

**LINDA VISTA-ANNANDALE ASSOCIATION
P.O. Box 94364
Pasadena, CA 91109**

February 10, 2014

Mayor Bill Bogaard and Council Members
City of Pasadena
c/o Mark Jomsky, City Clerk

Subject: City Council Meeting – February 10, 2014
Agenda Item 10
Proposed Findings Relating to Rose Bowl Displacement Events

Dear Mayor Bogaard and Council Members:

The Linda Vista Annandale Association (LVAA) on behalf of itself and the Coalition for Preservation of the Arroyo, objects to the City's reliance on a Class 23 categorical exemption for the expansion of Displacement Events at the Rose Bowl in 2014 from 12 events up to 18, including 3 new specific events.

Categorical exemptions streamline approval of projects that will not have a significant effect on the environment. (Pub. Resources Code, § 21084 (a).) A Class 23 categorical exemption is allowed when a proposed use "would not present a change in the operation of the facility."

The proposed addition of up to 6 Displacement Events in 2014 would be "a change" in operation of the Rose Bowl Stadium. In its amendment of the Arroyo Seco Public Lands Ordinance in 2012, the City certified an EIR that found that Displacement Events for the NFL (above the current 12) would have significant environmental impacts relative to air quality, noise, recreation, and traffic.

Your staff's proposed findings that up to 6 additional Displacement Events would have no significant environmental impacts are insupportable. The City certified the EIR for the NFL/Rose Bowl lease conceding just such effects! The administrative record for that EIR and project approval process are incorporated by reference, as are the pleadings in *Coalition for Preservation of the Arroyo, et*

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al., v. City of Pasadena. A categorical exemption following this Council's approval of the NFL project with acknowledged significant impacts and a statement of overriding considerations makes no sense. And it is disallowed by CEQA.

Further, categorical exemptions are only allowed for projects that do not require any mitigation. If mitigation is needed, that means a project may have significant impacts. As held in *Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098: "Only those projects having no significant effect on the environment are categorically exempt from CEQA review. (Citation.) '[A]n activity that may have a significant effect on the environment cannot be categorically exempt.' (*Mountain Lion Foundation v. Fish & Game Commission* [1997] 16 Cal.4th 105, at p. 124.) If a project may have a significant effect on the environment, CEQA review must occur ..." (Id., p. 1107.)

The Agenda Report notes the importance of "planning and preparation" to *mitigate* obvious environmental impacts attending the increase in Displacement Events by 1/3 [from 12 such events to up to 18 events in 2014], noting for example that "traffic issues will be a major concern" for the proposed 3 new events. (Agenda Report, p. 5.) "Staff will work closely with the Parks and Natural Resources Division of the City ... as well as the Pasadena Police Department to best control displacement of other activities in the Arroyo Seco." (*Ibid.*)

When a project may add to cumulative significant environmental impacts, categorical exemption is unlawful. (CEQA Guidelines, §§ 15300.2 (a), (b), (c), (f).)

CEQA requires the proposed expansion of Displacement Events at the Rose Bowl Stadium from 12 to up to 18 in 2014 to be subject to environmental review to inform the City Council's decisionmaking and to allow full public participation.

Thank you.

Sincerely,

/s/ Nina Chomsky

Nina Chomsky, President
Linda Vista-Annandale Association

cc: Susan Brandt-Hawley, Brandt-Hawley Law Group



Rose Bowl Operating Company
1001 Rose Bowl Drive, Pasadena, CA 91103

www.rosebowlstadium.com
Office: (626) 577-3101 • Fax: (626) 405-0992

To: Mayor Bill Bogaard and Members of the City Council

From: Rose Bowl Operating Company

Subject: Agenda item for Monday, February 10, 2014 concerning Additional Displacement events to occur at the Rose Bowl in 2014

Date: February 10, 2014

Mayor Bogaard and Members of the City Council

On Thursday evening, February 6th, the RBOC reviewed and voted on an agenda item concerning additional displacement events to occur in 2014 at the Rose Bowl. This item is on the council agenda for February 10, 2014 (item 10). Due to timing the Council agenda was posted prior to the RBOC having the opportunity to meet, hence this memo is intended to provide the Council with an update on the RBOC's views on this matter.

The RBOC's action is consistent with the recommendations that are listed in the agenda report, however recommendation # 4 shall now be: Confirm that the City/RBOC not host National Football League (NFL) games, nor more than 18 Displacement Events at the Rose Bowl Stadium in calendar year 2014 in order to further ongoing community dialog, studies and planning processes and recognizing a priority for the scheduling and completion of construction activity.

Proposed limit on Displacement Events for Calendar Year 2014

In order to further the ongoing community dialog and planning processes, and recognizing the priority that needs to be placed on scheduling and completing construction activity, on February 6th the RBOC Board approved a motion to limit the total number of Displacement Events it would pursue for calendar 2014 to 18; the 17 already identified as well as one additional potential event. The RBOC recommends that the City Council take a similar action. Moreover, the RBOC is recommending that the City Council take the position publically that the City will not host NFL games in 2014. Such action would make it clear to residents that the City and RBOC are not seeking to over-program the stadium and would dispel confusion that, between additional Displacement Events and potential temporary use of the Stadium by the National Football League, the City/RBOC would be pursuing in excess of 30 Displacement Events for 2014 and beyond. Although there is no indication that the NFL is any closer to using the Rose Bowl stadium than it has been in the past two decades, the NFL would present a unique, short term economic opportunity that would be considered in future years should it be the most viable route toward the economic returns necessary to maintain the iconic stadium.

Of course, the RBOC will have representatives at the Council meeting to answer any questions.

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