

**ATTACHMENT D**  
**RESOLUTION ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ADOPTING  
A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH THE  
ARROYO SECO CANYON PROJECT AREAS 2 AND 3 (ALTERNATIVE B)**

WHEREAS, the California Environmental Quality Act ("CEQA") requires the decision-making agency to balance the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental impacts when determining whether to approve a project. If the benefits of the project outweigh the unavoidable adverse impacts, those impacts may be considered acceptable. CEQA requires the agency to provide written findings supporting the specific reasons for considering a project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the administrative record.

WHEREAS, on January 6, 2021, the Hearing Officer held a duly noticed public hearing to consider the Arroyo Seco Canyon Project Areas 2 and 3, (Project or proposed Project) proposed to repair and replace the City's water infrastructure facilities in the Upper Arroyo Seco that were damaged by debris flows caused by storms following the 2009 Station Fire. At that meeting, the Hearing Officer certified the Environmental Impact Report for the Project, adopted A Resolution Of The Hearing Officer Of The City Of Pasadena Certifying The Final Environmental Impact Report (SCH No. 2014101022) For The Arroyo Seco Canyon Project Areas 2 And 3, Adopting Environmental Findings And A Mitigation Monitoring And Reporting Program, and adopted a Resolution Of The Hearing Officer Of The City of Pasadena Adopting A Statement of Overriding Considerations In Connection With The Arroyo Seco Canyon Project Areas 2 And 3 (Alternative B).

WHEREAS, on March 18, 2021, the Board of Zoning Appeals held a duly noticed public hearing to consider an appeal of the Hearing Officer's decision, and conducted a de novo review of the matter. At that meeting, the Board of Zoning Appeals certified the Environmental Impact Report for the Project, adopted A Resolution Of The Hearing Officer Of The City Of Pasadena Certifying The Final Environmental Impact Report (SCH No. 2014101022) For The Arroyo Seco Canyon Project Areas 2 And 3, Adopting Environmental Findings And A Mitigation Monitoring And Reporting Program, and adopted a Resolution Of The Board of Zoning Appeals Of The City of Pasadena Adopting A Statement of Overriding Considerations In Connection With The Arroyo Seco Canyon Project Areas 2 And 3 (Alternative B).

WHEREAS, damage to these structures has greatly reduced the City's capacity to divert water from the Arroyo Seco for spreading and pumping credits. The proposed improvements would allow for increased utilization of the City's pre-1914 surface water

rights from the Arroyo Seco and maximize the beneficial use of this important local water resource. The proposed Project includes improvements in two primary areas: Area 2, Diversion and Intake Replacement and Area 3, Spreading Basin Improvements. These areas are connected by the Gabrielino Trail/Access Road, which includes three bridge crossings over the Arroyo Seco in the vicinity of the Project site. The proposed Project involves construction activity and water infrastructure facility improvements in both areas, as well as construction truck traffic along portions of the Gabrielino Trail/Access Road.

The proposed Project would also improve biological functions within the Arroyo Seco. For any future fish populations that may establish in the Arroyo Seco, the new intake would include fish screens to prevent fish populations from passing into the intake and conveyance system, and a roughened channel constructed downstream of the new diversion structure to allow upstream fish passage under certain conditions.

In Area 2, the Project would demolish and remove the following structures: (1) existing concrete diversion weir, associated masonry abutments, and rock wall built over concrete dam that extends under the trail; (2) intake structure, metal ladder and platform, and trash racks; (3) concrete slab adjacent to the Gabrielino Trail/Access Road, and (4) excavations of soil/sediment, rocks, debris, and vegetation within the upstream diversion pool, downstream streambed, and on the adjacent slopes on the downstream side of the diversion weir.

The Project involves the construction of a new diversion weir and intake in the same location within the Arroyo Seco as the current facility. The proposed reinforced concrete diversion control structure would span the entire width of the existing channel with an operable weir crest gate located in a notched section of the structure that would be mechanically operated. Operation of the crest gate would be controlled by water depth measurements from a transducer located immediately upstream of the diversion. The crest gate would be raised to create a pool of water for diversion to the intake structure and lowered to bypass diversions. During high flow conditions, the weir gate would be lowered to move sediment downstream and periodically restore the streambed elevation to the crest of the notch. A roughened channel would be constructed in the section of stream directly downstream of the diversion structure. The new intake would be equipped with a trash rack and fish screens.

