

RESOLUTION NO \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA  
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, AND ADOPTING CEQA  
FINDINGS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR  
THE GLENARM REPOWERING PROJECT, ALTERNATIVE 3A**

**WHEREAS**, the City of Pasadena proposes the Glenarm Repowering Project for the expansion of its existing facilities located at 72 East Glenarm Street, Pasadena, CA, including applications for a Conditional Use Permit, Variance, Minor Variances, and street closure for the portion of State Street south of the Glenarm plant site from Fair Oaks Avenue to the MTA Right-of-Way; and

**WHEREAS**, to comply with the California Environmental Quality Act ("CEQA"; Pub. Res. Code §§ 21000 et seq; Tit. 14, Cal. Code of Regs. §§ 15000 et seq.), the City prepared, circulated, and posted in the County Clerk's Office, an Initial Study/Notice of Preparation for a 30-day review period, starting on September 19, 2011, in compliance with CEQA Guidelines Sections 15063 and 15082; and

**WHEREAS**, the City held a scoping meeting on October 6, 2011, consistent with CEQA Guidelines Section 15083; and

**WHEREAS**, the City prepared and circulated a Draft Environmental Impact Report ("DEIR") for comment from November 5 through December 21, 2012, and provided a Notice of Availability and a Notice of Completion in compliance with CEQA Guidelines Sections 15087 and 15085; and

**WHEREAS**, the City held a duly noticed public hearing on the Proposed Project and the DEIR, including a hearing before the Planning Commission on December 12, 2012, to receive comments on the DEIR and the Proposed Project; and

**WHEREAS**, after receiving comments on the DEIR, the City prepared and released the Final Environmental Impact Report ("FEIR") on March 1, 2013; and

**WHEREAS**, a variation on Alternative 3, known as Alternative 3A or the "Preferred Alternative," was developed during the preparation of and was included in the Final EIR. The need for Alternative 3A arose due to the ballooning cost of hazardous materials abatement and structural work within the Glenarm Power Plant Building, thus requiring the City to shift from reuse of the Glenarm Power Plant building to a temporary modular building to house new consolidated control room facilities. The project now proposed for approval is the Preferred Alternative; and

**WHEREAS**, City of Pasadena Planning Commission held a duly noticed public hearing on the Preferred Alternative and the FEIR, on March 13, 2013, at which time it received and considered written and oral comments, and provided recommendations to City Council; and

**WHEREAS**, consistent with CEQA Guidelines § 15132, the FEIR includes the "Draft Environmental Impact Report" dated November 2012, and the "Final Environmental Impact Report" dated March 2013; and

**WHEREAS**, the City Council of the City of Pasadena ("City Council") is the final decision making body for the City of Pasadena for Street Closures and any other land

use entitlement bundled therewith, such as in this case a Conditional Use Permit, Variance, and Minor Variances, under Pasadena Municipal Code Section 17.61.050(l)(3)(b); and

**WHEREAS**, prior to any discretionary approvals associated with the Project, the City Council must certify the FEIR pursuant to CEQA Guidelines Section 15090, make CEQA Findings pursuant to CEQA Guidelines Section 15091, and adopt a Mitigation Monitoring and Reporting Program (“MMRP”) consistent with CEQA Guidelines Section 15097; and

**WHEREAS**, CEQA Findings and a MMRP have been prepared by the City and are included as Exhibits A and B hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the above recitals are true and correct and are incorporated herein by reference as if set forth in full.

**BE IT FURTHER RESOLVED** that the City Council has reviewed and considered the Planning Commission’s recommendations associated with the Glenarm Repowering Project, Preferred Alternative, including the recommendations on the Conditional Use Permit, Variance, Minor Variances, Street Closure, and the FEIR as set forth in the Staff Report to the City Council dated April 8, 2013.

**BE IT FURTHER RESOLVED** that the City Council has reviewed and considered all oral and written testimony received.

**BE IT FURTHER RESOLVED** that the City Council certifies that: (1) the FEIR has been completed in compliance with CEQA, (2) the FEIR was presented to the City Council and that the City Council reviewed and considered the information contained in the FEIR prior to approving the project, and (3) the FEIR reflects the City of Pasadena's independent judgment and analysis.

