

# Agenda Report

November 19, 2012

**TO:** Honorable Mayor and City Council

**FROM:** City Manager

**SUBJECT: AMENDMENT TO ARTICLE 3 (CIVIC EVENTS AND FACILITIES) OF THE PASADENA MUNICIPAL CODE REGARDING THE NUMBER OF LARGE EVENTS HELD ANNUALLY AT THE ROSE BOWL STADIUM**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a Resolution certifying the Final Environmental Impact Report , Adopting Findings Pursuant To The California Environmental Quality Act (CEQA), and Adopting a Mitigation Monitoring and Reporting Program For The Amendment to Pasadena Municipal Code Title 3 (Civic Events and Facilities) also known as The Arroyo Seco Public Lands Ordinance and the Temporary Use of the Rose Bowl Stadium by the National Football League (NFL);
2. Adopt a Resolution Setting Forth the Statement of Overriding Considerations;
3. Conduct first reading of an Ordinance of the City of Pasadena Amending Pasadena Municipal Code Title 3 (Civic Events and Facilities) to Increase the Number of Displacement Events in the Rose Bowl Area; and,
4. Direct the City Clerk to file a Notice of Determination with the Los Angeles County Recorder.

## **RECOMMENDATION OF THE ROSE BOWL OPERATING COMPANY:**

As required by the Operating Agreement between the City and the Rose Bowl Operating Company ("RBOC"), on November 13, 2012 the RBOC Board of Directors reviewed the proposed amendment to Title 3 and voted to recommend approval of the same by the City Council.

## **EXECUTIVE SUMMARY:**

The actions recommended by this report would position the Rose Bowl Stadium to serve as an interim location for an NFL franchise should one relocate to the greater Los Angeles area. Specifically, the City Council is being asked to approve an amendment to the Arroyo Seco Public Lands Ordinance that would increase the total number of

displacement events (attendance exceeding 20,000) that may occur in the Stadium without having to make certain findings (the "project").

The recommendation has been the subject of thorough environmental analysis, overseen by the Planning and Community Development Department, consistent with the requirements of the California Environmental Quality Act, and significant opportunities for public input have occurred.

**BACKGROUND:**

The potential exists for the National Football League (NFL) to relocate an existing franchise to the Los Angeles area in the near future. Should this occur, there is a likelihood that a team would need to play in an existing stadium for an interim period, possibly as soon as fall 2013, while a new stadium is constructed. Currently there are two proposed stadium projects in the greater Los Angeles Area; one in the City of Industry and the other in the City of Los Angeles. Should either of these proposals move forward, it is likely that the Rose Bowl Stadium would be considered as an interim location.

Recent analysis performed by Barrett Sports Group, LLC (submitted by letter to the City Council and attached to the SOC Resolution) indicates that use of the Rose Bowl Stadium as an interim venue for an NFL team would be expected to provide a significant financial benefit to the Rose Bowl Operating Company and help alleviate the funding gap associated with the Rose Bowl Renovation Project.

However, the total number of events that may be hosted in the Rose Bowl Stadium is limited by the Arroyo Seco Public Lands Ordinance, Pasadena Municipal Code Chapter 3.32. The Ordinance allows for no more than 12 displacement events (attendance exceeding 20,000) per year, unless certain findings can be made. In any given year the Rose Bowl Stadium hosts approximately nine displacement events: UCLA Football, the Rose Bowl Game and the AmericaFest 4th of July event. Typically, NFL Teams play ten home games per season and up to three home playoff games. Consequently, the requirements of the Arroyo Seco Public Lands Ordinance must be addressed in order to provide for the possible use of the Rose Bowl Stadium by the NFL, even on a temporary basis.

The proposed ordinance would amend the Arroyo Seco Public Lands Ordinance to allow an additional 13 displacement events to occur annually at the Rose Bowl Stadium for a total of 25 displacement events, without the otherwise required findings. As drafted, the amendment would only allow the additional displacement events if the City Council approves an agreement with the NFL and would set a maximum attendance level of no more than 75,000 patrons. In the event that the NFL does not use all of the additional 13 displacement events in a calendar year (because, for example, the team does not make the playoffs), another entity could apply to use any remaining displacement events. Moreover, the amendment would allow the NFL to use the Rose

Bowl Stadium for no more than five years beginning on the date the first NFL game is played.

