Therefore, arriving and departing car trips to this project southbound on Fair Oaks from the 210 Freeway or Old Pasadena, for example, were not included in the study. **This defies common sense because in the EIR's own list of related projects, 8 of the 10 included in the study were north of California.**

Further, in comments to the Draft EIR, the Planning Commission pointed out that 8 of the 10 projects studied in the "Related Projects List" (see Page III-9) **were much smaller projects and located far north of the proposed project, and yet the Draft omitted larger, closer projects, such as the Sares Regis project.** As a result, in the Final EIR, the potential traffic impacts were "re-assessed" by the inclusion of the Ambassador West and Westgate Pasadena (Sares Regis) projects **and amazingly, "the results of the analysis did not, however, change the outcome of the previous results."** (see Page VII-23).

THE NON-RESPONSE TO COMMENTS

By law, the FEIR needs to include responses to comments made to the Draft EIR. So, after these issues were raised, staff asked the traffic consultant to do more work by including more proposed projects (Sares Regis for example, previously omitted). Unsurprisingly, ***nothing changed!***

There is still no analysis of significant cumulative impacts. The staff clings to its position that if they find the single project has less than significant impacts alone, there is no need to even consider cumulative impacts.

In the traffic consultant's further work on intersection levels of service, the V/C numbers did change. For example, the consultant's computer said even more cars pass through the Fair Oaks/Glenarm intersection than previously modeled. But, these additional cars meet the same fate as those the computer "analyzed" before. I.e., the computer modeling still concluded that the resulting change to the V/C at Fair Oaks/Congress would be exactly 0.000 during either the AM or PM rush hour as a result of this project and all the related projects.

On the roadway segment analysis, having been confronted with the jaw-dropping omission of any information about impacts north of California, the EIR consultant responded thus in the FEIR:

"The segments selected for analysis are those that could be directly impacted by project trips. Analyses of larger areas are beyond the scope of this project. . ."

Somehow, the Final EIR concluded that only traffic south of California Boulevard will count. How did they arrive at that self-imposed disability? Is it consistent with CEQA? *NO!*

THE LAND USE ASSUMPTION IS CIRCULAR

I believe that the staff uses the South Fair Oaks Specific Plan to hide the project from meaningful review. I urge the Council not to be diverted.

The Final EIR addresses the City's Land Use Designation for this site. Therein, the report finds that this project is in compliance with the South Fair Oaks Specific Plan Bio-medical Corridor (even though this is merely a general use office building and has nothing to do with bio-medical uses). Nowhere does the FEIR ask the critical question: What is the status of the Specific Plan which governs land use on the site and the surrounding Huntington Hospital neighborhood? The only related discussion is found on page II-4 where the Final EIR discusses Land Use Designation as follows:

"The general plan land use designation for the site is South Fair Oaks Specific Plan (Specific Plan). The Specific Plan was adopted in April 1998 to facilitate transition of the area to a center for biomedical and research facilities. . . . The zoning designation for the site is IG-SP-2 (Industry, General, Specific Plan), which indicates that the site is within an industrial district and subject to the Specific Plan Overlay District (SP2)."

1. The FEIR offers no clue about how this general office project in any way "facilitates transition of the area to a center for biomedical and research facilities" or what has happened in the Specific Plan area since 1998 to reach that goal, or whether facts on the ground have rendered that, and the other goals of the Specific Plan, moot and
2. Critically, the Planning Department assumes that the project requires no approval beyond a hearing officer because it conforms to the development envelope assigned to the site in the Specific Plan. That position begs the question: Does this project advance the specific plan goals? And, whether after 11 years those goals need be reconsidered?

SUMMARY

I believe the Council needs to be the decision-makers:

- on this large, critically-located office project;
- on the rules governing the City's CEQA compliance for cumulative impacts; and
- on the viability of the South Fair Oaks Specific Plan.

I urge you to vote to call up this project for review.

Richard D. Norton