**BE IT FURTHER RESOLVED** that the City Council adopts the CEQA Findings contained in Exhibit A.

**BE IT FURTHER RESOLVED** that the City Council adopts the Mitigation Monitoring and Reporting Program contained in Exhibit B.

Adopted at the \_\_\_\_\_ meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 by the following vote:

AYES:

NOES:

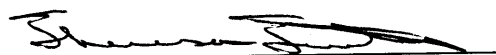
ABSENT:

ABSTAIN:

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Mark Jomsky, CMC  
City Clerk

APPROVED AS TO FORM



Theresa E. Fuentes  
Assistant City Attorney  
0000106781C031

## EXHIBIT A

### Findings and Facts in Support of Findings

#### I. Introduction

The California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (the “Guidelines”) provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

A. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

B. Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

C. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.<sup>1</sup>

Pursuant to the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed Project. These findings are based upon evidence presented in the record of these proceedings, both written and oral, the Draft EIR, and all of its contents, the Comments and Responses to Comments on the EIR, and staff and consultants’ reports presented through the hearing process, which comprise the Final EIR.

#### II. Project Objectives

As set forth in the EIR, the proposed Project is intended to achieve a number of objectives (the “Project Objectives”), as provided below. The underlying Project purpose is increased reliability of local power generation. Several of the Project Objectives support the goals, objectives, and policies set forth in the City’s General Plan, South Fair Oaks Specific Plan, and energy Integrated Resource Plan (IRP). The objectives of the Glenarm Power Plant Repowering Project include the following:

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<sup>1</sup> Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

A. Maintain reliable local generation needed to provide uninterrupted power within the City as a contingency against dependence on a single electricity import connection to the City.

B. Maintain the City's ability to generate power locally, as and when needed, to make up for any shortfall due to import or distribution system constraints.

C. Implement the energy IRP approved by the City of Pasadena City Council with input and feedback from the community, which serves as a blueprint for PWP to provide customers with a balance between reliable electricity service, consideration of environmental concerns, and competitive and stable rates, and reduced dependence on coal power. The replacement of an aging and inefficient generating unit Broadway 3 (B-3) at the City's power plant with a more reliable and efficient, local, natural gas-fueled, combined-cycle generating unit equipped with a state-of-the-art air pollution control system was one of the energy IRP recommendations approved by the City Council.

D. Provide for mandated capacity (i.e., guarantee of availability) to generate power when required by the California Independent System Operator (CAISO).

E. Rehabilitate the unused, historic Glenarm Building and repurpose into productive work space for power plant operations such as a control station, instrument shop, and administrative offices.

F. Enable designation of the Glenarm Building as an essential facility for operation of the power plant through the implementation of seismic upgrades to current State Building Code standards.

G. Maximize the use, efficiency, and security of the power plant by consolidating existing administrative offices, control stations, maintenance facilities, and shared and public spaces that are currently scattered throughout the power plant, to ensure visual and physical proximity of support facilities and power generation units.

### **III. Background**

In 2006, the California State Legislature adopted Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. AB 32 requires California to reduce its greenhouse gas emissions to 1990 levels by 2020. Under AB 32, the California Air Resources Board (CARB) has primary responsibility for establishing the reduction target and reducing the State's greenhouse gas emissions. In 2008, as part of its AB 32 responsibilities, CARB adopted the *Climate Change Scoping Plan*, which outlines the

State's strategy to achieve the greenhouse gas reduction target. As part of the *Scoping Plan*, CARB determined that California will need to reduce its greenhouse gas emissions by approximately 28.5 percent from the State's projected 2020 emissions level. AB 32 represents the first enforceable statewide program to limit greenhouse gas emissions from all major industries, including the electricity sector, with penalties for noncompliance.