### **ENVIRONMENTAL ANALYSIS:**

The proposed project has been the subject of review in the Final Environmental Impact Report (“FEIR”) entitled, ‘Temporary Use of the Rose Bowl Stadium by the National Football League (NFL)’ (SCH #2012031053). The FEIR analyzed the potential impacts to Air Quality, Greenhouse Gases, Land Use, Noise, Public Services, Recreation, and Transportation, Circulation & Parking. Of these seven areas, the FEIR determined there would be significant impacts related to Air Quality, Noise, Recreation, and Transportation, Circulation & Parking, as discussed later. All other impacts were found to be less than significant.

With the exception of recreation impacts, all of the identified impacts result from vehicular and transit traffic NFL games would generate. For example, it was found that while NFL games themselves would not impact noise or air quality, each of these areas would be significantly impacted by vehicular traffic. Recreation impacts result from the displacement of users from the Central Arroyo on game days.

Finally, with the adoption of the recommended mitigation measures in the FEIR, some of the impacts would be reduced, but each of the four significant impacts would remain significant and unavoidable. None of the mitigation measures would completely eliminate the significant impacts for any of the four topic areas.

### ***Scoping & Public Outreach***

A Notice of Preparation was released on March 16, 2012 to announce that the City was preparing the EIR and to solicit comments and input on what topics the EIR should analyze. The 30-day period to submit comments was from March 16 to April 18. During this time, three meetings were held. On April 3, the Rose Bowl Operating Company (RBOC) hosted an information meeting where comments were taken and two “scoping sessions” were held at the Rose Bowl on April 12 and 14 to explain the project and obtain input from the public on what topic areas should be considered in the EIR. A City webpage was also created to inform the public of the project, the amendment process, and to provide access to the environmental documents.

### ***Draft Environmental Impact Report***

The Draft Environmental Impact Report (DEIR) was released for review on August 9, 2012. While the California Environmental Quality Act (CEQA) requires a minimum 45-day review period for a DEIR once it is prepared, for this project a 60-day public review period was provided. The public review period lasted through October 8, 2012. During this period the DEIR was presented at three public meetings hosted by City commissions: the Planning Commission on September 19, the Transportation Advisory Commission on September 27, and the Recreation and Parks Commission on October 2.

In addition to receiving comments from Commissioners at each of these meetings, a number of public speakers provided comments. While there were some speakers who attended more than one hearing, 13 speakers provided comments at the Planning Commission hearing, 11 at the Transportation Advisory Commission and 13 speakers at the Recreation and Parks Commission. During the review period, staff received a total of 65 letters and e-mails. Many of the speakers, letters, and e-mails addressed multiple topics. In total just over 500 comments were received.

### ***Responses to Comments***

CEQA requires that the FEIR include a list of all commenters, all comments that were received, and responses to each comment. For this project, a wide variety of comments were received. Some comments were related directly to CEQA impacts such as traffic and recreation while other comments were related to the project and were outside the CEQA realm (e.g., lease terms with the NFL).

While no changes were made to the conclusions of the DEIR as a result of the comments received, several mitigation measures were altered and/or strengthened, new mitigation measures developed, and additional explanation of previous analysis was provided.

Examples of some of the frequently heard comments on the DEIR include: 1) impacts to recreation users in the Central Arroyo were underestimated; 2) the ability to provide police and fire protection would be negatively impacted; 3) "ticketless tailgaters" would create negative impacts; and 4) questions concerning the assumptions and methodology in the traffic study.

Another commonly heard concern was whether the use of the Rose Bowl by the NFL would adversely affect the historic designations of the Rose Bowl, the Pasadena Arroyo Parks and Recreation District, and/or several nearby historic districts. To address this issue, the City retained the services of Historic Resources Group (HRG), a local firm with expertise in historic resources.

HRG's analysis (FEIR, page 3.0-11) concluded that because the use of the Rose Bowl by the NFL will not involve demolition, relocation, conversion, rehabilitation, or alteration of any historically significant resource, nor any construction that would reduce the integrity or significance of any historic resources, there would be no significant impacts to historic resources.