In Area 3, the proposed Project includes the reconfiguration and expansion of the spreading basins in order to accommodate the increased diversion of stream flows for infiltration into the Raymond Basin. Existing Ponds 1 and 2, and Basins 1 and 2, would be replaced with Basin A and six new/expanded spreading basins. Stream flows from the existing conveyance system would outlet to the new sedimentation basin (Basin A) or to new spreading Basin E located over the existing Pasadena Pond 1. Basin F would be adjacent to mature trees to be preserved and would be located at the site of the existing

Pasadena Pond 2. Basins G, H, and I would be located at the site of the existing Basins 1 and 2 and a portion of the City's open area (i.e., formerly paved JPL East Parking Lot). Each new basin would have an access ramp for maintenance. The new basins would remain connected to the remaining existing downstream basins within the City's spreading basin system.

Upon completion of the proposed Project, the City intends to keep the existing structural bridge overlay on top of Bridge No. 3 into the foreseeable future, but the City may need to remove some or all of the bridge to protect public safety. During construction of the proposed Project, there may be times when portions of the Altadena Crest Trail, Gabrielino Trail/Access Road, Arroyo Seco Trail, and the unnamed trails/maintenance roads would be partially or fully closed to the public due to construction activities. Upon completion of the proposed Project, the temporarily disrupted trail network would be restored.

Long-term operations in Areas 2 and 3 would not be substantively different than the current conditions. No new employees or operations would be required to continue maintenance on the proposed facilities. At its hearing on the matter, the City Council also considered the Final Environmental Impact Report (the "Final EIR") that was prepared for the Project and certified the Final EIR by adopting Resolution No. \_\_\_\_.

WHEREAS, as set forth in Resolution No. \_\_\_\_\_, Alternative B to the proposed Project was not rejected, and was identified as the preferred project. Alternative B includes an alternative design to Area 3, the objective of which would be to provide an improved design with more appeal for recreational users by eliminating the rectangular shapes of the existing condition, as well as the proposed Project design, through use of curvilinear basin features that more closely resemble natural channel and stream functions. Accordingly, it is the changes to the proposed Project as set forth in Alternative B that are the subject of this SOC.

WHEREAS, during the public hearing on June 7, 2021 on the Project, the City Council received oral and written evidence concerning the environmental impacts of the Project and the benefits that constitute the Overriding Considerations of the Project. This evidence included the Final EIR, including the public comments about environmental impacts that were made on the Draft Environmental Impact Report prepared for the Project. Those **Overriding Considerations** include, but are not limited to:

- Replacement of 90-year old facilities that were damaged during storms following the 2009 Station Fire with the construction of a new diversion and intake structure that will provide increased capacity to divert Arroyo Seco flows from the larger storm events, consistent with the City's water rights. By capturing a greater proportion of the larger stream flows and diverting these to spreading basins,

more water is retained in the Hahamongna Watershed and infiltrated to the underlying Raymond Basin, and less water is lost to outflows from Los Angeles County's Devil's Gate Dam.

- Construction of an additional 3 acres of spreading basins that will allow for the projected increase in diversions to percolate into the Raymond Basin which serves as an underground reservoir for the City's local water supplies.
- Additional local water supply which increases reliability and system resiliency by reducing the City's dependency upon more expensive water imported from the environmentally-sensitive Sacramento/San Joaquin Delta and the Colorado River.
- An additional tool for managing and improving the reliability of the Raymond Basin in partnership with other Raymond Basin member agencies and the County of Los Angeles in conformance with standards and requirements of the regulating agencies.
- The inclusion of features in the diversion and intake structures that do not currently exist that will protect aquatic animals from passing into the conveyance system and that will allow for passage of any future fish.
- The addition of bio-retention basins that will protect the water quality of the Arroyo Seco by capturing and treating surface runoff prior to percolation into the groundwater table.
- A spreading basin design that emulates natural channels and stream functions for visual enhancement and that incorporates a network of local trails for recreational use.
- The conversion of a barren formerly paved parking lot into a multi-purpose water supply and recreation area that will include native landscaping for shade and habitat.

**NOW THEREFORE, BE IT RESOLVED THAT,** the City Council acknowledges the environmental impacts identified in the Final EIR and elsewhere in the record of proceedings, but finds that the benefits of the Project, as modified by Alternative B, outweigh the significant and unavoidable impacts identified in the Final EIR and the record of proceedings. In making this finding, the City Council has balanced the benefits of the Project, as modified by Alternative B, against its unavoidable impacts and indicates its willingness to accept those adverse impacts. The City Council finds that the benefits of the Project, as modified by Alternative B, set forth above as Overriding Considerations, independent of any other benefits, warrant approval of the Project, as modified by Alternative B, notwithstanding the unavoidable environmental impacts of the Project.

Adopted at the \_\_\_\_\_ meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Mark Jomsky  
City Clerk

Approved as to form:

/s/ Theresa Fuentes  
Theresa E. Fuentes  
Assistant City Attorney

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