In March 2009, the City of Pasadena adopted the energy IRP, which serves as a blueprint for PWP to deliver reliable, environmentally responsible electricity service at competitive rates through 2030. The energy IRP recommended a reconfiguration of PWP's existing electricity portfolio in order to significantly reduce greenhouse gas emissions by transitioning to a diverse mix of renewable energy resources and replacing existing Unit B-3 with new, natural gas-fueled electricity generating unit of approximately equivalent size over the next two decades. Replacement of Unit B-3 with a more efficient unit would also counterbalance the City's increasing use of renewable energy resources such as wind and solar, which are less predictable but necessary, while maintaining the stability of the electrical system. PWP has experienced considerable variations in electricity output from wind, geothermal, and landfill-to-energy renewable energy projects under contract, exposing PWP to increased dependence on market power or Intermountain Power Project coal power during such times. A new combined cycle, natural gas-fueled unit located inside the City would be a more efficient and economical solution to such daily or hourly fluctuations. The proposed local natural gas-fueled generating unit, equipped with a state-of-the-art air pollution control system, together with related infrastructure improvements constitutes the Glenarm Repowering Project and would directly support attainment of energy IRP policy objectives and is an essential element of PWP's strategies consistent with CARB's *Climate Change Scoping Plan* to reduce the State's greenhouse gas emissions from the electricity sector.

A variation on Alternative 3 was developed during the preparation of the Final EIR, in January and February 2013. This variation will be referred to as the "Preferred Alternative" in these Findings, and it is referred to as "Alternative 3A" in the Final EIR. The ballooning cost of hazardous materials abatement [specifically asbestos-containing materials (ACMs)] and structural work within the Glenarm Building prompted PWP to more closely consider the consolidation of control room support elsewhere on the plant site. The Preferred Alternative proposes a temporary modular building to house new consolidated control room facilities, in the event that reuse of the Glenarm Building ultimately proves economically infeasible. Since the Preferred Alternative was to be added, the lead agency took the opportunity to address comments from the community and the Planning Commission and proposes landscape enhancements and minor changes in the location of future parking. Although the Preferred Alternative was added to the Final EIR after the close of the comment period, the Draft EIR already included a reasonable range of alternatives, including the substantially similar Alternative 3. These

Findings have been provided in support of approval of the Preferred Alternative, including the Mitigation Monitoring and Reporting Program, which is provided in Exhibit B of this Resolution.

Under the Preferred Alternative, a modular building housing a control room supporting the new Unit GT-5 and existing gas turbine power generation units would be installed near the western perimeter of the Glenarm Plant, north of the Pacific Electric Railway Company (PERC) substation building and fronting on Fair Oaks Avenue. The approximately 3,850-square foot modular building would be set back from Fair Oaks and separated from the PERC building on the south by a 21-foot buffer area. The building would be clad with metal siding to enhance its appearance, although the final building design and materials have not yet been determined. A new wall up to 10 feet in height would be constructed along the Fair Oaks property line to screen the industrial appearance of the Project site. Siting of the modular building may require removal of two existing red flowering gum trees (*Corymbia ficifolia*). Trees would be planted along the Arroyo Seco Parkway (SR 110) inside City property, to screen motorists' views of the existing cooling towers and other equipment. (Note that, while the wall was analyzed at 12 feet in the Final EIR, at the request of the Planning Commission the wall height was lowered to 10 feet.)

The site of proposed Unit GT-5 would be south of the Glenarm Building on the Glenarm Plant, and two equipment manufacturer configurations, GE and Rolls Royce, are under consideration. The Glenarm Building would not undergo seismic rehabilitation for designation as an essential facility, nor would it be rehabilitated or reused by PWP, under the Preferred Alternative. The existing Glenarm Building stack and duct work, and two small non-historically significant additions affixed to the south façade of the Glenarm Building would be demolished to accommodate installation of proposed Unit GT-5, but no other interior or exterior modifications would take place. The State Street cul-de-sac would be closed and the existing 4,000-square-foot Pump Building on the parcel south of State Street would be remodeled and expanded to 6,000 square feet to house mechanical and maintenance shops.