### ***Final Environmental Impact Report***

CEQA requires that responses to comments from public agencies (Metro, Los Angeles County, etc.) be made available to those agencies at least ten days prior to the EIR being considered by the adopting agency. However, it is common in Pasadena that responses to all comments are also made available. In this case, the three commenting state and local agencies received their responses on November 8 and the entire FEIR (which is composed of the DEIR (Vol. 1) and the Appendices (Vol. 2), with Volume 3,

edits or additions to the DEIR and the comments received and their responses) was released on November 9.

As mentioned above, the FEIR analysis determined the project would result in significant impacts related to Air Quality, Noise, Recreation, and Transportation, Circulation, & Parking. Impacts to Greenhouse Gases, Land Use, and Public Services were found to be less than significant.

***Air Quality: Significant and Unavoidable Impacts***

The Air Quality analysis in the FEIR found that while the project would not conflict with an applicable air quality plan or expose sensitive receptors to substantial concentrations of pollutants or objectionable odors, the project would still have significant impacts. Specifically, these impacts are the generation of pollutants in excess of the South Coast Air Quality Management District's (SCAQMD) significance thresholds for impacts on regional air quality. These impacts result from vehicle emissions and the number of vehicle trips associated with the project. The Final EIR also determined that the project did not exceed the threshold of significance for local air quality impacts, although several commenters on the Draft EIR raised concerns about impacts on local air quality. With the adoption of mitigation measures the impacts to air quality would be reduced, but would remain significant and unavoidable.

***Greenhouse Gases: Impacts Less than Significant***

The FEIR found that the project would result in an increase of Greenhouse Gas (GHG) emissions associated with the operation of the Rose Bowl for the games and patron and employee vehicular traffic from each of the 13 displacement events. Specifically, the increase would be up to 6,941 metric tons of carbon dioxide equivalents (MTCO<sub>2</sub>e) per year. The emissions generated by the vehicles accounts for approximately 63 percent of the total GHG emissions.

In accordance with SCAQMD methodology, the total emissions generated by the project are divided by the number of employees (defined as "service persons") to determine if there is a significant impact on reaching the State's goal of reducing GHG emissions. The emissions calculation can be found in Table 3.2-3 of the Draft EIR. This approach is conservative because while over 20,000 patron vehicles contribute to the overall GHG emissions, only the 4,000 employees (the "service persons") are used as the denominator when calculating whether the GHG emissions generated exceed a level of significance. This calculation results in emissions per service person of 1.7 MTCO<sub>2</sub>e which is below the SCAQMD's impact threshold of 4.8 MTCO<sub>2</sub>e per service person (were the 75,000 patrons included in this analysis, the emissions per person would drop to 0.09 MTCO<sub>2</sub>e). Impacts are therefore less than significant.

***Land Use: Impacts Less than Significant***

In response to several comments received during the scoping sessions, the FEIR analyzed the project's potential impact on Land Use, specifically whether it would physically divide a community or conflict with an applicable land use plan. It was found

that in addition to not physically dividing a community, the project would not conflict with land use plans such as the Land Use and Green Space, Recreation, and Parks Elements of the City's General Plan, the Arroyo Seco Public Lands Ordinance, or the Arroyo Seco Master Plan. Impacts were found to be less than significant.

***Noise: Significant and Unavoidable Impacts***

The Noise analysis in the FEIR found that while the project would not result in a permanent increase in ambient noise levels, the noise levels generated by the project would exceed the thresholds in the Noise Ordinance, on a temporary and periodic basis. More specifically, the noise generated by the football games themselves would not exceed the noise thresholds but the noise generated by vehicular traffic on some of the surrounding streets would exceed the thresholds on NFL game days.

As with the Air Quality section of the FEIR, the Noise section also includes mitigation measures. And as with the Air Quality mitigation measures, the impacts related to traffic noise would be reduced with the incorporation of these measures, but would remain significant and unavoidable.

***Public Services: Impacts Less than Significant***

The FEIR also analyzed the potential impact of the project on Public Services, specifically, fire and police protection. The FEIR concludes that while the 13 additional displacement events would increase the need for fire and police services, the project will not require new fire and/or police facilities, or the remodeling of existing facilities. Both the Pasadena Fire Department and the Pasadena Police Department have indicated that the project, in combination with foreseeable future development, can be served by existing facilities.

***Recreation: Significant and Unavoidable Impacts***

The "Rose Bowl Loop" and the fields and parks surrounding the Rose Bowl provide significant recreational opportunities for residents of Pasadena and surrounding communities. To analyze the potential impacts that the additional displacement events would have on these opportunities, the FEIR analyzed the potential physical deterioration of parks and the interference that NFL games would have on recreational users.