Under the Preferred Alternative, parking for employees and visitors would be provided in the existing lot in the northeast corner of the Broadway Plant that is currently shared with Jacobs Engineering. Landscape enhancements are proposed along the eastern edge of the Broadway Plant.

All other components of the Preferred Alternative, including soil remediation, utility relocation and/or installation, and incorporation into the Glenarm Plant of the one-acre parcel south of the State Street cul-de-sac, would be the same as proposed under Alternative 3. Under the Preferred Alternative, Units B1, B2, and B3 would remain in place, and no demolition is proposed at this time. Duration of construction would be



approximately 23 months, and the modular building would be constructed simultaneously with installation of proposed Unit GT-5 and other site improvements. Under the Preferred Alternative, the intensity of construction would be reduced compared to the proposed Project, since no seismic strengthening, abatement or other rehabilitation of the Glenarm Building is proposed.

#### **IV. Effects Determined to be Less Than Significant/No Impact in the Initial Study/Notice of Preparation**

The City of Pasadena issued a Notice of Preparation (NOP) and conducted an Initial Study to determine the potential environmental effects of the Project. In the course of this evaluation, the Project was found to have no impact or a less than significant impact in certain impact categories because a Project of this type and scope would not create such impacts or because of the absence of Project characteristics producing effects of this type or due to existing regulatory requirements. The following effects were determined not to be significant or to be less than significant for the reasons set forth in the Initial Study (Appendix A of the Draft EIR), and therefore were not analyzed further in the EIR, except where noted for related environmental issues. This same analysis applies to the Preferred Alternative.

##### **A. AESTHETICS**

1. The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. See page 15 of the Initial Study (Appendix A of the Draft EIR).

##### **B. AGRICULTURAL RESOURCES**

1. The Project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. See page 16 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not conflict with existing zoning for agricultural use or a Williamson Act contract. See page 16 of the Initial Study (Appendix A of the Draft EIR).
3. The Project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned as Timberland Production. See pages 16 and 17 of the Initial Study (Appendix A of the Draft EIR).

4. The Project will not result in the loss of forest land or conversion of forest land to non-forest use. See page 17 of the Initial Study (Appendix A of the Draft EIR).
5. The Project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use. See page 17 of the Initial Study (Appendix A of the Draft EIR).

#### C. BIOLOGICAL RESOURCES

1. The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. See page 20 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. See page 20 of the Initial Study (Appendix A of the Draft EIR).
3. The Project will not have a substantial adverse effect on federally protected wetlands through direct removal, filling, hydrological interruption, or other means. See page 20 of the Initial Study (Appendix A of the Draft EIR).
4. The Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. See page 21 of the Initial Study (Appendix A of the Draft EIR).
5. The Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. See page 21 of the Initial Study (Appendix A of the Draft EIR).

6. The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. See page 21 of the Initial Study (Appendix A of the Draft EIR).

#### D. ENERGY

1. The Project will not conflict with any adopted energy conservation plans. See pages 25 and 26 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not use non-renewable resources (i.e., petroleum products and energy) in a wasteful and inefficient manner. See pages 26 and 27 of the Initial Study (Appendix A of the Draft EIR). See Section VI.G., below regarding water supply, which was analyzed in the Draft EIR.

#### E. GEOLOGY AND SOILS

1. The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - a. Rupture of a known earthquake fault. See pages 27 and 28 of the Initial Study (Appendix A of the Draft EIR).
  - b. Strong seismic ground shaking. See page 28 of the Initial Study (Appendix A of the Draft EIR).
  - c. Seismic-related ground failure, including liquefaction. See pages 28 and 29 of the Initial Study (Appendix A of the Draft EIR).
  - d. Landslides. See page 29 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not result in substantial soil erosion or the loss of topsoil. See pages 29 and 30 of the Initial Study (Appendix A of the Draft EIR).
3. The Project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse. See page 30 of the Initial Study (Appendix A of the Draft EIR).

4. The Project will not be located on expansive soil, creating substantial risks to life or property. See page 30 of the Initial Study (Appendix A of the Draft EIR).
5. The Project will not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. See page 31 of the Initial Study (Appendix A of the Draft EIR).

#### F. HAZARDOUS AND HAZARDOUS MATERIALS

1. The Project will not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.2 See page 33 of the Initial Study (Appendix A of the Draft EIR).
2. The Project is not located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, and thus the Project will not result in a safety hazard for people residing or working in the Project area. See page 33 of the Initial Study (Appendix A of the Draft EIR).
3. The Project is not located within the vicinity of a private airstrip and, therefore, will not result in a safety hazard for people residing or working in the Project area. See pages 33 and 34 of the Initial Study (Appendix A of the Draft EIR).
4. The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. See page 34 of the Initial Study (Appendix A of the Draft EIR).
5. The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are subject to urbanized areas or where residences are intermixed with wildlands. See page 34 of the Initial Study (Appendix A of the Draft EIR).

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<sup>2</sup> Although the project is listed as a result of an underground storage leak, which has been remediated, the Government Code provides no mechanism for removal of the site from the list.

## G. HYDROLOGY AND WATER QUALITY

1. The Project will not violate any water quality standards or waste discharge requirements. See pages 35 and 36 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). See pages 36 and 37 of the Initial Study (Appendix A of the Draft EIR). See Section VI.G., below, regarding water supply, including groundwater withdrawal, which was analyzed in the Draft EIR.
3. The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. See pages 37 and 38 of the Initial Study (Appendix A of the Draft EIR).
4. The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. See page 38 of the Initial Study (Appendix A of the Draft EIR).
5. The Project will not create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. See pages 38 and 39 of the Initial Study (Appendix A of the Draft EIR).
6. The Project will not otherwise substantially degrade water quality. See page 39 of the Initial Study (Appendix A of the Draft EIR).
7. The Project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or dam inundation area as shown in the City of Pasadena adopted Safety Element of the General Plan or other flood hazard delineation map. See page 40 of the Initial Study (Appendix A of the Draft EIR).

8. The Project will not place structures within a 100-year flood hazard area which would impede or redirect flood flows. See page 40 of the Initial Study (Appendix A of the Draft EIR).
9. The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. See page 40 of the Initial Study (Appendix A of the Draft EIR).
10. The Project will not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow. See page 40 of the Initial Study (Appendix A of the Draft EIR).

#### H. LAND USE

1. The Project will not physically divide an established community. See page 41 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan. See page 43 of the Initial Study (Appendix A of the Draft EIR).

#### I. MINERAL RESOURCES

1. The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. See page 44 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. See page 44 of the Initial Study (Appendix A of the Draft EIR).

#### J. NOISE

1. The Project is not located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, and thus the Project will not expose people residing or working in the Project area to excessive noise levels. See page 45 of the Initial Study (Appendix A of the Draft EIR).

2. The Project is not located within the vicinity of a private airstrip and therefore will not expose people residing or working in the Project area to excessive noise levels. See page 46 of the Initial Study (Appendix A of the Draft EIR).

#### K. POPULATION AND HOUSING

1. The Project will not induce substantial population growth in an area either directly or indirectly. See page 46 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. See page 46 of the Initial Study (Appendix A of the Draft EIR).
3. The Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. See page 46 of the Initial Study (Appendix A of the Draft EIR).

#### L. PUBLIC SERVICES

1. The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, libraries, parks, police protection, schools, or other public facilities. See pages 47 and 48 of the Initial Study (Appendix A of the Draft EIR).

#### M. RECREATION

1. The Project will not increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated. See pages 47, 48, and 49 of the Initial Study (Appendix A of the Draft EIR).
2. The project will not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. See pages 47, 48, and 49 of the Initial Study (Appendix A of the Draft EIR).