The FEIR determined Brookside Golf Course could be damaged by vehicular parking, but with a specific mitigation measure that the RBOC, or its designee, shall restore all damaged turf areas of Brookside Golf Course to a playable condition within one day, the impact would be less than significant.

The FEIR also found that even with mitigation measures, the additional displacement events would significantly interfere with recreational users of the Rose Bowl area as they would be displaced. These mitigation measures involve: 1) the RBOC maintaining access to the equestrian trail during NFL games; 2) the RBOC notifying residents and neighborhood associations of upcoming NFL games; and 3) the City and the NFL shall,

through the lease agreement, allow the Tournament of Roses and the Rose Bowl game activities to continue in their traditional manner. However, even with the incorporation of these mitigation measures, the impacts remain significant.

Additionally, the draft EIR recommended that the mitigation measures include a requirement to maintain access to the loop and other trails on event days. However, several residents commented that this mitigation was not feasible as a practical matter and would create significant safety hazards for those using the loop and trails. Therefore, the mitigation measure was revised and the Final EIR no longer recommends maintaining access to the loop. Based on the testimony of the residents who commented on this mitigation, staff recommends that the City Council reject the original mitigation as infeasible.

***Transportation, Circulation, & Parking: Significant and Unavoidable Impacts***

The traffic study for the project was prepared by Fehr and Peers in the spring of 2012. The study analyzed 66 intersections and 27 street segments. The study found that of the 66 intersections, 60 would be significantly impacted during weekday events and 58 would be significantly impacted during weekend events. In addition, 19 of the 27 street segments would be significantly impacted during weekday events and 23 would be impacted during weekend events. All of these street segment impacts are based on a threshold of increases in traffic volume of five percent or greater.

To mitigate some of the impacts on affected intersections, the FEIR includes intersection specific mitigation measures that include, in some cases, temporary reconfiguration, and, in some cases, a traffic control officer or optimized traffic signal timing. As a result of these mitigation measures, the impacts to street intersections would be reduced but would remain significant and unavoidable.

In addition to the mitigation measures described above, the FEIR also identifies an additional measure, in the form of a transportation demand management program. This measure includes programs such as incentivized carpooling, pre-paid parking, bicycle valet at Parsons, charter buses for groups, temporary changeable message signs for directing traffic, and use of social media. However, it is acknowledged that the effectiveness of these programs to reduce traffic related impacts cannot be quantified, nor can their success be guaranteed. Therefore, no credit for reducing impacts was given in the FEIR. Nevertheless, the additional measure has been incorporated into the mitigation monitoring program and it is recommended that the City Council adopt this measure along with the mitigation measures recommended in the FEIR.

An additional impact that was identified in the FEIR is a significant impact on the transit system on event days. To address this impact, a mitigation measure is included that calls for Metro to increase transit service to meet both commuter transit demand and event day demand. However, because this mitigation measure is the responsibility of another agency, the impact remains significant and unavoidable.

In addition to analyzing street segments in the vicinity of the Rose Bowl, the traffic study also analyzed the potential impact the project could have on freeway segments in the Los Angeles region. The impacts are based on a Demand to Capacity (D/C) criteria and use a significance threshold of an increase in the D/C ratio of 0.02 or greater. As a result of this measurement threshold, the project would have a significant impact on 20 freeway segments. To reduce these impacts, a mitigation measure calls for the placement of two changeable copy message signs on the I-210 freeway and/or SR-134 to help facilitate traffic arriving and leaving the Rose Bowl on event days. However, given the volume of traffic that would use the freeway system on event days, it is acknowledged that there is no feasible way to mitigate these impacts to a less than significant level. Therefore, this impact would remain significant and unavoidable.

Finally, the FEIR identifies the potentially significant impact the project could have on parking resources given the high demand for parking on event days. However, unlike the other impacts identified, the implementation of two mitigation measures would reduce the impacts to a less than significant level. These measures call for the use of stacked parking in specific lots on high demand days and the implementation of all traffic and parking control plans on NFL game days that are currently implemented for events at the Rose Bowl.

***Alternatives:***

The FEIR analyzed three project alternatives that would avoid or lessen significant environmental impacts.