## N. TRANSPORTATION/TRAFFIC

1. The Project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into accounts all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit. See pages 49 and 50 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. See page 50 of the Initial Study (Appendix A of the Draft EIR).
3. The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. See page 50 of the Initial Study (Appendix A of the Draft EIR).
4. The Project will not substantially increase hazards due to a design feature or incompatible uses. See page 51 of the Initial Study (Appendix A of the Draft EIR).
5. The Project will not result in inadequate emergency access. See page 51 of the Initial Study (Appendix A of the Draft EIR).
6. The Project will not result in inadequate parking capacity. See page 51 of the Initial Study (Appendix A of the Draft EIR).
7. The Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. See page 52 of the Initial Study (Appendix A of the Draft EIR).

## O. UTILITIES AND SERVICE SYSTEMS

1. The Project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. See pages 52 and 53 of the Initial Study (Appendix A of the Draft EIR).
2. The Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the



construction of which could cause significant environmental effects. See page 53 of the Initial Study (Appendix A of the Draft EIR).

3. The Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. See page 53 of the Initial Study (Appendix A of the Draft EIR).
4. The Project will not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. See page 54 of the Initial Study (Appendix A of the Draft EIR).
5. The Project will be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. See pages 54 and 55 of the Initial Study (Appendix A of the Draft EIR).
6. The Project will comply with federal, state, and local statutes and regulations related to solid waste. See pages 55 and 56 of the Initial Study (Appendix A of the Draft EIR).

## **V. Effects Determined to be Less Than Significant with Mitigation in the Initial Study**

The Initial Study identified the potential for the Project to cause significant environmental impacts in the areas of cultural resources (archaeological resources, paleontological resources, and human remains). The City Council finds that the feasible mitigation measures for the Project identified in the Initial Study will reduce the Project's impacts to a less than significant level, as described below, that these mitigation measures are equally applicable to the Preferred Alternative, and adopts all of the feasible mitigation measures described in the Initial Study as conditions of approval and incorporates those into the Preferred Alternative. These mitigation measures are also provided in Exhibit B, Mitigation Monitoring and Reporting Program of this Resolution.

### **A. CULTURAL RESOURCES**

#### **1. Potentially Significant Impact to Archaeological Resources**

The Preferred Alternative has the potential to encounter archaeological or Native American resources. Although this potential is considered remote, with the incorporation of Mitigation Measure CULT-1 described below, impacts will be reduced to a less than significant level in the unlikely event resources are encountered during

Project implementation. See pages 23 and 24 of the Initial Study (Appendix A of the Draft EIR).

#### **a. Findings**

Changes or alterations have been required in, or incorporated into, the Preferred Alternative that avoid or substantially lessen any potential impact to archaeological resources. Specifically, the following measure is imposed upon the Preferred Alternative to ensure a less than significant impact:

**Mitigation Measure CULT-1: Archaeological Resources Treatment.** If archaeological resources are encountered during Project implementation, an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards (the "archaeologist") shall be immediately notified and retained by the applicant and approved by the City to oversee and carry out these mitigation measures.

The archaeologist shall coordinate with the applicant as to the immediate treatment of the find until a proper site visit and evaluation is made by the archaeologist. The archaeologist shall be allowed to temporarily divert or redirect grading or excavation activities in the vicinity in order to make an evaluation of the find and determine appropriate treatment. Treatment will include the goals of preservation where practicable and public interpretation of historic and archaeological resources. All cultural resources recovered shall be documented on California Department of Parks and Recreation Site Forms to be filed with the CHRIS-SCCIC. The archaeologist shall prepare a final report about the find to be filed with Project Applicant, the City, and the CHRIS-SCCIC, as required by the California Office of Historic Preservation. The report shall include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National and California Register and CEQA. The report shall also include all specialists' reports as appendices. The Lead Agency shall designate repositories in the event that significant resources are recovered. The archaeologist shall also determine the need for archaeological and Native American monitoring for any ground-disturbing activities thereafter.

If warranted, the archaeologist will develop a monitoring program in coordination with a Native American representative (if there is potential to encounter prehistoric or Native American resources), the applicant, and the City. The monitoring program will also include a treatment plan for any additional resources encountered and a final report on findings.

#### **b. Facts in Support of Findings**

The site has been in continuous use as a Power Plant for over a century and has been periodically subject to construction-related disturbance. The City's General Plan EIR determined that infill development in already developed areas of the City is generally not anticipated to result in the uncovering of additional resources.<sup>3</sup> Although the potential to encounter archaeological or Native American resources is considered remote, with implementation of Mitigation Measure CULT-1, impacts will be less than significant.

#### **2. Potentially Significant Impact to Paleontological Resources**

The Preferred Alternative has the potential to result in the permanent loss of, or loss of access to, a paleontological resource during construction. Although this potential is considered low, with the incorporation of Mitigation Measure CULT-2 described below, impacts will be reduced to a less than significant level in the unlikely event that paleontological resources are encountered during implementation. See pages 24 and 25 of the Initial Study (Appendix A of the Draft EIR).

#### **a. Findings**

Changes or alterations have been required in, or incorporated into, the Preferred Alternative that avoid or substantially lessen any potential impact to paleontological resources. Specifically, the following measure is imposed upon the Preferred Alternative to ensure a less than significant impact:

**Mitigation Measure CULT-2: Paleontological Resources Treatment.** A qualified paleontologist shall attend a pre-grade meeting and develop a paleontological monitoring program to cover excavations in the event they occur into

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<sup>3</sup> City of Pasadena Planning and Development Department, Final Environmental Impact Report, The 2004 Land Use and Mobility Elements, Zoning Code Revisions, and Central District Specific Plan, September 2004, page 147.

the older Quaternary Alluvium. A qualified paleontologist is defined as a paleontologist meeting the criteria established by the Society for Vertebrate Paleontology. If excavation into Quaternary deposits occurs, monitoring shall consist of visually inspecting fresh exposures of rock for larger fossil remains and, where appropriate, collecting wet or dry screened sediment samples of promising horizons for smaller fossil remains. If it is determined that excavation will not encounter Quaternary deposits, no further measures need be taken. The frequency of monitoring inspections shall be based on the rate of excavation and grading activities, the materials being excavated, and if found, the abundance and type of fossils encountered.

If a fossil is found, the paleontologist shall be allowed to temporarily divert or redirect grading and excavation activities in the area of the exposed fossil to facilitate evaluation and, if necessary, salvage. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of identification and catalogued before they are donated to their final repository. Any fossils collected shall be donated to a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County. Accompanying notes, maps, and photographs shall also be filed at the repository.

If fossils are found following completion of the above tasks, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted by the applicant to the lead agency, the Natural History Museum of Los Angeles County, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Project and required mitigation measures.

## **b. Facts in Support of Findings**

The site has operated as a Power Plant for over 100 years and is located in an urbanized area of the City of Pasadena. This part of the City does not contain any unique geologic features and is not known or expected to contain paleontological resources. Based on a recent paleontological records search conducted for the area, including the site, this area sits atop younger Quaternary deposits that typically do not contain significant vertebrate fossils in the uppermost layer. While underlying older Quaternary deposits may contain significant vertebrate fossils, excavation is only proposed to a depth of ten feet as part of the Project.<sup>4</sup> Although construction of the Preferred Alternative is considered to have low potential to result in the permanent loss of, or loss of access to, a paleontological resource, with implementation of Mitigation Measure CULT-2, impacts will be less than significant.

### **3. Potentially Significant Impact to Human Remains**

The Preferred Alternative has the potential to result in the disturbance of human remains during construction. Although this potential is considered low, with the incorporation of Mitigation Measure CULT-3 described below, impacts would be reduced to a less than significant level in the unlikely event that human remains are accidentally encountered during Project implementation. See page 25 of the Initial Study (Appendix A of the Draft EIR).