- 1) No Project Alternative - This alternative assumes there would be no change in the number or type of allowed displacement events at the Rose Bowl Stadium and there would continue to be approximately 12 events held annually. More than 12 events could be held only if the Council made the findings required by PMC Section 3.32.270.
- 2) Reduced Attendance Alternative - This alternative would still permit the additional displacement events for NFL games, but would reduce attendance per event to a maximum of 50,000 attendees; a reduction of approximately one-third. This alternative would reduce several impacts to some extent; however, no impact would be reduced to a level of insignificance.
- 3) Reduced Non-NFL Displacement Event Alternative - This alternative would still permit additional displacement events, would reduce the additional number of events from 13 to 9, and would restrict the types of events to non-NFL events, such as other sports, concerts, or other activities that have a maximum attendance of 75,000 patrons. Similar to Alternative 2, this alternative would result in several reduced impacts, but would not reduce any significant impact to a level of insignificance.

***Feasibility of Alternatives***

Although each of the alternatives would reduce impacts of the proposed Project, none of the alternatives would fulfill the foremost objective of the proposed Project, which is to

generate revenue to offset the costs of the Rose Bowl renovation project. The no project alternative would fail to meet this objective for the evident reason that this alternative would involve no additional revenue raising activity. Alternative 2, if successfully implemented, could feasibly generate revenue to offset renovation costs. However, an analysis of this alternative by Barrett Sports Group has indicated that this alternative is highly unlikely to be acceptable to the NFL and therefore highly unlikely to be feasible. Finally, Alternative 3 could generate revenue to meet the basic project objective if the Rose Bowl were used for 21 non-NFL displacement events. However, the RBOC has indicated that, other than the NFL, the RBOC is aware of no potential tenant or tenants, nor any producers of single events that would be interested in leasing the Rose Bowl for a significant number of events. Thus, again, it is highly unlikely that adopting Alternative 3 would generate significant revenue to offset renovation costs.

**STATEMENT OF OVERRIDING CONSIDERATIONS:**

As noted above, the proposed project will result in significant environmental impacts that cannot be mitigated. As a result, CEQA requires that the City Council adopt a “Statement of Overriding Considerations” before it may approve the proposed project.

A “Statement of Overriding Considerations” is simply a finding by the City Council that the benefits of the Project outweigh its environmental impacts and therefore the City Council has elected to proceed with the project despite its impacts.

In this case, staff recommends that the City Council adopt such a statement. The FEIR clearly identifies a number of significant environmental impacts and members of the community have expressed legitimate objections to the impacts that will result from the project. However, unlike previous proposals involving use of the Rose Bowl by the NFL, the significant impacts related to this proposal are temporary and would occur only on event days, which will be limited to no more than thirteen days per year.

The benefits of the Project are also significant. As indicated in the analysis provided by Barrett Sports Group, the RBOC could reasonably expect to generate approximately five million dollars per year from the NFL’s interim use of the Rose Bowl and, depending on circumstances surrounding the negotiations, could generate as much as ten million dollars per year. The RBOC could also expect that the NFL will be responsible for game day and related expenses.

This revenue would play a significant role in bridging the funding gap associated with the Rose Bowl renovation project and the RBOC, despite aggressive marketing efforts, has been unable to identify any alternative source of revenue of this magnitude.

**COUNCIL POLICY CONSIDERATION:**

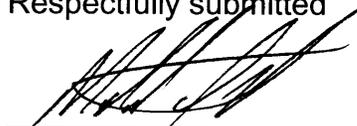
The proposed actions are consistent with the City Council’s strategic plan goal to maintain fiscal responsibility and stability. The proposed actions increase the likelihood

of the Rose Bowl Stadium serving as an interim location for an NFL franchise in the greater Los Angeles Area. Such use would be expected to generate significant net income for the Rose Bowl Operating Company.

**FISCAL IMPACT:**

Currently there are no negotiations with the NFL, however, based on the analysis prepared by Barrett Sports Group, LLC, it is anticipated that use of the Rose Bowl Stadium as an interim venue for an NFL team would generate significant net revenues, ranging from \$5 - \$10 million per year, for the RBOC.

Respectfully submitted



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Michael J. Beck  
City Manager

**Attachment:**

Attachment A – Final Environmental Impact Report prepared for the ‘Temporary Use of the Rose Bowl Stadium by the National Football League (NFL)’ (SCH #2012031053)