#### **a. Findings**

Changes or alterations have been required in, or incorporated into, the Preferred Alternative that avoid or substantially lessen any potential impact that results in the disturbance of human remains. Specifically, the following measure is imposed upon the Preferred Alternative to ensure a less than significant impact:

##### **Mitigation Measure CULT-3: Human Remains Treatment.**

If human remains are encountered unexpectedly during construction excavations and grading activities, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner

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<sup>4</sup> Correspondence from Samuel A. McLeod, Ph.D., Vertebrate Paleontology, Natural History Museum of Los Angeles County, to PCR Services Corporation, March 23, 2010.

has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent of the deceased Native American, who shall then help determine what course of action shall be taken in dealing with the remains. The applicant shall then under take additional steps as necessary in accordance with CEQA Guidelines Section 15064.5(e). Preservation of the remains in place or Project design alternatives shall be considered as possible courses of action by the applicant, the City, and the Most Likely Descendent.

#### **b. Facts in Support of Findings**

A records search conducted through the California Historical Resources Information-System South Central Coastal Information Center (CHRIS-SCCIC) did not indicate any known human burials on the site or within a one-half-mile radius. The site has been in continuous use as a Power Plant for more than a century and is heavily disturbed, and it is considered unlikely that Project implementation would impact buried or previously unknown human burials. Although the overall sensitivity of the site with respect to buried resources appears to be low, if human remains are accidentally encountered during construction, Mitigation Measure CULT-3 would ensure that potential impacts will be reduced to a less than significant level.

### **VI. Effects Determined to be Less Than Significant without Mitigation in the EIR**

The EIR found that the Preferred Alternative will have a less than significant impact or no impact without mitigation on the environmental topics listed below. For some of these environmental topics, compliance with applicable regulatory requirements is assumed, as discussed in the EIR, which would ensure that impacts remain less than significant. A less than significant environmental impact or no impact determination was made for each of the following topics, based on the Draft and Final EIR.

#### **A. AESTHETICS**

1. The Preferred Alternative will not have a substantial adverse effect on a scenic vista. Construction would alter the Preferred Alternative site's visual appearance as the result of site preparation, excavation and grading, construction traffic, and actual construction of the new power generation unit and auxiliary facilities. Temporary construction

activities would be visible to adjacent residences, motorists, and passengers on the Metro Gold Line, even with the installation of temporary construction fencing to screen on-site activities from street-level views. These temporary changes are not anticipated to result in a substantial alteration to the visual character of the site nor degrade scenic views. See page 4.A-21 of the Draft EIR and page 2-13 of the Final EIR.

The placement and operation of the proposed Unit GT-5, including the associated 125-foot stack, will not impact views of the Glenarm Building or PERC Substation No. 2, or panoramic views of more distant ridgelines, since industrial structures are already present on the Power Plant site and there is off-site mid- and high-rise development immediately adjacent. Under the Preferred Alternative, a new modular building would be installed on the Glenarm Plant fronting on Fair Oaks Avenue, but a wall would be constructed along the plant's Fair Oaks Avenue frontage north of State Street, and would largely screen views of the building and of the new Unit GT-5 from Fair Oaks Avenue vantages. Moreover, planned new landscape enhancements along the Glenarm Plant's Fair Oaks Avenue frontage and along the Broadway Plant's Arroyo Parkway frontage would further screen views of plant operations from off-site, and would remove existing dead or weedy vegetation. Proposed alterations to the Glenarm Building will not detract from the overall historical significance of the building. See pages 4.A-22 and 4.A-23 of the Draft EIR and page 2-13 of the Final EIR.

2. The Preferred Alternative will not substantially degrade the existing visual character or quality of the sites and surroundings. The 125-foot stack will be similar in height and scale to the existing stacks for Units GT-1 through GT-4 on the Power Plant property. Other new industrial structures will be similar in size and scale to existing on-site structures and would not introduce a new land use or visual element that vary greatly from the current surroundings. Proposed changes to the Glenarm Building will not alter its historic integrity. See pages 4.A-21 to 4.A-31 of the Draft EIR and page 2-13 of the Final EIR.
3. The Preferred Alternative will not create a new source of substantial light and glare which would adversely affect day or nighttime views in the area. Proposed new lighting will be oriented and shielded so that direct glare and reflections are confined within the boundaries of the site, and new industrial structures and building improvements will be